



# TOWN OF PALMER CONSERVATION COMMISSION

Donald Blais, Chair  
Dorothy Lawrence, Vice Chair  
David Cotter  
Peter Izyk  
Nicholas Zeo  
Brenda Cole  
Lucas McDiarmid

## Meeting Minutes

Tuesday, January 18, 2022 – 6:30 PM

**LOCATION: HYBRID – Virtual via Zoom & In person at the  
Town Administration Building  
4417 Main Street, Palmer, MA 01069**

Sarah Fortune, Agent

**Members Present:** Donald Blais, Jr.  
Dorothy Lawrence  
Peter Izyk  
Nicholas Zeo (Enters at 6:33 PM)  
Lucas McDiarmid  
Brenda Cole

**Members Absent:** Dave Cotter

**Also Present:** Sarah Fortune, Conservation Agent  
Don Frydrk, Sherman & Frydryk, LLC; 3 Converse Street, Suite 203, Palmer, MA 01069  
Hector Quiles, HRQ Global; 144 Broadway Street, Chicopee, MA 01020  
Dan Buttrick, Tighe & Bond; 53 Southampton Road, Westfield, MA 01085

**1. Call to Order:** 6:31 PM – Donald Blais, Jr. (Chair)

- a. Roll call attendance:
  - i. **Donald Blais, Jr. - present**
  - ii. **Dorothy Lawrence - present**
  - iii. **Peter Izyk - present**
  - iv. **Nicholas Zeo – absent (Enters at 6:33 PM)**
  - v. **Brenda Cole – present**
  - vi. **Dave Cotter – absent**
  - vii. **Lucas McDiarmid – present**

**2. Approval of Minutes**

- a. 12/7/2021

**Motion made by Nick Zeo to approve the minutes from 12/7/2021 as written**

**Motion seconded by Brenda Cole**

**No further discussion**

**Role call vote: Donald Blais, Jr. – aye; Dorothy Lawrence – aye; Peter Izyk – aye; Nicholas Zeo – aye;**

**Brenda Cole – aye; Lucas McDiarmid – aye**

**Motion Caries 6-0-0**

- b. 4/6/2021 Executive Session & 7/20/2021 Executive Session

**Motion made by Dorothy Lawrence to table the approval of Executive Session minutes from 4/6/2021 and 7/20/2021 until 5/3/2022 at 6:30 PM**

**Motion seconded by Peter Izyk**

**No further discussion**

**Role call vote: Donald Blais, Jr. – aye; Dorothy Lawrence – aye; Peter Izyk – aye; Nicholas Zeo – aye; Brenda Cole – aye; Lucas McDiarmid – aye**

**Motion Caries 6-0-0**

**3. Signing of Documents (DOA, OOC, COC, Ext., Etc.)**

a. Request for Extension: DEP # 256-0338 – 1235 Thorndike Street

Donald Frydryk of Sherman & Frydryk, LLC was in attendance to discuss the Request for Extension Permit for Orders of Conditions for work occurring at 1235 Thorndike Street, regulated under DEP # 256-0338. The applicant is requesting a one (1) year extension of the Order of Conditions, which was going to expire on 2/5/2022. Don reported that the property owners remain the same but that there new contractors who have recently began work on the site, and that the contractors anticipate the completion of work by 2/5/2023.

Donald Blais, Jr. asked if the PCC or members of the general public had any questions or comments on the Request for Extension Permit for Orders of Conditions for the aforementioned project; no one wished to comment further on the project at this time.

**Motion made by Dorothy Lawrence to issue a one (1) year Extension Permit for Orders of Conditions for the project at 1235 Thorndike Street regulated under DEP # 256-0338**

**Motion seconded by Lucas McDiarmid**

**No further discussion**

**Role call vote: Donald Blais, Jr. – aye; Dorothy Lawrence – aye; Peter Izyk – aye; Nicholas Zeo – aye; Brenda Cole – aye; Lucas McDiarmid – aye**

**Motion Caries 6-0-0**

**4. Violations & Enforcement**

a. Enforcement Order Update: L27 Springfield Street

The Agent provided an update on the Enforcement Order issued on 11/16/2021 for unauthorized alterations to two (2) discrete wetland areas which resulted from work to improve an existing access road to the site in May 2021. The Agent reported that all required restoration work had been completed by the property owner and that the restoration areas are ready for planting in the spring of 2022. The Agent also reported that the property owner will be submitting the stormwater permit for the site in the near future.

