



# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Minutes

Tuesday, January 22, 2019 – 6:30 PM

LOCATION: Town Administrative Building Meeting Room

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

Angela Panaccione, Agent  
Jeff Stanhope, Assistant

**Members Present:** Donald Blais, Jr.  
David Cotter  
Peter Izyk  
Nicholas Zeo  
Brenda Cole  
Lucas McDiarmid  
Angela Panaccione, Conservation Agent  
Jeff Stanhope, Conservation Assistant

**Members Absent:** Dorothy Lawrence

**Also Present:** James Wawrzyk, L65 Bennett Street  
Don Frydryk, Sherman & Frydryk

1. **Call to Order:** 6:30 PM – Donald Blais, Jr. (Chair)
2. **Chair, Member & Committee Reports:** No Chair, Member & Committee Reports.
3. **Review Phone/Mail/E-Mail Messages**
  - a. **National Grid Notice of Utility Line Maintenance – River Street**

National Grid mailed the Conservation Commission a letter notice in regard to removal of three utility poles that are no longer in use as well as utility line maintenance/improvement activities in the area of River Street/Hill Street in Palmer.
4. **Public Inquiries:** No Public Inquiries Scheduled.
5. **Approval of Minutes**

a. **December 18, 2018**

**Motion made by Brenda Cole to approve the minutes from December 18, 2018 as amended.**

**Motion seconded by Nicholas Zeo.**

**Peter Izyk and Lucas McDiarmid abstain.**

**No further discussion – 4-0-2 – Motion Carries.**

b. **January 8, 2019**

**Motion made by Nicholas Zeo to approve the minutes from January 8, 2019 as amended.**

**Motion seconded by David Cotter.**

**Brenda Cole and Lucas McDiarmid abstain.**

**No further discussion – 4-0-2 – Motion Carries.**

**6. Approval of Payables:**

**a. Roberts – \$30.00**

**Motion made by Lucas McDiarmid to approve the payable to Roberts & Ludlow Printing for FEMA Map from the Conservation Commission General Expenses Account.**

**Seconded by Peter Izyk.**

**No further discussion – 6-0-0 – Motion Carries.**

**b. Mileage – \$299.61**

**Motion made by Lucas McDiarmid to approve the payable to Angela Panaccione for Mileage Reimbursement for December 2018 – January 12, 2019 from the Conservation Commission Town Wetlands Ordinance Account.**

**Seconded by Peter Izyk.**

**No further discussion – 6-0-0 – Motion Carries.**

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

**a. Order of Conditions (OOC) DEP #256-0337: Palmer DPW Bulk Permit Road Maintenance**

**Motion made by Brenda Cole to issue the Order of Conditions for 5-years for Town Roads with Finding of Facts and General Special Conditions.**

**Seconded by David Cotter.**

**No further discussion – 6-0-0 – Motion Carries.**

**b. Request for Extension DEP #256-0257: Knox Pond Condominiums**

The Agent recommends against extending the permit because the project is essentially a gravel pit, therefore she believes it should be viewed and treated as a gravel pit. Her other recommendation is to have the applicant file a Request for Determination (RDA) going forward with their project. Don Frydryk said to the best of his knowledge, the applicant hasn't done any work or earth removal in a long time and their plan is to move forward on a site plan and special permit. He asked if the Conservation Commission would be amendable to approving a 3-year or even as short as a 1-year extension permit. The Agent recommends that they file a RDA because of the many new revisions that have been added to federal, state, and local/municipal wetlands regulations and ordinances since the project was first addressed and permitted many years ago. She also recommends the Commission does not issue an extension permit as well as require the filing of a new RDA or Notice of Intent (NOI) by the applicant in order for them to resubmit an application for permitting and renew the project process moving forward.

**Motion made by Lucas McDiarmid to deny the Request for an Extension Permit for DEP #256-0257.**

**Seconded by David Cotter.**

**No further discussion – 6-0-0 – Motion Carries.**

**8. Schedule of Public Hearings**

**a. 7:00 PM Notice of Intent (NOI) DEP #256-0338: Altitude Organic – 1235 Thorndike Street (Map 73-58)**

The applicant is requesting an Order of Conditions for the proposed development of a retail marijuana sales facility; including the demolition of existing building, new building construction and expansion of the parking area.

