



TOWN OF PALMER CONSERVATION COMMISSION

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Tharyn Nein-Large, Chair
Donald Duffy, Vice Chair
Peter Izyk
Sean O'Donnell
Sarah Brodeur

Agent: Angela Panaccione

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MEETING MINUTES

TUESDAY SEPTEMBER 1, 2015 @ 7:00 PM

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

Members Absent: Sean O'Donnell

Also Present: Dave LaVallie, Bondsville Fire & Water
Mario Biagetti, 35 Cedar Hill Street
Brian Juliano, Juliano's Pools

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

7:00 PM Administrative Matters: Minute Approval – August 18, 2015

Motion made by Sarah Brodeur to accept the minutes from Tuesday August 18, 2015 as written

Motion seconded by Peter Izyk

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

7:01 PM Administrative Matters: Mileage Payable \$308.78

Motion made by Donald Duffy to approve the payable to Angela Panaccione in the amount of \$308.75, for reimbursement for Mileage for site visit and travel to training, 7/21/15-8/31/2015, from the Town Wetlands Bylaw Account (administration & enforcement)

Motion seconded by Peter Izyk

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

7:01 PM Administrative Matters: Letter to Bondsville Water Department - Endelson Playground

Dave LaVallie, of Bondsville Fire & Water attended tonight's meeting to discuss a letter he received from the Commission in regards to chlorinated water discovered at Endelson Playground during construction. The Agent was informed of an intrusion of chlorinated water onto the Endelson Playground site during construction from

the site contractor hitting a water line not depicted on site plans. The Bondsville Water and Fire department is working with the town to identify the source of the chlorinated water and develop a remediation plan for any possible leak. A preliminary leak test performed by the Bondsville Water & Fire department did not find a source for the leak. They have now hired an outside company to perform a complete systems check of all water lines. Tests of the 8" main water lines were conducted today and did not reveal a leak. This Saturday the company will test the main logger heads and the 16" concrete main line, running from the holding tank off High Street. It is doubtful the 16" main from the holding tank is leaking, but test will be performed as a safety measure. Bondsville Water & Fire will provide the Commission will all test results and reports, and will go from there to ensure no chlorinated water enters the Swift River.

7:20 PM Enforcement Order (EO): 35 Cedar Hill Street – Juliano’s Pools; Pool Construction

On August 27, 2015 at approximately 5pm the Conservation Commission Agent Angela Panaccione & Chair Tharyn Nein-Large conducted a site investigation at 35 Cedar Hill Street which revealed the recent filing of approximately 500 SF of a Bordering Vegetated Wetland (BVW) of an intermittent stream and its associated buffer zone, as well as within the Town of Palmer’s 50-foot No Disturb Zone, protected under the Palmer Wetlands Ordinance & supporting regulations. Based on a visual assessment from the site visit and soil test pits dug by the Agent & Chair BVW was present, although altered through the direct placement of fill from excavation required to install an in ground pool. The property owner Mario Biagetti and Brian Juliano, of Juliano’s Pools were present at the hearing.

The Commission discussed the violation with the parties and agreed the violator shall immediately remove all fill from the BVW and dispose of the fill off site. The property owner will contact the Conservation Commission immediately after removal for a site inspection. Restoration of the BVW and the 50-foot “No Disturb Zone” should occur naturally if fill is removed properly and in a timely manner. Given the fill has only been in place less than 1 week, and test pits dug on site by the Commission and its Agent revealed vegetation cover is still present under the fill.

After fill is removed, the Agent will conduct an additional site visit to inspect the status of the remaining vegetation layer. If the agent feels supplemental plantings are needed she will inform the violators. In spring of 2016 the Agent will conduct an additional inspection to confirm the area has naturally revegetated with native wetland species. If at this point it is apparent the area will NOT naturally revegetate, a detailed Restoration Narrative including a 1:1 replacement of all vegetation lost within the BVW and the 50-foot “No Disturb Zone”, will be required.

