



TOWN OF PALMER

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CONSERVATION COMMISSION

PALMER CONSERVATION COMMISSION MEETING TUESDAY JULY 16, 2013 @ 7:00 PM

Members Present: Robert Ring (Chair)
Donald Duffy
Matt Trybus
Peter Izyk
Angela Panaccione (Agent)

Members Absent: Dennis Cote

Also Present: Mike Liu, Berkshire Design Group
Alice Davey, Palmer Community Development
Donald Frydryk, Sherman & Fredrick
Lawrence Czech, Lot 2A Stimson Street
Karen Trudy, 168 Stimson Street
John Thomas, Beal's and Thomas
Sarah Broder, Conservation Intern

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

7:00 PM Cont. NOI DEP # 256-0300 – Com. Development, Endelson Playground; 121 Main St

The applicant is requesting a Notice of Intent for proposed site improvements including the renovation of existing playground, including basketball court renovations, new play area, splash pad, site amenities and landscaping at the Endelson Playground, located at 121 Main Street, Bondsville, MA. The proposed facility will require 748 SF of disturbance within the 25-foot Riverfront Area (RFA) of the Swift River. The location of the proposed project is 121 Main Street, Bondsville, MA 01069, and is also known as: Map 88-12 and 88-13. Previously, the applicant requested a continuance to address the Riverfront Redevelopment Requirements 310 CMR 10.58(5), and alter the plans to provide a 25-foot no disturbed area to the Swift River.

The project proposes to renovate and expand the current playground next to the Swift River. The basketball court and walking path have been moved outside of the 25-foot RFA. The basketball court will have an 18" compacted gravel base and the four existing drain holes in the court, that connect to the existing storm drain, will remain as drainage for the new court. A new 4-foot railing will be installed at the 25-foot edge, to restrict access to the restored RFA and to serve as a limit for all future work on the site. Vehicle parking and access have also been eliminated from the site, allowing "clean water runoff" from the site. The gravel path to the river will also remain, to allow access to fishermen and the fire department. Drainage characteristics on site have also not changed from the original site.

Included in the design is the restoration of the 25-foot RFA and a plan to remove invasive species present. Restoration of the 25-foot FRA will include all the previously disturbed areas on site within that boundary. Onsite restoration of the RFA will be at a 3.4:1 ratio, of restored areas to altered areas.

Additionally, all trees and native vegetation will remain. Overall, the new site design will result in an improvement over the existing conditions.

The project is proposed to begin in about a year, at the start of fiscal year 2015. The project will take approximately 3-6 months to complete.

The Agent stated she had no issues with the current site plan. The project meets the performance standards for redevelopments in the RFA. The onsite-degraded areas existed prior to August 7, 1996 and no work is proposed any close to the river than 25-feet. The project also alters less than 10% of the current RFA. Only a 5.1% (748': 14645') alteration is proposed. The increase in RFA will also increase the infiltration capabilities of the RFA.

Motion made by Don Duffy to close the Public Hearing

Motion seconded by Matt Trybus

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

Motion made by Don Duffy to issue the Order of Conditions

Motion seconded by Peter Izyk

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

7:20 PM NOI DEP # 256-0300 – Lawrence Czech; 164 (Lot 2A) Stimson Street

The applicant is requesting a Notice of Intent for proposed site development including the lot division and a wetland crossing for a residential (single family) driveway located at 164 (lot A2) Stimson Street, Palmer, MA. The proposed project will require 690 SF of work within the Bordering Vegetative Wetlands and 13,990 SF of disturbance within the 100-foot wetland buffer zone. The location of the proposed project is 164 (lot A2) Stimson Street, Palmer, MA 01069, and is also known as: Map 30-46

The overall project is the construction of a new single family home, with a septic system, well and driveway. Work in jurisdictional areas is limited to a wetlands crossing for the proposed drive. A 35-foot CMP culvert with flared ends will be installed under the 12-foot drive. The narrowest section of BVW was chosen to cross. Total BVW disturbance is 690-square feet, and the project proposes 700-square feet of replication. The specs and proposed seed mix for the restoration plot are included in the NOI. Replication will be up gradient of the drive, and will be constructed after the installation of the crossing. The soils removed for the crossing will be stockpiled and used for the replication area. A limited number of trees (12-15) are also proposed for removal from the buffer zone of the BVW.

Ring and the Agent conducted a site visit prior to the meeting. Ring stated the entire area is a mowed lawn, and it is difficult to determine, if at all, the drainage patterns on site would change as a result of the plan. The new culvert meets the stream crossing standards for the intermittent stream on site, and no disturbance to bank or work within the stream is proposed.

Ring opened the hearing to public comment and Karen Trudy, from 168 Stimson expressed her concerns with the crossing changing the hydrology of the land and resulting in her property becoming more wet. Don Frydryk stated the project proposes to expand the existing wetlands system and not the hydrolics of the stream itself, since there will be no altering of the stream channel at all. Frydryk also stated they submitted an Appendix C Army Corps notification and have yet to request BOH approval of the septic plan.

Don Duffy stated a special condition should be to incorporate a requirement for the new property owner to submit a statement indicating they understand and will abide by the OOC for the crossing.

