



TOWN OF PALMER CONSERVATION COMMISSION

Palmer Town Building
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Donald Blais, Jr., Chair
David Cotter, Vice Chair
Sarah Brodeur, Secretary
Peter Izyk

Agent: Angela Panaccione

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MEETING MINUTES TUESDAY SEPTEMBER 5th, 2017 @ 7:00 PM

Members Present: Sarah Brodeur
Donald Blais, Jr.
Peter Izyk
David Cotter

Members Absent: None

Also Present: Joe Paolini, Framingham MA
Kristine LeBlanc, Palmer MA 01069
Christine Skowyr, 60 Boston Road, Palmer MA 01069
Donald Frydryk, 3 Converse Street, Palmer MA 01069
Scott Morrison, EcoTech Inc., 102 Grove Street, Worcester, MA
Douglas Farmer, Turley Publications, Inc., Palmer MA 01069
Leslie Farger, BSC Group, 33 Waldo Street, Worcester, MA 01069
Marie Pike, 635 River Street, Palmer MA 01069
Christina Pike, 631 River Street, Palmer MA 01069
John Stevens, 232 & 234 Breckenridge Street, Palmer MA 01069

Meeting Opens: 7:04 PM – Sarah Brodeur (Chair)

7:04 PM Administrative Matters: Board Reorganization

Sarah Brodeur discussed the notion of reorganizing the Conservation Commission officers to facilitate smooth meeting proceedings in the future. The offices in question to be reorganized were Chair, Vice Chair, in addition to the institution of a Secretary office.

Motion made by Sarah Brodeur to nominate Donald Blais, Jr. as Chair of the Palmer Conservation Commission

Motion seconded by Peter Izyk

No further discussion – 4-0-0 – Motion Carries

Motion made by Sarah Brodeur to nominate David Cotter as Vice Chair of the Palmer Conservation Commission

Motion seconded by Donald Blais, Jr.

No further discussion – 4-0-0 – Motion Carries

Motion made by David Cotter to nominate Sarah Brodeur as Secretary of the Palmer Conservation Commission

Motion seconded by Peter Izyk

No further discussion – 4-0-0 – Motion Carries

7:10 PM Cont. Administrative Hearing – L21 Aspen Circle (Map 10-20) – Road Construction

The Commission continued the Administrative Hearing to discuss the violations that have occurred at L21 Aspen Circle. The violations include, but are not limited to, failure to obtain a permit prior to conducting an activity subject to regulation under the MA Wetlands Protection Act and the Town of Palmer Wetlands Ordinance and Regulations.

Donald Blais, Jr. reopened the hearing and no public was present. The Applicant requested a continuance to the next meeting of the Commission, scheduled for September 19th, 2017 at 7pm due to the necessity of performing an onsite inspection to confirm the Restoration Plan. The Commission scheduled the site visit to occur on September 15th, 2017 at 9am.

Motion made by Sarah Brodeur to continue the Administrative Hearing for L21 Aspen Circle to September 19th, 2017 at 7PM

Motion seconded by David Cotter

No further discussion – 4-0-0 – Motion Carries

7:13 PM Administrative Hearing & Cont. NOI: Dollar General – 2 Breckenridge Street (Map 24-56)

Motion made by David Cotter to go out of order with items listed on the Agenda

Motion seconded by Peter Izyk

No further discussion – 4-0-0 – Motion Carries

7:14 PM Request for Determination (RDA): 676 Old Warren Road (Map 32-33) – Septic System

The Commission reviewed a Request for Determination of Applicability (RDA) to see if the work associated with the installation of a replacement leach field to an existing septic tank is subject to the Wetlands Protection Act and the Town of Palmer Wetland Ordinance.

Conservation Agent Angela Panaccione explained that this filing was an after-the-fact filing, as a result of a historic resource area on the abutting Massachusetts Division of Fisheries and Wildlife (DFW) property. She had located the pond on the abutting property, but had difficulty in obtaining a soil sample due to the composition of the substrate. She had no other concerns with the project as proposed.

Motion made by Sarah Brodeur to issue a Negative Determination, Box 3, that the work described in the Request is within the Buffer Zone, as defined by the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent subject to the following conditions: install erosion sediment controls

Motion seconded by Peter Izyk

No further discussion – 4-0-0 – Motion Carries

7:14 PM Request for Determination (RDA): 40 Boston Road (Map 3-10-1) – Garage Addition

The Commission reviewed a Request for Determination of Applicability (RDA) to see if the work associated with the construction of a 24' x 36' two (2) car garage in the buffer zone of a jurisdictional resource area is subject to the Wetlands Protection Act and the Town of Palmer Wetland Ordinance.

