



# TOWN OF PALMER CONSERVATION COMMISSION

Palmer Town Building  
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Robert Ring, Chair  
Donald Duffy, Vice Chair  
Peter Izyk  
Dennis Cote  
Tharyn Nein-Large  
Sean O'Donnell  
Sarah Brodeur

Agent: Angela Panaccione

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## MEETING MINUTES

**TUESDAY MAY 12, 2015 @ 7:00 PM**

**Members Present:** Robert Ring (Chair)  
Peter Izyk  
Tharyn Nein-Large  
Sarah Brodeur  
Angela Panaccione (Agent)

**Members Absent:** Donald Duffy (Vice Chair)  
Dennis Cote  
Sean O'Donnell

**Also Present:** No Public Present

**Meeting Opens:** 7:00 PM – Robert Ring (Chair)

### **7:00 PM Request for Determination: 58 West Ware Road – National Grid**

A Request for Determination submitted by Tighe & Bond, c/o Massachusetts Electric Company d/b/a/ National Grid (MECo) of Waltham, Massachusetts to determine if the work associated with the installation of utility poles is subject to the Wetlands Protection Act. The project entails the installation and removal of existing distribution line poles along the driveway to 58 West Ware Road. Poles 36/4, 36/6, and 36/8 are slated for removal, while pole 36/2 is proposed to be replaced adjacent to its existing location. The work is being completed to connect to the newly installed distribution poles for the proposed Palmer Motorsports Park. The proposed work will result in temporary disturbance of the buffer zone of a Bordering Vegetated Wetland. The location of the proposed project is 58 West Ware in Palmer, MA 01069, and is also known as: Map 44-33.

Robert Ring opened the hearing and no public was present.

Poles 36/6 and 36/8 are not located within wetland resource areas or buffer zones. They will be removed using standard removal methods. Poles 36/2 and 36/4 are within the 100-foot Buffer Zone to a Bordering Vegetated Wetland (BVW). Pole 36/4 is approximately 2-feet from the edge of the wetland and the pole anchor is located within the wetland. Due to the proximity of the pole to the wetland the pole will be cut flush to the ground leaving the butt in place, and the guy wire will be removed from the anchor leaving the anchor in place to avoid ground disturbance associated with the removal. The anchor will be spray painted orange to increase visibility and avoid a safety issue.

Initial the applicant proposed to replace Pole 36/2 in-kind with a taller pole and ground grid mat. After a site visit the Agent, it was determined the installation of the grid mat would occur too close to the resource area, with tree removal along the stream, and would require the filing of a NOI. Alternatively, the replacement pole was relocated 10 feet east of the existing pole location, within an existing gravel roadway. A proposed 5' X6' ground grid mat consisting of copper weld mesh will also be installed around Pole 36/2 at a depth of 6-inches below surface grade. The new location moved the work further from the stream and effectively centered the work between the two resource areas.

The poles will be installed to a depth of approximately 8 feet below the surface grade. The disturbed area for the pole is anticipated to be minor in nature (approximately 18 inches in diameter), representing the footprint of a typical utility pole at its base. For Pole 36/2 the work can be conducted by vehicles parked on the existing gravel surfaces.

**Motion made by Peter Izyk to close the Public Hearing**

**Motion seconded by Sarah Brodeur**

**No further discussion – vote taken: 4-0-0 – Motion Carries**

**Motion made by Tharyn Nein-Large to issue a negative determination, box 3 & 6 finding the work will not alter an area subject to protection**

**Motion seconded by Sarah Brodeur**

**No further discussion – vote taken: 4-0-0 – Motion Carries**

**7:11 PM Request for Certificate of Compliance (COC) DEP # 256-0305: ExxonMobil**

The Commission received a request for a Certificate of Compliance from Ashanti Hepburn, ExxonMobil for the work proposed, but never completed at 43 Foundry Street, under the Order of Conditions for DEP # 256-0305. The project was for the maintenance of the ExxonMobil Pipeline. A site visit occurred April 28, 2015 with the Conservation Agent and representatives from Roux Associates. The Agent determined that the work regulated by the Order of Conditions never commenced. The Certificate of Compliance issued will be for an Invalid Order of Conditions, noting no future work (re-construction/re-development) subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.

**Motion made by Tharyn Nein-Large to issue an Invalid Order of Conditions, to ExxonMobil Pipeline Corporation, for DEP # 256-0305**

**Motion seconded by Peter Izyk**

**No further discussion – vote taken: 4-0-0**

**7:15 PM Request for Certificate of Compliance (COC) DEP # 256-0196: 2 Pioneer Drive**

The Commission received a request for a Certificate of Compliance from Attorney Laurie D. McMahon c/o Karl & Katie Haywood for the work completed at 2 Pioneer Drive, under the Order of Conditions for DEP # 256-0196. The project was for a subdivision development, specifically permitting the road construction and associated drainage. The Original Order of Conditions was issued in 1997 to Breton Realty and was recorded against the Haywood's property.

