



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, May 15th, 2018 – 6:30 PM

LOCATION: Town Administrative Building Meeting Room

Donald Blais, Chair
David Cotter, Vice Chair
Peter Izyk
Nicholas Zeo
Brenda Cole

Angela Panaccione, Agent

Members Present: Donald Blais, Jr.
David Cotter
Peter Izyk
Nicholas Zeo
Brenda Cole
Angela Panaccione, Conservation Agent

Also Present: Donald Frydryk, Sherman & Frydryk
Ethan Giles, NexAmp
Mike Shea, Palmer Paving Corp
Brandon Smith, Borrego Solar
Helen Hermanson, 177 Emery Street
Lisa Hermanson, 177 Emery Street

1. **Call to Order:** 6:30 PM – Donald Blais, Jr (Chair)

2. **Chair, Member & Committee Reports:** None

3. **Review Phone/Mail/Email Messages:**

- a. **Letter from Lori Anthony Re: Blake Lamothe 103 Water Street:** Lori Anthony sent a letter to the Commission on May 1, 2018 in reference to the property at 103 Water St. and the fence and wetlands that borders my property and Mr. Lamothe. As stated in the letter: *“Mr. Lamothe’s agreement with the Conservation Commission dated January 15, 2014 Condition of Approval Number 13 this fence, “shall be kept free of debris”. As you can see from the pictures and from the flooding that is done yearly this fence is now cluttered with debris on my side of the property.”* Per this agreement Mr. Lamothe should have cleaned up this area. She does not feel it is her responsibility to clean this debris up as if the fence wasn't there as in past years there was never any debris build up before the fence. She would like notice if and when this will be cleaned up and by whom so she can be home as she does not want anyone on her property unannounced.

Lori Anthony also enclosed pictures of one of Lamothe’s men cutting trees and brush. *“I notified the Conservation Agent by text on October 31, 2017 of this and as stated in his agreement item number 12 states, “Natural materials such as brush provides wildlife habitat and shall not be deemed “surface refuse” or require removal hereunder.” Yet from the pictures you can see there isn't much vegetation left in the wetland area. It smells horrible out there as none of the pig or goat feces is ever removed from the property. They continue to eat everything in sight leaving a barren area.*

There are also at least 3 trailers out on this property in the wetlands. This whole area is wetlands so she is unsure as to why this continues to happen and ruin the riverfront. She stated there are laws for this and as a property owner also who lives riverfront she also has to abide by the wetlands act and riverfront protection act so why doesn't he.”

The Commission discussed the complaints and reviewed the pictures provided by Lori Anthony. Under the Agricultural exemption and the settlement agreement, the only area the Commission has jurisdiction over is the fence and requiring Lamothe to clear the debris from the fence. From the pictures provided it appears the tree removal is occurring in the existing agricultural area and is composed of mostly dead/dying trees. If land clearing/tree removal is occurring outside of the fenced agricultural area, then it would constitute a separate violation as Mr. Lamothe is aware he cannot expand his current agricultural activities beyond the agreed upon area from 2014. The Agent will be sure to inspect the property beyond the fencing to ensure no tree removal land clearing is occurring,

The Agent will call Lamothe and schedule a site inspection to review the fence and request debris be cleared as soon as possible. She will inform Lori Anthony of the scheduled visit to request access to her property to view the debris on her side.

- b. 2018 Post-Emergent Vegetation Management New England Central Railroad: The Commission received correspondence from Keith Morris, Environmental Consultant which serves as formal notification, in accordance with the Pesticide Board Regulations 333 CMR 11.07 and Massachusetts General Law Section 6b of Chapter 132B, that New England Central Railroad will commence with a post emergent herbicide application program on or after June 1, 2018 and conclude on or about August 1, 2018. The specific date of application in Palmer shall depend upon scheduling and weather conditions.

The herbicides Razor Pro, Opensight, and Polaris AC shall be applied with low-pressure spray application by a track mounted hy-rail truck. The purpose of the application is to control nuisance vegetation in the ballast portion of the railroad right-of-way and around switches and signals.

A copy of the Yearly Operational Plan (YOP), environmental monitor notice, Material Safety Data Sheets, a Department of Agricultural Resources approved fact sheet and a sample label for each herbicide is available on the website <http://railroadvmpyop.wordpress.com/about/> or a hard copy may be requested by contacting this office. Application of the herbicides will be performed by Asplundh Railroad Division, a state certified applicator.

