



TOWN OF PALMER

Palmer Town Building
4417 Main Street
Palmer, Massachusetts 01069

Angela Panaccione
Conservation Agent

Telephone: (413) 283-2611
FAX (413) 283-2637

CONSERVATION COMMISSION

PALMER CONSERVATION COMMISSION MEETING TUESDAY AUGUST 20, 2013 @ 7:00 PM

Members Present: Donald Duffy (Vice Chair)
Dennis Cote
Matt Trybus
Peter Izyk
Angela Panaccione (Agent)

Members Absent: Robert Ring (Chair)

Also Present: Melissa Coady, Tighe & Bond
Craig Dolan, Palmer DPW
Fred Ferguson, Palmer Motorsports Facility
Sarah Brodeur, Conservation Commission Intern

Meeting Opens: 7:10 PM – Donald Duffy (Vice Chair)

7:10 PM RDA: Palmer High School Tennis Courts – 4105 Main Street

The applicant is requesting a Determination of Applicability for the proposed replacement of the six (6) existing tennis courts in the same location, the improvement of the site drainage system and the repaving of a portion of the existing paved parking lot at 4105 Main Street in Palmer, MA. The proposed work will occur in the buffer zone of an unnamed intermittent stream. The location of the proposed project is Palmer High School, 4105 Main Street in Palmer, MA 01069, and is also known as: Map 24-55.

Melissa Coady, of Tighe & Bond attended tonight's meeting with Craig Dolan, DPW Director to discuss the proposed renovations of the Palmer High School Tennis Courts. The project proposes to replace the 6 existing tennis courts in the same location/footprint with an 8-foot extension southeast, toward the BVW and unnamed intermittent, in order to comply with current USTA requirements. The project also proposes to repair and replace the drainage under the courts and repave the existing parking lot in kind. Erosion controls will be installed at the edge of the flagged BVW during the duration of work, and until the Commission approves their removal.

The project will involve the clearing, grubbing and grading to the edge of the existing BVW. No work is proposed in the resource area itself, but work will occur to within 3-feet of the BVW. A new retaining wall will be installed at the edge of the BVW, and will serve as the limit of work for this, and any future projects. Additionally, the project will result in an improvement to the existing BVW by directing the court drainage away from the BVW, and connecting it to a current storm drain on site. Currently, the court drains directly into the BVW through the retaining wall; constituting a point source discharge of storm water. The upgrade will rectify the situation by properly handling any storm water discharge from the site.

A site visit was conducted at 5 pm today with Coady, Dolan, Cote and Panaccione. At this visit the wetlands delineations were checked and verified by the Agent. The agent walked the wetland flag line, checked the soils and the vegetation in the area and confirmed no hydric soils were present under the organic layer, outside the delineated/flagged area. She noted this was important, because the limit of work is at most 3-feet from the closest wetland flag B4.

Dolan stated the DPW took soil borings on the court and there were no issues. Dolan further stated the new closed drainage system will function much more effectively than the current drainage system, and increase the functionality of the courts to meet minimum USTA standards.

Motion made by Peter Izyk to close the Public Meeting and Issue a Negative Determination Box 3 & 6 with the conditions

Motion seconded by Dennis Cote

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

7:30 PM Letter of Request: Lake Thompson Association (LTA) – Street Sweeping

The Commission reviewed a letter from Lake Thompson Association, in regards to untimely street sweeping in the area. An initial inquiry was made in 2011, and there has been a perpetual problem with sedimentation; especially along Beech and Smith Street. Dolan expressed his issues with LTA, and the fact that the streets are private and not town owned. Dolan stated DPW does what they can do, but ultimately the area should be maintained by the LTA and residents of the Lake. The Lake itself is also private, and only residents can use the beach. Dolan also suggested the LTA should petition the town to accept the roads as town owned. Cote restated the main concern is the sand and sediment are not removed soon enough after street sweeping, and the silt goes directly into the lake during heavy rains. Pictures were supplied to the Commission and DPW for review. Dolan again reiterated the DPW does what it can do under Mass general Law.

7:50 PM Administrative Matters: 1564 Park Street – Letter from Attorney

The Commission acknowledged receipt of the letter, from the Attorney representing Mr. Henry Plant in this matter. Mr. Plant wishes to have the stream bordering his property restored. The Commission discussed the letter with Craig Dolan, who was also a recipient. Dolan is aware of the situation which has been persisting for years. Dolan does not believe there is a solid case that it is Town responsibility to fix the stream. The situation is unique, due to the development on upper Mason Street. The Agent and Chair Ring, has sent a previous letter this past June, with suggestion on how to restore the stream and stop any further erosion on the bank.

8:00 PM Emergency Certification: Palmer DPW – Culvert Cleaning

Craig Dolan, of Palmer DPW received an emergency certification to clean the drainage swale at the intersection of Rt.20 (Park Street) and Breckenridge Road. It is a Human Health and Safety issue at hand, and neighbors have expressed concerns over flooding in the area. Griswold Glass sent a letter to Senator Brewer, expressing his concerns and the impacts the flooding is having on his business. The Agent expressed concerns that the situation was an ongoing problem, with Emergency Certification being issued in 2004, 2006 and 2008. She did recommend another Emergency Cert be issued, due to the continual flooding damages to businesses; but included as a condition that DPW develop an NOI within the next 120 days to address the problem at the source; which she believes is poor Stormwater management on Breckenridge Road. The Agent also noted that would be the last EC issued for the area. Dolan stated he is not sure how the town has the obligation to clean past the culvert, considering it is not town land and there is no easement there. He further stated CSX own the area in question, and should be required to perform the work, not the DPW. Upon further inspection, Dolan noted the problem extends past the railroad tracks, to the edge of Rt.32.

