



# 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 19, 2015 @ 7:00 PM

**Members Present:** Robert Ring (Chair)  
Donald Duffy (Vice Chair)  
Tharyn Nein-Large  
Sarah Brodeur  
Angela Panaccione (Agent)

**Members Absent:** Dennis Cote  
Peter Izyk  
Sean O'Donnell

**Also Present:** Jeff Galarneau, VHB Consultants  
Siona Patisteas, VHB Consultants  
Randy Pascale, Pascale Construction  
Robert Faulkner, 1014 Hillside Drive  
Diane Faulkner, 1014 Hillside Drive  
Antonio daCruz, Tighe & Bond  
Joseph Duda, 3205 Main Street, Bondsville  
Abaigeal Duda, 3205 Main Street, Bondsville

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

### 7:00 PM Notice of Intent DEP# 256-0310: 5 Off Bennett Rd – Randy Pascale, Retaining Wall

A Notice of Intent submitted by Randy Pascale c/o of Phyllis Shaw for the proposed reconstruction of a 40- foot retaining wall at 5 Off Bennett Street, Palmer, MA, 01069, and is also known as: Map 36-72. Robert Ring re-open the hearing and representative Randy Pascale, of Pascale Construction was present, as well as abutters Robert & Diane Faulkner, of 11 Off Bennett Street.

The project is for the reconstruction of a failed retaining wall, located on the bank of Pattaquatic Pond in Palmer. The existing wall has failed and has fallen into the pond. The new retaining wall will be an in-kind replacement; utilizing the existing concrete footing currently on site. No disturbance to land under water is

proposed. The applicant will begin with removing the remains of the old wall from the bank and from the pond by hand, A new dry laid wall, of field stone or quarry stone will be constructed in place. Filter fabric will be place behind the wall to prevent sedimentation into the pond. All work will be completed by hand and will take a day and a half max.

**Motion made by Donald Duffy to close the Public Hearing**  
**Motion seconded by Tharyn Nein-Large**  
**No further discussion – vote taken: 4-0-0 – Motion Carries**

**Motion made by Donald Duffy to issue the Order of Conditions, with specific conditions for construction of the retaining wall**  
**Motion seconded by Tharyn Nein-Large**  
**No further discussion – vote taken: 4-0-0 – Motion Carries**

**7:15 PM Administrative Approval: Oak Street Sewer Replacement – Antonio daCruz, Tighe & Bond**

Antonio daCruz, of Tighe & Bond attended the meeting to discuss with the Commission additional work proposed under the sewer replacement project, that was not previously approved by the Commission. The original plan for the 2014 sewer replacement project was to include Oak Street if funding was still available.

The proposed work includes the replacement of an 8-inch vitrified pipe with an 8-inch PVC gravity sewer line, and is depicted in the site plan entitled Town of Palmer 2014 Sewer Replacement Project – Oak Street (Sheet 7A); prepared by Tighe & Bond, dated March 27, 2015. The old pipe will not be removed due to safety concerns, but the new pipe will be laid beside it and will tap into the new interceptor. The work is located within paved public roadways and existing disturbed road shoulders. Portions of the work will occur within the Riverfront Area of the Quaboag River and within 100-feet of a Bordering Vegetated Wetland (BVW); though no work will occur within the BVW or Land Under Water.

Wetland resource areas at the site will be protected with erosion and sedimentation controls as determined necessary in the field based on site conditions. Erosion and sedimentation controls may consist of hay bales, silt fence, straw wattles, filter soxx, and/or equivalent. Catch basin inlets will be protected by silt fence armored with hay bales, or equivalent. Proper best management practices will be used to adequately treat any water from dewatering procedures and will not be directly discharged to wetland resource areas.

**Motion made by Sarah Brodeur to find the replacement of the sewer pipes on Oak Street exempt under 310 CMR 10.58(6)(h)**

**Motion seconded by Tharyn Nein-Large**  
**No further discussion – vote taken: 4-0-0 – Motion Carries**

**7:25 PM Notice of Intent DEP# 256-0308: 24 Third Street – Sherwood Lumber, Rail Siding**

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A Notice of Intent submitted by Greenman-Pedersen, Inc c/o Sherwood Lumber Corporation/ Prime Distribution Services for the proposed redevelopment of the Sherwood Lumber Facility located at 24 Third Street, Palmer MA. The proposed project of a railroad siding through several parcels owned by the company at the end of Third Street in order to accommodate the installing of a 2,700 foot long railroad siding connecting to and extending from the New England Central Railroad spur across the Third Street Right-of-way and into the Sherwood Lumber property to the South and all associated infrastructure. The project also calls for the installation of a 150' wide swath of pavement paralleling the railroad spur in the southern parcel of the site. The location of the proposed project 24 Third Street, Palmer, MA 01069, and is also known as: Map 28: Lot 28, 29, 31 & 34; Map 34: Lot 2.