Don Frydryk, of Sherman & Frydryk, was present at tonight's meeting for the continuance of the public hearing. The Conservation Commission asked many questions throughout the first hearing for this project at the previous meeting. Don Frydryk stated how he has prepared answers in response to those questions for the Agent & Commission to review and comment on. He provided copies of a letter to the Agent & Commission that addressed all of the questions they had for him during the first hearing as well as provided answers and analysis. The letter from Sherman & Frydryk on behalf of Altitude Organics Corporation of Massachusetts has been provided to the Conservation Commission in response to questions raised at the first public hearing for this project.

The Agent stated to Don Frydryk that she would like to see more evidence associated with the information in the responses to the Agent's & Commission's questions than what is described and included in the letter. Don Frydryk commented for this project in this particular case the entire site is contained within the buffer zone. He believes utilization of their proposed system, rather than impervious pavement, is well-suited for this type of small/compact site size. Don Frydryk said the building coming down and the rough grading of the parking area is work that will be done within the boundary of erosion controls, as well as done with best management practices (BMPs) and a proper construction maintenance plan in mind because of the close proximity to wetlands.

The Agent believes it is a good idea going forward for the applicant to fill out the forms/paperwork/sheets associated with the construction maintenance, construction sequence, and construction best management practices (BMPs) of the project because there is such a close proximity to wetlands. The Agent said if Don Frydryk is amendable, she recommends that construction, erosion and sediment control, and BMP plans be added to the site plans because of the wetlands proximity. The aforementioned plans will be in regard to demolition, excavation, grading, staging, and other construction work that is planned to be performed on site. Don Frydryk assured the Agent he does not have an issue with the inclusion of the requested additional plans in new/revised site plans for her. The Agent said by the next meeting it is recommended the Conservation Commission receive the construction, erosion and sediment, and BMP plans included in the site plans as well as the applicant check the building for drains.

**Motion made by Nicholas Zeo to continue the public hearing to February 5, 2019 at 7:00 pm.**

**Seconded by Lucas McDiarmid.**

**No further discussion – 6-0-0 – Motion Carries.**

- b. 7:30 PM Notice of Intent (NOI) DEP #256-0336: Forest Lake Seasonal Cottages – Off River Street & Forest Lake Road (Map 36-86, 31-1-1, 30-11-5)

The applicant is requesting an Order of Conditions for proposed site development of a Seasonal Cottage Resort with lake front amenities; including the construction of canoe/kayak launch & beach restoration. Work is proposed within Forest Lake, within the Riverfront Area of the Ware River and associated buffer zones.

**Motion made by Lucas McDiarmid to continue the public hearing to February 5, 2019 at 7:30 pm.**

**Seconded by Brenda Cole.**

**No further discussion – 6-0-0 – Motion Carries.**

9. **Requests for Certificate of Compliance:** No Requests for Certificate of Compliance.

## **10. Project Monitoring**

### **a. DEP #256-0331: 271 Breckenridge Street Solar**

The Agent stated they definitely dug the basin/trench deeper as requested and they were supposed to add more rock and increase the berm, but at the moment it is hard to tell because of the thick snow cover. She added there is significantly less water coming off of the site now, which is a notable improvement.

## **11. Violations & Enforcement**

### **a. Enforcement Order – DEP #256-0332: L12 Breckenridge**

The Agent stated there will be a pre-activity meeting scheduled for January 24, 2019 at 1:00 pm.

### **b. L65 Bennett Street**

James Wawryzk, the property owner, was present at tonight's meeting. The Agent stated what occurred was tree removal and the placement of fill in the buffer zone, as well as potential work to bank in this area. The Agent & Commission had previously discussed issuing an enforcement order because the property owner, James Wawryzk, did not attend the last meeting, but the Agent had since spoken with the landowner in regard to the issue. Since the Agent has not begun drafting the enforcement order letter yet, she decided the Conservation Commission would give James Wawryzk an opportunity to explain what he was doing and what his intentions were/are and then go from there. James Wawryzk explained when he received the letter notice he called the Agent and said he was not aware that cleaning up his property was a problem. The Agent explained there were a lot of trees cut, some on the bank, which is not good for the stability of the bank and it can lead to erosion. The Agent said to James Wawryzk, "so you say you're just trying to clean it up, to do what exactly?" James Wawryzk said he took a couple of truck loads of trash out of there because the previous owner never cleaned it up, so they cleaned up all of that. He added by cleaning that, getting through the brush, they removed the brush, but he was not aware that was a violation.