The Agent conducted a site visit on March 31, 2015 and determined the construction of a single family home, at 2 Pioneer Drive occurred outside of any regulated resource area or buffer zone. She recommended the issuance of a partial COC, specifically releasing the parcel 8-64-83 only.

**Motion made by Peter Izyk to issue a Partial Certificate of Compliance for the work performed under the Order of Conditions for DEP # 256-0196**

**Motion seconded by Sarah Brodeur**

**No further discussion – vote taken: 4-0-0**

**7:17 PM Administrative Matters: Mileage Payable \$165.75**

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**Motion made by Peter Izyk to approve the payable to Angela Panaccione, in the amount of \$165.75, for site visits & conferences from April 2014-May 2015**

**Motion seconded by Sarah Brodeur**

**No further discussion – vote taken: 4-0-0**

**7:20 PM Administrative Matters: Minute Approval – April 7, 2015**

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**Motion made by Peter Izyk to accept the minutes from Tuesday, April 7, 2015 as written**

**Motion seconded by Tharyn Nein-Large**

**No further discussion – vote taken: 3-0-1 (Sarah Brodeur abstains)**

**7:25 PM Administrative Matters: Other Projects, Monitoring, Enforcements and Violations**

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1. 2014 Sewer Replacement Project: The town is proposing additional work on Oak Street and is inquiring with the Commission if additional permitting is required. They are requesting the Commission determine the scope of work is minor enough to be considered exempt as utility maintenance. The Commission reviewed the proposed work and request a representative from Tighe & Bond attend the May 19, 2015 meeting to discuss the project further.
2. Tree Removal Request – 90 Beech Street: The Commission received a request from Steven Dykstra, of 90 Beech Street, for the removal of two trees in close proximity to Lake Thompson due to safety concerns. The trees are infested with ants and pose a safety risk to the property owners and other users of the Lake. The Commission authorized the removal of the trees with the following conditions: if possible wait until winter to complete the removal and leave the stumps. The Agent will conduct a site visit next Tuesday May 19, 2015 at 6pm to assess the safety risk. If the Agent determines the risk associated with waiting until winter for removal is too great, she will authorize the removal as soon as possible.
3. 66 Peterson Road: The Agent and Chair Robert Ring conducted a site visit at 5:30 pm on Tuesday April 28, 2015 to review what work has been completed under the required restoration/enforcement order. There is still slash and logs in the buffer zone that Mr. Sullivan needs to remove. He is authorized to use his truck to transport the wood, but the vehicle must not enter the 50-foot no disturb zone the Agent marked on site last year. It appears the vegetation is growing back naturally, and Mr. Sullivan will continue to monitor the new growth. The Agent will re-inspect the property in July to determine if all downed wood is removed from protected areas and to check the status of the natural revegetation. If at

this point it is determine additional plantings are required the Commission will supply Mr. Sullivan with recommended plantings. The Agent will also request Mr. Sullivan attend a meeting after the July inspection. The Agent also noted the wetlands on site are now further damaged through ATV use. Large ruts and rivets are now present through wetlands from ATV trails. The Agent also stated the Commission still has an active fine against Mr. Sullivan. The Commission will readdress the fine when Mr. Sullivan attends a meeting in July.

4. 54 French Drive: The Agent spoke with Amanda Cooper and Roger Woods. The Coopers have again retained Mr. Woods to complete an “As Built” for 54 French Drive that will be recorded against the Property at the Hampden County Registry of Deeds. Mr. Woods expects to have the plan completed within the next few weeks. The Agent gave Mr. Woods until June 16, 2015 to submit the as-built for review.
5. Donaldson Family Trust CR: The hearing with Town Council is scheduled for May 18, 2015. The Agent will not be in attendance due to a scheduling conflict but has request Commissioner attend to show their support for the approval of the Conservation Restriction. Robert Ring concurred and encouraged any Commission who could attend to do so.

**Next Meeting Date:** Tuesday May 19, 2015 at 7pm

**Meeting Adjourned:** 7:55 PM

**Motion made by Sarah Brodeur to adjourn at 7:55 pm**

**Motion seconded by Peter Izyk**

**No further discussion – vote taken: 4-0-0– Motion Carries**

Sincerely Submitted,  
Angela C Panaccione, Conservation Agent