



TOWN OF PALMER CONSERVATION COMMISSION

Palmer Town Building
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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 JULY 5, 2016 @ 7:00 PM

Members Present: Tharyn Nein-Large (Chair)
Sarah Brodeur
Dave Cotter
Donald Duffy
Angela Panaccione (Agent)

Members Absent: Peter Izyk

Also Present: Dr. Robert Singleton, 1083 Central Street
Douglas Farmer, Palmer Journal/Turley Publication
Trevor Hermance, (New Britain CT)

Meeting Opens: 7:00 PM – Tharyn Nein-Large (Chair)

7:01 PM Administrative Matters: Minute Approval – June 7, 2016

Motion made by Donald Duffy to accept the minutes from Tuesday, June 7, 2016
Motion seconded by Sarah Brodeur
No further discussion – vote taken: 4-0-0

7:11 PM Administrative Matters: Minute Approval – January 5, 2016

Motion made by Sarah Brodeur to accept the minutes from Tuesday, January 5, 2016
Motion seconded by David Cotter
No further discussion – vote taken: 3-0-1 (Donald Duffy abstains)

7:14 PM Administrative Matters: Payable – Mileage \$347.76

Motion made by Donald Duffy to approve the payable to Angela Panaccione in the amount of \$347.76, for the reimbursement of travel expense for May & June 2017
Motion seconded by David Cotter
No further discussion – vote taken: 4-0-0

7:16 PM Administrative Matters: Payable – Workshop \$25.00

Motion made by Donald Duffy to approve the payable to Angela Panaccione in the amount of \$25.00, for the reimbursement of the fee associated with the “Water Words that Work” workshop, held Friday June 10, 2016 in Grafton MA.

Motion seconded by Sarah Brodeur

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

7:18 PM Administrative Matters: MACC Payable \$420.00

Motion made by Sarah Brodeur to approve the payable to MACC in the amount of \$420.00, for FY 17 Membership dues and six (6) E-handbook subscriptions

Motion seconded by David Cotter

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

7:19 PM Administrative Matters: MSMCP Payable \$20.00

Motion made by Donald Duffy to approve the payable to MSMCP in the amount of \$20.00, for FY 17 Membership dues

Motion seconded by David Cotter

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

7:20 PM Request for Determination (RDA): Massachusetts Central Railroad, VMP & YOP

A Request for Determination, submitted by TEC Environmental Consultants c/o Massachusetts Central Railroad (Railroad ROW) to confirm the precise boundaries of jurisdictional resource areas, which have been delineated along the Massachusetts Central Railroad right-of-way, for the application of herbicides. The proposed work involves the application of herbicides to control “target vegetation” along the Railroad in accordance with the Rights of Way Management regulations (333 CMR11 .00) and the Yearly Operational Plan (YOP). The location of the proposed project is the Massachusetts Central Railroad (Railroad Right-of-Way).

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

A site visit was conducted by the Agent and TEC wetlands consultant Tom Lewis on June 16, 2016.

The purpose of this RDA is to confirm wetland locations so that Massachusetts Central Railroad (MCRR) can avoid wetland impacts during annual vegetation management. Federal and state laws require that MCRR 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. MCRR 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 MCRR 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. MCRR 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 Donald Duffy to issue 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 MCRR's Vegetation Management Plan (VMP) and Yearly Operational Plan (YOP).

Motion seconded by David Cotter

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

7:25 PM Public Inquiry: Dr. Robert Singleton – Oak Street

Dr. Robert Singleton attended tonight's meeting to discuss some concerns about the Quaboag River. Dr. Singleton is an oceanographer and fisheries scientist who lives in Palmer. At the end of May he found several dead trout in the Quaboag while fishing. Dr. Singleton transported the dead fish to Woods Hole to be examined in order to determine cause of death. Dr. Singleton discovered the fish had trace elements of a neurotoxin present in their system, which effectively caused them to suffocate. Dr. Singleton then began to collect water samples along the Quaboag River from Rt.20 crossing in Palmer by the Sports Bar up to the Rt.20 crossing by Kmart in order to test for the substance found in the fish. He recorded trace amounts from approximately Blanchard Street all the way to Rt.20 crossing of the Quaboag by Kmart. Dr. Singleton will continue to collect samples every 2 days, for the next six months or so. He will also supply the Commission with the lab reports from the fish and water samples.

Donald Duffy recommended the Agent look into the locations of the Public Water Supply wells in the area, and contact the water department about the issue at hand. He also recommended the Agent inform the Board of Health, MassDEP, and the Palmer Police.

8:12 PM Administrative Matters: Other Projects, Monitoring, Enforcement and Violations

1. Discuss Turnpike Parcel: Mass DOT is exempt from local bylaws/ordinances and local fines. If the Commission were to seek enforcement against MassDOT for wetlands violations on the Turnpike parcel they could only attempt to address damages to the BVW associated with Kings Brook. The Agent and Commissioner Brodeur will go out next week and photograph the damages and come up with solid area calculations of damaged BVW from illegal ATV use. Also, the Agent will again reach out to Mass DOT about the land transfer.
2. Discuss Culvert Assessment Training: The culvert assessment training held on Saturday June 11, 2016, from 9am-3pm was a bit of a failure. Due to the weather (lightning and heavy rains) the group was only able to assess 2 of the 6 culverts planned for the day. The Agent and Commissioner Brodeur will be going out with Westfield State Intern Deanna Domenichelli several times this summer in an attempt to assess as many culverts possible while we have experienced interns assisting us.
3. Old Warren Road Fence Repair: The fence has been repaired. The Agent received the Invoice from Brodeur-Campbell and it was \$250 less than the estimate (No police detail was needed). The Agent has submitted the invoice for payment.

4. Violation – Palmer Motorsports Park Septic System & Well: No update at this time
5. PRA First Street Land Transfer: No update at this time
6. Discuss the Pattaquatic Hike: The Saturday June 25, 2016 hike of the Shaw district was a huge success. Sixteen (16) people attended and Commissioners Sarah Brodeur and David Cotter lead the hike. Several attendees brought Donald Duffy's historical book on the area. One concern address by both Brodeur and Cotter was the bike races held by Domnarski on the property. Brodeur inquired if a fee was charged for the bike races, and if so was the fee legal? The Agent stated Domnarski could potentially charge a fee for the use of his property for the races, but could not really charge a fee to use public land. Donald Duffy recommended the Commission invite Domnarski to a future meeting to discuss the use of the conservation land.
7. Community Preservation Act: The Agent will be attending the Town Council meeting on Monday June 11, 2016 to answer any questions that may arise about the Community Preservation Act (CPA). The goal is to have Town Council place the CPA on the November 2016 presidential ballot. The rate will be at 1.5%, with both the low income/low-moderate income seniors & first \$100K exemptions. Public meetings are currently scheduled for:
 - Tuesday 9/13/2016, from 6pm-8pm at the Library community room
 - Monday 10/3/2016, from 12:30pm-2:00pm at the Senior Center
 - Wednesday 10/26/2016, from 6pm-8pm at the Library community room

Office Closed: Monday July 11, 2016 – Friday July 15, 2016

Next Meeting Date: July 19, 2016 at 7pm

Meeting Adjourned: 8:40 PM

Motion made by Donald Duffy to adjourn at 8:40 PM

Motion seconded by Sarah Brodeur

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

Sincerely Submitted,
Angela C Panaccione, Conservation Agent