

# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Minutes

Tuesday, January 7<sup>th</sup>, 2020 – 6:30 PM

**LOCATION: Town Administrative Building Meeting Room**

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

**Members Present:** Donald Blais, Jr.  
Brenda Cole  
David Cotter  
Peter Izyk  
Nicholas Zeo  
Mike Swiatek  
Angela Panaccione, Conservation Agent  
Sarah Fortune, Conservation Assistant

**Members Absent:** Dorothy Lawrence

**Also Present:** James Waurzik; 85 Bennett Street, Palmer, MA 01069  
Robert Natario, MassDOT; 811 N. King Street, Northampton, MA 01085

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

2. **Approval of Minutes**

a. 12/3/2019

**Motion made by Mike Swiatek to approve the meeting minutes from 12/3/2019 as amended**

**Motion seconded by Nick Zeo**

**No further discussion – 4-0-0 – Motion carries (Donald Blais, Jr. and Brenda Cole abstained)**

3. **Review Mail/Phone Messages**

a. National Grid 2020 Yearly Operational Plan (YOP)

The PCC received the National Grid Yearly Operational Plan (YOP) 2020 for vegetation maintenance along transmission right-of-way (ROW) 165, which is located in close proximity to Palmer Motorsports Park, and the transmission ROW that parallels the Quaboag River beginning at the substation. The YOP states that vegetation management along the ROWs will consist of cutting vegetation in late winter, then conducting a basal herbicide treatment in spring, followed by a late summer foliage herbicide treatment in late summer.

b. FEMA 2019 Discovery Report

The PCC received a 300-page preliminary discovery report from FEMA regarding future hydrogeologic studies of flood hazard areas to update flood risk mapping to reflect recent trends in frequency and duration of storm events. The discovery report stated that only a few sections of rivers are ranked as high priority for future hydrogeologic studies, whereas main stem rivers are ranked at a medium priority for future analysis of flood risks. One area identified as high priority for hydrogeologic analysis is King's Brook, due to the extensive

empoundment created by beavers; if this empoundment were to breach due to lack of maintenance by beavers, the flood waters would likely wash out Route 67.

#### **4. Approval of Payables**

- a. SWCA: \$ 655.00

**Motion made by Mike Swiatek to approve the payable to SWCA in the amount of \$ 655.00 from the CONREV account**

**Motion seconded by Brenda Cole**

**No further discussion – 6-0-0 – Motion carries**

- b. Mileage: \$ 249.98

**Motion made by Brenda Cole to approve the payable for mileage to Angela Panaccione in the amount of \$ 249.98 from the Ordinance account**

**Motion seconded by Mike Swiatek**

**No further discussion – 5-0-0 – Motion carries**

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

- a. Ratify Emergency Permit: MassDOT; Shearer Street

Robert Natario of MassDOT was in attendance to discuss the Emergency Permit issued in December 2019 for work to address a failed culvert under the I-90 on ramp adjacent to Shearer Street. The work to abate the emergency consisted of installing two (2) 48-inch RCP culverts with deep sump manholes to minimize sediment mobility into the stream and reroute the drainage in the area to allow for future repair of the failed culvert. The first RCP culvert was installed from the Ice House Pond under Shearer Street and connects to the second RCP culvert which discharges to the brook through a flared end section. The Emergency Permit requires that MassDOT file a full Notice of Intent (NOI) with the PCC to address impacts to wetland resource areas resulting from the failed culvert; due to the severity of the culvert failure, there was no time for MassDOT to file a NOI prior to addressing the situation.

A unique inlet structure is currently being manufactured that will be included in the NOI for the culvert replacement and wetland restoration due to the nature of the existing inlet structure, which consists of a drop inlet with a 10-foot drop from the dam to the culvert under the on-ramps. The goal with the new inlet structure is to duplicate existing conditions and to maintain current water elevations in the Ice House Pond.

Manufacturing of the new inlet structure will take a few months, which will provide time for MassDOT to develop the full NOI submission for the project. Robert stated that the failed culvert will be decommissioned or replaced, but is unsure exactly what will happen at this time. The Agent requested that the elevations of the existing and proposed culverts be included in the NOI and on the site plans, due to the existing culvert being located within the historic stream channel.

