



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

Agent: Angela Panaccione

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MEETING MINUTES

TUESDAY MAY 6, 2014 @ 7:00 PM

Members Present: Robert Ring (Chair)
Donald Duffy (Vice Chair)
Peter Izyk
Tharyn Nein-Large
Angela Panaccione (Agent)

Members Absent: Dennis Cote
Sean O'Donnell

Also Present: Tom Benjamin, Environmental Compliance Service (ECS)
Ann O'Flaherty, Mass DOT District 2
Martha Klassanos, Concerned Citizen regarding PMP
Jane Bramucci, 66 Peterson Road
Brain Sullivan, 66 Peterson Road

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

7:00 PM Administrative Matters: Minute Approval

Motion made by Donald Duffy to accept the minutes from Tuesday April 1, 2014

Motion seconded by Peter Izyk

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

7:01 PM Amended Notice of Intent DEP # 256-0269: Palmer Motorsports Park; West Ware Road

A request to amend a Notice of Intent submitted by Pioneer Environmental c/o Palmer Motorsports Park, to amend the existing Order of Conditions for the proposed construction of a motorsports facility. The amendment is proposed to retract sections of the permit that will be revised in a subsequent Notice of Intent, to avoid having two (2) Orders of Conditions with contradicting proposals. The location of the proposed project is on West Ware Road Palmer, MA 01069, and is also known as: Map 49-4; Map 51-1; and Map 52-8; Map 44-33 and Map 44-35.

The applicant requested a continuance. DEP is currently investigating possible violations and has requested the Commission stay the hearings until further notice.

Motion made by Peter Izyk to continue the Public Hearing until Tuesday June 3, 2014 at 7pm

Motion seconded by Tharyn Nein-Large

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

7:03 PM Notice of Intent: Palmer Motorsports Park; West Ware Road

A Notice of Intent submitted by Pioneer Environmental c/o Palmer Motorsports Park, to revise portions of the motorsports park facility that is currently under construction. Revisions are proposed to the track layout, stream crossings, pit lane location and paddock locations. A drinking water supply well and septic system have been designed and new work includes the construction of clubhouses with parking and the filing of a previously crossed wetland. The location of the proposed project is on West Ware Road Palmer, MA 01069, and is also known as: Map 49-4; Map 51-1; and Map 52-8; Map 44-33 and Map 44-35.

The applicant requested a continuance. DEP is currently investigating possible violations and has requested the Commission stay the hearings until further notice.

Motion made by Peter Izyk to continue the Public Hearing until Tuesday June 3, 2014 at 7pm

Motion seconded by Tharyn Nein-Large

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

7:05 PM Request for Determination of Applicability (RDA): O'Connell/Shell – 3086 Main Street

A Request for a Determination of Applicability, submitted by Environmental Compliance Services, Inc., c/o of O'Connell Oil Associates, Inc. of 545 Merrill Road, Pittsfield, MA 01201, for the proposed work that will entail the removal and disposal of two 8,000 gallon underground storage tanks (USTs) and one 3,000 gallon UST. The project also proposes replacement with two new 12,000 gallon double-walled fiber glass tanks to be located west of the existing USTs, further away from Main Street and Lilly Pond. The closest edge of existing tanks is located beyond 100' from Lilly Pond wetland edge. The closest edge of new tanks to the Lilly Pond wetland edge will be located 152' feet from Lilly Pond, further away from the wetland resource area, as compared to the present tank location; protected under the Wetlands Protection Act and the Town of Palmer Wetlands Ordinance. The location of the proposed project is 3086 South Main Street, Bondsville and is also known as: Map 86-16. Robert Ring opened the hearing and no public was present.

Tom Benjamin, of Environmental Compliance Services, Inc. presented the project to the Commission. All work will occur to the south side of the building and will occur within the existing pavement area. No new ground disturbance is proposed. There is also no work proposed within Palmer's 50-foot no disturb zone. The project will take approximately 6-8 weeks for completion. There is no know petroleum release, but an environmental specialist will be on site, at all time, monitoring for leaks. The environmental specialist will serve as an emergency first responder if discharge is found.