Robert Ring re-opened the hearing and Jeff Galarneau and Siona Patisteas, of VHB Consultants were present. No representatives of Sherwood Lumber or Greenman-Pedersen, Inc. were present.

Jeff Galarneau, of VHB Consultants presented the review of the Stormwater Standards. VHB concurs with GPI Stormwater report and finds it is in compliance with the stormwater standards. The majority of the stormwater comments related to the Planning Boards Stormwater Ordinance, which is more restrictive than Mass DEP standards under the WPA.

Siona Patisteas, of VHB Consultants presented the review of the wetlands issues. On April 21, 2015, Palmer Conservation Agent Angela Panaccione and VHB wetland scientist Sióna Patisteas performed a site review of the jurisdictional wetland resource areas delineated by Greenman-Pedersen, Inc. (the Applicant) for the Notice of Intent. Of the three wetland boundaries reviewed, the Agent and VHB agree with the delineation as documented at Wetlands A and D. They did observed the Wetland E boundary extended eastward along a narrow channel and ended where the channel abutted a trail along the Swift River. The wetland boundary was determined by the presence of hydric soils, hydrophytic vegetation and numerous other indicators of hydrology. They flagged Wetland E in the field with pink surveyor's tape and it is recommend the applicant revise the wetland boundary flags along the extent of Wetland E and update the Project Plans to display the revised boundary line and 100-foot Buffer Zone.

VHB recommends revising the wetland boundary flags along the extent of Wetland E and updating the Project Plans to display the revised boundary line and 100-foot Buffer Zone. It is also recommended GPI number all the flags on site and submit a revised site plan, with numbered flags so they can be affirmed in the field.

Alterations to BVW, including the proposed filling and replication of portions Wetland A exceed the significance" threshold and require the submittal of a Wildlife Habitat Evaluation per the standards at 310 CMR 10.06(1). VHB also recommends the applicant perform a Wildlife Habitat Evaluation to determine if either the presumption of significance can be overcome and the project be permitted with no further evaluation of habitat alteration, or if the proposed replication area must be evaluated to meet the performance standard of functioning in a manner similar to the area that will be lost. As the Project proposes less than 5,000 square feet of alteration, a simplified evaluation, or Appendix A, may be submitted.

The Applicant makes no references to the Massachusetts Inland Wetland Replication Guidelines within the replication methodology supplement, and instead references the US Army Corps of Engineers Compensatory Mitigation Guidance. While the Applicant does state that the replication area will be constructed to meet the

relevant performance standards of the Wetlands Protection Act, there is no analysis of the particular lost functions of the impacted wetland and how the replication area is designed to meet those lost functions. As the impacted wetland occurs within rare species habitat as mapped by NHESP, a functional analysis is particularly important. VHB recommends that the Applicant submit information detailing the functions lost by the proposed impact or information which will overcome presumptions of significance, and how the proposed Mitigation Area will replace these lost functions.

VHB, the Conservation Agent and the Commission have determined the area chosen for replication is a poor choice. The wetland complex is a low quality wetland to begin with. Proximity to the road has resulted in the perpetual sedimentation of the wetland. A replication area here will have little chance of success given the current infrastructure surrounding it. A better choice would be to replicate the wetlands lost closer to the river, where the replication area will improve the function and values of the BVW associated with the Swift River.

The explanation of temporary impacts near wetland flag A16 does not adequately explain the nature of the temporary impacts or the cause. The response implies that a portion of this wetland will be graded to meet the BLSF replication, however this is not indicated in either the supplemental replication methodology or on the Wetland and Floodplain Mitigation Plan. This area should be included as a permanent loss, with required replication. Grading will result in the loss of vegetation and soils, and the use of a seed mix is not adequate.

The replication methodology specifies that a "Wetland Specialist" be retained to coordinate and oversee all work. The Wetland Specialist will report directly to the Resident Engineer of the Project. VHB recommends that the Wetland Specialist report and coordinate all findings and recommendations to the Palmer Conservation Commission concurrently with the Applicant's Resident Engineer.

No information has been given regarding dewatering practices, either within the provided methodology supplement or on the accompanying Wetland and Floodplain Mitigation Plan. VHB recommends the Applicant provide a dewatering plan and display locations of appropriate dewatering basins or other protective measures on the Site Plans.

While a detailed construction phasing plan has been provided, VHB recommends amending this plan to include a schedule or general timeline for each activity.