The Agent expressed her concern about impacts to an existing town-owned culvert and intermittent stream located under Shearer Street resulting from the recent work to divert water from the failing culvert under the I-90 on ramp. Currently, water diverted through the new culverts is backfilling the existing culvert due to a 6-inch difference in grade between the outfall pipes. This issue might be resolved upon the removal of the erosion-sediment controls, but the Agent requested that this issue be addressed as the culvert repair project moves forward. Rob Natario informed the PCC that he has added fortification to the erosion-sediment controls at the outfall pipes to prevent backflow of water into the town-owned culvert, and has been visiting the site regularly to

maintain and monitor the fortified ESC. He suggested that natural rock with a gentle gradient be added to the outlet area when the culvert replacement is conducted to minimize the potential for backflow into the town-owned culvert. The Agent expressed her interest in combining the culvert replacement with the work to tie it in the existing town-owned culvert, which could save money.

**Motion made by Nick Zeo to ratify the Emergency Permit issued to MassDOT for emergency culvert work on Shearer Street**

**Motion seconded by Peter Izyk**

**No further discussion – 6-0-0 – Motion carries**

## **6. Violations & Enforcement**

### a. L65 Bennett Street

Jim Waurzik of L65 Bennett Street was in attendance to discuss complaints received pertaining to plowing snow into wetland resource areas. Jim informed the PCC that he was out of town during the last snow storm, and that he is no longer contracting with the previous snow plow contractor as a result of this situation, and that he will plow the driveway himself when he is in town. The Agent asked about the property owner's plans for the wood chip pile on site, and suggested that the chips be burned due to the fact that burning season is upon us. Jim expressed his disinterest in the idea, and suggested that the wood chips be removed mechanically. The Agent informed him that burning the wood chips is more cost-effective than removing them with machinery, and expressed her concern about machinery operating in such close proximity to wetland resource areas. The Agent also inquired as to the status of the solarization which was employed to mitigate the growth of invasive plant species on site. Jim informed the PCC that a meeting was originally scheduled on 3/5/2019 which never occurred, so he didn't do anything with either the woodchip pile or the solarization because he was waiting to hear back from the Commission. The PCC proceeded to schedule an inspection on 4/17/2020 at 8:30 AM to observe the effectiveness of the solarization. The Agent also instructed the property owner to burn the woodchip pile in advance of the site inspection scheduled for April.

## **7. Schedule of Public Meetings & Hearings**

- a. **Request for Determination of Applicability (RDA) – 104 Beech Street (Map 75-10-6):**  
The applicant is requesting a determination to see if the work associated with the installation of a lean-to 8-feet from an intermittent stream and a shed 35-feet from an intermittent stream is subject to the Wetland Protection Act and the Town of Palmer Wetlands Ordinance.

Donald Blais, Jr. opened the public meeting at 7:47 PM and the Agent informed the PCC that this is an after-the-fact filing due to the discovery of the two (2) out-buildings installed without a permit during a final inspection to the site for the issuance of a Certificate of Compliance (COC). The two (2) outbuildings consist of a lean-to installed about 8-feet from the intermittent stream on site, and a shed about 35-feet from the intermittent stream. The outbuildings were constructed on footings, and there were no signs of erosion or other disturbance to wetland resource areas on the site.

Donald Blais, Jr. opened the public meeting to questions and comments from the PCC. The PCC did not have any questions or comments on the project at this time.

**Motion made by Mike Swiatek to close the public meeting for the RDA submitted for the after-the-fact construction of a lean-to and shed at 104 Beech Street at 7:50 PM**

**Motion seconded by Nick Zeo**

**No further discussion – 6-0-0 – Motion carries**

**Motion made by Mike Swiatek to make a Negative Determination, Box 3, stating that work described within the Request is within the Buffer Zone, as defined in 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 Conditions**

**Motion seconded by Brenda Cole**

**No further discussion – 6-0-0 – Motion carries**

**Motion made by Mike Swiatek to make a Negative Determination, Box 6, stating that the area and/or work described within the Request is not subject to review and approval pursuant to the Palmer Wetlands Protection Ordinance, Chapter 168**

**Motion seconded by Nicholas Zeo**

**No further discussion – 6-0-0 – Motion carries**

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

- a. Request for Certificate of Compliance (COC): DEP # 256-0155; 104 Beech Street (Map 75-10-6)

**Motion made by Nick Zeo to close the public meeting for the RDA submitted for the after-the-fact construction of a lean-to and shed at 104 Beech Street at 7:50 PM**

**Motion seconded by Brenda Cole**

**No further discussion – 6-0-0 – Motion carries**

## **9. Violations & Enforcement**

- a. Discuss site visit: DEP # 256-0248, Flynt Street on 12/6/2019 at 10 AM

The PCC visited the property proposed to be placed under a Conservation Restriction (CR) as required by the Order of Conditions for this project, and discovered that it is a small property with difficult access and is not connected to the project site. The PCC discussed the public benefit of placing this property under a CR versus other projects that could have a higher public benefit, such as a culvert replacement, which the applicant has offered to do to satisfy the requirement to mitigate impacts to Riverfront Area. The PCC agreed that a culvert replacement project would be more ideal in this situation than permanently conserving the proposed CR property.

