



# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Minutes

Tuesday, June 18, 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  
Jeff Stanhope, Assistant

**Members Present:** Donald Blais, Jr.  
David Cotter  
Nicholas Zeo  
Brenda Cole  
Dorothy Lawrence  
Mike Swiatek (6:33 PM)  
Angela Panaccione, Conservation Agent  
Jeff Stanhope, Conservation Assistant

**Members Absent:** Peter Izyk

**Also Present:** Travis Yandow, BSC Group, 73 Waldo Street, Worcester, MA 01608  
Sandra Wilk; 228 River Street, Thorndike, MA01076  
Rudy Wilk; 228 River Street, Thorndike, MA 01076  
Lisl Donaldson; 209 Summer Street, Thorndike, MA 01079

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

**Issue Order of Conditions: DEP #256-0336 Forest Lake Seasonal Cottages**

**Motion made by Brenda Cole to issue the Order of Conditions with Finding of Facts and Special Conditions.**

**Seconded by Dorothy Lawrence.**

**Chair, Member & Committee Reports:** No Chair, Member & Committee Reports.

**Review Phone/Mail/E-Mail Messages:** No Phone/Mail/Email Messages to Review.

**Public Inquiries:** No Public Inquiries Scheduled.

**Approval of Minutes**

➤ May 21, 2019

**Motion made by David Cotter to table the approval of Meeting Minutes from May 21, 2019 to July 16, 2019**

**Motion seconded by Nicholas Zeo**

**No further discussion – 5-0-0 – Motion Carries (BC abstains)**

➤ June 4, 2019

**Motion made by Brenda Cole to table the approval of Meeting Minutes from June 4, 2019 to July 16, 2019**

**Motion seconded by David Cotter**

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

### **Approval of Payables**

➤ Mileage – \$448.92

**Motion made by Nicholas Zeo to approve the payable to Angela Panaccione for mileage in the amount of \$448.92 from the Conservation Fee Account**

**Seconded by Dorothy Lawrence**

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

➤ Squire – \$797.53

**Motion made by Dorothy Lawrence to approve the payable to Squire for ramp construction from the Trails Grant Account**

**supplies in the amount of \$797.53**

**Seconded by Brenda Cole**

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

### **Signing of Documents (DOA, OOC, COC, Ext, Etc.)**

➤ Request for Certificate of Compliance: DEP # 256-0303 – 249 Ware Street (Map 81-22)

The applicant requested full Certificate of Compliance for the aforementioned DEP file number which was issued on January 9, 2013 for the construction of a single family home at 249 Ware Street. Conservation Agent performed the final site inspection to the project site on Monday, June 17, 2019 and reported that the project was built in substantial compliance with the Order of Conditions issued for the work. Perpetual conditions noted on the Certificate of Compliance are Special Conditions #34-38.

**Motion made by Dorothy Lawrence to issue a full Certificate of Compliance for DEP # 256-0303 with Ongoing Special Conditions #34-38**

**Seconded by Dave Cotter**

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

### **Violations & Enforcement**

➤ 10 Katie Lane

The Agent reported that the septic system at 10 Katie Lane has been fully constructed, and the area has been stabilized with loam, seed and straw. Construction monitoring of the area will continue to prevent continual erosion. Site erosion prior to stabilization impacted the drainage swale off Katie Lane which has now been cleaned out again and the applicant will continue to monitor the swale for construction impacts.

➤ DEP #256-0332: 153 Breckenridge Street

There is no update on this enforcement matter. The Agent is waiting for an amended Order to be submitted. Mark Stinson of MassDEP suggested that the Agent stop work on this project until the required documents have been submitted, but the Agent expressed her concern about stopping work and leaving large areas of the site unstable and exposed to the elements. The Agent is currently waiting for a letter from Mark Stinson stating the PCC's jurisdiction over stormwater management when projects outside of jurisdiction result in impacts to wetland resource areas.

- DEP #256-0331: 273 Breckenridge Street  
There is no update on this enforcement matter. The Agent is waiting for an amended Order to be submitted. Mark Stinson of MassDEP suggested that the Agent stop work on this project until the required documents have been submitted, but the Agent expressed her concern about stopping work and leaving large areas of the site unstable and exposed to the elements. The Agent is currently waiting for a letter from Mark Stinson stating the PCC's jurisdiction over stormwater management when projects outside of jurisdiction result in impacts to wetland resource areas.
- DOA River Street Solar  
There is no update on this enforcement matter. The Agent is waiting for an amended Order to be submitted. Mark Stinson of MassDEP suggested that the Agent stop work on this project until the required documents have been submitted, but the Agent expressed her concern about stopping work and leaving portions of the site unstable and exposed to the elements. The Agent is currently waiting for a letter from Mark Stinson stating the PCC's jurisdiction over stormwater management when projects outside of jurisdiction result in impacts to wetland resource areas.