Donald Blais, Jr. opened the public hearing and Don Frydryk, of Sherman and Frydryk, LLC presented the proposed project to the PCC. He stated that the structure will be detached from the house, and will be located 72 feet from the closest wetland resource area. He informed the PCC that the work required for the project will result in a total of 1406 square feet of disturbance, associated with the installation of erosion sediment controls and construction of the structure, but that no disturbance will occur in the 50-foot offset as required by the Town of Palmer Wetland Ordinance.

The PCC had no notable concerns with the proposed project as presented.

Motion made by Sarah Brodeur to issue a Negative Determination, Box 3, that the work described in the Request is within the Buffer Zone, as defined by the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent subject to the following conditions: install erosion sediment controls

Motion seconded by David Cotter

No further discussion – 4-0-0 – Motion Carries

7:25 PM Request for Determination (RDA): Off River Street (Map 6-68) & Forest Lake Road (Map 31-1-1)

The Commission reviewed a Request for Determination of Applicability (RDA) to confirm the precise boundaries of the jurisdictional resource areas, which have been delineated along Forest Lake at the 91.5 +/- acre site of a former gravel pit and historic waterfront resort, consisting of two parcels. Currently, no work is proposed as part of this permit application.

Donald Blais, Jr. opened the public hearing and Scott Morrison, of EcoTech, Inc., Leslie Farger, of BSC Group, and Joe Paolini, property owner, was present at the hearing. Scott Morrison began the presentation by describing the site, explaining that the majority of the site is the location of an old gravel pit, whereas the remainder of the site is forested. He continued to explain that resource areas have been delineated along the Ware River, Forest Lake, and the perennial stream/tributary to Forest Lake on site.

The PCC asked the Conservation Agent if she had any concerns with the delineation as proposed; she stated that she had concerns with the delineation of the Riverfront Area and the Mean Annual High Waterline of the perennial stream due to the presence of beaver dams, which effectively increase the size of Riverfront Areas due to the fact that they are natural as opposed to manmade structures. The Conservation Agent explained the PCC policy regarding beaver dams, that they increase the size of Riverfront Areas, unless evidence is provided that shows the location of the historic stream channel. The Conservation Agent also had concerns about a depression area in proximity to the road, which was not identified as wetland on the proposed site plan.

Donald Blais, Jr. opened the hearing to public comment. Christine Pike of 631 River Street in Palmer asked if the road through the property was complete, because it had been moved several times in the past. The Conservation Agent replied by stating that question is best asked of the Planning Board.

The Commission proceeded to schedule site visits to review the wetland delineation on September 7th, 8th, and 15th, 2017.

Motion made by Sarah Brodeur to continue the hearing to September 19th, 2017 at 7PM

Motion seconded by Peter Izyk
No further discussion – 4-0-0 – Motion Carries

8:07 PM Request for Certificate of Compliance (COC): DEP #256-250 – 358 Shearer Street

The Commission received a Request for a Certificate of Compliance from the property owner at 358 Shearer Street. The Conservation Agent stated that the work under the original Order of Conditions never occurred at this property.

Motion made by Sarah Brodeur to issue a Certificate of Compliance due to an invalid Order of Conditions, stating that the work regulated by the above-referenced Order never commenced and that no future work subject to regulation by the MA Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions
Motion seconded by Dave Cotter
No further discussion – 4-0-0 – Motion Carries

8:10 PM Request for Certificate of Compliance (COC): DEP #256-322 – 232 Breckenridge Street

The Commission received a Request for a Certificate of Compliance from the property owner at 232 Breckenridge Street. The Conservation Agent stated that there were slight deviations from the original Order of Conditions, including permanent limit of work delineation, and deck and retaining wall construction. Per the suggestion of the Conservation Agent, the roof gutters were also directed into drywells to prevent future erosion issues.

There were also washout issues with some of the areas that had been seeded, and it appears that a channel had formed in those areas. Additional measures to ensure the growth of the vegetation will be undertaken, and a reinspection will occur next year.

Motion made by Sarah Brodeur to issue a complete Certificate of Compliance for DEP #256-322 with Special Conditions 39, 41, and 42
Motion seconded by David Cotter
No further discussion – 4-0-0 – Motion Carries

8:16 PM Request for Certificate of Compliance (COC): DEP #256-323 – 234 Breckenridge Street

The Commission received a Request for a Certificate of Compliance from the property owner at 234 Breckenridge Street. The Conservation Agent expressed no concerns with the property in its current state. The Commission had no additional concerns with the completed project.

Motion made by Sarah Brodeur to issue a complete Certificate of Compliance for DEP #250-323 with Special Conditions 39, 41, and 42
Motion seconded by David Cotter
No further discussion – 4-0-0 – Motion Carries

8:22 PM Administrative Hearing & Cont. NOI Hearing: DEP #256-325 – Dollar General, LLC. – 2 Breckenridge Street (Map 24-56)

The Commission held an Administrative Hearing to discuss the violations that have occurred at 2 Breckenridge Street, and reviewed the Notice of Intent (NOI) for the proposed development of a Dollar General Store.

