



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, May 21, 2019 – 6:30 PM

LOCATION: Town Administrative Building Meeting Room

Donald Blais, Chair
David Cotter, Vice Chair
Peter Izyk
Nicholas Zeo
Brenda Cole
Dorothy Lawrence
Mike Swiatek

Angela Panaccione, Agent
Sarah Fortune, Assistant

Members Present: Donald Blais, Jr.
David Cotter
Peter Izyk
Nicholas Zeo
Dorothy Lawrence
Mike Swiatek
Angela Panaccione, Conservation Agent
Jeff Stanhope, Conservation Assistant

Members Absent: Brenda Cole

Also Present: Robert Trahan, 7 Geraldine Street, Palmer
Janise Laviolette, 29 Cabot Street, Palmer
J. P., 21 Withrop Street, Palmer
Jim LaFreniere, NEXAMP
Jonathan Pratt, 34 Forest Lake Road, Palmer
John Morrison, 77 Squire Street, Palmer
Carolyn Hurt, 19 Cabot Street, Palmer
Brian Hurt, 19 Cabot Street, Palmer
Justin Kasunick, NEXAMP
Andrew Woods, 10 Katie Lane, Palmer
Donald Frydryk, 3 Converse Street, Palmer
Ethan Gyles, NEXAMP
Joe Libera, 1586 Ware Street, Palmer

1. **Call to Order:** 6:30 PM – Donald Blais, Jr. (Chair)
2. **Public Inquiries:** No Public Inquires Scheduled.
3. **Chair, Member & Committee Reports:** No Chair, Member & Committee Reports.
4. **Project Monitoring:** No Project Monitoring.
5. **Signing of Documents (DOA, OOC, COC, Ext, Etc.)**
 - a. **Issue Order of Conditions: DEP #256-0336 – Forest Lake Seasonal Cottages**

The Agent reported that the issuance of the Order of Conditions for DEP #256-0336 (Forest Lake Seasonal Cottages) will be rescheduled for June 4, 2019. The applicant submitted a letter granting a waiver of the 21-day regulation to issue an Order of Conditions after closing a public hearing or meeting; MassDEP will accept the waiver from the applicant and will maintain the PCC's ability to issue the Order of Conditions for the project, which is normally absolved when the 21-day regulation has been violated. The issuance of the Order of Conditions was postponed until June 4, 2019 due to the commissioner absences set forth by the Mullins Rule, which states that any commissioner who misses three (3) meetings during public hearing proceedings cannot make a determination on a project.

b. Sign & Accept Deed for Turnpike Parcel

The deed for the Turnpike Parcel has been reviewed by Town Counsel, the attorney for MassDOT, the Registry of Deeds and the Executive Office Energy and Environmental Affairs.

**Motion made by David Cotter to sign and accept the deed for the 92- acre Turnpike Parcel
Seconded by Peter Izyk
No further discussion – 6-0-0 – Motion Carries**

c. Sign Turnpike Parcel Baseline Documentation Report

**Motion made by Nicholas Zeo to sign the Turnpike Parcel Baseline Documentation Report
Seconded by Peter Izyk
No further discussion – 6-0-0 – Motion Carries**

The State accepted the survey of the land that was conducted in 1957, which saved the PCC about \$12,000 to have the parcel re-surveyed.

6. Approval of Payables

a. Mileage – \$430.56

**Motion made by Dorothy to approve the payable to Angela Panaccione for Mileage Reimbursement from the Conservation Commission Town Wetlands Ordinance (CONFEE) Account
Seconded by Peter Izyk
No further discussion – 6-0-0 – Motion Carries**

b. SWCA – \$1,050.00

**Motion made by Nicholas Zeo to approve the payable to SWCA for Outside Consultant Review for the Forest Lake Seasonal Cottages from the Conservation Commission Outside Consultant Review (CONREV) Account
Seconded by Dorothy Lawrence
No further discussion – 6-0-0 – Motion Carries**

c. MassDOT – \$100,000.00

Motion made by David Cotter to approve the payable to MassDOT for the Turnpike Parcel from the Conservation Commission Turnpike Account