- c. Massachusetts Central Railroad Corporation 2018 Vegetation Control Program: The Commission received the Massachusetts Central Railroad Corporation (MCER) 2018 Yearly Operational Plan prepared in accordance with the Massachusetts Rights-of-Way Management Regulations (333 CMR 11.00) along with a copy of the Environmental Monitor Notice scheduled for publication on May 9, 2018. The maps provided with this plan reflect those approved by the Commission in the Request for Determination filed by our company in 2016. These maps and updates thereof continue in effect unless modified and should be retained in your files. The identification on the maps of private drinking water supply wells remains an ongoing process. Please notify TEC Associates and the Department of Agricultural Resources of any omissions. Please also review your mailing address and the ten-digit police department emergency telephone number listed in the Plan and notify us of any revisions. The herbicide application as proposed in the 2018 Yearly Operational Plan is scheduled as follows: Rights-of-Way Palmer MA 26 June - 6 July 2018.

The location of signs marking the limited and no-spray zones will be verified prior to the application. Please call TEC Associates with any questions about this Plan.

- d. 2018 Yearly Operational Plan For Right-of-Way Management CSX Transportation, Inc.: On behalf of CSX Transportation, Inc. (CSX), Wood Environment & Infrastructure Solutions, Inc. is providing the Town of Palmer with information on CSX's 2018 Yearly Operational Plan (YOP) for Right-of-Way (ROW) Management in accordance with 333 CMR 11.07, the Massachusetts Rights of Way Management regulations. The YOP describes how CSX will control vegetation on the railroad ROW in Massachusetts. Upon request they will send an electronic copy of the YOP document for 2018 and maps of the CSX right-of-way in Palmer municipality. The Agent has requested such documents and will share them with the Commission upon receipt.

Dave Cotter expressed concern with CSX work parallel to Park Street, during tree clearing and installation of new access road along tracks they have blocked a culvert for a stream by PTS. The Agent will investigate Thursday.

4. **Public Inquiries:** None

5. **Approval of Minutes:**

a. April 17, 2018

Motion made by David Cotter to approve the minutes from April 17, 2018 as amended

Motion seconded by Nicholas Zeo

No further discussion – 5-0-0 – Motion Carries

b. May 1, 2018

Motion made by David Cotter to table the approval of the minutes from May 1, 2018 to the next scheduled meeting on June 5, 2018

Motion seconded by Peter Izyk

No further discussion – 5-0-0 – Motion Carries

6. **Approval of Payables:**

a. MSMCP Annual Conference: \$15.00

Motion made by Nicholas Zeo to approve the payable to MSMCP in the amount of \$15.00, for the Agent to attend the annual conference scheduled for Wednesday May 16, 2018 at the Brigham Hill Community Barn in North Grafton, MA

Motion seconded by Peter Izyk

No further discussion – 5-0-0 – Motion Carries

7. **Signing of Documents (DOA, OOC, COC, Ext, Etc.):** None

8. **Schedule of Public Hearings:**

a. Notice of Intent (NOI) DEP #256-0331: 271 Breckenridge Street (Map 19-60, 61 & 62) – Borrego Solar: The applicant has submitted a Notice of Intent for a 6.4 MW Solar Array where the work associated with the installation of it is subject to the WPA & PWO.

Chairman Donald Blais, Jr called the public hearing on the NOI to order at 7:10pm.

The project as currently proposed is located outside of all resource areas and does not propose any buffer zone disturbance, but due to the Commissions concerns with the accuracy of the wetlands delineation on site as well as the presence of potential vernal pools on site the applicant elected to withdraw their previous Request for Determination (RDA) filing and proceed with an NOI instead.

Brandon Smith, of Borrego Solar was present and presented the revised project to the Commission. The extent of the additional wetlands is shown on a revised site plan dated 4/25/2018. This plan also shows the relocation of the proposed road to the north. The distance from the current proposed limit of work to the BVW is 6-feet, and does not preserve the Commissions 50-foot NDZ. The applicant requested a waiver for 50-foot NDZ. There is no other access to the site other than this road. The most impacts will be during construction and the phasing and permitting of the access road construction should be stringent.

