



TOWN OF PALMER CONSERVATION COMMISSION

Palmer Town Building
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Tharyn Nein-Large, Co-Chair
Sarah Brodeur, Co-Chair
Peter Izyk
David Cotter

Agent: Angela Panaccione

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MEETING MINUTES TUESDAY AUGUST 2, 2016 @ 7:00 PM

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

Also Present: Trevor Hermance, New Britain CT
Robert Natario, MassDOT

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

7:03 PM Administrative Matters: Minute Approval – April 19, 2016

Motion made by Donald Duffy to accept the minutes from Tuesday, April 19, 2016 as corrected
Motion seconded by Peter Izyk
No further discussion – vote taken: 5-0-0

7:08 PM Administrative Matters: Minute Approval – May 3, 2016

Motion made by Sarah Brodeur to accept the minutes from Tuesday, May 3, 2016 as corrected
Motion seconded by David Cotter
No further discussion – vote taken: 5-0-0

7:16 PM Administrative Matters: Minute Approval – July 5, 2016

Motion made by Donald Duffy to accept the minutes from Tuesday, July 5, 2016
Motion seconded by Dave Cotter
No further discussion – vote taken: 4-0-1 (Peter Izyk abstains)

7:20 PM Administrative Matters: MACC Payable \$190.00

Motion made by Peter Izyk to approve the payable to MACC in the amount of \$190.00, for the payment of the 2016 Fall Conference Fee (\$95.00/member) for the Agent Angela Panaccione and Commissioner Sarah Brodeur
Motion seconded by Donald Duffy
No further discussion – vote taken: 5-0-0

7:21 PM Administrative Matters: FY 2016 Annual Report

Motion made by Sarah Brodeur to approve the FY2016 Annual Report, as corrected

Motion seconded by Peter Izyk

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

7:30 PM Administrative Matters: Chair Discussion

Donald Duffy has resigned from the Commission, and tonight is his last meeting. Since he is currently serving as Vice Chair, the Commission discussed who would fill the space. Brodeur expressed interest as serving as Chair, Co-Chair or Vice Chair.

Motion made by Donald Duffy to nominate both Tharyn Nein-Large and Sarah Brodeur as Co-Chairs of the Palmer Conservation Commission.

Motion seconded by Dave Cotter

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

7:40 PM Public Hearing: Amendments to the 2015 Town of Palmer Wetlands Regulations

A Public Hearing on the proposed amendments to the 2015 Town of Palmer Wetlands Regulations. The Amendments include a new proposed split fee schedule for Residential and Commercial development. The Commission will accept both written and oral comments now through August 2, 2016. Hard copies of the Proposed Regulation may also be reviewed at the Conservation Commission Office or online at the Conservation Commissions website

- ❖ **The Legal Notice for this hearing was never published in the Journal. The Legal Notice will now run on August 18, 2016 & August 25, 2016 and the Public Hearing is re-scheduled for September 6, 2016**

7:40 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.

- ❖ **The Legal Notice for this hearing was never published in the Journal. The Legal Notice will now run on August 4, 2016 and the Public Hearing is re-scheduled for August 16, 2016**

7:41 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.

- ❖ **The Legal Notice for this hearing was never published in the Journal. The Legal Notice will now run on August 4, 2016 and the Public Hearing is re-scheduled for August 16, 2016**

7:41 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.

- ❖ **The Legal Notice for this hearing was never published in the Journal. The Legal Notice will now run on August 4, 2016 and the Public Hearing is re-scheduled for August 16, 2016**

7:41 PM Request for Determination of Applicability – Mass DOT; Route 67/Boston Road

A Request for a Determination of Applicability, submitted by the Massachusetts Department of Transportation (Mass DOT), for the proposed work that will entail the road resurfacing of Route 67/Boston Road in Palmer, MA. The proposed work will occur within the 100-foot buffer zone of various resource areas protected under the Wetlands Protection Act, but all work is located within previously disturbed paved public roadways and disturbed road shoulders. There is no proposed slope work, grading or work outside of the existing roadway. The location of the proposed project is Route 67/Boston Road, Palmer, MA 01069, and is a Roadway Right-of-Way.

Tharyn Nein-Large opened the public meeting and no public was present besides Mass DOT representative Robert Natario, from the Highway Division.