8:15 PM Public Inquiry: Palmer Motorsports Conservation Restriction

Fred Ferguson, of Palmer Motorsports attend tonight's meeting to discuss a few issues present on the motorsports facility. A joint meeting with Conservation and the Planning Department to review the OOC and Planning Boards conditions was held on August 13, 2013, at 3pm, in the Planning Department. Issues discussed at the joint meeting were presented by Ferguson tonight included:

1. NHESP restrictions on the site and their requirements for the Conservation restriction
2. Who will hold the actually CR
3. Who signs the access agreement and who is the hold harmless agreement with; the Town of the Commission

In addition to the signatures needed for the access agreement, hold harmless agreement and the conservation restriction; NHESP is also requesting a letter from the town stating they are willing to hold the CR and are in agreement with the current terms of the restrictions. Duffy read the proposed letter to the Commission and stated the Commission would have to check with the Town Manager before signing the agreement. The letter should also include a statement that approval is contingent upon the approval of the Town Manager and Town Council.

Motion made by Dennis Cote that is the intent of the Commission to hold the Conservation Restriction (CR) on the property, pending review and approval by Town Council and the Town Manager.

Motion seconded by Peter Izyk

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

The Agent informed the Commission there were problems with the initial survey. The survey points were unclear and were not lining up with the approved plans. Motorsports requested permission to mow/remove trees in a few separate locations to gain GPS access to plot the survey point more accurately. The work would take a few day max, and would occur outside all resource areas and their corresponding buffer zones. All trees taken down will be kept in the same location of removal until the access road is complete.

The Agent met with the Contactor on site, on Thursday August 15, 2013 to review the area mowed, as well as to inspect the erosion controls installed on site. In her site visit report she did note two problems that have already occurred during the road construction. First, a piece of equipment had an accident and sank into a bordering wetland. The operator had to remove trees and dig himself out of the wetland. The contractor showed the agent the location, and informed her they would restore the damaged wetland right away. The second problem addressed, was during the mowing for the GPS location, they unintentionally entered the buffer zone of an isolated upland wetland. The agent inspected the wetland area, and noted no damage occurred to the actual resource area.

8:30 PM Administrative Matters: Agent Reports

1. Palmer Sewage Extension Filing: Kyle Hoffman, of Tighe & Bond contacted the commission in regards to an upcoming sewer extension project to be performed by DPW. His main concern was whether the filing would be exempt from the Ordinance, in terms of fees and abutter notification. Hoffman stated a similar project in 2009 was considered exempt, but he wanted to confirm this would be exempt as well. The Commission determined no fee would be requires, and neither would abutter notification.
2. Ordinance Hearing: The Agent informed the Commission Town Council unanimously approved the amended Wetlands Protection Ordinance at their last meeting. A letter in the Journal Register discussed the approval. The Ordinance will now go to the Attorney General, for final approval.

3. Casino Filing: The Agent discussed the numerous site visits she has attended with both VHB and Beal's & Thomas. So far a few discrepancies have been identified on the plans, but nothing major. VHB and the Agent will continue their review over the next two weeks, the VHB will submit a written report of their findings to both the Commission and Beal's and Thomas.
4. Cooper Violation: Zach Cooper informed the Commission he would not be filing a NOI. He stated in an email, read to the Commission: "*Conservation already approved a plan for the work to be done. They already made me hire a contractor that specializes in wetland plans. In the meantime I have spoken to Bob McCollum from the Western Mass DEP and he said that as long as the property is stable there is no reason for the commission to not sign off on the project and have it be completed. In addition, he said that engineers are needed when the property is in a flood zone which mine is not.*" The Agent explained to Cooper, an NOI is still required as part of the EO, and it would be what is considered an after the fact filing for work previously performed without the proper permits. She also informed Cooper the Commission would issue fines of up to \$300/day if a NOI is not received by the required deadline of 9/3/13. The Commission agreed that fines should be issued if the NOI is not received by the September 3, 2013 deadline.
5. Lamothe Violation – 103 Water Street: The Agent informed the Commission she submitted the Commission's comments on the "Restoration Plan," submitted by GZA consultants on behalf of Mr. Lamothe, to the town Attorney and has requested a site visit. There were several concerns with the draft plan addressed in the comments. Specifically, she addressed the Commission felt it was not a restoration plan, but more of a letter attempting to justify the work that has occurred to demonstrate no violation is present. She informed the town Attorney the Commission had rejected the plan, and is requesting all resource areas on site be flagged for commission approval and a site plan be submitted detailing the area. She also informed the Attorney the Commission is requesting access to the property to verify the delineations are correct. The court date has been postponed again, to August 23, 2013.

8:45 PM Administrative Matters: Intern Report/Discussion (Sarah Brodeur)

Conservation Intern Sarah Brodeur will be going back to UMASS soon. She will no longer be available as office help but she will still be doing an independent inventory of the conservation lands. Brodeur will keep the wildlife viewing cameras in the field all semester, and will occasionally rotate them to other various locations in Conservation Lands. During winter break, Brodeur will return to the Commission to give a report of her findings thus far and discuss the continuation of the project.

Next Meeting Date: Tuesday, September 17, 2013 at 7 PM

8:50 PM Meeting Adjourned

Motion made by Matthew Trybus to adjourn

Motion seconded by Dennis Cote

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

Sincerely Submitted,
Angela Panaccione, Agent