The Agent also requested a dewatering plan for the possible drywell/water hole that is located on the side of the driveway, on the side of the existing house that has yet to be submitted. Brandon Smith did not have the dewatering plan for the shallow well/dry well by the driveway.

Motion made by David Cotter to grant the waiver request for work within the Town of Palmer's 50-foot NDZ

Motion was seconded by Peter Izyk

No further discussion – 5-0-0 – Motion Carries

Motion made by Brenda Cole to close the Public Hearing for DEP #256-0331 at 7:35pm

Motion was seconded by David Cotter

No further discussion – 5-0-0 – Motion Carries

Motion made by Brenda Cole to issue the Order of Conditions for DEP #256-0331 with attached Standard Special Conditions and Findings of Facts; and also requiring a dewatering plan for the shallow well to be submitted to the Commission for approval prior to work.

Motion was seconded by Nicholas Zeo

No further discussion – 5-0-0 – Motion Carries

- b. Notice of Intent (NOI) DEP #256-0332: L12 Breckenridge Street (Map 7-12, 7-13 & 59-28) – NexAmp d.b.a Palmer Breckenridge Solar, LLC: The applicant has submitted a Notice of Intent for a 5.7 MW Solar Array where the work associated with the installation of it is subject to the WPA & PWO. Brenda Cole recused herself from the proceedings as an abutter to the project.

Chairman Donald Blais, Jr called the public hearing on the NOI to order at 7:35pm.

Applicants Justin Kasunich & Ethan Giles, of NexAmp were present as well as Mike Shea, of Palmer Paving Corp. Their consultant, Donald Frydryk, of Sherman & Frydryk was also present at the hearing.

Donald Frydryk began by reviewing the current site plan and the proposed project with the Commission. The Applicant (NexAmp) proposes to construct a 5.71 MW ground mounted solar photovoltaic array for electricity generation. An existing 25-foot wide paved haul road and 15-foot proposed gravel access drive is provided for site construction and maintenance. A minimum 100-foot wide vegetated buffer will be established along the perimeter of the parcel. The hillside slopes will be smoothed and stabilized with ground cover within the array enclosure and maintained as meadow. The drip line of the panels will be stabilized with placement of loose straw and the hillside slopes will be stabilized with rows of fiber rolls. The project will not export earth materials from the site. The work will include placement of a 7-foot chain link fence to enclose the array with gates at all entrances.

The Commission discussed the site visit that was conducted on Friday 4/27/2018 at 2pm. Due to the weather the Agent was not able to walk the BVW line and confirm the delineations. The Agent did go out to confirm the line on Friday 5/4/18 and Monday 5/7/18. She did note a few areas of discrepancy on the site plans but did not flag them in the field. Donald Frydryk asked if she could go out and re-flag the areas of concern and the Agent stated she will flag the area with pink this Thursday 5/17/18. She will notify Donald Frydryk after the flags have been established and he will move line on the site plan.

Donald Frydryk also supplied the Commission with his email correspondence with Adam Kautza, PhD Coldwater Fisheries Project Leader for the Massachusetts Division of Fisheries & Wildlife regarding his inquiry about the Breckenridge Street project. In the email Donald Frydryk asked: *“We are working on a solar array project that has a cold water stream approximately 800 feet down gradient from our array. We have been asked by the local conservation commission if runoff from the project will affect the stream. Do you have any studies or know if any reports which might comment on the effects of solar projects on runoff temperatures and specifically if this would affect the water temperature of a cold water stream. It seems unlikely that runoff from a solar array over 800 feet from a stream would have any negative affects but I have been unable to find any information on this. The locus is a former gravel removal operation which I believe started in the 1960’s. There is an existing paved access road that crosses the stream and then continues towards the two array locations. This road will be used for access to the solar arrays. There is no new crossing of the stream for this project. The slopes within*

the solar arrays varies. The slope will be no greater than 3 to 1 and a minimum slope of about 6%. Erosion controls will be installed during construction and the area will be vegetated and stabilized after construction. The site will be allowed to revegetate with maintenance of the area of the panels once or twice a year to keep the vegetation below the panels. No herbicides will be used. Thank you for any assistance you can provide.”

