



TOWN OF PALMER CONSERVATION COMMISSION

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Sarah Brodeur, Co-Chair
Peter Izyk
David Cotter

Agent: Angela Panaccione

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MEETING MINUTES

TUESDAY AUGUST 16, 2016 @ 7:00 PM

Members Present: Tharyn Nein-Large (Co-Chair)
Sarah Brodeur (Co-Chair)
Dave Cotter
Peter Izyk
Angela Panaccione (Agent)

Members Absent: NONE

Also Present: Andrew Golas, 3023 Foster Street
Donald Frydryk, Sherman & Frydryk
Larry Rusiecki, Doucet & Associates
Robert LaMatrie, Engineer
Fred Kozyra, Kozyra & Sons
Jeffrey Harviech, 384 Boston Road

Meeting Opens: 7:05 PM – Tharyn Nein-Large (Co-Chair)

7:06 PM Notice of Intent (NOI) DEP #256-0318: Foster Street – Andrew Golas; SFH

A Notice of Intent, submitted by Sherman & Frydryk c/o Andrew Golas for the construction of a Single Family Home with a driveway, private well, lawn area, and private sanitary sewage disposal system. The proposed project will include approximately 13,105 SF of disturbance within the 100-foot wetland buffer zone, 3,375 SF occurring within the inner 50-foot NDZ. The location of the proposed project is Lot 1, Foster Street, Bondsville, MA 01009, and is also known as: Map 36-48.

Tharyn Nein-Large opened the hearing. The applicant Andrew Golas was present, as well as his representative Donald Frydryk, of Sherman & Frydryk. No other public was present.

The project proposed by Andrew Golas consists of the construction of a single family home with a driveway, private well, lawn area, and private sanitary sewage disposal system, at Lot 1, Foster Street, Bondsville, approximately 1,685 feet west of Emery Street as shown as Parcel 48 on the Town of Palmer Assessor's Map 36. The driveway will be paved with hot mix asphalt and requires fill south of the house.

As shown on the plan, a wetland limit is delineated south of the southern sideline and west of Foster Street. A drainage culvert from Foster Street discharges into the channel south of the property. The

proposed well is in the north east corner of the site. Based on the location of the wetlands and topography on the site, the only suitable area for the installation of a septic system is in the front north west corner of the property. The work will include placement of erosion controls at the limit of disturbance, debris removal, site construction, final grading, loam and seeding of the disturbed area. The leach facility requires fill between the house and roadway. Grading shall not allow runoff down side slopes and during construction the grade will drain to temporary sediment basins.

Resource areas on the project site were confirmed on August 16, 2016 by the Conservation Agent. The wetlands flag series A1-A4 represents the western extent of a forested and emergent wetland complex located along the abutting property boundary across Foster Street and is generally coincident with the edge of the road. The over-story contains red maple, eastern hemlock, and green ash, while the shrub layer contains specimens of spicebush, winterberry, highbush blueberry, and multiflora rose. Groundcover includes jewelweed and skunk cabbage. The wetlands flag series W1-W10 represents the northern extent of an intermittent stream located along the southern property boundary.

According to the Palmer Quadrangle of the current Massachusetts Natural Heritage Atlas 13th Edition (October 1, 2008 Edition), published by the Natural Heritage & Endangered Species Program (NHESP) and the MassGIS data layer, the property is not mapped within Priority Habitats of Rare Species or Estimated Habitats for Rare Wildlife protectable under the Massachusetts Endangered Species Act (MGL c. 131 §. 23). In addition, there are no mapped Certified or Potential Vernal Pools, drinking water areas, or ACECs within the parcel.

The proposed project will include approximately 13,105 SF of disturbance within the 100-foot wetland buffer zone. The disturbance will result from placing erosion controls at the limit of proposed work, site development, final grading, and loam and seeding of disturbed areas. The proposed project will include approximately 3,375 SF of disturbance within the 50-foot wetland buffer of a wetland on the opposite side of the road from the locus. The disturbance within the 50-foot wetland offset will result from placing erosion controls at the limit of proposed work, driveway construction, fill placement for the leaching facility, final grading, and loam & seeding of disturbed areas. Mitigating measures for this project include the installation of erosion control barriers as shown on the plan and details. The erosion controls shall be installed downhill of the proposed work to provide sediment removal before discharging into the wetland. All disturbed areas shall be loamed and seeded. All slopes greater than 4:1 shall be mulched. Erosion controls shall be installed prior to any disturbance on the site. Erosion controls shall be maintained until the Palmer Conservation Commission approves removal of the controls.