Donald Blais, Jr. asked if the PCC or members of the general public had any questions or would like to comment on this Enforcement Order; no one wished to comment at this time.

**5. Other Business (New/Old)**

a. Conflict of Interest training

The Agent reported that the PCC received paperwork from the Town Clerk's office on the conflict of interest training for municipal employees. The packet will be available for Commissioners to pick up at the Conservation office. Commissioners will return their training certificates and/or signature page to the Agent so that she can submit the paperwork to the Town Clerk.

b. MassTrails Grant: Mass Central Rail Trail – due 2/1/2022

The Agent reported that the MassTrails Grant for project initiation and preliminary design of the Mass Central Rail Trail will not be submitted this year due to a lack of support from the Massachusetts Central Rail Road Corporation (MCER), who is the licensed operator of the active rail corridor in Palmer. The Agent has reached out to folks at MassDOT for guidance on this, given that they are the property owner of the rail road, but has yet to receive a response. The Agent intends to continue to work with the MCER and the DOT over the course of the next year with the goal to submit the grant application for project initiation and preliminary design in 2023.

The Agent added that the town can't apply for a MassTrails grant because the program requires that a municipality have a valid Open Space and Recreation Plan; although the OSRP draft has been submitted to the Division of Conservation Services for conditional approval, the town has yet to receive the conditional approval letter.

Donald Blais, Jr. expressed his desire to meet with folks from the MCER to discuss the project in greater detail as a means to gain their support. Lucas McDiarmid suggested that the town might need some assistance from the legislature because of the pushback from the railroad. The Agent was amenable to both of these ideas.

c. Update: FEMA HMGP – Route 181 culvert

The Agent reported that she submitted signed contract documents to MEMA via certified mail on 1/17/2021. The Agent added that MassDOT District 2 Bridge Engineer provided a second round of comments on the final construction site plans, which are being revised by the consultant accordingly. Upon final approval of the revised site plans by MassDOT, the town can begin the bidding process for the project.

d. Update: 604(b) grant – Watershed Based Plan for Forest Lake

The Agent reported that she will be requesting a one (1) year extension of the contract for the 604(b) grant to develop a Watershed Based Plan for Forest Lake. Although all field work has been completed, the town has had difficulty completing public education and septic system mapping tasks due to the COVID-19 pandemic. The Agent anticipates completing these tasks in 2023.

**6. Schedule of Public Meetings & Hearings**

- a. 7:01 PM Request for Determination of Applicability (RDA) – 693 Ware Street (Map 31-29):  
The applicant is requesting a determination to see if the work associated with the Roger Reed Fish Hatchery Dam Pipeline Replacement is subject to the MA Wetlands Protection Act and the Town of Palmer Wetlands Protection Ordinance. The work will occur within inland Bank, Bordering Vegetated Wetlands, Land Under Waterbodies and Waterways, Bordering Land Subject to Flooding, 200-foot Riverfront Area, and the 100-foot Buffer Zone.

Donald Blais, Jr. opened the meeting at 7:01 PM and representative Dan Buttrick of Tighe & Bond was in attendance to present the project, which consists of repairs to the existing State Fish Hatchery Upper dam and the replacement of the existing asbestos-cement portion of the hatchery pipeline. Trees and brush will be removed from the embankment, abutments, and within 20-feet of the dam in accordance with the MA Office of Dam Safety's Policy of Tress on Dams. Stumps and roots will be removed in their entirety because roots can shrink as they decay, which could cause preferential seepage paths. Voids will be backfilled with appropriate material which will be based on the location of the dam. Brush growth along the

upstream slope and minor revegetation growing through the construction joints of the auxiliary spillway will be removed.

Deteriorated concrete on the downstream face of the dam and the concrete cap and the failed concrete section of the right downstream channel wall will be repaired. Rockfill erosion protection will be added behind the existing curved downstream training wall. A short concrete block wall and a reinforced concrete retaining wall are proposed on the downstream side of the dam with rounded cobbles and boulders added in the adjacent stream channel for scour protection. The dam crest will be raised slightly with additional concrete to an elevation of 407-feet, although the spillway elevation will remain the same so as not to change the impoundment capacity. A 3-foot-wide by 32-foot long aluminum gangway will be installed to replace the existing wood bridge for access between the west side of the dam and the intake structure. The intake structure's concrete spalls and surface will be repaired. The existing stoplogs that maintain the impoundment have occasionally failed in the past since the span is too large for the plank size allowed by the stoplog channels, so the stoplogs will be replaced with a fabricated stoplog system. Handrails and grating will be added to the outlet structure for safety.