Adam Kautza responded, via email on 5/11/18: “Looking over the plans and the aerial photo of the site I don’t suspect that the solar array will have a tremendous negative impact to the coldwater fishery in Bannard Brook (it’s actually not Graves Brook). There seems to be plenty of forested buffer protecting the stream channel and the existing paved road over the brook should help lessen erosion potential as a new road won’t have to be built. Regardless it is still critical to control erosion from the solar array field during construction and until vegetation becomes re-established.”

The Agent asked if she could reach out to Adam Kautza with any follow-up questions and Donald Frydryk said he did not see a problem with that.

The Agent again discussed her concerns with stormwater and discharges to critical areas. Donald Frydryk stated there will be no stormwater discharging there, as the current plan proposes narrowing the existing pavement and revegetating the area. He also stated there are no point source discharges at all with the project; all of the stormwater has been designed as infiltration.

Donald Frydryk also stated the canopy will remain same along road/area. There will be limited tree and brush removal occurring within existing paved access road. The Agent requested a count/identification of any trees outside pavement, in RFA, to be removed as part of the project. Donald Frydryk stated he will mark any trees proposed for removal.

Donald Frydryk also stated the Planning Board is requesting the utility pole location to be staked in the field and he will let the Commission know when the area is staked so they can go out and look.

Motion made by Nicholas Zeo to continue the Public Hearing until Tuesday June 5, 2018 at 7:00pm

Motion was seconded by David Cotter

No further discussion – 4-0-0 – Motion Carries (BC recuses as abutter)

9. Project Monitoring

10. Violations & Enforcement

- a. L 21 Aspen Circle: A site visit was conducted Friday 5/11/2018 at 1:00pm. The restoration area is growing in nicely, but there are a few problem areas. The Agent will conduct a follow up site visit this Friday 5/18 to supervise the erosion and sediment control (ESC) removal, and identify specific areas for re-planting is still required. A follow-up full Commission site visit will occur in the Fall and is scheduled for Friday November 2, 2018 at 10:00am with attendance at November 6, 2018 Conservation Commission meeting. Donald Blais stated he is glad the property owners are making progress on site and would like to see this wrapped up soon. There was a lot of work out there to be done.
- b. DEP #256-0312: MassDOT Toll Booth Removal: MA DOT submitted a written request to extend the deadline for work under the approved RARP.

Motion made by David Cotter to extend the deadline for the required work under the Resource Area Restoration Plan to August 31, 2018

Motion was seconded by Nicholas Zeo

No further discussion – 5-0-0 – Motion Carries

- c. DEP #256-0309: Boston Rd Solar: A site visit was conducted Friday 5/11/2018 at 11:00am. The Commission looked at the newly discovered issues with previous stream restoration. Significant erosion

is occurring on site now and the 15” water diversion pipe is now exposed and was never closed after restoration was completed. Paul Les argued the cause is from Robinson road and town road drainage. Staff from DPW was on the site visit as well to review Robinson Road drainage.

Paul Les will have Wetlands Consultants Inc. review stream channel restoration & current erosion and provide a report to the Commission detailing status of restoration as well as recommendation to re-stabilize eroded area. He will supply a written report to Commission by June 5, and changes to the stream restore plan will include the addition of large boulders to dissipate the force of stream flow.

Peter Izyk stated Paul Les did a good job with solar area requirement, and the current problems are coming from the stream restoration area and not the actual solar project.

There is a possibility the washout came from a beaver dam breaking upstream. Another possibility is when the utility poles were installed along RT-67, the excess soils were left on site, in the BVW and washed into the culvert during the heavy rains, thereby blocking it further and causing the back-up of water all throughout the site

- d. Emery Street Land clearing: The Conservation Commission was notified by the Massachusetts Department of Environmental Protection (Mass DEP) Environmental Complaint Website of unauthorized land clearing and vehicles operating in the resource areas and buffer zone located on Emery Street by the Beaver pond. The Conservation Agent conducted a site inspection on Wednesday May 9, 2018, and noted the several violations of the Wetlands Protection Act (MGL Chapter 131 Section 40) and the Town of Palmer Wetlands Protect Ordinance (Chapter 168). She immediately issued a cease and desist order and request the property owners attend tonight’s meeting to discuss the work that has been conducted so far and future plans for the property so that the Commission can prescribe the appropriate corrective actions to come into compliance with the Act and Ordinance.

