



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 JUNE 7, 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: Mark Nutter, 385 Rondeau Road
Debbie Sourdiff, 385 Rondeau Road
Sheryl Jyringi, 20 West Ware Road

Meeting Opens: 7:03 PM – Tharyn Nein-Large (Chair)

7:04 PM Administrative Matters: Sign Deed for Lot 2 Kings Brook – Bergeron Parcel

The Commission has received the finalized deed for the Bergeron land donation. Darlene Bergeron-Burns has already signed the deed. Nicole Parker is present to notarize the Commissions signatures on the deed.

Motion made by Peter Izyk to sign the deed accepting Lot @ Kings Brook as Conservation Land to be added to Midura Conservation Area

Motion seconded by Dave Cotter

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

7:07 PM Request for Determination (RDA): 2 Breckenridge Road (Map 112 - 41)

A Request for Determination, submitted by Liscotti Development Corporation requests a determination that existing culvert shown on the site plan meets the requirements of Section 10.58(2)(a)3 of 310 CMR 10.00 (Wetlands Protect Act) specifically: "Where a river runs through a culvert more than 200 feet in length, the Riverfront Area stops at a perpendicular line at the upstream end of the culvert and resumes at the downstream end". The culvert in question is approximately 375FT in length. Furthermore, the applicant requests confirmation that the Town of Palmer's Densely Developed Area (DOA) overlay district applies to the subject parcel and that the 25FT setback dimension for Riverfront Area shall be

taken at the downstream end of the existing culvert located off the subject property and on the opposite side of Park Street.

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

The Agent and Commissioner Brodeur conducted a site visit on April 21, 2016 at the request of the applicant. The Agent recommended filing the RDA to seek confirmation of the exemption under the Ordinance, as well as the Wetlands Protection Act.

The site is considered a Densely Developed Area and only has a 25-foot Riverfront. The stream is also buried for over 375-feet.

Motion made by Donald Duffy to issue Positive Box 2(a) to confirm the delineations of the existing buried stream, a Negative Box 5 to confirm the exemption present in 310 CMR 10.58(2)(a)(3), & a Negative Box 6 finding the work is NOT subject to the Town of Palmer's Municipal Wetlands ordinance

Motion seconded by Peter Izyk

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

7:15 PM Request Certificate of Compliance DEP #256-0195: 58 West Ware Rd (Map 44-33)

**Donald Duffy recuses himself from the proceeding discussion and left the room*

The Commission received a request for a Certificate of Compliance from Donald Frydryk, c/o Steve & Jennifer Traugh for the installation of a stream crossing, under the Order of Conditions for DEP # 256-0195. A site visit occurred May 24, 2016 with the Conservation Agent and Donald Frydryk. The Agent determined that the work regulated by the Order of Conditions was previously completed, but due to the Palmer Motorsports Settlement Negotiations the crossing was removed. The Agent recommended the Commission issue an Invalid Order – finding the work never commenced. She did not believe a complete certificate of compliance should be issued since the crossing no longer exists. Additionally, the project required both BVW replication and restoration of the Riverfront. Given the magnitude of violations on the subject parcel, none of the replication or restoration could be confirmed.

Motion made by Peter Izyk to issue an Invalid Order of Conditions for DEP #256-0195, finding the work was never completed

Motion seconded by Sarah Brodeur

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

7:20 PM Administrative Matters: Other Projects, Monitoring, Enforcement and Violations

1. Dumping at end of Oak Street: The Agent received a complaint about dumping into the Quaboag River at the end of Oak Street in Palmer. She conducted a site visit on May 31, 2016 and again on June 2, 2016. The property is owned by Mass Electric, but the dumping appears to be by either CSX Railroad or random people. She did note there were several empty oil containers in trash bags, some large 5 gallon buckets with unknown liquids and a lot of other trash. A homeless encampment was also present on site.

Mass Electric hired Clean Harbors to remediate the site immediately and as of last week the area was completely clean. Mass Electric will also be installing security cameras on site to hopefully identify the dumpers and deter further dumping in the river.

2. **Emerald Ash Borer & Winter Moth:** The Massachusetts Department of Agriculture (MDAR) has contacted the Commission about attending a meeting to present information on the Emerald Ash Borer and the Winter Moth. Both species have been identified in Palmer, and MDAR is conducting a public outreach campaign to provide local Con Coms with the tools necessary to both identify and manage the invasive pest species. The Agent has provided MDAR with meeting dates and will confirm a time for a presentation during a meeting with a small agenda.
3. **Discuss Special Enabling Legislation for Turnpike Parcel:** The special enabling legislation has been withdrawn from the State Senate due to Mass DOT comments. Apparently, further comments from MassDOT on the land swap bill suggested the legislation is likely not necessary as MassDOT will sell it to the Town for “a nominal, appraised value based on open space use, expected to be around \$100,000 - \$150,000.”

