



# TOWN OF PALMER CONSERVATION COMMISSION

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Tharyn Nein-Large, Chair  
Donald Duffy, Vice Chair  
Peter Izyk  
Sarah Brodeur  
David Cotter

Agent: Angela Panaccione

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## MEETING MINUTES

**TUESDAY MAY 3, 2016 @ 7:00 PM**

**Members Present:** Tharyn Nein-Large (Chair)  
Peter Izyk  
Sarah Brodeur  
Dave Cotter  
Donald Duffy  
Angela Panaccione (Agent)

**Members Absent:** NONE

**Also Present:** Donald Frydryk, Sherman & Frydryk, LLC  
Phillip & Elise Anton, 42 Beech Street  
Trevor Hermance, New Britain CT

**Meeting Opens:** 7:04 PM – Tharyn Nein-Large (Chair)

### **7:04 PM Notice of Intent (NOI) DEP #256-0316: 42 Beech Street (Map 100-103) – Phil Anton**

A Notice of Intent submitted by Sherman & Frydryk c/o Philip Anton, of 42 Beech Street for the construction of a 24' X 30' two car garage with an enclosed roof overhang and modification of the existing driveway. The proposed project is entirely within the 100- foot buffer zone to Lake Thompson and will require 4,200 SF of disturbance within the 100-foot buffer zone. The location of the proposed project is 42 Beech Street, Palmer, MA 01069, and is also known as: Map 68 Lot 100-103.

Tharyn Nein-Large opened the Public Hearing. The applicants Philip & Elise Anton were present, as well as their representative Donald Frydryk, of Sherman & Frydryk. No other public was present.

The Agent conducted a site visit earlier today with Don Frydryk. She had no issues with the project as proposed. There is no work proposed within the 50-foot No Disturb Zone (even though this area is already a lawn). Also the project only proposes minor grading on site.

There is also no Riverfront Area, Flood Plain, BVW or Priority habitat on site.

**Motion made by Donald Duffy to close the Public Hearing**

**Motion seconded by Sarah Brodeur**

**No further discussion – vote taken: 5-0-0 – Motion Carries**

**Motion made by Donald Duffy to issue the Order of Conditions, with special conditions**  
**Motion seconded by Dave Cotter**  
**No further discussion – vote taken: 5-0-0 – Motion Carries**

**7:15 PM Request for Determination: New England Central Railroad – Confirm Delineations**

A Request for Determination, submitted by Keith Morris c/o New England Central Railroad (Railroad ROW) to confirm the precise boundaries of jurisdictional resource areas, which have been delineated along the New England Central Railroad right-of-way, for the application of herbicides. The proposed work involves the application of herbicides to control “target vegetation” along the Railroad in accordance with the Rights of Way Management regulations (333 CMR11 .00) and the Yearly Operational Plan (YOP). The location of the proposed project is the New England Central Railroad (Railroad Right-of-Way).

Tharyn Nein-Large opened the hearing. The applicant was not present and no public was present.

A site visit was conducted by the Agent and wetlands consultant Keith Morris on May 27, 2016.

The purpose of this RDA is to confirm wetland locations so that New England Central Railroad (NECR) can avoid wetland impacts during annual vegetation management. Federal and state laws require that NECR keep railroad tracks free of vegetation. The Massachusetts Rights-of-Way Management regulations, 333 CMR 11.00, administered by the Department of Agricultural Resources (DAR), prohibit application of herbicide within 10 feet of wetlands or water bodies, and restrict application to once per year within 100 feet of wetlands. (The regulations also restrict herbicide use near other sensitive areas such as drinking water wellhead protection zones). Spray restricted areas are represented by GPS points collected in the field and are accurate to conditions on the ground. NECR is not allowed to spray within 10-feet of open waters or wetlands or in any public well head zone.

Applicators will hold a valid pesticide certification/license from the Department of Agricultural Resources (DAR) and will adhere to the operational guidelines as set forth in the VMP and the YOP.

The spraying will occur only within 10-feet of the tracks, within the NECR right-of-way. The spraying will be done by a machine sprayer on a rail truck. The machine is set at a certain height and regulated by a computer. NECR uses color markers on the tracks to identify spray zones and no spray zones. Sections of ROW within 10 feet of wetlands are shown in yellow as a no-spray zone. Sections of ROW within 100 feet of wetlands and 200 feet of perennial streams are shown in blue and limited to one annual herbicide application. Spraying will also not occur in wind or rainy conditions, and should take approximately 1 day.