During the site inspection on Wednesday May 9, 2018 the Agent observed approximately 4.5 acres of land was recently cleared and grubbed without a permit. It was apparent that work had been performed within areas of jurisdiction, including: 1) Land clearing and grading had occurred within the Riverfront Area (RFA), Bordering Vegetated Wetlands (BVW) and Buffer zone of a nearby pond and perineal stream. 2) Within the property it was clear that wetlands, including but not limited to, bank, a pond, Bordering Vegetated Wetland, and the Riverfront Area had been disturbed from direct vegetation cutting and removal, stumping, soil disturbance, compaction and rutting from equipment moving throughout the property. 3) It is evident the BVW is under threat of further damage from erosion, direct evaporation due to the loss of cover and exposure to the sun.

Property owners Helen Hermanson and Lisa Hermanson were present at tonight’s meeting. They stated that they recently purchased property from Jean Bubon. They wanted to clear out invasive species and brush and convert back to field.

The Agent will email Helen a consultants list for restoration work.

The Agent issued an Enforcement Order with the following required actions:

- (1) The Violator shall attend the next Conservation Commission meeting **scheduled for Tuesday May 15, 2018 at 8:00 pm**, 4417 Main Street, Palmer, MA
- (2) The Violator shall nominate to the Commission **a qualified Wetlands Consultant (having at least 5 years experience in wetlands delineation and restoration) no later than June 5, 2018**. Such consultant(s) shall be dependent upon approval by the Commission. Approved consultant(s) shall assist and conform with all assessment, removal and restoration procedures as required under this order, as required to bring the current project into complete compliance with the MA Wetlands Protection Act (MGL Ch. 131 § 40) & Town of Palmer Wetlands Ordinance (PWO) and Regulations (PWR) (Chapter 168; Town of Palmer Code of Ordinances).

- (3) The Palmer Conservation Commission and/or its Agent shall have the right to enter the property to inspect work under this order.
- (4) An **Existing Conditions Plan** shall be prepared and submitted by the violator and his consultant (approved in #3) to the Commission **no later than July 3, 2018**. Such plan shall include:
 - **Resource Area Delineation:** a delineation of all resource areas on site, including extensive on site soil borings and DEP wetlands data sheets. Resource Areas delineated shall be marked on the site and shall be clearly visible in the field to the Palmer Conservation Commission or its agents.
 - **A Square Footage Calculation:** calculations of any and all impacts to such identified resource areas; specifically the square footage of RFA & BVW altered through unauthorized land clearing.
 - **A Scaled site plan** (not more than 1"=40') showing all resource areas, impacted resource areas and restoration area(s). All flagging shall be numbered consecutively on site, and on the corresponding site plan. Each individual resource area line delineated shall be indicated on the flag by letter and consecutive number, and shall be indicated on the corresponding site plan. Plans should clearly indicate the 100' buffer zone, as well as the 50' "no disturb zone". The plan should also indicate the buffer zone for all adjacent properties to the development.
- (5) Upon acceptance of the **Existing Conditions Plan** by the Commission, a **draft Resource Area Restoration Plan (RARP)** shall be prepared and submitted by the violator and his consultant (approved in #3) to the Commission **no later than July 17, 2018**. The plan shall be for the restoration of the BVW. Such plan shall include:
 - **A Construction Sequence Report:** a detailed sequence of complete restoration of the resource areas
 - **A Detailed Narrative:** a detailed narrative restoration plan showing compliance with the General Performance Standards for each identified resource area as detailed in the WPA and the PWO/PWR
 - **A Replanting Plan:** a detailed replanting plan showing the proposed location and quantity of native plantings to revegetate resource areas. The plan should show the proposed location and quantity of native plantings to revegetate the RFA, BVW and the 50-foot NDZ
- (6) **Prior Notice & Pre-Activity Meeting:** The Commission shall be given 48 hours notice prior to the beginning of restoration activities. The Commission must meet with the construction engineer and the wetland specialists to discuss the requirement and to ensure compliance with all special conditions.
- (7) **Site Supervision:** Restoration activities must be supervised by a wetland specialist who shall be a professional with experience in wetland restoration, wetland hydrology and a working knowledge of botany. Such a person shall be retained to supervise and monitor the restoration activities until the area meets the requirements of this Order. The wetlands specialist shall monitor all removal and restoration procedures and shall produce written and/or photographic reports to the Commission of each portion of the plan.
- (8) Quantitative data indicating the **status of the project with respect to the performance standards and pertinent conditions of this Order shall be submitted to the Commission as an initial report**. This report shall include: excavation date and process, wetland soil depth, any planting and replanting dates. (3 months allows for repair or replanting if needed during the process, so that the final approved replication area is not delayed)