The asbestos-cement portion of the hatchery pipeline will be replaced in-kind in terms of pipe diameter with a PVC pipeline. Western portions of the asbestos-cement pipe will not be disturbed and will instead be abandoned in place since the replacement pipeline will be shifted farther away from resource areas, while eastern portions of the existing pipeline will be removed to accommodate the replacement pipeline. The replacement of the asbestos-cement portion of the hatchery pipeline will require disturbance within one Bordering Vegetated wetland (BVW) and across two perennial streams below the stream beds. Some tree clearing is proposed along the alignment of the pipeline to allow for future maintenance. Cofferdams will be used to dewater the streams to create dry conditions to allow for the work to occur.

The site will be accessed from Gates Street using an existing cart path from the State Fish Hatchery building off Ware Road (Route 32). A temporary access will be constructed to access the dewatering area within the reservoir from the west side of the dam. Temporary stabilization methods will be used in wet or soft areas of the cart path to prevent damage, and the temporary access road will be removed, restored to pre-construction grades, loamed and seeded upon completion of the project.

The project also proposes a drawdown of the impoundment to provide a dry work environment to allow for the dam repair work to occur. The proposed drawdown will be to an elevation of 398.5 feet, approximately 5.5 lower than normal pool elevation. The estimated amount of exposed Land Under Water is 0.8 acres. A small pool will be retained in the impoundment to maintain aquatic organisms. The drawdown will be supplemented by a cofferdam to protect against fluctuations in water levels due to storm events. Filter bags will be used during drawdown if turbid water is experienced. The drawdown will occur for the minimum amount of time required for in water construction and will be for less than one (1) growing season. The work will be completed as expeditiously as possible as conditions allow to minimize the duration of drawdown. Drawdown and refill rates and flows will be conducted in accordance with those set forth in the Final Generic Environmental Impact Report (FGEIR) for *Eutrophication and Aquatic Plant Management in Massachusetts (2004)*. Upon completion of dam construction, cofferdams will be removed and water levels will be restored to normal while maintaining downstream flow in accordance with the FGEIR.

Construction and drawdown activities are anticipated to begin in spring or summer. The “low flow” period in the Northeast occurs between July 1 and September 30, during which time stream flows and storm events are generally below average, which is an ideal time to conduct construction due to lower anticipated risks with water management and reduced potential for storm events that result in catastrophic cofferdam failures.

All disturbed upland areas along the dam will be restored with loam and seed upon completion of the work. Cofferdams will be removed from the impoundment and from the two (2) perennial streams. Disturbed Bank of the streams will be restored with fabric encapsulated soil lifts that will be seeded and planted depending on the time of year in which restoration occurs. 3 to 10-inch cobbles will be infilled with the native streambed sediment. The disturbed BVW will be replaced in kind to match the existing grade, seeded and planted with native shrubs.

As an active aquaculture facility, the temporary wetlands and waterways impacts associated with the project may be exempt from the WPA and regulations as land in aquacultural use defined by 310 CMR 10.04 and as normal maintenance of land in aquacultural use defined in 310 CMR 10.04(b). The project may also be exempt from the Palmer Wetlands Protection Ordinance as maintenance of land in agricultural use as defined in Section 4 of the Ordinance.

Donald Blais, Jr. opened the meeting for questions and comment by the PCC and members of the general public. Dorothy Lawrence asked what kind of construction equipment will be used and where it will be staged; Dan Buttrick stated that normal construction equipment will be used and staged from uplands on site, while timber mats will be used in wetlands for access and staging.

Donald Blais, Jr. asked if the Agent had anything to add; the Agent stated that she agrees with the representative regarding the applicability of the aquacultural exemptions from both the WPA and the PWPO, that the work consists of ‘normal maintenance’ of ‘land in aquacultural use’.

There were no additional questions or comments by the PCC or members of the general public.