Ring included the conditions of:

- Area north of the limit of the work line be allowed to naturally revegetate from the existing lawn

- No mowing or maintenance (with the exception of the replication area) of the lawn within the 50-foot no disturb zone
- The 50-foot no disturb zone shall also be allowed to naturally revegetate
- The applicant will install permanent markers along the 50-foot no disturb zone, to serve as a limit for all future work

Motion made by Don Duffy to close the Public Hearing

Motion seconded by Peter Izyk

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

Motion made by Don Duffy to issue the Order of Conditions

Motion seconded by Peter Izyk

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

7:45 PM Public Inquiry: John Thomas, Beals & Thomas, representing Mohegan Sun

John Thomas, of Beal’s & Thompson attended tonight’s meeting to discuss the upcoming delineation filing. Due to the complexity and size of the delineations, the Commission had previously requested an ANRAD to verify the resource area boundaries. Mr. Thomas requested the Commission allow the submittal of an RDA instead due to applicants’ inability to receive property owners’ signature. Whereas an ANRAD requires property owners signature to be complete, an RDA does not. Mr. Thomas stated they would follow the same procedures as an ANRDA, under the Commissions Ordinance, and would notify the abutters of the hearing and submit a \$2000 fee for the RDA review.

Mr. Thomas also recognized additional fees would be required for the Commission’s request of a third party review. The peer consultants who will receive a request for proposal include: 1) Pioneer Environmental, 2) New England Environmental, and 3) VHB.

Ring stated his concerns with the inclusion of the filing fee. The Agent stated under the Commissions regulations they could potentially request an \$8500 fee for the review; \$25/first acre and \$50/each additional acre of the 152-acre parcel.

Don Duffy went on the record to state he would be abstaining from all casino discussion and votes, due to possible conflict of interest.

8:10 PM Agent Report: Site Visit to 54 French Drive – Zach Cooper

The Agent conducted a site visit to 54 French Drive, on Friday July 12, 2013 at the request of Mr. Cooper. He desired to finish the seeding of the lawn, perform the required plantings and discuss the removal of a hazardous tree on the bank of Lake Thompson. Mr. Cooper also inquired about using a tractor to remove the much left on his beach by the annual hydro raking of the lake and expressed concerns over possible wetland violations occurring on his neighbor’s property.

She informed the Commission the tree proposed for removal did pose a significant hazard to boaters on the lake. The root system has been exposed from washout and erosion on the bank. The tree is at about a 45-degree angle to the lake and could fall on its own relatively soon. She also reported the exposed area to be loamed and graded needed to occur soon. The recent heavy rains left noticeable channels draining onto the neighboring parcel. Finishing the grade and stabilizing the slope would prevent further washout from occurring.

The Commission approved the final lawn and slope loaming and seeding, and conditioned straw be added to prevent washout, especially on the slope leading down from the driveway. The Commission stated a tractor could be used, as long as it remained above the second retaining wall, to spread the loam. The

Commission also determined, with prior notification, the identified hazardous tree could be removed in the winter, after the ice has formed. The Commission did not approve the mechanical removal of the hydro raking debris. That could be performed by hand, with a shovel and a wheel barrel. The Commission also did not discuss the possible violation on the neighboring parcel, and determined those issues would be handled separately.

8:20 PM Chair Reports: Lamothe Violation Update

The Commission received a draft "Restoration Plan" for 103 Water Street. GZA consultants on behalf of Mr. Lamothe developed the draft restoration plan. Ring raised several initial concerns with the draft plan. Ring also informed the Commission he is still having difficulty corresponding with the Town Attorney in regards to the situation. The court date has been postponed again, and the Commission has yet to be given a date. The Commissioners will review the draft plan and prepare comments for discussion at the next meeting.

8:30 PM Administrative Matters: Increase in Agent Hours Proposal

The Commission discussed the various reasons for requesting an increase in hours for the Agent position. The current 10 hours a week is not sufficient to deal with the large-scale project occurring in Palmer.

Motion made by Matt Trybus to send a letter to the Town Manager, requesting an increase in hours for the Agent, to 19/week

Motion seconded by Don Duffy

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

8:40 PM Administrative Matters: Minute Approval – July 2, 2013

Motion made by Matt Trybus to approve the minutes from Tuesday July 2, 2013 as corrected

Motion seconded by Peter Izyk

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

8:15 PM Administrative Matters: Wildlife Camera Purchase

Sarah Broder and Bob Ring gathered quotes from a few companies for outdoor wildlife monitoring cameras. The prices ranged from \$89-\$149. The ideal camera would have a minimum range of 60-feet, have infrared capabilities, and digitally record the date, time, temperature and humidity of when the photo was taken. All the cameras fit the criteria.

Motion made by Don Duffy to purchase 2 wildlife cameras from Cabella's, for \$139.00 each, totaling \$278.00

Motion seconded by Peter Izyk

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

Next Meeting Date: Tuesday, August 6, 2013 at 7 PM, at Palmer High School Library, 4105 Main Street

8:50 PM Meeting Adjourned

Motion made by Don Duffy to adjourn

Motion seconded by Matt Trybus

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

Sincerely Submitted,
Angela Panaccione, Agent