Motion made by Peter Izyk to close the Public Hearing & Issue the Order of Conditions with Special Conditions for DEP #256-0318

Motion seconded by Dave Cotter

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

7:15 PM Request for Determination (RDA): 19 Off Bennett Street – Izyk, Tight Tank

A Request for Determination, submitted by Sherman & Frydryk c/o Peter Izyk of 135 River Road, Palmer, MA. The applicant is requesting a determination to see if the work associated with the installation of a tight tank is subject to the Wetland Protection Act and the Town of Palmer Wetlands Ordinance. The location of the proposed project is 19 Off Bennett Street, Palmer, MA 01069, and is also known as: Map 36-78.

Peter Izyk recused himself from the hearing due to being the applicant.

Tharyn Nein-Large opened the hearing. The applicant Peter Izyk was present, as well as his representative Donald Frydryk, of Sherman & Frydryk. No other public was present.

The property is located on the northwestern side of Pattaquatic Pond, but off the southerly side of Off Bennett Street. The property is located to the north and east of Forest Lake and Bennett Street shown on the Ware USGS Quad Sheet.

A site visit was conducted by the Agent on July 19, 2016 and no issues were identified.

The proposed work includes removing the existing system components including the cesspool and stained soils, and the installation of a new 2,000 gallon tight tank to service a seasonal cottage located on Pattaquatic Pond. The work will disturb approximately 300 SF within the 100-foot buffer to Pattaquatic Pond and all work will be 85-feet from the wetland limit. The work area is limited to the front of the house and the final grade will remain the same as the current. Erosion control will be placed between pond and work area.

According to the Palmer Quadrangle of the current Massachusetts Natural Heritage Atlas 13th Edition (October 1, 2008 Edition), published by the Natural Heritage & Endangered Species Program (NHESP) and the MassGIS data layer, the property is not mapped within Priority Habitats of Rare Species or Estimated Habitats for Rare Wildlife protectable under the Massachusetts Endangered Species Act (MGL c. 131 §. 23). A portion of the property is located within the 1% annual chance flood but proposed work will not take place within this area. In addition, there are no mapped Certified or Potential Vernal Pools, drinking water areas, or ACECs within the parcel.

Motion made by David Cotter to issue Negative Determination, (Box 3 w/ conditions), finding the construction of the proposed subsurface sewage disposal system (SSDS) is located entirely within previously disturbed ground within the Buffer Zone and with the use of proper erosion and sedimentation controls, the construction of the proposed SSDS will not alter adjacent Resource Areas.

Motion seconded by Sarah Brodeur

No further discussion – vote taken: 3-0-0 – Motion Carries

7:21 PM Notice of Intent (NOI) DEP #256-0316: 384 Boston Rd (Map 21-7-1A) – Septic

A Notice of Intent (NOI) submitted by R. H. LeMaitre c/o Jose Vazquez, of 384 Boston Rd, Palmer, MA. The applicant is requesting a Notice of Intent for the replacement of a failed leach system. The proposed project is entirely within the 100-foot buffer zone to a BVW and will require 525 SF of disturbance within the 100-foot buffer zone. The location of the proposed project is 384 Boston Road, Palmer, MA 01069, and is also known as: Map 21-7-1A.

Tharyn Nein-Large opened the hearing. The applicant was not present, but his representative and Engineer Robert H. LeMaitre was present. Site Contractor Fred Kozyra and new property owner Jeffery Harvich were present as well.

The proposed project includes abandoning the existing soil absorption system (SAS), and constructing a replacement leach field. Work the installation of a new SAS. The existing tank will remain on site and be utilized as part of the project. The proposed work will disturb approximately 525 square feet within the 100 foot buffer to the BVW and all work will be at minimum 50 feet from the wetland limit. No tree removal is proposed as part of this project.

Resource areas on the project site were confirmed on June 7, 2016 by the Conservation Agent. The pink flag series represents the southern extent of a forested and emergent wetland complex located along the northern property boundary and is generally coincident with the abrupt break in the slope of the hillside. The over-story contains red maple, eastern hemlock, and green ash, while the shrub layer contains specimens of spicebush, winterberry, highbush blueberry, and multiflora rose. Groundcover includes jewelweed and skunk cabbage.

The buffer zone is comprised of the forested hillside uplands, maintained lawn areas, a driveway, and two utility poles and associated overhead wires, while the 50-foot No-Disturb Zone is comprised of the forested hillside uplands and some maintained lawn. No work is proposed within the 50-foot No Disturb Zone. The Project and protective measures have been designed such that there will be no impacts within the inner 50 feet of the 100-foot Buffer Zone. 525 SF of disturbance is proposed within the 50-100 foot buffer zone.