Lucas McDiarmid asked the Agent when she mentioned tree removal if she was referring to full size trees and she answered yes. James Wawryzk stated one of the trees they removed was one that got hit by a car and took out all of the guardrail, which still needs to be repaired. He added it was leaning against the other trees, which was pushing them into the water. The Agent asked where the most recent piles came from and James Wawryzk explained they were woodchips. David Cotter asked where the woodchips came from and the Agent questioned if he brought them in from a different site. James Wawryzk responded no and mentioned the woodchips came from chipping the little trees and stuff that were there. The Agent asked if the brush piles on site were chipped as well and James Wawryzk answered yes. The Agent explained that an issue there with chipping the brush pile as well as spreading it is that it had invasives in it that were flowering, so they are probably going to repopulate. James Wawryzk said "invasives?" The Agent countered yes, the Oriental Bittersweet, the vine with the red berries. She added that he pulled that up, chipped it out, and spread it all over, so he essentially took a small infestation that was there of the Oriental Bittersweet and put it all over the property. The Agent added she doesn't know if he brought any off-site, but in that case it would transport and spread. James Wawryzk questioned if it was a good thing or a bad thing. The Agent responded it was a bad thing because they [Oriental Bittersweet] choke out all of the vegetation; they are the vines that wrap around trees and probably cause some of them to die.

James Wawrzyk said he is kind of confused. The Agent said her first recommendation would be to remove the woodchips to the best of his ability possible because they have ground up Oriental Bittersweet in them and we don't want that getting transported. The Agent asked if James Wawrzyk intended to keep cleaning up more. James Wawrzyk answered he is not going to do another thing and let it be if that's what has to happen. He added he is confused by the fact that he's being told he can't cut stuff on site, but being told there's an invasive species on site as well. The Agent clarified there's good vegetation and there's bad vegetation; regardless, any work that happens within 100-feet of a pond or a bank requires review and permitting from the Conservation Commission to determine if it's going to impact resource areas subject to our protection. She added cutting down mature trees on the bank and on the property could result in loss of habitat, loss of cover, loss of shade, bank instability, erosion, scouring. The Agent said typical protocol is to come to the Commission and depending how many trees you want to cut you would either get an administrative approval if it's one or two trees (she would go out and check the trees before giving her approval for cutting them down) or if it's more trees you would come and get a formal determination from the Commission. The Agent commented with invasive species management it can be done as well, but there are conditions in place for the removal to make sure you're preventing any further spreads and the methods for removal could differ significantly from chemical to cutting to solarizing depending on the species, so that would get conditions just like for tree removal. She added what she is trying to say is any work would require approval and that is why she asked James Wawrzyk what his intentions were; if his intentions are to do nothing and leave it or if he has a game plan. David Cotter explained that these rules and regulations that the property owner James Wawrzyk broke are state laws that the Conservation Commission is required to enforce at the municipality level.

The Agent asked James Wawrzyk once again if he is planning on doing any work on his land/property. James Wawrzyk answered no, but questioned about picking up the remainder of the site and doing invasive species removal work; more specifically what the allowed proximity is to do such work nearby the water resources. The Agent's recommendation is to have all members of the Conservation Commission perform an upcoming site visit as well as walk the property with the James Wawrzyk to discuss his future agenda in regard to work on site. Following the site visit, the Agent & Commission can determine what is okay and what is not okay to do, make alternative recommendations if necessary, and answer any particular questions James Wawrzyk may have here on out. James Wawrzyk mentioned an abutting neighbor who said she was the only/one of the only people in town allowed the clean out the area nearby/adjacent to the water. He commented about the bank and asked what the Agent and Commission believes is the best way to approach the bank area and likewise because of it's close location next to the water. James Wawrzyk reassured the Conservation Commission that his initial intentions were to do good rather than do harm. He asked about the arborvitae plantings on his property because they are within the 100-foot buffer, therefore wanted to know the history of it; such as who did the plantings and when they were done, as well as if they would have needed a permit to do the plantings. James Wawrzyk stated his property is a very small piece of land, as it's only a third of an acre, and asked if mowing is allowed on his property without the need to notify the Conservation Commission. The Agent responded mowing the lawn is perfectly acceptable, so as long as James Wawrzyk properly disposes of the clippings and does not pile them near the water or actually dump the clippings into the water itself.