**Motion made by Dorothy Lawrence to close the public meeting for the RDA submitted for the Roger Reed Fish Hatchery Upper Dam Repairs and Pipeline Replacement Project at 7:21 PM**

**Motion seconded by Lucas McDiarmid**

**No further discussion**

**Role call vote: Donald Blais, Jr. – aye; Dorothy Lawrence – aye; Peter Izyk – aye; Nicholas Zeo – aye; Brenda Cole – aye; Lucas McDiarmid – aye**

**Motion Caries 6-0-0**

**Motion made by Lucas McDiarmis to make a Negative Determination, Box 5 that the area described in the request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, no Notice of Intent is required:**

**310 CMR 10.04: definitions of land in aquacultural use & agricultural use;**

**310 CMR 10.04(b): normal maintenance of land in aquacultural use;**

**310 CMR 10.04(b)(7): normal maintenance of land in agricultural use.**

**Motion seconded by Dorothy Lawrence**

**No further discussion**

**Role call vote: Donald Blais, Jr. – aye; Dorothy Lawrence – aye; Peter Izyk – aye; Nicholas Zeo – aye; Brenda Cole – aye; Lucas McDiarmid – aye**  
**Motion Caries 6-0-0**

**Motion made by Dorothy Lawrence to make a Negative Determination, Box 6, that the area and/or work described in the Request is not subject to review and approval by the Palmer Wetlands Protection Ordinance, Chapter 143**

**Motion seconded by Lucas McDiarmid**

**No further discussion**

**Role call vote: Donald Blais, Jr. – aye; Dorothy Lawrence – aye; Peter Izyk – aye; Nicholas Zeo – aye; Brenda Cole – aye; Lucas McDiarmid – aye**

**Motion Caries 6-0-0**

- b. 7:22 PM Cont. Notice of Intent (NOI) DEP # 256-0358: 9 Fuller Road (Map 29-12): The applicant has submitted a Notice of Intent for activities associated with the proposed construction of two (2) single family homes on ANR lots subdivided from 9 Fuller Road. Work is proposed to occur within the 100-foot Buffer Zone to Bordering Vegetated Wetlands (BVW) and within the 200-foot Riverfront Area to Moores brook, a coldwater fisheries resource.

Donald Blais, Jr. reopened the public hearing at 7:22 PM and Hector Quiles of HRQ Global was in attendance to discuss the project and reported that he obtained a new wetland scientist to re-delineate the Riverfront Area associated with Moores brook, a coldwater fisheries resource. He also reported that he is having the site plan redesigned to move the proposed houses, ideally completely out of the Riverfront Area. He will submit the new Riverfront Area delineation information and site plan in advance of the next PCC meeting on 2/1/2022, and requested a continuance of the public hearing until then.

**Motion made by Dorothy Lawrence to continue the public hearing for the Notice of Intent submitted for 9 Fuller Road, regulated under DEP # 256-0358 until 2/1/2022 at 7 PM**

**Motion seconded by Lucas McDiarmid**

**No further discussion**

**Role call vote: Donald Blais, Jr. – aye; Dorothy Lawrence – aye; Peter Izyk – aye; Nicholas Zeo – aye; Brenda Cole – aye; Lucas McDiarmid – aye**

**Motion Caries 6-0-0**

- c. 7:29 PM Request for Determination of Applicability (RDA) – 138 Boston Road (Map 9-35): The applicant is requesting determination to see if the work associated with the installation of a new private water supply well is subject to the MA Wetlands Protection Act and the Town of Palmer Wetlands Protection Ordinance. Work is proposed to occur within the 100-foot buffer zone and 50-foot No Disturb Zone to Bank of an intermittent stream.

Donald Blais, Jr. opened the meeting at 7:29 PM and the Agent provided a summary of the project at the request of the applicant/property owner, who was unable to attend the meeting. The project involves the installation of a new private water supply well in the 100-foot buffer zone to Bank of an intermittent stream that is located on the abutting property to the north. The site is currently developed and contains a single family home, driveway, and a failed private water supply well. The proposed location of the new water supply well is approximately 60-feet from the bank of the intermittent stream, just beyond the end of the existing driveway. All construction equipment will be staged from the driveway. Erosion

sediment controls will be installed between the well location and the northern property bound to prevent erosion and sedimentation of the intermittent stream. All disturbed areas will be loamed and seeded upon installation of the well.

Donald Blais, Jr. opened the meeting for questions or comments by the PCC and members of the general public. Dorothy Lawrence asked about the Special Conditions for the project; the Agent informed her that they will be standard Special Conditions focused on Best Management Practices such as the use of erosion controls, site stabilization upon completion of construction, and material staging.

There were no additional comments or questions on the proposed project at this time.