**Motion made by Sarah Brodeur to continue the Public Hearing until June 2, 2015 at 7:00 pm**

**Motion seconded by Tharyn Nein-Large**

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

**7:45 PM Request for Determination: 3205 Main Street – Palmer Board of Health, Water flow Device**

A Request for a Determination of Applicability, submitted by Malcolm Speicher, Beaver Specialist c/o Town of Palmer Board of Health, to determine if the work associated with the partial breach of beaver dam and installation of a water flow control device to alleviate beaver cause flooding at 3205 Main Street, Bondsville MA, and is also known as: Map 91-43 is subject to the Wetlands Protection Act.

Robert Ring opened the hearing and Joseph and Abaigeal Duda were present.

Malcolm Speicher, Beaver Specialist was contacted by the Town of Palmer Board of Health to install a water flow control device, through a beaver dam and into the culvert, to alleviate upstream flooding and protect

private water supplies and septic systems located off Griffin Street. Beaver have built a dam 30-feet from a culvert, resulting in upstream flooding of residences and septic systems. The water flow device will be 40-feet of 12" ABS pipe with a 5-foot cage built on the upstream side of the dam. The dam will also be partially breached 3-feet wide by 3-feet deep. Breaching will occur at a rate of 10-inches per day, over 7 days. Materials removed from the dam will be replaced around the water flow device.

Conditions include: 1) Dam shall be removed in a controlled manner so that there are no downstream impacts. 2) Dam should be breached in the morning to allow water to flow all day. 3) Tractor or truck mounted excavators may be used to remove debris from the beaver dams and install the Water Level Control Device (WLCD), but care should be taken to avoid downstream flooding. 4) Seasonal inspections of water flow devices are to be performed to ensure devices do not fail and are operating properly.

**Motion made by Donald Duffy to issue a negative determination, box 2 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**

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**7:50 PM Administrative Matters: Minute Approval – May 12, 2015**

**Motion made by Tharyn Nein-Large to accept the minutes from Tuesday, May 12, 2015 as written**

**Motion seconded by Sarah Brodeur**

**No further discussion – vote taken: 3-0-1 (Donald Duffy Abstains)**

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**7:55 PM Administrative Matters: Mileage Payable \$178.67**

The mileage payable approved on May 12, 2015 for \$165.75 was incorrect. The Town has recently changed the reimbursement rate from \$0.45/mi to \$0.575/mi. The new total reflects the change in rate.

**Motion made by Donald Duffy to approve the Mileage payable to Angela Panaccione in the amount of \$178.67, for the Agents site visits from April 2, 2015 – May 9, 2015**

**Motion seconded by Tharyn Nein-Large**

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

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**8:00 PM Administrative Matters: Other Projects, Monitoring, Enforcements and Violations**

1. Donaldson Family Trust CR: Town Council accepted the Conservation Restriction off Summer Street at their May 18, 2015 meeting.
2. Updating Wetlands Regulations & Fee Structure: The Agent drafted revised wetlands regulations to coincide with the amended 2013 Wetlands Ordinance. The Commission will review the regulations and a new proposed fee schedule, and discussion will continue at the June 2, 2015 meeting.
3. Bobs Resignation: Robert Ring submitted his resignation to the Town Manager. June 2, 2015 will be his last meeting. The Agent will add the election of a new chair to the agenda for 6/2
4. CSX Delineations RDA: The Commission discussed the fee to review the RDA for CSX railroad delineation. Given the current fee schedule, the fee would be upwards of \$3000. CSX has asked for a “reasonable rate”.

**Motion made by Sarah Brodeur to require a fee of \$100 for RDA**

**Motion seconded by Donald Duffy**

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

5. 90 Beech Street: The Agent authorized the removal of two trees at 90 Beech Street.
6. Midura: The Commission discussed trail maintenance at Midura. Donald Duffy and Conservation Agent met Zach Langley at Midura last Thursday to go over what was needed in terms of maintenance. Langley was to preform said maintenance for a rate of \$25/hour; not to exceed 10 hours. Robert Ring did not see a need to hire someone for work Dave Cotter is already completing for free. The Agent will contact Dave Cotter about trail maintenance.
7. Open Space Meeting, May 21, 2015: The Agent informed the Commission of an OSRP meeting on Thursday May 21, 2015 at 11am. Keith Davies, of the Chicopee 4 Rivers Watershed Council will attend the meeting to begin “Blue Trail” planning on the Quaboag River. The meeting will consist of a mapping exercise identifying possible canoe/kayak put-ins and pull-outs.

**Next Meeting Date**: Tuesday June 2, 2015 at 7pm

**Meeting Adjourned**: 8:20 PM

**Motion made by Donald Duffy to adjourn at 8:20 pm**

**Motion seconded by Tharyn Nein-Large**

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

Sincerely Submitted,  
Angela C Panaccione, Conservation Agent