### **New/Old Business**

- LAND Grant  
The LAND Grant is complete and has been submitted and recorded. The PCC received an email today from MassDEP informing the Commission that reimbursement has been processed. David Cotter reported that he observed fresh off-road ATV tracks at the Midura Conservation Area for the first time in a year, so the illegal motorvehicle activity will have to be monitored as land acquisition in the region continues.
- Trail Grant  
The ADA ramp from the loop trail to the gazebo at the Swift River Greenbelt will be installed tomorrow, June 19, 2019. David and Nicholas will install the kiosk tomorrow as well. The Massachusetts Recreational Trails Advisory Board (MARTAB) requested to hold their annual meeting at the Swift River Greenbelt this year due to the immense success of the project although they are aware that the trail is not fully complete. The meeting will be held on June 25, 2019 at 2 PM.
- MVP Grant  
All associated payables have been submitted for reimbursement. The PCC is waiting on one final payable from PVPC because of their assistance with the MVP Action Grant and FEMA Grant. FEMA allowed another extension until July 12, 2019 to allow the town time to finish their application for the FEMA Grant due to an error in the evaluation of the culvert in question, in which it was identified as a box culvert versus two (2) side-by-side corrugated metal pipe (CMP) culverts, which are deteriorated.
- Stormwater Management Program Plan Website  
The results of the Community Resilience Building Workshop for Municipal Vulnerability Preparedness are now available online for community members to review.
- MARTAB- Massachusetts Recreational Trails Advisory Board Site Visit and Meeting on 6/25/2019  
Jeff Stanhope will lead the meeting at the Swift River Greenbelt on June 25, 2019 at 2 PM.

### **Schedule of Public Hearings**

- 7:00 PM Notice of Intent (NOI) DEP #256-0341 – New England Power Company (NEP), X176 Line (Map 30 Lots 4 & 5)

The applicant has submitted a Notice of Intent for activities associated with exploratory geotechnical soil borings along the X176 Transmission Line Right-of-Way (ROW), in Palmer, MA. The exploratory borings are proposed within the 100-year floodplain (Bordering Land Subject to Flooding, BLSF), the 200-foot Riverfront Area of the Ware River, the 100-foot Buffer Zone to Bordering Vegetated Wetland (BVW), and the locally protected 50-foot vegetated buffer strip to BVW. Access will be obtained along the existing upland access road associated with the utility ROW off of Summer Street for Structure 54 and River Street for Structure 56 in which no swamp matting is necessary for access.

Donald Blais, Jr. opened the public hearing and representatives Travis Yandow of BSC Group was present to discuss the project with the PCC.

Three additional structures have been identified and included in the project proposal. Structures #47 and #47-1 are located in the 50-foot NDZ under the PWO in addition to Bordering Vegetated Wetlands and the Riverfront Area; these structures will be accessed from Thorndike Road. The third structure #10 is located within the 50-foot NDZ only and will be accessed to the from South Liberty Street.

Existing Right-of-Ways (ROW) will be used in addition to temporary construction matting to access the structures to allow for the exploratory borings to be taken. Low impact equipment will also be used to minimize temporary impacts to wetland resource areas. Approximately 2,100 square-feet of construction matting is proposed within wetlands to provide access to structures #47, #47-1, and #10. The boring themselves are 4 to 6-inches in diameter and there will be two (2) borings per structure. The work is anticipated to occur over the span of 1 – 2 days. Restoration measures include the installation of erosion and sedimentation controls, backfilling of the soil boring holes, and recreation of the topography and vegetation communities disturbed during the installation of the construction matting.

The Agent expressed her concern about the proposed access and use of swamp matting to the structures off of South Liberty Street because it passes through a significant wetland complex. She also expressed her concern about conducting the work in the immediate future as compared to winter when the wetlands are dry and frozen. The PCC requested additional information on exemptions claimed from the WPA; a clarification of jurisdiction under the WPA versus the PWO, justification of the swamp matting type, the estimated depth of the soil borings, the exact time of year that the borings will be taken, to review the calculations for temporary impacts to Riverfront Area.

Donald Blais, Jr. opened the hearing to public comment and several members of the public wished to comment on the proposed project. Lisl Donaldson of Thorndike inquired as to the ownership of the easement to access the structure off Summer Street because the easement traverses her property which is protected in perpetuity by a Conservation Restriction. Lisl also stated her concern about the preexisting erosion on Summer Street and how it will be addressed during the duration of the project. Travis stated that National Grid BMPs will be implemented if erosion and sedimentation are experienced during the duration of the project.

**Motion made by Brenda Cole to continue the public hearing for DEP # 256-0341 for Exploratory Soil Borings along the National Grid X176 Transmission Line to Tuesday, July 16, 2019 at 7:00 PM**  
**Seconded by Dorothy Lawrence**  
**No further discussion – 6-0-0 – Motion Carries**

**Project Monitoring:** None.

**Office Closed:** Monday June 24, 2019 – Friday July 5, 2019

**Set Next Meeting Date:** Tuesday, July 16, 2019 at 6:30 PM (Cancelling the July 2, 2019 Meeting)

**Meeting Adjourned: 7:40 PM**

**Motion made by Dorothy Lawrence to adjourn at 7:40 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, June 18<sup>th</sup>, 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: 5/21/2019, 6/4/2019	Approval of Meeting Minutes	Tabled until August 20, 2019 at 6:30 PM
2.	Notice of Intent (NOI), site plans & supporting documents: DEP # 256-0341 – New England Power Company; exploratory soil borings	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0341
3.	Notice of Intent (NOI), site plans & supporting documents:  DEP # 256-0332; 273 Breckenridge Street	Violations & Enforcement	Retained in file for DEP # 256-0332
4.	Notice of Intent (NOI), site plans & supporting documents:  DEP # 256-0331; 273 Breckenridge Street	Violations & Enforcement	Retained in file for DEP # 256-0331
5.	Determination of Applicability (DOA), site plans & associated documents:  River Street; solar	Violations & Enforcement	Retained in file for DOA River Street solar