



TOWN OF PALMER CONSERVATION COMMISSION

Palmer Town Building
4417 Main Street

Palmer, Massachusetts 01069
MEETING MINUTES

TUESDAY JUNE 3, 2014 @ 7:00 PM

Robert Ring, Chair
Donald Duffy, Vice Chair
Peter Izyk
Dennis Cote
Tharyn Nein-Large
Sean O'Donnell

Agent: Angela Panaccione

Telephone: (413) 283-2611
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Members Present: Robert Ring (Chair)
Donald Duffy (Vice Chair)
Peter Izyk
Sean O'Donnell
Angela Panaccione (Agent)

Members Absent: Dennis Cote
Tharyn Nein-Large

Also Present: Eric Runstrom, Roux Associates, Inc.
Paul Opalianski, 68 Old Gilbertville Road, Ware MA
Debbie Sourdif, 385 Roundeau Road
Marc Nutter, 385 Roundeau Road
Cheryl Jyringi, 20 West Ware Road

Meeting Opens: 7:15 PM – Robert Ring (Chair)

7:15 PM Notice of Intent DEP # 256-0305: ExxonMobil Pipeline; 43 Foundry Street

A Notice of Intent submitted by Roux Associates, Inc. c/o ExxonMobil Pipeline Company, for proposed pipeline maintenance, located at 43 Foundry Street, Palmer, MA. The proposed maintenance will include trenching to a depth of 6-feet and an area up to 15-feet in length and 10 feet in width to install/repair casing leads as part of preventative maintenance of a petroleum pipeline. This project is buffer zone only, with 150-square feet of buffer zone disturbance. The location of the proposed project 43 Foundry Street, Palmer, MA 01069, and is also known as: Map 57-7.

Eric Roustrom, of Roux Associates attended the meeting to present the project. The site is located by the Quaboag River, but outside of the designated 25-foot densely developed riverfront area. The area of alteration is located within the 100-year flood plain/Bordering Land Subject to Flooding (BLSF) and the total alteration is 150 square feet (10'X15'). Because the work area will be backfilled and graded to the pre-work conditions, the BLSF disturbance is temporary and will not cause a change/loss to the flood storage volume.

The area of the pipeline identified for repairs was targeted by the PIG as having a corrosive point. The project will entail excavating the ends of the pipeline casing and repairing the corroded points. The work will take 3-4 days maximum and it is anticipated work will commence in October or November; though the project may be postponed until spring 2015. The Commission is requiring the area be covered in straw if the work occurs after the growing season to protect exposed/bare soils.

A site visit occurred today, June 3, 2014 at 5:30pm, with Peter Izyk, Angela Panaccione and Eric Roustrom. The Agent noted the area is completely covered in invasive species, especially Japanese Knotweed. The Agent

recommended incorporating conditions into the Order to mitigate against the spread of invasive species. Specifically, in order to prevent the spread of invasive species from one portion of the project site to another, construction vehicles may not enter locations infested with invasive species. If this is unavoidable, vehicles shall be washed and clean prior to leaving the infested portion of the site.

Motion made by Donald Duffy to close the Public Hearing

Motion seconded by Peter Izyk

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

Motion made by Donald Duffy to issue the Order of Conditions with conditions as discussed

Motion seconded by Peter Izyk

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

7:35 PM Public Inquiry: Paul Opalainski – Concerning Palmer Motorsports Park

*Donald Duffy recuses himself from the proceedings and left the room during this discussion.

Paul Opalainski, Ware resident, attended the meeting to inquire about the status of the Palmer Motorsports Park (PMP) development and expressed his concerns that the work occurring on site is in violation of a 1990's Conservation Restriction (CR), held by the Commission. He inquired if the CR filed against parcel 44-33 was overlook during the 2013 amendment process and if the current work on site was occurring in violation of the CR. The Agent informed Mr. Opalainski she would investigate this further, and recommended he also inquire with DEP about the situation since they are currently investigating possible violations on site.

7:50 PM Amended Notice of Intent DEP # 256-0269: Palmer Motorsports Park; West Ware Road

*Donald Duffy recuses himself from the proceedings and left the room during this discussion.

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 17, 2014 at 7pm

Motion seconded by Sean O'Donnell

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

7:50 PM Notice of Intent: Palmer Motorsports Park; West Ware Road

*Donald Duffy recuses himself from the proceedings and left the room during this discussion.