Violations include, but are not limited to, failure to obtain a permit prior to conducting any activity subject to regulation under the MA Wetlands Protection Act and the Town of Palmer Wetland Ordinance and Regulations.

Donald Blais, Jr. reopened the hearing and no one from Dollar General or the general public were present.

The Commission discussed how to proceed with enforcement and issuing fines for violations of the MA Wetlands Protection Act and the Town of Palmer Wetlands Ordinance. The Conservation Agent stated that a formal injunction form has been filled out and that the Commission could submit the injunction to Superior Court without the representation of legal counsel.

The Conservation Agent also expressed concerns about the Construction General Permit (CGP) for the project, stating that she had difficulty locating the permit in public record, and that the project could be in violation of the CGP. The Commission instructed the Agent to pursue the issue with the EPA.

The Conservation Agent believed that the Commission should deny the DEP file number that was issued as a result of the culvert repairs permitted under an Emergency Permit issued to Dollar General on August 1st, 2017.

Motion made by Sarah Brodeur to close the Notice of Intent hearing for DEP# 250-325 – Dollar General, LLC.

Motion seconded by David Cotter

No further discussion – 4-0-0 – Motion Carries

Motion made by Sarah Brodeur to deny the Order of Conditions for DEP #256-325 – Dollar General, LLC. due to failure to meet MA Stormwater Standards

Motion seconded by David Cotter

No further discussion – 4-0-0 – Motion Carries

9:00 PM Ratify Emergency Permit, Culvert Repairs: Dollar General, LLC. – 2 Breckenridge Street (Map 24-56)

The Commission received an Emergency Permit from Dollar General, LLC. for necessary culvert repairs to the buried stream through which Graves Brook flows. The culvert was crushed on 8/9/2017 while connecting the project site's sewer system to the municipal sewer system located under Breckenridge Street.

Motion made by Sarah Brodeur to ratify the Emergency Permit issued to Dollar General, LLC. at 2 Breckenridge Street for culvert repairs

Motion seconded by David Cotter

No further discussion – 4-0-0 – Motion Carries

Motion made by Sarah Brodeur to continue the Administrative Hearing for DEP #256-325 – Dollar General, LLC. to September 19th, 2017 at 7 PM

Motion seconded by David Cotter

No further discussion – 4-0-0 – Motion Carries

9:20 PM Other Business: Projects, Monitoring, Enforcements & Violations

1. DEP # 256-0311 – Landfill Solar Restoration Requirements: The Commission received updates from the Landfill Solar project with respect to the on-site restoration. The Conservation Agent conducted a site visit last week and contacted the project manager with the following outstanding tasks that must be done to complete the restoration process which stated:

- Remove the black geotextile fabric and clean up any dead plant material;
 - Do NOT scrape back topsoil, any disturbances below the first 2” may stir up the existing seedbank under what has been solarized;
 - Add 3+” of clean loam to the exposed area where the fabric was removed;
 - cover the area with a wetlands seed mix or a wildlife habitat seed mix;
 - Plant the nine (9) required high-bush blueberry bushes (Commissioner Dave Cotter may be able to get these for free from a local producer. If so we will get more than 9 to offset the disturbed area);
 - Plant additional shrubs and herbaceous plants if needed (Borrego was supposed to submit a list of plant species and quantities, as well as a simple plan of where the proposed plants would go, or an estimated density of additional plants prior to planting – see 2/8/2017 email) ...”
2. New Request for Determination of Applicability (RDA) – Thorndike Playground: The Commission received a new Request for Determination of Applicability for the Thorndike Playground, and will hold the public hearing at the regularly scheduled meeting on September 19, 2017.
 3. FY 2017 Annual Report: The Conservation Agent informed the Commission that she had been unable to work on the FY 2017 Annual Report due to the high volume of projects and permits requiring review and monitoring.
 4. Citizen’s Leadership Academy: Donald Blais, Jr. explained that this event is an effort to bring exposure to the local government and to fill empty volunteer seats on board and committees. The Conservation Agent will give a presentation on the Conservation Commission at this event.
 5. Countryside Acres Stormwater Inspection: The Conservation Agent performed a stormwater inspection of this subdivision on this 8/14/2017. There are four (4) detention basins within the subdivision, two of which required additional maintenance. The Agent informed the property managers what must be done to maintain the stormwater system.
 6. 2018 MA Trails Grant: The Commission received a trail grant for the construction of a universally accessible trail at the Swift River Greenbelt conservation area. The Conservation Agent will contact the AmeriCorps partners on the project, and Peter Izyk will contact the local Boy Scout troop partners to inform them that the Commission received the grant. David Cotter informed the Commission that he attended a presentation about launch guides for handicap trails, and has a contact who can help secure additional funding for the trail through the Mary Ann Rigali Scholarship Fund, which is a local group that raises money to gift to other local groups.
 7. 2017 Source 2 Sea Cleanup: The Source 2 Sea Cleanup, an effort of the Connecticut River Conservancy to engage local watershed councils and other such groups to cleanup local rivers, will occur on Friday, September 22nd and Saturday, September 23rd 2017 at 9 AM. The Commission partners with the Chicopee 4Rivers Watershed Council (C4RWC) on this event annually. The folks from Sherwood Lumber have also offered to partake in this year’s cleanup and address the trash issues resulting from the lumber yard. The Conservation Agent and Sarah Brodeur are unable to facilitate the event this year. David Cotter will work with Jim Emerson of the C4RWC and facilitate the event on both days.
 8. 604(b) Lakes & Ponds Grant with the Lake Thompson Civic Association: The Conservation Agent will meet with the Lake Thompson Civic Association (LTCA) on Tuesday, September 12, 2017 at 7:30 PM to discuss this funding opportunity to undergo water quality management planning. The grant application will focus to address stormwater management in Lake Thompson and will address nonpoint pollution sources to improve water quality and restore recreational use by lake residents.