Seconded by Peter Izyk
No further discussion – 6-0-0 – Motion Carries

7. Requests for Certificate of Compliance

a. DEP #256-0269: Palmer Motorsports Park

The Agent reported her findings from the most recent inspection to the site, stating that the applicant has several things to do before the Conservation Commission can issue a Certificate of Compliance (COC). The Agent asked the PCC if they had any thoughts or concerns about their observations from the site visit; Nicholas Zeo inquired as to the State's level of involvement pertaining to the issuance of a COC. The Agent reported the State wants the PCC to issue a COC based on an 'invalid Order of Conditions' stating that the project never commenced, or in other words, that the project is not in compliance with the original Order of Conditions. Peter Izyk stated the site looks a lot better in some areas than the last time he was on site and grass was providing stabilization in some areas, but the land up by the well site is still unstable because it's been so wet. The Agent was under the assumption that they were suppose to plant grass at the well but that the well and the septic are technically not part of the original Order of Conditions for the construction of the racetrack. The PCC did not take action on this agenda item at this time.

8. Violations and Enforcement

a. Katie Lane

John Morrison and Andrew Woods were in attendance to discuss repeated stormwater violations resulting from construction off Katie Lane. The Agent stated that Katie Lane is an area of residential development where there has been continuous issues with the current stormwater management system. Outside Consultant John Thomas of SWCA reported his findings from conducting a recent site inspection, stating that the project site is not in compliance with the stormwater regulations or the NPDES Construction General Permit because there is over an acre of disturbance on site and due to a lack of erosion-sediment controls sediment-laden water is discharging through the constructed swale offsite into a coldwater fisheries resource. He added that construction can't commence on site without the installation of erosion control measures. This illicit discharge is a big violation and must be addressed by the property owners whether stormwater improvements are made or proper best management practices are put in place.

The Agent suggested that Andrew Woods of 10 Katie Lane report the measures he has taken to mitigate the stormwater management violations to date. Andrew Woods reported that in January of 2019 he received a phone call from the Agent pertaining to stormwater management issues and met the Agent on site to discuss mitigation, which was to install and maintain hay bales as sedimentation controls. Andrew recently received a second call from the Agent pertaining to the same issue and within the next day he constructed a additional trench, added silt fence and installed additional hay bales (he also has a back-up stockpile of more hay bales if necessary). He cleaned out the constructed swale and the additional trench, both located towards the front end of his property, as well added more hay bales to the front of his parcel. He also dug another trench on the side of the parcel and added a sediment separation zone down below that is reinforced with hay bales. He also constructed several check dams on site and that the a 50-foot buffer of vegetation untouched. He had been on site checking the BMP measures on a daily basis.

The Agent asked John Morrison when was the last time he was at the site off Katie Lane, and he replied that he was on site about one week ago. John proceeded to state that stormwater management issues have been

ongoing since construction first began on site. He stated that his original plan was to do all of the site work for the development off Katie Lane himself but circumstances have changed in the 10 years since starting the project and he has moved on to sell the remaining parcels. The Building Inspector informed him that the owners of the individual house lots need to have some sort of erosion control plan in place but due to a lack of erosion-sediment control measures on the other parcels, similar stormwater management issues have occurred. John stated that he was able to fill out the stormwater management permit paperwork successfully. John Morrison said moving forward he's going to fix the current stormwater management issues but it will be the responsibility of the proper owners to address these issues in the future. John stated that he needs to re-establish the stone swale and clean out the stormwater structures at the bottom of Katie Lane so that the water discharges into the system. He plans to do the work within the next couple of weeks. He will continue to monitor the site very closely to prevent future erosion and sediment discharges. The Agent asked John he has considered making the basin at the bottom of the hill larger; John said he has to look at the site plans again, but this basin continues to fill with sediment and something must be done so it functions properly.