Motion made by Donald Duffy to issue the Enforcement Order, with above mentioned conditions, to Juliano’s Pools for violations of the WPA & PWO

Motion seconded by Peter Izyk

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

7:33 PM Request for Certificate of Compliance DEP #256-0219:

The Commission received a request for a Certificate of Compliance from Donna & Richard Opper for the work conducted at 31 Smith Street, under the Order of Conditions for DEP # 256-0219. The project was for the construction of a SFH with associated driveway. The work closest to Lake Thompson involved the installation of a driveway on steep slopes. Sherman & Frydryk provided letter certifying compliance with the Order of

Conditions, and an "As-Built" plan showing post-construction conditions. A site visit occurred August 18, 2015 with the Conservation Agent and Donna & Richard Oppen. The Agent determined that the work regulated by the Order of Conditions was completed in compliance with the Order of Conditions and the Approved Plans and Documents.

Motion made by Donald Duffy to issue a Complete Certificate of Compliance, for Order of Conditions DEP # 256-0219

Motion seconded by Sarah Brodeur

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

7:35 PM Administrative Matters: Mail, Reports, Projects, Monitoring, Enforcement, Site Visits

1. 2015 Source to Sea Clean-up: The Commission will be leading a cleanup of the Swift River as part of the 19th Annual Source to Sea Cleanup. The Source to Sea Cleanup is an annual trash cleanup of the Connecticut River system – rivers, streams and banks, parks, boat launches, trails and more. Each fall, thousands of volunteers of all ages and abilities head out to places of their choice all along the four-state watershed (NH, VT, MA, CT) to clean the Connecticut River and its tributaries on foot or by boat. Our event is scheduled for Saturday September 26, 2015, from 8am-Noon at the First Street Cul de Sac, in Bondsville. Dunkin Donuts will be donating coffee and Burgundy Brook will be donating pastries. The trash collected during the cleanup will be stored at Dublin Steel (at end of Second Street), until Monday am when the Town of Palmer DPW can pick it up for disposal.

Clean up crew will meet at First Street and work their way down to Second Street. If enough people show up the group can be divided in half and work from Second to Third, or from First to Bridge Street. There is a mattress and box spring by First Street, as well as a lazy boy recliner off Second Street the Commission hopes can be removed. Dave Cotter also said there are several tires in the River as well.

Dave Cotter also informed the Commission a tanker truck has repeatedly been removing water from the end of Second Street, and they also have been dumping trash there as well. The Commission discussed installing a trail cam at the location of where trucks are removing water and dumping is occurring, to see if we could identify whomever is dumping trash in the river.

2. Interns: Several UMASS students expressed interest in Interning with the Commission this fall. The Agent interviewed the applicants and selected two students, Emily Lessard and Victoria White, to serve as interns this fall. Emily & Victoria will be working together on an inventory of Midura Conservation Land, including working on the Land Management Portfolio for the area, as well as inventorying trails and identifying area for acquisitions. A portion of the project will include abutting landowner outreach about land conservation efforts and options.
3. Palmer Paving Earth Removal Permit: The Commission received a Request for Determination from Palmer Paving for the earth removal operations on Old Warren Road. The Agent informed the applicant there was currently an Order of Conditions on file, DEP #256-0286, issued to New England Construction Equipment Co, dated February 16, 2011. Under the Permit Extension Act this OOC is valid until 2018. The Agent recommended amending the current Order, with the revised site plan as the new plan of record. The Commission also discussed past conversations with Palmer Paving about the donation of this parcel to the Commission upon completion of the gravel operation. The Agent will speak with them about this and it can be discussed at the hearing.