- (9) **Seasonal Monitoring Reports** shall be prepared for each restoration area. Monitoring reports shall describe, using narratives, plans, and color photographs, the physical characteristics of the wetland replication areas with respect to stability, soil characteristics, survival of vegetation and plant mortality, aerial extent and distribution, species diversity and vertical stratification (i.e. herb, shrub and tree layers) and shall describe the hydrologic conditions of the restoration area, and any remedial work that may be necessary. The monitoring reports shall be submitted to the Conservation Commission **at least every three months** until compliance is achieved.
- (10) Any **additional damage** caused as a direct result of this project to any wetland resource areas shall be the responsibility of the applicant to repair, restore and/or replace. Sedimentation or erosion into these areas shall be considered damage to wetland resource areas. If sediment reaches these areas the Commission shall be contacted and a plan for abatement of the problem and proposed restoration/mitigation measures shall be submitted for approval and implementation.
- (11) Upon acceptance or modification of the RARP, all work conducted under the plan shall be completed **no later than November 6, 2018**
- (12) Violator shall **notify Commission upon restoration, and completion of such restoration** shall be inspected and approved of by the Conservation Commission.
- (13) All plantings shall be native to the area, **viable for at least the first two growing seasons** and subsequently replaced if deemed necessary by the Commission.

Motion made by Brenda Cole to ratify the Enforcement Order issued Wednesday May 9, 2018 with the with the aforementioned conditions

Motion seconded by David Cotter

No further discussion – 5-0-0 – Motion Carries

- e. Dumping on St. Johns: Nick Zeo informed the Commission a boat was cut up and dumped at the end of St. Johns Street, by the entrance to the Conservation Trails. The Agent ran the boat plates w/ Palmer PD, and the PD said they would handle it, as the owner is a local person. DPW said could remove the boat as well. The Agent or Nick Zeo will check and see if boat still there Thursday.
- f. 1237 Park Street: Donald Blais requested the Agent follow up with Mr. Shah to determine the status of the snout installation.

11. New/Old Business

- a. Administration of 2017 MA Trails Grant: SCA Scheduling, Etc: An additional site visit is scheduled for this Thursday May 14, 2018 with AmeriCorps at First Street at 1:00pm. AP & DC will mark trees with spray paint. Parking lot is in progress now. May not even need stump grinding.
 - b. Clean-up Palmer Day Request: 5/19/2018 Old B&A Rail Road line off Barker Street in Three Rivers from 9am-11:30am.
 - c. Community Wood Bank: No progress since last meeting
 - d. Community Rain Barrel Program: Sold several, getting phone calls. Town wide mailer went out last week.
 - e. MVP Grant Application: Submitted last week.
13. **Executive Session under MGL Ch. 30A § 21(a)(3)**: To approve the executive session Palmer DG, LLC vs. Town of Palmer Conservation Commission, if the Chair finds that an open meeting may have a detrimental effect on the litigation position of the Commission.

Motion made by Brenda Cole to enter the Executive Session under MGL Ch. 30A § 21(a)(3) at 9:15pm

Motion seconded by Nicholas Zeo

No further discussion

Roll Call Vote: Donald Blais –Yes, David Cotter –Yes, Peter Izyk –Yes, Nicholas Zeo –Yes, Brenda Cole –Yes

Motion Carries

Motion made by Brenda Cole to exit the Executive Session at 10:20pm

Motion seconded by Peter Izyk

No further discussion

Roll Call Vote: Donald Blais –Yes, David Cotter –Yes, Peter Izyk –Yes, Nicholas Zeo –Yes, Brenda Cole –Yes

Motion Carries

14. Upcoming Events, Conferences & Trainings: See #14

14. Office Closed:

- Wednesday May 16, 2018 (MSMCP Annual Conference)
- Tuesday May 22, 2018 (CMRSWC Meeting)
- Thursday May 24, 2018 (Stormwater Funding)