**Motion made by Dave Cotter to accept a culvert replacement in lieu of the permanent conservation of the CR property as stipulated in the Order of Conditions for DEP # 256-0248**

**Motion seconded by Nick Zeo**

**No further discussion – 6-0-0 – Motion carries**

## **10. New/Old Business**

- a. Culvert Assessments & Stormwater outfall mapping

Culvert assessments and stormwater outfall commenced on Friday, 1/3/2020 and will continue on Friday, 1/10/2020.

- b. 604(b) Grant

The Agent and the Board of Health have been working to identify property owners at Forest Lake with septic systems as a component of this grant. The Agent will develop an official mailing to the property owners containing a letter with information about the project goals and an official consent form allowing the Conservation and Board of Health Agents to enter their properties and conduct inspections of their septic systems.

c. MVP Action Grant

There is no update on this agenda item.

d. Conflict of Interest Training

The PCC received the Conflict of Interest training packet which shall be returned to the Town Clerk upon completion.

e. 2020 Trail Grant UTV

The PCC will begin working on a 2020 Trail Grant to obtain funding to acquire UTV's for the purpose of conducting land management and stewardship on the 800-acres of town-owned conservation land.

f. Master Plan

The committee to update the town's Master Plan requires one (1) to three (3) PCC members to sit on the committee to provide valuable input, given that the goal with the Master Plan update is to incorporate climate-change and associated planning in to the overall Master Plan. Donald Blais, Jr., Brenda Cole and Nick Zeo volunteered to sit on the Master Plan Update Committee. The committee will hold three (3) to five (5) afternoon meetings, but the meeting dates and time are unknown at this time.

g. Open Space and Recreation Plan 2021 Update

The Agent requested funding to update the Open Space and Recreation Plan, which will expire in 2021. The Agent would like to piggy back this update with the update of the Master Plan, given the fact that there is a section on open space within the Master Plan.

**11. Set Next Meeting Date**

- a. The next meeting of the PCC is scheduled to occur on Tuesday, January 21, 2020 at 6:30 PM.

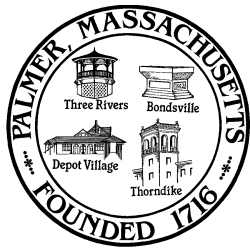
**12. Meeting Adjourned: 8:32 PM**

**Motion made by Brenda Cole to adjourn at 8:32 PM**

**Motion was seconded by Nick Zeo**

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

Sincerely Submitted,  
Sarah A. Fortune  
Palmer Conservation Assistant



# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Documents

Tuesday, January 7, 2020 – 6:30 PM

**LOCATION: Town Administrative Building Meeting Room**

Donald Blais, Chair  
Dorothy Lawrence, Vice  
Chair  
David Cotter  
Peter Izyk  
Nicholas Zeo  
Brenda Cole  
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.	Meeting Minutes: 12/3/2019	Approval of Minutes	Retained in 2019 minute binder in office
2.	Request for Determination of Applicability (RDA), site plans & associated documents: 104 Beech Street (Map 75-10-6) Construction of lean-to and shed (after-the-fact)	Schedule of Public Meetings & Hearings	Retained in RDA file for 104 Beech Street (Map 75-10-6) Construction of lean-to and shed (after-the-fact)
3.	Determination of Applicability (DOA) & Special Conditions: 104 Beech Street (Map 75-10-6) Construction of lean-to and shed (after-the-fact)	Schedule of Public Meetings & Hearings	Retained in RDA file for 104 Beech Street (Map 75-10-6) Construction of lean-to and shed (after-the-fact)
4	Request for Certificate of Compliance (COC): DEP # 256-0155; 104 Beech Street (Map 75-10-6)	Signing of Documents	Retained in file for DEP # 256-0155
5.	Ratify Emergency Permit: MassDOT; Sheerer Street	Signing of Documents	Retained in Emergency Permit file for MassDOT; Sheerer Street
6.	Conflict of Interest training packet	New/Old Business	Retained in file for 2020 PCC conflict of interest training
7.	National Grid Yearly Operation Plan 2020	Review Mail/Phone Messages	Retained in 2020 Mail
8.	FEMA 2019 Discovery Report	Review Mail/Phone Messages	Retained in file for FEMA updates in office