A dewatering plan was submitted to the Commission, though project engineers are not sure if dewatering will even be necessary. ECS is currently seeing a permit from Palmer DPW to discharge any water into a pre-existing storm drain. During the pit excavation, if dewatering is necessary they will dewater into a temporary frac tank, then to a bag filter system, then into a granular activated carbon unit and finally into the storm drain. The water will never daylight at all, it will be contained in an enclosed system.

The Conservation Agent conducted a site visit on April 17th to confirm the wetland flag line and project scope. The area around Lilly pond was flagged based on vegetation, and not the top of the bank. The Agent confirmed the delineations as is.

Motion made by Don Duffy to close the Public Meeting for 3086 Main Street

Motion seconded by Peter Izyk

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

Motion made by Don Duffy to issue a Negative Determination, Box 3 & 6 with conditions; finding the work is within the buffer zone but will not alter an area subject to either the WPA or the PWO

Motion seconded by Peter Izyk

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

7:17 PM Administrative Matters: Discuss Town Council Budget Meeting

The Commission discussed the Town Council meeting attended by Robert Ring, Tharyn Nein-Large, and Conservation Agent Angela Panaccione pertaining to the increase in hours for the agent position. Ring felt the Commission was well received and the meeting went well.

7:20 PM Request for Determination of Applicability (RDA): Mass DOT – Interstate 90

A Request for a Determination of Applicability, submitted by Massachusetts Department of Transportation, Highway Division, District 2 for the confirmation and verification of resource area delineations which have been delineated along I-90. The proposed work involves the application of herbicides to control “target vegetation” along I-90. The location of the proposed project is I-90 Eastbound and Westbound (including entrance and exit ramps) beginning at the Wilbraham Town Line, proceeding easterly to the Brimfield Town Line. All work will be performed within the State Highway Layout in Palmer, MA 01069, from Wilbraham to Brimfield, and is a Roadway Right-of-Way. Robert Ring opened the hearing and no public was present.

Ann O’Flaherty, Mass DOT District 2 presented the project to the Commission. A site visit was conducted by the Conservation Agent on Thursday April 17, 2014. Per the visit the wetland sheets were revised on April 25, 2014.

The proposed work involves the application of herbicides to control “target vegetation” along state roads and highways in accordance with the Rights of Way Management regulations (333 CMR 11 .00) and the Massachusetts Highway Department’s Vegetation Management Plan (VMP) and Yearly Operational Plan (YOP). Herbicide application will be applied under the guardrails, around sign posts, along, walls, barriers, curbs & berms, pavement cracks, in areas of poison ivy, vehicular recovery zones, etc., and other areas where undesirable vegetation causes an unsafe condition, or impedes highway maintenance operations. Please refer to Exhibit 4 for Identification of Target Vegetation and Herbicide Treatment Description. At select locations, herbicides may be utilized to establish wildflower beds. 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 3-feet of the guardrails along I-90. The spraying will be done by a machine sprayer on a truck. The machine is set at a certain height and regulated by a computer. DOT uses markers to identify spray zones and no spray zones. DOT is not allowed to spray within 10-feet of open waters or wetlands or in any public well head zone. Spraying will also not occur in wind or rainy conditions, and should take approximately 1 day.

Motion made by Don Duffy to close the Public Meeting for Interstate 90

Motion seconded by Peter Izyk

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

Motion made by Don Duffy to issue a 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 Mass DOT's Vegetation Management Plan (VMP) and Yearly Operational Plan (YOP).

Motion seconded by Peter Izyk

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

7:30 PM Public Inquiry: Martha Klassanos – Concerning Palmer Motorsports Park

*Donald Duffy left the room during this discussion.

Martha Klassanos, Ware resident and original participant in the 2007 proceedings, attended the meeting to inquire about the status of the Palmer Motorsports Park (PMP) development. She was informed DEP is currently investigating possible violations and has requested the Commission stay the hearings until further notice. She left her email with the Agent, to be added to the list serve for meeting dates surrounding PMP. The Agent also explained what the hearings were pertaining to; with the Amendment and the new Notice of Intent for filling a previous wetlands crossing.