According to the Palmer Quadrangle of the current Massachusetts Natural Heritage Atlas 13th Edition (October 1, 2008 Edition), published by the Natural Heritage & Endangered Species Program (NHESP) and the MassGIS data layer, the property is not mapped within Priority Habitats of Rare Species or Estimated Habitats for Rare Wildlife protectable under the Massachusetts Endangered Species Act (MGL c. 131 §. 23). In addition, there are no mapped Certified or Potential Vernal Pools, drinking water areas, or ACECs within the parcel.

Motion made by Sarah Brodeur to close the Public Hearing & Issue the Order of Conditions with Special Conditions for DEP #256-0316

Motion seconded by Peter Izyk

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

7:32 PM Abbreviated Notice of Resource Area Delineations (ANRAD) DEP #256-0317: Wing

An Abbreviated Notice of Resource Area Delineations (ANRAD) submitted by Doucet & Associates c/o Baystate Wing Hospital Corporation, of 40 Wright Street, Palmer; to confirm the precise boundaries of jurisdictional resource areas, which have been delineated along the Riverfront Area of Dumplin Brook. Currently, no work is proposed as part of this application. The location is Baystate Wing Hospital, 40 Wright Street, Palmer, MA 01069, and is also known as: Map 12-29.

Tharyn Nein-Large opened the hearing. The applicant was not present, but their representative and Engineer Larry Rusiecki, from Doucet & Associates was present. No other public was present.

The property is a 15.72 acre parcel located at 40 Wright Street in Palmer, Massachusetts. The site is comprised of a hospital building and parking lots, all utilized by the Baystate Wing Memorial Hospital. To the south of the property, there are residential houses. The Massachusetts Turnpike (I-90) and unnamed perennial stream are located to the north. The unnamed perennial stream runs from east to west and eventually drains into the Quaboag River off property. A small stormwater drainage channel was noted to the east of the subject parcel. It is not jurisdictional as it is created by stormwater discharge.

New England Environmental (NEE) completed a wetland delineation and assessment on January 6, 2016 and identified Bordering Vegetated Wetlands and Bank on the site. There were no areas of Isolated Land Subject to Flooding found on the property. There are no estimated or priority habitat of rare species mapped on the property. No mapped certified or potential vernal pools, Outstanding Resource Waters, or Areas of Critical Environmental Concern are present on the property. According to the FEMA Flood Zones depicted in Figure 4, no Bordering Land Subject to Flooding is found on the subject parcel.

Bordering Vegetated Wetlands were flagged along the northern property boundary and approximately 100 feet away from the eastern property boundary using orange and black striped flagging tape. The flags were placed at the transition from wetland soil and vegetation to upland soil and vegetation. The following flags were placed onsite by NEE: C1 to C4, and D1 to D6.

The C and D wetland flag series mark wetlands associated with the adjacent unnamed perennial stream running through a small northern portion of the property and along the northern edge of the property boundary. Dominant tree species found in these wetlands consist of red maple (*Acer rubrum*), red oak (*Quercus rubra*), and yellow birch (*Betula alleghaniensis*). Dominant herbaceous layer of was cinnamon fern (*Osmunda cinnamomea*) and new york fern (*Thelypteris noveboracensis*). Indicators of hydrology were observed such as saturation at the soil surface and standing water. A data point to substantiate the delineation was collected at flag D-5.

Bank is the resource area which confines waterways and water bodies. It extends from Mean Annual Low Water (MALW) to Mean Annual High Water (MAHW). The A and B wetland flag series mark the edge of a perennial stream located in the forested area downslope of the parking lot and north of the property boundary. A portion of stream to the northwest of the property is channelized and has concrete lined bottom. The blue and white striped flagging tape were placed onsite by NEE to indicate Bank: A1 to A40, and B1 to B11.

The Bank of the stream flagged with the A/B series was vegetated with soft rush (*Juncus effusus*), red maple (*Acer rubrum*) eastern hemlock (*Tsuga canadensis*), and white pine (*Pinus strobus*).

Approved Plan: ANRAD Plan for Baystate Health/Baystate Wing Hospital, Project #1491002 (Sheet 1 of 1); Signed & Stamped by Christian S. Tait; dated June 28, 2016; Scale 1"=20'

Motion made by Sarah Brodeur to issue ORAD to confirm the delineations of Bank Flags A9-A11, & A20 and BVW Flags C2-C4, & D1-D6. The boundaries found to be inaccurate and cannot be confirmed include Bank Flags A4-A8, A12-A19, & B1-B11. The boundaries were determined to be inaccurate because the applicant did not request confirmation of the above mentioned bank flags.