John Thomas recommended that the Agent require the installation of a silt fence to the catch basins to prevent sediment from entering the stormwater structures. John Morrison said they can put silt socks inside the catch basins because they were in there before, but deteriorated from being old.

The Agent requested that John Morrison update her on his work schedule. The Agent asked when the septic system will be constructed at Andrew Woods and to stabilize the area with grass and to cover the septic system with an erosion control blanket and call her immediately to inspect it. The Agent would also like to meet with John Morrison to go over the game plan before he starts the work at Katie Lane.

The PCC did not have any other questions or concerns on this enforcement issue at this time.

9. Schedule of Public Hearings

7:07 PM Notice of Intent (NOI) DEP #256-0340: Camp Ramah Amphitheater – 39 Bennett Street (Map 36-70)

The applicant is requesting an Order of Conditions for proposed construction of an amphitheater within the 100-foot wetland buffer zone of Pattaquatic Pond. The proposed amphitheater will require 11,282 SF of disturbance in the 100-foot buffer zone.

Donald Blais opened up the public hearing and Peter Izyk recused himself from the hearing because he is an abutting property owner.

Don Frydryk of Sherman & Frydryk was in attendance to present the project to the PCC, stating that the project proposes to construct an amphitheater on the western bank of Pattaquatic Pond. There was an Order of Conditions issued for a project on this site in 2012 which received a Certificate of Compliance from the PCC stating that the work never occurred, but this project is essentially a scaled-back version of the 2012 application. Site improvements include the removal of the existing retaining walls and construction of a new stepped beach area. The proposed improvements will include stair and platform construction, grading and loam and seeding of disturbed areas. The project area is not within a Priority Habitat of Rare Species or Estimated Habitat of Rare Wildlife. All of the proposed work is located within the 100-year flood plain as shown on the plan and there is no proposed filling within the 100-year flood plain. No impacts to bordering vegetated wetlands are anticipated as part of this project. The wetland limits shown on the plan were delineated by direct observation. The proposed work will include a total of approximately 11,282 square feet of disturbance within the 100-foot setback zone to the pond, and 6,758 square feet of disturbance within the 50-foot setback zone to the pond. The disturbances

within the 50-foot setback include the removal of the existing retaining walls, clearing of four trees, and construction of the proposed stepped beach area. Mitigating measures for this project include the installation of silt fence, check dams, and inlet controls, as shown on the plan and details. The erosion controls shall be installed along the limit of work to provide sediment containment before overland flow reaches the bordering vegetated wetlands. All disturbed areas shall be loamed and seeded. Erosion controls shall be installed prior to any disturbance on the site. Erosion controls shall be maintained until the Palmer Conservation Commission approves their removal. In addition, all required excavation work shall maintain level areas along the top any of slopes created. All level areas shall slope away from the resource area to provide sediment removal by infiltration into the native soil. All disturbed areas shall be loamed and seeded. All slopes greater than 4 to 1 shall be mulched.

Donald Blais, Jr. opened the public hearing to PCC and public comment. No member of the PCC or the general public wished to comment on the property project.

Donald Blais requested a motion to close the public hearing for the Camp Ramah Amphitheater at 39 Bennett Street at 7:28 pm.

**Motion made by David Cotter to close the public hearing for DEP #256-0340 – Camp Ramah Amphitheater at 39 Bennett Street (Map 36-70)
Seconded by Dorothy Lawrence
No further discussion – 5-0-0 – Motion Carries (Peter Izyk recused)**

MassDEP had one comment on the project, to ensure that there is no overlap between the prior project and the current project. The Agent and Don Frydryk worked together to send DEP a letter to explain there will be no overlap between the two different projects and their associated DEP file numbers. The work occurs on different areas of the parcel as well.

Donald Blais asked for motion to issue the Order of Conditions (OOC) with Finding of Facts and Special Conditions.