The Agent recommends the Conservation Commission continue this first public hearing until our next meeting scheduled for Tuesday, February 5, 2019, in order to give the Agent & Commission enough/reasonable time to meet with the landowner James Wawrzyk to walk the property and perform their site visit before any further recommendations/comment. The Agent asked the Commission when members would most likely be available to perform the site visit. The Agent asked if all members were amendable to performing the site visit this Friday afternoon of this week. The Commission confirmed that the site visit will be scheduled for the afternoon of Friday, January 25, 2019 at 3:00 pm. The Agent will set up a time to meet with the property owner James Wawrzyk personally in her office after the conclusion of the site visit, so they can go over the process of filing a Request for Determination (RDA), prior to bringing him back to a second public hearing at a future Conservation Commission meeting.

c. Springfield Street

The Agent & Assistant have both been in touch with the property owner of 123 Springfield Street, Elizabeth Martins, via telephone calls and have explained to the complantee that we are in the process of researching the problem and searching for old files in order to provide her with accurate information as soon as possible. More specifically, the Assistant Jeff Stanhope went into the basement and explored many old Conservation files.

12. New/Old Business

a. LAND Grant Award

The Agent was a receipt of the LAND Grant Award!

b. Trail Grant Update – Gazebo

The gazebo is not being built until the spring. David Cotter will obtain burn permit and the Commission will have a brush pile burn day at the trail scheduled for Saturday, February 2, 2019 at 9:00 am.

c. MVP Community Resilience Building Workshop Friday, February 1, 2019

Community Resilience Building Workshop for Municipal Vulnerability Preparedness scheduled for Friday, February 1, 2019 from 8:30 am – 4:30 pm at the Palmer Police Station Conference Room.

d. Trail Grant for MCR Extension

**Motion made by Nicholas Zeo to send a Letter of Support to Amanda Lewis, DCR MassTrails Program Manager, in support of our 2019 MassTrails Grant Application for a Feasibility Study for the Connectivity of the MCRT from Ware, through Palmer, into Belchertown.**

**Seconded by Peter Izyk.**

**No further discussion – 6-0-0 – Motion Carries.**

e. MACC AEC Saturday March 2, 2019 Registration Open

Reminder to fill out Registration Form in regard to Course Selection. Scholarships are available as well.

f. Grant for ArcGIS Meeting Thursday, January 24, 2019 at 10:00 am

The Agent applied for a Grant to acquire ArcGIS Software for our municipality; the Town of Palmer.

13. **Office Closed:** Wednesday, January 23, 2019.

14. **Set Next Meeting Date:** Tuesday, February 5, 2019 @ 6:30 pm.

15. **Meeting Adjourned:** 8:39 PM

**Motion made by Lucas McDiarmid to adjourn at 8:39 PM.**

**Motion was seconded by David Cotter.**

**No further discussion – 6-0-0 – Motion Carries.**

Sincerely Submitted,

Jeff Stanhope  
Palmer Conservation Assistant



# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Documents

Tuesday, January 22, 2019 – 6:30 PM

**LOCATION: Town Administrative Building Meeting Room**

Donald Blais, Chair  
David Cotter, Vice Chair  
Peter Izyk  
Nicholas Zeo  
Brenda Cole  
Dorothy Lawrence  
Mike Swiatek  
  
Angela Panaccione, Agent  
Sarah Fortune, Assistant

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.	Approval of Meeting Minutes: 1/8/2019	Approval of Meeting Minutes	Retained in 2019 Minutes binder in office
2.	National Grid: Notification of Utility Line Maintenance – River Street	Review Mail/Phone Messages	Retained in 2019 Mail in office
3.	Notice of Intent (NOI), site plans & associated documents: DEP # 256-0338 – 1235 Thorndike Street (Map 73-58); Altitude Organics	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0338
5.	Notice of Intent (NOI), site plans & associated documents: DEP # 256-0336; Forest Lake Seasonal Cottages – Off River Street & Forest Lake Road (Map 36-86, 31-1-1, 30-11-5)	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0336
6.	Monitoring Reports: DEP # 256-0331; 271 Breckenridge Street (Map 19-60)	Project Monitoring	Retained in file for DEP # 256-0331