15. **Set Next Meeting Date:** Tuesday June 5, 2018 @ 6:30pm

16. **Meeting adjourned:** 10:30 PM

Motion made by David Cotter to adjourn at 10:30 PM

Motion was seconded by Peter Izyk

No further discussion – 5-0-0 – Motion Carries

Sincerely Submitted,

Angela Panaccione

Palmer Conservation Commission Agent



TOWN OF PALMER CONSERVATION COMMISSION

Donald Blais, Chair
David Cotter, Vice Chair
Peter Izyk
Nicholas Zeo
Brenda Cole

LOCATION: Town Administrative Building Meeting Room
4417 Main Street, Palmer MA 01069

Angela Panaccione, Agent

Meeting Documents

Tuesday, May 15th, 2018 – 6:30 PM

The following is a list of documents used at the above meeting, in addition to those included in the agenda packet which is part of the official record of the meeting:

#	Description	Agenda Item	Retained
2(a)	Letter from Lori Anthony Re: Blake Lamothe 103 Water Street; dated 5/1/2018	Review Phone/Mail/Email Messages	103 Water Street Violation File Folder
2(b)	2018 Post-Emergent Vegetation Management New England Central Railroad; Submitted by Keith Morris Environmental Consultant; dated 4/15/2018	Review Phone/Mail/Email Messages	NECR VMP RDA File Folder
2(c)	Massachusetts Central Railroad Corporation 2018 Vegetation Control Program: Submitted by Thomas Lewis c/O TEC Associates; dated 5/3/2018	Review Phone/Mail/Email Messages	MCR VMP RDA File Folder
2(d)	2018 Yearly Operational Plan For Right-of-Way Management CSX Transportation, Inc.; submitted by Wood Environment & Infrastructure Solutions, Inc.; dated 5/7/2018	Review Phone/Mail/Email Messages	CSX VMP RDA File Folder
5(a)	Meeting Minutes: 4/17/2018	Approval of Minutes	FY 18 Minutes Binder
6(a)	Invoice MSMCP Annual Meeting – \$15.00	Approval of Payables	FY 18 Payables Folder
8(a)	WPA Form 3: Notice of Intent – Proposed Solar Array 271 Breckenridge Street; prepared by Borrego Solar Systems Inc; dated 12/8/2017	Schedule of Public Hearings	DEP #256-0331 File Folder
8(a)	Notice of Intent Narrative – Proposed Solar Array 271 Breckenridge Street; prepared by Borrego Solar Systems Inc; dated 12/8/2017	Schedule of Public Hearings	DEP #256-0331 File Folder
8(a)	Wetlands Delineation Report 271 Breckenridge Street, Palmer, MA, prepared by SWAC Environmental Consultants, Inc., dated 10/5/2017	Schedule of Public Hearings	DEP #256-0331 File Folder
8(a)	Wetland Determination Data Forms and Site Photographs, prepared by SWAC Environmental Consultants, Inc., dated 7/26/2017	Schedule of Public Hearings	DEP #256-0331 File Folder
8(a)	Site Plan Review 271 Breckenridge Street Project Number: 905-0811 (Sheets 1-5); prepared by Borrego Solar Systems Inc.; dated 12/8/2017; Final Revised 4/25/2018	Schedule of Public Hearings	DEP #256-0331 File Folder
8(a)	Stormwater Management Report 271 Breckenridge Street; prepared by Borrego Solar Systems Inc; dated 12/8/2017	Schedule of Public Hearings	DEP #256-0331 File Folder