**Motion made by Nicholas Zeo to issue the Order of Conditions (OOC) with Finding of Facts and Special Conditions
Seconded by David Cotter
No further discussion – 5-0-0 – Motion Carries**

10. Violations & Enforcement

a. DEP #256-0332: 153 Breckenridge Street

John Thomas of SWCA reported his findings from an inspection to the site located at 153 Breckenridge Street during the week of May 13 to May 17, 2019, stating that the project site is in compliance although there are some minor areas of erosion and rilling occurring that can be addressed by NexAmp's project team. He also observed a linear swale eroding in the south easterly portion of the site, but was not sure if the swale is intended to be vegetated swale or to be lined with stone. John informed the PCC that the erosion controls are in place, secured and fortified to ensure no illicit discharge occurs off-site nor is directed towards any nearby resource areas. He will be monitoring the site on a weekly basis, but with

that the project team did a good job with administering wood chips and fortifying the erosion controls to make sure that there will no longer be an occurrence of illicit discharges from the site.

Don informed the PCC that he was exploring the possible addition of permanent catch basins for the site and conceptualized locations where they would be most effective, such as natural large swales and along the access road. In order to construct permanent basins in the particular areas he referenced will require Planning Board approval because the basin would reside within the buffer area pursuant to the Planning Board's solar ordinance. The next step would require soil testing to determine if the location(s) has suitable soils for efficient infiltration. Don explained there is a fairly large temporary sediment basin located in the upper corner of the property at the end of the access road expected to be expanded upon in order to transform it into a permanent basin, pending approval from the Planning Board and completion of soil test bits. A majority of the construction zone for the proposed basin falls within the open space area as required by Planning Board solar ordinance, but he doesn't believe a permanent basin will reduce the amount of open space. Regardless, he will check with the Planning Board to ensure that the proposed basin will be in compliance with their Special Permit. The Agent stated that the basin has to be constructed in the low area the property due to it's location with respect to the remainder of the project site. The Agent was under the impression that the PCC unanimously agreed at the last meeting to assume jurisdiction over the entire parcel and asked how the PCC's jurisdiction works with Planning Board's 100-foot setback if a permanent catch basin needs to be constructed in the open space portion of the site. Don stated that the setback is a component of the special permit through the Planning Board to serve as a visual barrier in which plantings were to be installed per the original permit application; ultimately, he believes that the Planning Board will have to approve the construction of the permanent catch basin. John Thomas suggested that the applicant consider if the current proposed stormwater management structures will be sufficient enough to prevent illicit discharges in the future when the project is complete and the site is stabilized.

Regardless of amendments to the Order of Conditions relative to permanent stormwater management structures, the Agent informed the applicant that an amendment will still have to be submitted because the location of the utility lines has been switched to the opposite side of the access road off Breckenridge Street, which is a wetland resource area. Don stated that the amendment is so minor in nature that the applicant shouldn't have to submit a formal Request to amend the Order of Conditions because the scope of work hasn't increased and is still within the prior approved limit of work.

Don informed the PCC that they will present the project amendments to the Planning Board during their meeting on June 3, 2019 and will ask for a minor modification to avoid a public hearing.

Donald Blais, Jr. opened the discussion to public comment, and the following members of the public wished to comment on the aforementioned project:

Robert Trayhan of 7 Geraldine Street informed the PCC that he and his neighbors are still pumping water out of their basements on a regular basis. Numerous issues were brought up the last time this project was discussed, but he hasn't heard any of those other issues address during the aforementioned discussion. Robert asked the PCC to address these concerns. The Agent informed Mr. Trayhan that the PCC received a letter from FEMA dated May 10, 2019 stating that in the Fall in 2019 survey teams will be administered to start conducting hydrological studies in that areas. For several years that area has suffered from significant flooding issues, due to the watershed size associated with the brook and the immense levels of precipitation recently experienced.