**Motion made by Peter Izyk to issue Positive Determination, Box 2(a), with the condition the boundaries confirmed by this determination are strictly for the application of herbicides to control "target vegetation" and shall not apply to any project other than NECR's Vegetation Management Plan (VMP) and Yearly Operational Plan (YOP).**

**Motion seconded by Sarah Brodeur**

**No further discussion – vote taken: 5-0-0 – Motion Carries**

**7:21 PM Administrative Matters: Payable – Mileage \$322.02**

**Motion made by Donald Duffy to approve the payable to Angela Panaccione in the amount of \$322.02, for the reimbursement of travel expense for April 2016**

**Motion seconded by Peter Izyk**  
**No further discussion – vote taken: 5-0-0**

**7:30 PM Administrative Matters: Other Projects, Monitoring, Enforcement and Violations**

1. Special Enabling Legislation Hearing: The Agent attended a public hearing on the special enabling legislation on April 26, 2016 at 11am in Boston. Senator Ann Gobi was present as well and, along with the Conservation Agent, gave testimony in favor of the land transfer.
2. USFW Connect the Connecticut: The Agent gave a presentation to the USFWS Connect the Connecticut stakeholder at their kick-off meeting in Amherst. She presented the Midura Expansion Program, and how the Commission has used strategies and information from the Connect the Connecticut pilot project to further land conservation locally.
3. Pattaquatic Hike: Sarah Brodeur has organized a hike of the Shaw District with OPACUM Land Trust on Saturday May 25, 2016 @ 10am. Dave and Jaye Cotter will lead the hike and provide attendees with the history of the area.
4. Water Quality Sampling: The Commission will again be working with the Chicopee River Watershed Council on their “It’s Clean” Initiative. Water quality sampling will occur every other Thursday (beginning June 30<sup>th</sup>) at the Quaboag River off Water Street & the Swift River off First Street. The sampling will be for E.coli. The Agent & Sarah Brodeur will be collecting the samples.

**Motion made by Donald Duffy to sponsor water quality sampling for Water Street and First Street**

**Motion seconded by Peter Izyk**  
**No further discussion – vote taken: 5-0-0 – Motion Carries**

5. Dumping off Bridge Street: The Agent has received complaints of dumping off Bridge Street. She conducted a site investigation and could not locate the area of the supposed dumping. She reached out to the Board of Health Agent for assistance and he will look into it further as well.
6. Source to Sea 2016 Clean-up: This year’s Source to Sea clean-up is scheduled for September 23 & 24, 2016. The Commission is again planning to clean up First Street. The Commission discussed having food vendors and possibly a band plan to draw in more of a crowd. The Agent will look into what is required for live music and food for the clean-up.
7. Kiosks for Conservation Land: Dave Cotter is working on Kiosks for the Conservation Lands. A local book club is interested in donating to the trails, for a Kiosk, in return for a memorial garden located at one of the Kiosks. The Commission discussed a good location for said garden and determined First Street would probably be the best area, with Burleigh Park second.
8. Environmental Police Reports for Midura/DOT ATV patrol: The Environmental Police have been patrolling Midura and the Turnpike Parcel for illegal ATV use. This past weekend several tickets were given out to riders. The Environmental Police are intending to conduct additional patrols of the area this summer. The Agent has the contact info for the Lieutenant in charge of the Patrols and she will maintain contact during the summer with him.
9. Midura Extension – Bergeron Parcel: Town Council will discuss this further at their meeting on May 9, 2016, at 6:30pm. The Agent hopes the Attorney Chuck will have a deed finalized by then so the Commission and Town Council can sign.

10. River Cleanup: Sarah Brodeur has organized a River clean-up on Saturday May 21, 2016, of the Swift River off First Street. She has enlisted local Scout troops to help with the Clean-up, as well as ran press releases in the local papers.
11. Old Warren Road Fence Repair: The Agent will contact Brodeur-Campbell Fence Co. to see what is taking so long for the repairs.
12. Violation: Palmer Motorsports Park; Septic System & Well: No Update at this time.
13. PRA First Street Land Transfer: The Agent is still waiting to attend a PRA meeting to discuss the transfer of First Street, from the PRA to the Con Com. PRA has not had quorum at their last meeting, and the most recent meeting was cancelled.
14. Form Subcommittees: The Commission discussed forming sub-committee on 1) Land Management, 2) Regulations, 3) Trees (Street Trees). No formal sub-committees were made.
15. Discuss split fee schedule for Residential & Commercial: The Commission reviewed the proposed split fee schedule for residential and commercial development. If adopted, the new fee schedule would decrease fees for single family home owners and increase the fees for commercial development. Donald Duffy asked the agent to bring a definition of “Interim Inspection Fee” to the Commission for the next meeting.

**Next Meeting Date:** June 7, 2016 at 7pm

**Meeting Adjourned:** 8:04 PM

**Motion made by Donald Duffy to adjourn at 8:04 PM**

**Motion seconded by Peter Izyk**

**No further discussion – vote taken: 5-0-0 – Motion Carries**

Sincerely Submitted,  
Angela C Panaccione, Conservation Agent