



TOWN OF PALMER CONSERVATION COMMISSION

Palmer Town Building
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Tharyn Nein-Large, Chair
Donald Duffy, Vice Chair
Peter Izyk
Dennis Cote
Sean O'Donnell
Sarah Brodeur

Agent: Angela Panaccione

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MEETING MINUTES

TUESDAY JUNE 2, 2015 @ 7:00 PM

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

Members Absent: Dennis Cote
Sean O'Donnell

Also Present: No Public was Present

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

7:00 PM Notice of Intent DEP# 256-0308: 24 Third Street – Sherwood Lumber, Rail Siding

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 no public was present.

Motion made by Sarah Brodeur to continue the Public Hearing until June 16, 2015 at 7:00 pm

Motion seconded by Tharyn Nein-Large

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

7:10 PM Request for Determination: CSX Railroad ROW – CSX, Vegetation Management Plan

A Request for a Determination of Applicability, submitted by CSX Transportation, Inc., of 500 Water Street, Jacksonville, FL, to confirm the precise boundaries of jurisdictional resource areas, which have been delineated along the CSX Railroad right-of-way, for the application of herbicides. The location of the proposed project is the CSX Railroad Right-of-Way.

Robert Ring opened the hearing and no public was present.

A site visit was conducted by the Conservation Agent on Monday May 18, 2015. Per the visit the wetland sheets were revised.

The purpose of this RDA is to confirm wetland locations so that CSX can avoid wetland impacts during annual vegetation management. Federal and state laws require that CSX 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. CSX 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 CSX 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. CSX 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 Don Duffy to close the Public hearing

Motion seconded by Peter Izyk

No further discussion – vote taken: 5-0-0– 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 CSX'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

7:20 PM Administrative Matters: Minute Approval – April 21, 2015

Motion made by Peter Izyk to accept the minutes from Tuesday, April 21, 2015 as corrected

Motion seconded by Donald Duffy

No further discussion – vote taken: 3-0-2 (Tharyn Nein-Large & Sarah Brodeur Abstain)

7:25 PM Administrative Matters: Minute Approval – May 19, 2015

Motion made by Donald Duffy to accept the minutes from Tuesday, May 19, 2015 as corrected

Motion seconded by Tharyn Nein-Large

No further discussion – vote taken: 4-0-1 (Peter Izyk Abstains)

7:30 PM Administrative Matters: Boundary Marker Payable \$257.75

Motion made by Donald Duffy to approve the payable to Adrian Name Plates, dated 5/26/2015, in the amount of \$257.75, for 100 Conservation Trail Markers

Motion seconded by Tharyn Nein-Large

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

7:31 PM Administrative Matters: Election of New Officers

Peter Izyk Nominated Tharyn Nein-Large as Chair of the Commission for FY16, and Donald Duffy as Vice Chair

Nomination seconded by Sarah Brodeur

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

7:35 PM Administrative Matters: Discuss Draft 2015 Palmer Wetlands Regulations

The Agent drafted revised wetlands regulations to coincide with the amended 2013 Wetlands Ordinance. The Commission discussed the draft regulations. The Agent will draft additional sections dealing with stream crossing standards and the 25-foot densely developed riverfront areas in town. She will also check the legality of a few sections as well.

The Commission will review the additional sections and the proposed fee schedule at the June 16, 2015 meeting. If accepted on June 16th, the Agent will schedule a public hearing on the regulations sometime in August.

Next Meeting Date: Tuesday June 16, 2015 at 7pm

Meeting Adjourned: 9:00 PM

Motion made by Donald Duffy to adjourn at 9:00 pm

Motion seconded by Peter Izyk

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

Sincerely Submitted,
Angela C Panaccione, Conservation Agent