Brian Hurt of 19 Cabot Street asked about the intersection of Breckenridge Street and Route 20, and said that very little water actually flows under the road in that area. Moreover, he said that someone was

working in that area with a piece of equipment which probably flooded the railroad tracks. Finally, he asked why it has taken so long for any work to be done to mitigate stormwater issues in that area. The Agent informed him that Town Council approved funds to improve the stormwater management in that area at their meeting on May 20, 2019. Emergency dredging will occur in the area now that the Town has received permission from CSX to clean out their drainage pipes. The Town has to secure easements of all the properties in order to perform the work while also and coordinating with contractors, the railroad and MassDOT.

The Agent informed the PCC and general public that FEMA will be conducting surveys in areas of flooding concern in select communities within the Chicopee watershed, to ultimately collect data to update flood insurance rate maps and flood zone, flood area maps; this study could have impacts on the flooding experienced at the intersectin of Breckenridge Street and Route 20. John Thomas added that it is important to outline the process so that there is no environmental impacts, and to remember that there is a permitting and assessment process in order for this work to commence. The Agent proceeded to state that the watershed associated with the reservoir drains to the base of Breckenridge Street which is why the stormwater issues have been exacerbated by high levels of precipitation and increased impervious surface due to development.

Justin's co-worker stated that the catch basins they have built are holding water and he has noticed that the water is now spreading and not channeling. The upper and lower array areas drain to different avenues than each other. They don't have cut channels on site according to Justin, it's spreading down and the volume of water coming down that you see leaving the site, compared to what the mind's eye would create like a river, is really spreading.

Sandra of Winthrop Street stated that she has lived in the neighborhood 35 years she believes that the stormwater issues are a tesitimony to a bigger problem and is not because of increased precipitation levels. She hasn't observed issues of this magnitude in past years when there was more snowfall. John Thomas informed the general public that there has been above normal precipitation and that even a small amount of snow equals a large amount of preciption when it melts.

b. DEP #256-0331: 273 Breckenridge Street

The Agent reminded the PCC that the applicant will be filing ammendments with an updated stormwater management plan including draining the wetland which resulted from the removal of the curtain drain and dry well. Technically, draining the wetland was not a violation because the removal of the curtain drain and dry well occurred within the approved limit of work. The applicant received approved to lower the grade of the access road because the original road came into existence prior to the Wetlands Protection Act (WPA), and is therefore exempt from review. The access road is composed of less than four feet of fill and topped with pavement for the upper surface. The wetland line was expanded in the access road area after conducting soil borings and which revealed wetland soils and seed stock that was presumably on site in the 1950s prior to the wetland being drained. John Thomas believes a direct cause of the drainage issues is problematic soils where the roadway exists. The Agent added that the amount of fill in the area that draining the wetland went unnoticed by all at first. The applicant put up gigantic "Wetland Do Not Enter" signage. The Agent suggested that the applicant reinstall the curtain drain and dry well, but the applicant claims that they are unsure that those were the structures removed from the site. The Agent doesn't know what happened with the old septic system that was found on the site because the applicant had a separate demolition crew demolish the site without an approved demolition permit from the Building Inspector. The Agent will have the applicant amend their Order of Conditions (OCC) to include the installation of the

drywell and curtain drain. DPW Director Gerry Skowronek issued a letter on May 7, 2019 requiring them to submit project amendments within 30-days to prevent further damages to Breckendridge Street, or the applicant can be fined.

c. DOA River Street Solar

The Agent reported that the applicant still needs to submit amended site plans with permanent stormwater management structures for review and approval by the PCC. The Agent requested that Planning Board perform a site visit to gain their perspective on the stormwater management issues but has not received any further information from them on this issue.