Overall, MassDOT does not need this parcel. It does not have any potential MassDOT or commercial development use. It is the steep side of a large hill that is woods and exposed rock. It has no frontage, and is surrounded by Town conservation land. Mass DOT has looked into possible wind turbine development in connection with a proposed turbine development on a nearby hill, but the wind turbine developer reported that the site doesn't have enough of a wind resource to be commercially feasible. They agree combining it with the adjacent conservation land is the appropriate use.

But DOT feels the legislation, as written, may be flawed since it directs DCAMM to transfer the property to the Town. Since the Commonwealth does not hold title, MassDOT does (in their own name) it would require a transfer by DOT directly to the Town, or a transfer to the Commonwealth for subsequent transfer to the Town.

The Agent will again contact DOT, and Ann Gobi's office about this.

The Commission also discussed issuing an Enforcement Order and fines against DOT for the continuing violations to Kings Brook from the non-management of the area and the continued unauthorized ATV use IN Kings Brook and its BVW.

4. **Discuss Swift River Cleanup:** Sarah Brodeur provided a summary of the Swift River Clean-up she organized on May 21, 2016. The clean-up was hugely successful and attended by many local Scout Troops.
5. **Discuss FY17 Budget Request:** The FY2017 budget request submitted by the Commission to increase the Agent's hours to 40 hours/week was not approved by Town Council. In order to mitigate against it and provide the Agent with the minimum necessary 32 hour a week required to perform all required job functions, the Conservation Commission discussed covering the additional hours with revenue generated from our Ordinance Fees, under the authority granted to us in Section 4 of Ordinance 2014-01, Chapter 43 Section 218 of the Acts of 1997, and the Bureau of Accounts IGR No. 98-101.

Motion made by Donald Duffy to transfer \$8,200.00 from Con Com Ordinance account into Agent Salary Account for FY2017, to increase to 32 hrs/week

Motion seconded by Peter Izyk

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

6. **Culvert Assessment Training:** The training is this Saturday June 11, 2016 from 9am-3pm.

7. 3 Dead Wood Turtles on Old Warren Road: The Agent identified three (3) dead wood turtles in the road at the Kings Brook crossing of Old Warren Road. She photographed the dead turtles and reported it to Palmer DPW, Mass DOT and NHESP. The crossing is a sever restriction on the migration of threatened turtles. Palmer DPW will make “Turtle Crossing” signs and place them before and after the Crossing. Dave Paulson, from NHESP will conduct a site visit with the Agent to look into possible options for assisting the turtles with crossing.
8. Pattaquatic Hike: Sarah Brodeur and Dave Cotter have organized a historical and educational hike on Browns Road on Saturday June 25, 2016 @ 10am.
9. Source to Sean 2016 Clean-up: The Commission discussed possible locations for this year’s Source to Sea clean up, scheduled for September 23 & 24, 2016. The locations re: First Street (again) or the Rt.67 Rest Stops.
10. Old Warren Road Fence Repair: The work has yet to be completed. The Agent will contact Brodeur-Campbell Fence Co. to find out what the hold-up is.
11. Violation – Palmer Motorsports Park; Septic System & Well: No update at this time. The Agent will conduct an inspection over the next two (2) weeks to assess progress with the septic system installation and the BVW restoration.
12. Discuss split fee schedule for Residential & Commercial: The Commission will schedule a Public Hearing for the August 2, 2016 meeting to adopt the split fee schedule.
13. Town Council Meeting: The Agent will be attending the Town Council meeting on Monday June 13, 2016 at 6:30pm to give a presentation on the Community Preservation Act (CPA) and to also be present for the Town Council signing of the Bergeron Deed in case any questions or concerns arise.
14. Hazardous Mitigation Plan Update: The 2016 Hazardous Mitigation Plan Update has been completed and submitted to Town Council for Approval.
15. Cancel Next Meeting: The Agent will be at Fish Passage Conference during the Tuesday June 21, 2016 meeting. She will not be at the Meeting. Peter Izyk also will probably not be able to attend.

Next Meeting Date: July 5, 2016 at 7pm

Meeting Adjourned: 9:08 PM

Motion made by Sarah Brodeur

Motion seconded by Peter Izyk

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

Sincerely Submitted,
Angela C Panaccione, Conservation Agent