The project will begin on Route 67, at Mile Marker 0.29, and will continue the length of the road until the Warren Town Line at Mile Marker 5.31. The project is not a typical road resurfacing. The work will be accomplished through micro-milling; which will disturb only the top two (2) inches of roadway at maximum. All road shoulders and curbing will be replaced as part of the project. There will be no changes to the elevation of the road. The roadway will be identical to the current road, minus the crack and potholes. The project also includes the installation of bike lanes on Rt. 67, as well as some work at the rest stops; including replacing the jersey barriers with cedar fencing.

This road reconstruction project is exempt from the requirements for Riverfront Area per 310 CMR 10.58(6)(h) and will begin as soon as possible (anticipated beginning of September). There will be no additional work of any kind without a new filing and commission approval.

The Agent conducted a site visit with Tim Meyers, of Mass DOT on Tuesday July 26, 2016. Three drainage swales proposed for “cleaning” were determined to be heavily vegetated and removed from the project. Revised site plan sheets 7-9 were submitted after the site visit to reflect the changes made.

The Commission discussed the proposed bike lane and Palmers move to adopt a complete streets policy to connect people with local parks and conservation lands. McMasters Road is located off Rt. 67, and runs north to Old Warren Road and Midura Conservation Land. The Commission discussed with DOT the possibility of including a small paved parking area at the intersection of McMasters Road and Rt.67, as well as a small kiosk or brochure box. The Commission also discussed adding signs along the bike lane off 67, directing people to Old McMasters Road and Midura Conservation Land.

Motion made by Donald Duffy to close the Public Meeting for the Route 67/Boston Road Reconstruction Project and issue a Negative Determination, Box 2,3,5 & 6, finding the work is not subject to either the WPA or the PWO

Motion seconded by Dave Cotter

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

8:18 PM Emergency Certification: Clean Soils Environmental, Ltd – Fuel Release Cleanup

William H. Mitchell, Jr., of Clean Soils Environmental, Ltd., requested an emergency certification on behalf of Swift River Transportation Company & MassDOT to remediate a release of diesel fuel oil on I-90 Westbound, in Palmer. The proposed work includes the surface cleanup of affected bituminous pavement and removal of affected soil. Affected soil will be loaded and transported on the day of the excavation activities or shortly thereafter. All work was/will be conducted under a Mass DEP/BWSC Immediate Response Action (IRA) Plan and directed by the Massachusetts Licensed Site Professional (LSP). Mass DEP approved Emergency Response Contractor Anthony Kurpaska conducted the cleanup and will continue with the monitoring of the cleanup.

The Conservation Agent Angela Panaccione conducted a site visit on Wednesday July 6, 2016 with Bill Mitchell along I-90 Westbound at Mile Marker 60 (GPS coordinates N 42.154897 and W -72.374463). The site was accessed by first by I-90 Westbound and the spill was located mostly within the right-of-way for I-90. The Agent and Mitchell then went to Turtle Pond, and accessed the wetland complex along I-90 from there as well. This was done to ensure no diesel oil had reached the wetlands or Calkins Brook. Given the close proximity to both Calkins Brook and its BVW, the Agent agreed an Emergency Permit was needed for work.

The Emergency Permit is valid for 60 days in the case of an Immediate Response Action approved by DEP to address an oil/hazardous material release, until August 26, 2016.

Motion made by Donald Duffy to ratify the Emergency Certification, issued to Clean Soils Environmental, Ltd. on July 7, 2016, for the clean-up of the fuel release with the Special Conditions of: 1) Supply the Commission with any cleanup reports and 2) Notify the Commission upon completion of the cleanup for a final inspection

Motion seconded by Peter Izyk

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

8:20 PM Administrative Matters: Other Projects, Monitoring, Enforcement and Violations

1. Discuss Turnpike Parcel: The Agent sent a letter to Mass DOT about illegal ATV use of the parcel and the impacts it is having on nearby Midura Conservation land. The letter stated illegal ATV use on the parcel is resulting in the direct and sever degradation of Kings Brook, and its corresponding wetlands and floodplain. This area is also priority habitat for state listed endangered species and a cold water fisheries resource.