Motion seconded by Peter Izyk

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

7:50 PM Administrative Matters: Minute Approval – August 2, 2016

Motion made by Sarah Brodeur to accept the minutes from Tuesday August 2, 2016

Motion seconded by Dave Cotter

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

8:00 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. Violation – Palmer Motorsports Park Septic System & Well: No update at this time

3. PRA First Street Land Transfer: Attorney Charles F. Ksieniewicz prepared a deed for the land transfer. The Agent will attend the PRA meeting on Tuesday September 13, 2016 at 6pm at the Palmer Public Library.
4. Finalize Celebrate Palmer Table: Saturday August 20, 2016 from 11am-6pm. Angela & Sarah will set up and man the booth from 10:30am-3:30pm. Dave and Jaye will go from 3:30-6:30 and take down. Peter will be at Scout table all day, but will stop by.
5. Pre-Activity Meeting – Peterson Road Solar: Requested to begin tree removal before erosion and sediment controls were installed, the Agent stated all sediment barriers must be installed prior to any land clearing.
6. Restoration Complete – Boston Road Solar: Pete Leveque submitted a final restoration report for Lot 2 Boston Road. All required restoration has been completed and the applicant will continue to monitor the restoration area over next several years. The Agent signed the building permit to authorize construction of the array (as it was dependant on restoration being at least 80% completed).
7. JT Brown Gravel Pet NOI: A site visit is scheduled for Tuesday August 23, 2016 at 9:30am. Also there is an old OOC, DEP #256-0263, for this project. It was for a wetlands crossing with replication area, as well as gravel excavation in the buffer zone. The permit has since expired but no COC was issued. The Agent spoke with Mark Stinson, MA DEP, and since the permit is expired it does not technically constitute an “Open Permit”. It was recommended to require a COC from the crossing and replication area, and have the applicant amend the new NOI to include any areas still actively being excavated and any areas not yet restored. The Commission concurred, and will continue the public hearing on the new NOI until a COC is issued for the replication and crossing.
8. Culvert Assessments: The Agent & Co-Chair Brodeur will be out in the field Wednesday August 17, 2016, Wednesday August 24, 2016, and Thursday September 1, 2016 for stream crossing assessments.
9. CPA Update: The Agent will be attending the Town Council special public hearing on Monday August 29, 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 still be at 1.5%, with the first \$100K exemptions. The Council has removed both the low income/low-moderate income senior 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
10. Trail Maps & Brochures: The Commission reviewed trail brochures the Agent developed for Midura, Swift River, Burleigh Park and the Shaw District. She will have 200 of each (except Midura) printed for Celebrate Palmer. She will also print up CPA brochure and the Town Wetlands Brochure as well.
11. Plan to recruit new Commissioners: The Agent drafted a small informational postcard for interested new members. She will print about 20 for Celebrate Palmer. The postcard has info on

what the Commission does, when they meet and opportunities for interested residents to become involved. The Agent has also added the Commissions search for new members to the website and the FY2016 Annual Report. She will also have an add run in the Journal and will have MPAC run a slide as well. Former Councilor Donald Blaise is very interested in staying involved locally and has expressed interest in becoming a Commissioner. He will attend the September 6, 2016 meeting.

12. Violation – Sherwood Lumber: The Agent & Co-Chair Brodeur came across a man filling an unregistered water tanker from the Swift River earlier today. The man stated he worked for Sherwood Lumber and they did this daily. The water is used to keep dust down at the lumber yard. The unregistered vehicle was parked in the middle of the trail, on town land. Additionally no backflow device was apparent on the pump or truck, and the pump itself was not contained at all (was on ground) to prevent any leaks or spills that may occur if the pump malfunctioned. The Agent requested the man stop and stated she would be in contact with Guy Hannum, of Sherwood Lumber. The Commission instructed the Agent to turn the violation over to DEP.
13. Complaint – Stagnant Water behind Bondsville Fire Station: The Agent & Co-Chair Brodeur conducted a site visit based on the complaint. The request was to chemically treat the canal for mosquitos. Neither the Agent nor Brodeur noticed a mosquito problem and do not feel chemical treatment is the correct approach. Peter Izyk said the Fire Department is capable of flushing the canal, and should actually be doing it yearly as required maintenance. He does not believe it has been done in a while.

Office Closed: Wednesday August 17, 2016 & Wednesday August 24, 2016 for Field Work. Sarah & I will be out with our Intern those days assessing Road-Stream Crossings

Next Meeting Date: Tuesday September 6, 2016

Meeting Adjourned: 8:45 PM

Motion made by Sarah Brodeur to adjourn at 8:45 PM

Motion seconded by Peter Izyk

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

Sincerely Submitted,
Angela C Panaccione, Conservation Agent