**Motion made by Dorothy Lawrence to close the public meeting for the Request for Determination of Applicability submitted for the installation of a new private water supply well at 138 Boston Road at 7:37 PM**

**Motion seconded by Lucas McDiarmid**

**No further discussion**

**Role call vote: Donald Blais, Jr. – aye; Dorothy Lawrence – aye; Peter Izyk – aye; Nicholas Zeo – aye; Brenda Cole – aye; Lucas McDiarmid – aye**

**Motion Caries 6-0-0**

**Motion made by Dorothy Lawrence to make a Negative Determination, Box 3, that the work described within 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 standard Special Order of Conditions**

**Motion seconded by Peter Izyk**

**No further discussion**

**Role call vote: Donald Blais, Jr. – aye; Dorothy Lawrence – aye; Peter Izyk – aye; Nicholas Zeo – aye; Brenda Cole – aye; Lucas McDiarmid – aye**

**Motion Caries 6-0-0**

**Motion made by Dorothy Lawrence to make a Negative Determination, Box 6, that the area and/or work described in the Request is not subject to review and approval by the Palmer Wetlands Protection Ordinance, Chapter 143**

**Motion seconded by Peter Izyk**

**No further discussion**

**Role call vote: Donald Blais, Jr. – aye; Dorothy Lawrence – aye; Peter Izyk – aye; Nicholas Zeo – aye; Brenda Cole – aye; Lucas McDiarmid – aye**

**Motion Caries 6-0-0**

## **7. New/ Old Business**

- a. Meetings on Zoom until further notice

Donald Blais, Jr. and the Agent decided that Commission meetings would occur virtually via Zoom until further notice due to the recent surge in the COVID-19 pandemic.

## **8. Set Next Meeting Date**

- a. The next meeting of the PCC is scheduled to occur on Tuesday, February 1, 2022 at 6:30 PM. This meeting will occur virtually via Zoom, and the public is encouraged to participate via remote means.

**9. Meeting Adjourned: 7:47 PM**

**Motion made by Nick Zeo to adjourn at 7:47 PM**

**Motion seconded by Lucas McDiarmid**

**No further discussion**

**Role call vote: Donald Blais, Jr. – aye; Dorothy Lawrence – aye; Peter Izyk – aye; Nicholas Zeo – aye;**

**Brenda Cole – aye; Lucas McDiarmid – aye**

**Motion Caries 6-0-0**

Sincerely Submitted,  
Sarah A. Fortune  
Palmer Conservation Agent





# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Documents

Tuesday, January 18, 2022 – 6:30 PM

**LOCATION: HYBRID – Virtual via Zoom & In person at the  
Town Administration Building  
4417 Main Street, Palmer, MA 01069**

Donald Blais, Chair  
Dorothy Lawrence, Vice Chair  
David Cotter  
Peter Izyk  
Nicholas Zeo  
Brenda Cole  
Lucas McDiarmid

Sarah Fortune, Agent

The following is a list of documents used at the above-mentioned meeting, in addition to those included in the agenda packet which is part of the official record of the meeting:

Number	Description	Agenda Item	Notes
1.	Meeting Minutes: 12/7/2021	Approval of Minutes	Retained in file for 2021 Agendas & Minutes
2.	Meeting minutes: 4/6/2021 Executive Session, 7/20/2021 Executive Session	Approval of Minutes	Tabled until 5/3/2022 at 6:30 PM
3.	Notice of Intent (NOI): 9 Fuller Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0358
4.	NOI Site Plans: 9 Fuller Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0358
5.	DEP File Comments: DEP # 256-0358, 9 Fuller Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0358
6.	Wetland Delineation Report: DEP # 256-0358, 9 Fuller Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0358
7.	Request for Extension OOC: DEP # 256-0338; 1235 Thorndike Street	Signing of Documents	Retained in file for DEP # 256-0338
8.	Request for Determination of Applicability: 138 Boston Road	Schedule of Public Meetings & Hearings	Retained in RDA file for 138 Boston Road
9.	Well and/or Pump Application: 138 Boston Road	Schedule of Public Meetings & Hearings	Retained in RDA file for 138 Boston Road
10.	Determination of Applicability with Special Conditions: 138 Boston Road	Schedule of Public Meetings & Hearings	Retained in RDA file for 138 Boston Road
11.	Request for Determination of Applicability: 693 Ware Street	Schedule of Public Meetings & Hearings	Retained in RDA file for 693 Ware Street
12.	Site Plans & Figures: 693 Ware Street	Schedule of Public Meetings & Hearings	Retained in RDA file for 693 Ware Street
13.	Determination of Applicability: 693 Ware Street	Schedule of Public Meetings & Hearings	Retained in RDA file for 693 Ware Street
14.	Conflict of Interest training paperwork	New/Old Business	Retained in file for 2022 Conflict of Interest training