

Palmer Planning Board
Planning Board Meeting Minutes
Monday, May 20, 2019

I. Call To Order

Chairman Michael Marciniac called the meeting to order at 7:05PM on Monday, May 20, 2019, in the Town Administrative Building, Planning Department Office. Present were members N. Czech, Paul Burns-Johnson, Kathy Burns and Tom Skowyra. Also present, Town Planner Linda Leduc and Gillian Davis recording minutes.

II. Public Hearing

7:00pm – BWC Swift River, LLC, 3090 Palmer Road, Continued from November 26, 2018, January 7, 2019, February 25, 2019, and April 8, 2019, and April 22, 2019.

M. Marciniac stated a letter was submitted to the Board, May 20th, 2019, from the applicant’s attorney requesting a continuance to the Planning Board meeting on June 17th.

A motion to acknowledge receipt and continue the public hearing to June 17, 2019 at 7:00pm was made by N. Czech, seconded by P. Burns-Johnson. The motion passed (5:0).

ANR – Jean Bubon, State Street, Bondsville

J. Bubon went over the plan with the Board members. She explained the ANR shows the lot line being shifted due to the fact the well for the property is located on the abutting parcel to the north.

M. Marciniac explained the building on the front parcel is a three family home and this ANR plan shows area being taken away from the front parcel, making the lot less conforming. After discussions with Bonnie Weeks, Building Inspector and Zoning Enforcement Officer, her recommendation was the Board should not approve the ANR.

J. Bubon mentioned Massachusetts Appeals Court Case, Smalley v. Planning Board of Hardwich, which demonstrates a plan showing proposed lots with sufficient frontage and access, but showing some other zoning violation, is entitled to an endorsement that “approval under the Subdivision Control Law is not required”

There was discussion regarding the abutting lots and common ownership.

M. Marciniac stated after speaking to Bonnie Weeks, with the case study, her recommendation was either to present this case to Town Counsel or to include the note on the plan that states “The above endorsement is not a determination of conformance with zoning regulations.”

A motion to approve the ANR with the notation on the plan that states “1. The above endorsement is not a determination of conformance with zoning regulations” was made P. Burns-Johnson, seconded by N. Czech. The motion passed (5:0).

7:15pm – BWC Dumplin Brook LLC, L22 Sykes Street, L63 and 4215 Main Street, Continued from April 22, 2019.

M. Marciniac stated a letter was submitted to the Board, May 20th, 2019, from the applicant’s attorney requesting a continuance to the Planning Board meeting on June 17th.

A motion to acknowledge receipt and to continue the public hearing to June 17, 2019 at 7:00pm was made by N. Czech, seconded by T. Skowyra. The motion passed (5:0).

Minor Amendment – Camp Ramah Amphitheater

L. Leduc explained the Board had approved a Site Plan for an amphitheater at Camp Ramah back in 2006. However, they want to make the amphitheater smaller than that original approved plan.

A motion to approve the minor amendment was made by N. Czech, seconded by P. Burns-Johnson. The motion passed (5:0).

Letter from Angela Panaccione, Conservation Agent

L. Leduc explained, A. Panaccione, sent a letter copying John Furman of vhb, Steve Long of Borrego, and John Kuzmiski, Finance Director, stating the Conservation Commission has taken jurisdiction over the entire project sites and stormwater management of three large scale solar projects in town: Borrego River Street, Borrego Breckenridge, and Nexamp Breckenridge.

There was discussion regarding the section A. Panaccione references: M.G.L. c. 131, §40. It was determined some points within the letter have been taken out of context.

A motion to acknowledge receipt of the letter sent by Angela Panaccione and submitting a response from the Planning Board was made by N. Czech, seconded by P. Burns-Johnson. The motion passed (5:0).

Meeting Minutes from April 22, 2019

A motion to approve the meeting minutes from April 22, 2019, as written, was made by N. Czech, seconded by P. Burns-Johnson. The motion passed (5:0).

Abutting Town Notices and Monthly Interest Allocation Report were distributed.

III. Old Business

Knox Pond Construction Report #139

A motion to acknowledge receipt of Knox Pond Construction Report #139 was made by P. Burns-Johnson, seconded by N. Czech. The motion passed (5:0).

Gravel Inspection Reports

J. Furman stated on April 25, 2019, vhb, Inc. accompanied by the Planning Board Chairman and Town Planner went out on the initial inspection for 2019 earth removal operations. He went over the gravel inspection review memos dated May 19, 2019.

J. Furman began his review with the operating pit run by JJC Materials. He said this is a consistent pit. The operator estimated that 30,000 cubic yards of material will be removed from the site in 2019. The intermediate level is the active level. The relocated access roadway has been stable, and directs stormwater to a temporary stilling basin at the edge of the excavation area, where it infiltrates into the soil. He continued, the orange fence line and the protective boulders at the top of the slope are in good condition. There was no evidence of erosion occurring outside of the active area limits. The embankment of the excavation area is eroding, but the sediment is getting trapped in the open excavation area and is not leaving the site.

J. Furman added groundwater elevations were higher than the last recorded elevations, but the groundwater elevations calculated provide the minimum 5-foot clearance between groundwater and excavation limit.

J. Furman concluded, a piece of equipment from an abutting business was being stored in the property temporarily. The operator is reminded that this activity is not allowed under the special permit.

J. Furman went over RDL Associates operating earth removal pit. He mentioned, the invasive species on this site continue to spread. This invasive species issue has been ongoing and no action has been taken. He mentioned the well covers were not replaced with conventional tops, as required by approval conditions and should be changed to lockable, elevated caps.

J. Furman then went over the report for Palmer Paving, Ware Road. He stated overall, the site looked well maintained and in compliance with the Special Permit Conditions. He added, the operator needs to monitor supplemental tree plantings and replace as required.

J. Furman concluded the gravel reports with JT Brown pit. He stated the construction entrance and exit roadway is very stable leading into the site. He stated on the previously closed-out area has been regraded and level, although it has not been seeded. One loam pile was missing and was used to supplement the topsoil already spread on the closed-out area.

J. Furman concluded the operator should provide a copy of the Order of Conditions to Conservation Commission.

Quaker Lane Report – Breton Subdivision

J. Furman explained the Board never granted the time extension requested by the applicant due to the hazardous conditions onsite.

J. Furman explained it appears as if the developer has made strides to get the project back on track. The excavation embankments which were noted last inspection have been cut back to a safe height. The rock piles have been partially removed from the site. He added, vhb believes the applicant continues to make progress in working towards close-out of this project however, is still behind its projected schedule.

L. Leduc asked J. Furman if it was possible to get an estimate for close-out costs per acre.

A motion to re-send the letter, sent on April 8, 2019, and ask for a response in writing before June 3, 2019, and please attend the June 3rd meeting, was made by P. Burns-Johnson, seconded by N. Czech. The motion passed (5:0).

V. Adjournment

A motion to adjourn at 8:26 pm was made by T. Skowrya, seconded by N. Czech. The motion passed (5:0).



Kathleen Burns, Clerk