11. New/Old Business

a. LAND Grant Update

The Agent reported to the PCC that the LAND Grant application is now complete.

b. Wood Bank Grant

There is no update on this agenda item.

c. FEMA Hazardous Mitigation Plan Grant Update

The Agent has been working to determine how to increase the benefit cost analysis ratio analysis in order to apply for this grant. Variables that increase the cost-benefit analysis of the culvert replacement include the number of residences and businesses affected if the culvert fails, because Route 181 is a major truck route through town. The Agent is having a meeting on Thursday, May 23, 2019 to review the various alternatives for the culvert design because they are having difficulties meeting the stream crossing standards for the culvert in terms of openness ratio, but even the State even admits that it's difficult to achieve that openness ratio going from two (2) 24-inch metal pipes to a 16-foot box culvert. It is still to be determined if the road alignment needs to be changed. The area itself is difficult due to a lack of cover and road fill over the culvert to work with in that area.

d. Stormwater Management Program Plan on Website

The Stormwater Management Program Plan is now available to review on the website but that the appendices will be uploaded to the site at a later date. According to the MS4 permit requirements, the PCC should hold a public hearing to review the MS4, and the plan need to be posted online 30 days before the required public meeting to review the MS4 permit. The Town Manager instructed the Agent hold the public hearing during one of the PCC's regularly scheduled meetings, although the MS4 permit should be presented to Town Council. The Agent was informed that she doesn't need a stormwater committee or additional employees to handle the work that has to be done in accordance with the standards of the federal permit.

e. Rain Barrel and Compost Machine Pickup Day: Friday, June 7, 2019

The Agent reminded the PCC that the distribution date for the Rain Barrel and Compost Machine program is scheduled for Friday, June 7, 2019 from 5 to 8 PM at First Street in Bondsville.

f. Trail Grant

The Agent said that the PCC needs to develop a schedule for the remainder of trail work and that the work needs to be finished as soon as possible, such as installing the kiosk at the trailhead. The Agent

was contacted by Massachusetts Association of Conservation Commissions (MACC) to write an article about the trail project for the Conservation Quarterly magazine which is due by June 15, 2019 is the due date for the article in the quarterly. A work day could be scheduled for June 1, 2019 and work could include removing brush piles.

The PCC also received a request to hold a wedding in the gazebo at First Street. The PCC will develop regulations for use of conservation land for events of this nature in the future.

12. Approval of Minutes

a. February 23, 2019

Motion made by Dorothy Lawrence to approve the minutes from February 23, 2019 as amended

Motion seconded by Peter Izyk

No further discussion – 6-0-0 – Motion Carries

b. May 7, 2019

Motion made by Dorothy Lawrence to table the minutes from May 7, 2019 until June 4, 2019 at 6:30 PM

Motion seconded by Mike Swiatek

No further discussion – 6-0-0 – Motion Carries

13. Set Next Meeting Date: The next meeting of the PCC is scheduled to occur on Tuesday, June 4, 2019 at 6:30 PM in the Town Administrative Building Meeting Room located at 4417 Main Street, Palmer, MA 01069.

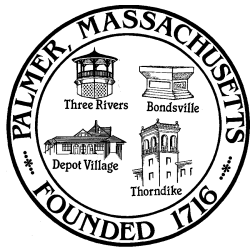
14. Meeting Adjourned at 9:48 PM

Motion made by Dorothy Lawrence to adjourn at 9:48 PM

Motion was seconded by Nicholas Zeo

No further discussion – 6-0-0 – Motion Carries

Sincerely Submitted,
Sarah Fortune
Palmer Conservation Assistant



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Documents

Tuesday, May 21, 2019 – 6:30 PM

LOCATION: Town Administrative Building Meeting Room

Donald Blais, Chair
David Cotter, Vice Chair
Peter Izyk
Nicholas Zeo
Brenda Cole
Dorothy Lawrence
Mike Swiatek

Angela Panaccione, Agent
Sarah Fortune, Assistant

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

Number	Description	Agenda Item	Notes
1.	Approval of Meeting Minutes: 4/23/2019	Approval of Meeting Minutes	Retained in Minute binder in office
2.	Approval of Meeting Minutes: 5/7/2019	Approval of Meeting Minutes	Tabled until June 4, 2019 at 6:30 PM
3.	Notice of Intent (NOI), site plans & associated documents: DEP #256-0340 – Camp Ramah Amphitheater; 39 Bennett Street (Map 36-70)	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0340
4.	FEMA Letter	Review Mail/Phone Messages	Retained in 2019 Mail