4. Water Street Water Quality Sample: The Agent has begun collecting water sample from the Water Street field. The sampling is to inform watershed residents on the recreational health of the rivers in the basin. These first sites (3 on the Chicopee, 3 on the Quaboag) are in areas where paddling “Blue Trails” are being planned. Results are posted on “Is it Clean, a site in partnership with CRWC/PVPC. The sample readings are as follows: 7/23:275.5, 8/6: 325.5, 8/20: 461.1. Additional sampling will occur on 9/3 & 9/17. Results are posted at <http://www.chicopeewatershed.org/> and there is a special thanks to the Commission for helping fund the sampling. The Agent also had DPW test water above Water Street, at the end of Dublin Street. The test was conducted Thursday August 27, 2015 at the reading was 336 at Dublin Street and only 183 at Water Street Field. The Agent will collect samples at both locations on 9/3 to see if there is a difference again.
5. Lori Anthony Complaint: Lori Anthony informed the Commission Blake Lamothe’s fence has been lowered to the ground again, and is no longer raised the required 8” for wildlife passage. She supplied pictures to the Commission. The Agent conducted a site visit on Thursday August 27, 2015, at the Anthony’s property and did note the fence has indeed been lowered to the ground, in violation of the settlement agreement between Lamothe and the Commission. The Commission instructed the Agent to contact the Town Attorney to schedule a site visit as per the conditions of the settlement agreement. The Commission will discuss this further at the next meeting.
6. MACC Training: The Agent informed the Commission of upcoming MACC trainings and provided the Commission the list from the MACC education calendar. Commissioners will sign up online and have MACC invoice the Agent for any trainings they will attend.
7. Permit Guide & Website Updates: The Agent developed a permitting guide for applicants to follow, and has also posted the guide on the website. She has also drafted a check list of all the requirement for each type of application (RDA, NOI, ANRAD, COC). The Commission will review the permitting guide and recommend any changes at the next meeting.
8. Lake Thompson Boat Ramp Inquiry: The Agent conducted a site visit with Skip Meyers, of the Lake Thompson Association to discuss installing a new boat ramp on Lake Thompson. The new proposed boat ramp would be located where the swimming beach currently is. The old boat ramp, off French Drive, would be removed and the area restored to a naturally vegetated conditions. The Agent informed Meyers the new boat ramp would require an Order of Conditions from the Commission.
9. Forest Management Policy and Proposed Timber Harvest: The Agent met with Forester Harry Wandeloski to discuss conducting a forest cut on Conservation Land off Bacon Road. The parcel the Forest Cutting Plan (FCP) will be prepared for is Map 49-1, 16 acres. It will be a small cut, hopefully enough to generate revenue in order to develop a comprehensive 15 year Forest Management Plan for all the Conservation Land in the NE section of town. The Agent is also drafting a forest management policy, to guide in the development of the forest management plan. The commission will review the draft policy and will discuss it further at the next hearing.
10. Midura Trails Map & 2016 Recreation Trails Grant Program: Dave Cotter, from Palmer Hikers supplied the Commission with several trail maps of of different areas around town, including: Midura Conservation Land, Swift River Greenbelt, and Shaw District/Mountain Roads
11. EO 562: On March 31, 2015 the Baker Administration announced Executive Order 562 (EO) (To Reduce Unnecessary Regulatory Burden). This EO requires all government agencies to review all regulations (CMRs) and demonstrate that each one 1. Has a clearly identified need best addressed by the

agency; 2. 5 Cost of the regulation don't exceed the benefits; 3. Regulation doesn't exceed federal requirements or duplicate efforts; 4. There are no less restrictive alternatives; 5. The regs don't adversely affect MA competitiveness; 6. The agency has an established process and schedule for measuring the regulation's effectiveness; and 7. the regulation is time-limited or had a regular review. Each agency has to prepare a business/competitiveness impact statement for each regulation. Any regulation not meeting those standards will sunset on March 31, 2016. The EO also requires that the Secretary of Administration and Finance (SAF) will establish a process for accepting public comment. SAF has just announced the creation of the on-line portal to accept and solicit public comment regarding all MA laws. The portal can be found at <http://www.mass.gov/anf/a-clearer-code-regulatory-reform.html> The Commissioners will view the portal on their own and will discuss it at the next meeting

Office Closed: Tuesday September 17th, 2015 (for Agent to attend the 1st Mass Soils Conference, in Rutland)

Next Meeting Date: Tuesday September 22, 2015 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: 4-0-0– Motion Carries

Sincerely Submitted,
Angela C Panaccione, Conservation Agent