7:40 PM Enforcement Order (EO): Jane Bramucci – 66 Peterson Road

The Conservation Agent presented the Enforcement Order she issued May 1st for the unauthorized tree removal in the BVW of an intermittent stream and its associated buffer zone, as well as within the Town of Palmer's 50-foot No Disturb Zone. The Conservation Commission was notified by the Massachusetts Department of Environmental Protection (Mass DEP) of unauthorized tree removal and vehicles operating in the resource areas and buffer zone located on this parcel. Pursuant to a site inspection the Agent conducted on Monday May 1, 2014, she noted the several violations of the Wetlands Protection Act and the Town of Palmer Wetlands Protect Ordinance, including:

1. Fresh piles of slash, stumps and wood (waste materials) were abundantly present throughout the property, in the Bordering Vegetated Wetland of an intermittent stream and its associated buffer zone, as well as within the Town of Palmer's 50-foot No Disturb Zone.
2. An unnamed Intermittent Stream and its Bordering Vegetated Wetland had been significantly disturbed from direct Tree Removal; resulting in soil disturbance, stream instability, and changes to the natural hydrologic regime throughout the property.
3. It is evident the stream and its BVW are under threat of further damage from direct evaporation due to the loss of canopy cover.

Property owner Jane Bramucci, and renter Brian Sullivan attended the meeting to discuss the violation. Ms. Bramucci stated she no longer lives at the property and has not for some time. Brian Sullivan is in the process of renting to own the parcel. Mr. Sullivan claimed only 10 trees were removed and that was due to the safety hazard they proposed. Mr. Sullivan claimed the trees were already dead or dying. He supplied several pictures of the trees removed to the Commission.

Mr. Sullivan also went on record to complain about the poor stormwater management on Peterson Road. His claim is through poor management, the Palmer DPW has directed the flow of all the stormwater onto his property, thereby resulting in the stream and wetlands on the property to become heavily sedimented. He supplied pictures of the run off from the road, to the wetlands to the Commission.

Donald Duffy stated the Commissions main concern is the 50-foot No Disturb Zone (NDZ) protected under the Ordinance. He instructed the property owners to begin the restoration process in the 50-foot area by removing the piles of slash and brush, the currently downed trees and begin planting trees on a 1:1 ratio (plant 1 tree for

each tree removed in the 50-foot NDZ). Mr. Sullivan must complete all removal by hand and get all the downed wood outside of the buffer zone as soon as possible. Duffy also instructed the owners to preserve the area in the future and do not remove any vegetation within the 50-foot NDZ without coming before the Commission first. The Agent will conduct an additional inspection on Thursday May 8, 2014 at 5pm with Mr. Sullivan to mark the edge of the wetlands and the limit of the 50-foot NDZ. Upon completion of the waste removal Mr. Sullivan will contact the Commission for a follow up inspection.

Mr. Sullivan did request the Commission not require an expert to develop a site plan and a restoration proposal. He stated he would abide by the Commissions requests and plant trees to replace the ones currently removed.

Motion made by Donald Duffy to ratify the Enforcement Order issued May 1, 2014, to Jane Bramucci of 66 Peterson Road; removing conditions # 2 & 3

Motion seconded by Peter Izyk

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

8:10 PM Administrative Matters: 103 Water Street Violation Discussion and Site Visit Report

*Tharyn Nein-Large recused himself from the following proceedings and left the room during this discussion. Tharyn also submitted a letter to the Commission, to be entered into the minutes, disclosing his intent to complete his Master's Thesis on Lamothe's property and his intent to recuse himself for all matters in which Mr. Lamothe's personal interests are on the Agenda.

Robert Ring stated he did not see the need for an executive session anymore. He has addressed his concerns on the matter with Mr. Blanchard, Town Manager.