8(a)	Additional Wetlands Details; prepared by Borrego Solar Systems Inc; dated 4/17/2018	Schedule of Public Hearings	DEP #256-0331 File Folder
8(a)	Request for a Waiver from Palmer Local Wetlands Ordinance (Chapter 168) & Regulations; Prepared by Steve Long c/o Borrego Solar; dated 5/1/2018	Schedule of Public Hearings	DEP #256-0331 File Folder
8(a)	WPA Form 5: Order of Conditions (OOC) DEP #256-0331; Signed & Issued by the Conservation Commission; dated 5/15/2018	Schedule of Public Hearings	DEP #256-0331 File Folder
8(a)	Findings of Facts for DEP #256-0331; Prepared by Angela Panaccione; Dated 5/15/2018	Schedule of Public Hearings	DEP #256-0331 File Folder
8(a)	Special Conditions for DEP #256-0331; Prepared by Angela Panaccione; Dated 5/15/2018	Schedule of Public Hearings	DEP #256-0331 File Folder
8(b)	WPA Form 3: Notice of Intent – Proposed Solar Array L12 Breckenridge Street; prepared by Sherman & Frydryk Inc; dated 12/8/2017	Schedule of Public Hearings	DEP #256-0332 File Folder
8(b)	Notice of Intent Narrative – Proposed Solar Array L12 Breckenridge Street; prepared by Sherman & Frydryk Inc; dated 3/28/2018	Schedule of Public Hearings	DEP #256-0332 File Folder
8(b)	Wetlands Delineation Report L12 Breckenridge Street, Palmer, MA, prepared by Wetlands Consultants, Inc., dated 12/19/2017	Schedule of Public Hearings	DEP #256-0332 File Folder
8(b)	Wetland Determination Data Forms and Site Photographs, prepared by Wetlands Consultants, Inc., dated 12/19/2017	Schedule of Public Hearings	DEP #256-0332 File Folder
8(b)	Palmer Breckenridge Solar Project Number: 03256A (Sheets 1-10); prepared by Sherman & Frydryk Inc; Signed & Stamped by Donald Frydryk; dated 1/19/2018	Schedule of Public Hearings	DEP #256-0332 File Folder
8(b)	Stormwater Management Report Proposed Solar Array L12 Breckenridge Street; prepared by Sherman & Frydryk Inc; Signed & Stamped by Donald Frydryk; dated January 2018	Schedule of Public Hearings	DEP #256-0332 File Folder
8(b)	DEP File Number w/ Comments; Prepared by Mark Stinson MADEP; dated 4/4/2018	Schedule of Public Hearings	DEP #256-0332 File Folder
8(b)	MA DEP Wetlands Program Policy 17-1: Photovoltaic System Solar Array Review	Schedule of Public Hearings	DEP #256-0332 File Folder
8(b)	MA DEP Evaluation of 10.58(5) Redevelopment Projects; Prepared by Sherman & Frydryk; dated 3/18/2018	Schedule of Public Hearings	DEP #256-0332 File Folder
8(b)	Response to DEP Comments File #256-0332; Prepared by Donald Frydryk; dated 4/16/2018	Schedule of Public Hearings	DEP #256-0332 File Folder
8(b)	Application for Conservation Permit (ACP) under Local Ordinance Chapter 168; Prepared by Donald Frydryk; dated 3/8/2018	Schedule of Public Hearings	DEP #256-0332 File Folder
8(b)	Request for a Waiver from Palmer Local Wetlands Ordinance (Chapter 168) & Regulations; Prepared by Donald Frydryk; dated 3/8/2018	Schedule of Public Hearings	DEP #256-0332 File Folder

8(b)	Email Correspondence between Donald Frydryk and Adam Kautza, Coldwater Fisheries Project Leader (MA DFW) Concerning solar array impacts to coldwater streams ; submitted by Donald Frydryk; dated 5/14/2018	Schedule of Public Hearings	DEP #256-0332 File Folder
10(b)	Request for Extension of RARP Work to August 31, 2018; Email from Robert Natario; dated 5/3/2018	Violations & Enforcement	DEP #256-0312 File Folder
10(c)	Site Inspection Report & Photos #256-0309: Boston Road Solar; taken 5/11/2018	Violations & Enforcement	DEP #256-0309 File Folder
10(d)	WPA Form 9: Enforcement Order w/ Attachments – Emery Street Land Clearing; Issued 5/9/2018; Ratified 5/15/2018	Violations & Enforcement	171 Emery Street Violation File Folder
11(a)	Email Correspondence RE: 2018 SCA Massachusetts AmeriCorps Crew Swift River Project; from Tim Craig & David Ciernia; dated 5/8/2018 & 5/14/2018	New/Old Business	2017 Trail Grant Binder
11(d)	Town wide Mailer 2018 Community Rain Barrel Program Information Sheet; prepared by Angela Panaccione & distributed by Roberts Printing	New/Old Business	Community Rain Barrel Program File Folder