According to the Palmer Rules and Regulations of Conservation Land: Section III, Number 11 which states as follows:

“No one shall operate, drive or possess motorized vehicles unless authorized by the Palmer Conservation Commission. This prohibition includes but is not limited to ATV’s, dirt bikes, motorcycles, truck, 4x4

vehicles or automobiles of any kind. Snowmobiles are allowed when there is sufficient snow cover to protect any groundcover.”

The letter ended by requesting MassDOT contact the Conservation Commission directly regarding this matter, with a plan to address the ATV use.

2. Violation – Palmer Motorsports Park Septic System & Well: The work on finishing the Septic system has commenced. The piping has been moved to the right location and the applicant is anticipating final BOH sign off next week. The contractor did inquire about keeping the slope 1:2, on the eastern side of the system opposed to the required 1:1. The Agent denied the request, stating the setbacks to the wetlands were thoroughly discussed over several meetings and 1:2 slope was proposed and denied by the Commission because it did not meet the approved permitted 63-feet.
3. PRA First Street Land Transfer: Attorney Charles F. Ksieniewicz is revising the proposed deed to transfer the Swift River Greenbelt from the PRA to the Commission. The Agent anticipates it will be completed by August 16, 2016 for both the PRA and the Commission to sign at their respective meetings that night.
4. 2016 Source to Sea Cleanup: The Commission agreed to clean up First Street again for this year’s Source to Sea clean up, scheduled for Saturday September 24, 2016. Brodeur will contact the Scouts again, as well as look into food. The Agent will look into getting live music of some sort. The Agent will make the flyers for this year’s event, and send early press releases to Journal. The hope is to advertise much earlier this year, and to work on soliciting additional donations for the day.
5. Celebrate Palmer Tabling: The Agent has reserved the Commission a table at Celebrate Palmer, scheduled for Saturday August 20, 2016 from 12pm-8pm. Additional details will be coming from organizers soon. In general, the booth must be set up by 11 AM and maned from 12-6. It would be ideal to create 2 shifts of 2 people. Angela & Sarah could do set up and table from 12-3, and Dave and Jaye could table from 3-6, and breakdown the area. As for set up, the Commission will need: 1 EZ Up, 1 table, and 2+ chairs. The Agent has an EZ Up and Chairs, Brodeur will look into a table. The Agent will also print trail maps, wetlands brochures, CPA info, and other info to recruit new Commissioners. Brodeur could possibly make a poster boards presentations with photos from Commission lead hikes.
6. MS4 Permit: The Agent attended a presentation on the role of Conservation Commission in the 2016 MS4 permit. Newton Tedder from EPA, provided a general overview of the 2016 Massachusetts Small MS4 General Permit and its requirements. Specifically, Con Coms are most vital in the public out-reach and educational component and the post-construction monitoring requirement. Tedder provided tools for Commission to use, especially in regards to educating the public. It was also recommended Commission up their fees for Stormwater Reviews to offset the costs associated with implementing the permit requirements.
7. Peterson Road Solar: The applicant has request a pre-activity site visit to begin the proposed large scale solar array located off Peterson Road. Currently, no erosion or sediment controls have been installed. The Agent informed the Applicant she would only do an inspection after the ESC were installed, and then she would sign the building permit authorizing work to commence. The Agent will schedule the visit and inform the Commission.

8. Palmer Healthcare Tree Removal Request: The Agent received a tree removal request from Palmer HealthCare Center, off Shearer Street. The original request was to remove over 20 trees, some in the BVW bordering the existing parking lot. The Agent stated that would require a Notice of Intent. If the Applicant proposed the removal of 2-5 hazardous trees, she could administratively approve it. Upon further investigation, five (5) severely hazardous trees were marked for removal. The work will occur when the ground is frozen, all stumps will remain in place and all work will occur from the existing pavement. The contractor will contact the Commission prior to beginning the work.
9. Community Preservation Act: 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. Dr. Robert Singleton – Oak Street: Dr. Robert Singleton supplied the Agent with an update on his water samples he has been conducting every 2 days, on the Quaboag River. For the past week all samples have come back negative for any trace amounts of chemicals or toxins.

Office Closed: Monday August 8, 2016 – Friday August 12, 2016 for vacation.

Next Meeting Date: August 16, 2016 at 7pm

Meeting Adjourned: 9:00 PM

Motion made by Donald Duffy to adjourn at 9:00 PM

Motion seconded by Peter Izyk

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

Sincerely Submitted,
Angela C Panaccione, Conservation Agent