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 17, 2014 at 7pm

Motion seconded by Sean O'Donnell

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

7:51 PM Administrative Matters: Minute Approval

Motion made by Donald Duffy to accept the minutes from Tuesday May 6, 2014 as corrected

Motion seconded by Peter Izyk

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

7:55 PM Administrative Matters: Chair & Member Reports – Donald Duffy; Assessors Maps

Donald Duffy stated his concerns with ensuring there is a consistent record of Conservation Lands with the Town Assessors. Duffy previously submitted a list with the names of lands donated, along with their date of acceptance by the town (either town council or by a town meeting vote). There is an issue with the assessor's records; where the land is recorded as Town of Palmer land under the care and custody of the Conservation Commission. The Town has been made aware of the situation. Duffy would like to see the OSRP used to present a unified inventory of where our open space is and to clear up the issue of who manages it and makes decisions on its use. He wants it to be clear, within the assessor's records, which has control of the property and the OSRP will be a clear and concise tool to address the current issue.

8:00 PM Administrative Matters: Agent Reports

1. Lamothe Update: The Agent conducted a site visit on Thursday May 22, 2014 with Blake Lamothe and Daniel Nitzsche (GZA consultants) to set the three markers which will constitute the location of the relocated fence. A revised site plan will also be completed by Donald Frydryk within the next few weeks and submitted to the Commission for approval. In addition Daniel Nitzsche will provide photographs of the surface debris Mr. Lamothe must remove in the floodplain area on the site.
2. Culvert Replacement on Emery Street: The Agent informed the Commission the two (2) culverts on Emery Street have been replaced under the Emergency Permit issued on May 6, 2014.
3. Dead Salamander on Thompson Street: Dale Labonte, from Peterson Road contacted Bob Ring on Saturday May 24 about a dead blue spotted salamander found close to his property on Peterson road. Mr. Labonte also contacted the environmental police who viewed the salamander and instructed him to freeze it and give it to the Conservation Commission. The Agent viewed the dead salamander and contacted NHESP, who confirmed her finding that the dead salamander was not the endangered blue spotted salamander. NHESP did instruct the Agent that if a dead endangered blue spotted salamander was ever found the appropriate protocol would be to freeze the dead salamander and contact NHESP, who would then come retrieve it for genetic testing.
4. 104 Beech Street: Several complaints were received by the Commission in regards to work occurring at 104 Beech Street. A determination of Applicability was issued to property owner Jim Lessard on April 1, 2014 for the removal of trees on the property. The work that has occurred on site has gone above and beyond the scope of the determination. Mr. Lessard removed all the vegetation, including

stumps and roots, down to the bank of Lake Thompson. Mr. Lessard then progressed to bring in truckloads of fill and added them to his property to construct a lawn. Given the work had already been completed the Agent informed Mr. Lessard he was in violation of the Determination, instructed him to immediately install erosion controls at the bank of lake Thompson and hydro seed the entire exposed area. She also informed him he was not permitted to do anymore work on site after the lawn was seeded. The Agent will conduct a follow up visit next week to ensure the area is re-vegetating and no erosion is occurring into Lake Thompson.

Donald Duffy recommended the Commission establish a policy for the lake that clearly outlines what can and cannot be completed without a permit. The policy should address converting land to lawns/beaches, installing decks, installing docks and tree removal. Different activities would require different levels of permitting. The Agent added that if an individual wished to add a beach or a dock it would automatically require a Notice of Intent since the work would alter the resource areas of bank and Land Under Water. She also added, since Lake Thompson is considered a great pond, any dock would technically require a Chapter 91 waterfront permit as well, though most people do not apply for such permits and there is little enforcement of non-compliance with that particular law.

5. 2 Mason Street: A request was received from Northern Tree to remove one tree from the bank of the stream on Helen McDonald's property at 2 Mason Street. The Agent informed the representative a Request for Determination would be needed for the removal due to the history of complaints and stream bank erosion issue present at the property and the abutting property 1564 Park Street.
6. Maternity Leave: The Commission discussed an action plan for when the Agent leaves on Maternity leave in September. The Agent will speak with Charlie Blanchard about getting a temporary fill in for the 2-3 months she will be out. The Commission inquired about the possibility of getting former Agent Glen Coluburn to fill in for the duration.

Next Meeting Date: Tuesday, June 17, 2014 at 7 PM

* The meeting scheduled for July 1, 2014 is cancelled

8:30 PM Meeting Adjourned

Motion made by Donald Duffy to adjourn

Motion seconded by Peter Izyk

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

Sincerely Submitted,
Angela Panaccione, Agent