The Agent conducted a site visit on Thursday May 1, 2014 with Blake Lamothe and Daniel Nitzsche (GZA consultants) to assess the status of the current settlement agreement between Mr. Lamothe and the Commission. Currently Mr. Lamothe is in violation of the settlement agreement for not meeting the required deadlines established through the mediation sessions.

In regards to the items overdue per the Court settlement, Mr. Lamothe has Sherman & Frydryk (S&F) planning to perform survey services and make revisions to the approved plan. A site visit with S&F will occur in the next few weeks, with the Agent so that she can witness the setting of three markers which will constitute the location of the relocated fence.

Due to the long frozen ground conditions, S&F was unable to set the stakes until a few weeks ago. The revised plan will also be completed within the next few weeks and submitted to the Commission for approval. In addition Mr. Lamothe has acknowledged that he must provide photographs of the surface debris he must remove the floodplain area on the site.

During the May 1, 2014 site inspection, Mr. Lamothe indicated that to remove some of the larger concrete debris and to more effectively remove the piles of bricks he must use a tractor to access the debris. The Agent instructed Mr. Lamothe to send a request in writing, to the Commission, requesting the use of a vehicle in debris removal. The Agent explained that if rutting occurs during the debris removal Mr. Lamothe will be required to smooth out the ruts with the goal of returning the surface topography to a pre-debris removal condition.

8:15 PM Emergency Permit: Palmer DPW – Emery Street, Culvert Repair

The Commission received a request for an emergency permit for the replacement of two (2) culverts on Emery Street; specifically at the beginning of Emery Street, and the second culvert located at 302 Emery St.

Work shall include the emergency in-kind replacement of two (2) culverts. Both culverts are currently failing, resulting in segments of the road collapsing. The top of both culverts has completely rotted away, and there is nothing left. The first culvert has rotted to the point of producing holes in the road where flooding occurs during any rain event. A metal plate has been installed at the inlet of the second culvert, but culvert failure is undermining the plate as well as the headwall. A small section of wetlands (Approximately 4-square feet) will be disturbed at the inlet of the second culvert.

The Agent conducted a site visit Thursday May 6, 2014 at 9am, with interim DPW Director Rudy. Work is intended to commence Saturday May 10, 2014. The Agent will conduct a follow up inspection on Tuesday May 13, 2014 to ensure work was completed in compliance with the conditions stated in the emergency permit.

Motion made by Donald Duffy to issue the Emergency Certification to the Palmer Department of Public Works, valid from May 9, 2014 - June 8, 2014, for the emergency replacement of two culverts on Emery Street.

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

8:20 PM Administrative Matters: Request from Paul Drenzek to move sign & post on Tavern Road

The Commission received a request from Paul Drenzek to relocate a sign and post on Tavern Road in order for access. The sign and Post were recently installed by Alex LaMarche, as part of his Eagle Scout project. Mr. Drenzek requests to move the sign about 10 feet east, making it the same distance from the road. Mr. Drenzek has a land-locked parcel of land on Brown's Road and his only access is through Tavern Road. The Commission has granted him permission to travel over the old roads to access his property.

Motion made by Donald Duffy to approve Mr. Drenzek request and allow him to move the sign and post on Tavern road 10 feet east so he may access his property through Tavern Road.

Motion seconded by Peter Izyk

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

8:30 PM Administrative Matters: Open Space and Recreation Plan Discussion

The Commission discussed the update of the 2014 Open Space and Recreation Plan. The committee began survey distribution on Monday March 24, 2014 and will continue through the local elections on June 10, 2014. Surveys were supplied to the Commission for completion. The next OSRP meeting will be May 13, 2014 to plan for the Community visioning session, and to continue discussing mapping and the inventory of lands. Conservation Commission members are encouraged to attend both meeting.

Next Meeting Date: Tuesday, June 3, 2014 at 7 PM

8:40 PM Meeting Adjourned

Motion made by Donald Duffy to adjourn

Motion seconded by Tharyn Nein-Large

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

Sincerely Submitted,
Angela Panaccione, Agent