9:34 PM Administrative Matters: Minute Approval form August 1st, 2017

Motion made by Sarah Brodeur accept the minutes from August 1st, 2017 as revised

Motion seconded by David Cotter

No further discussion – 4-0-0 – Motion Carries

9:40 PM Administrative Matters: Payables – Mileage Reimbursement, \$153.55

Motion made by Sarah Brodeur approve the mileage reimbursement in the amount of \$153.55

Motion seconded by Peter Izyk

No further discussion – 4-0-0 – Motion Carries

9:42 PM Administrative Matters: Public Inquiry – Borrego Solar, 25-acre large solar development

The Commission received an inquiry about a new, twenty-five (25) acre solar development on Breckenridge Street, just north of the Palmer Reservoir abutting the Massachusetts Turnpike.

9:41 PM Cont. Administrative Hearing: Food & Fuel Inc. – 1237 Park Street (Map 56-7)

The Commission held an Administrative Hearing to discuss the stormwater violations that have occurred at the Food & Fuel Inc., located at 1237 Park Street, on August 1st, 2017. Violations include, but are not limited to, failure to obtain a permit prior to conducting an activity subject to regulation under the MA Wetlands Protection Act and the Town of Palmer Wetlands Ordinance and Regulations.

Donald Blais reopened the Administrative Hearing and the owner of the store Shah was present. The owner of the store explained that the stormwater outfall pipe and catch basin were existing structures on the property. He explained that the catch basin was cleaned in 2015, and it was at this time that the pipe was determined to be broken. During the stormwater outfall pipe replacement, it was suggested by the contractor, John Morrison, to increase the diameter of the pipe from 4” to 6”.

The Conservation Agent recommended the installation of a sump in the catch basin, preferably a bioskirt that will prevent hydrocarbons from the gas station from being mobilized by stormwater and making their way into the Quaboag River. She stated that the device is called a ‘snout’ and can be purchased and installed for approximately \$500. The Commission informed the store owner that they would like the snout device installed before winter, while the store owner wanted to wait until next summer to install the device due to financial constraints.

Motion made by Sarah Brodeur to continue the hearing until September 19th, 2017 at 7 PM

Motion seconded by Peter Izyk

No further discussion – 4-0-0 – Motion Carries

Motion made by Sarah Brodeur to require the installation of the bioskirt/snout in the catch basin to prevent the mobilization of hydrocarbons from the gas station into water resources

Motion seconded by David Cotter

No further discussion – 4-0-0 – Motion Carries

10:15 PM Request for Certificate of Compliance (COC) DEP #250-269: Palmer Motorsports Park, 58 West Ware Road

Motion made by Sarah Brodeur to deny the Request for Certificate of Compliance for DEP #250-269 because the Request for a Certificate of Compliance is incomplete. The fee required for review of this Request is \$10/acre. Once the fee has been received in full, the Commission will begin review of the Request
Motion seconded by David Cotter
No further discussion – 4-0-0 – Motion Carries

Set Next Meeting Date: September 19th, 2017 @ 7:00 PM

Meeting adjourned: 11:00 PM

Motion made by Peter Izyk to adjourn at 11:00 PM
Motion was seconded by David Cotter
No further discussion – 4-0-0 – Motion Carries

Sincerely Submitted,

Sarah Brodeur
Palmer Conservation Commission Secretary