

TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, October 1, 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

Members Present: Donald Blais, Jr.
David Cotter
Peter Izyk
Nicholas Zeo
Dorothy Lawrence
Brenda Cole
Mike Swiatek
Sarah Fortune, Conservation Assistant

Members Absent: Angela Panaccione, Conservation Agent

Also Present: Jason Brown; 536 Fruitland Road, Barre, MA 01005
Deane Gallo; 117 Thayer Road, Monson, MA 01057
Kim Murphy; 149 Sandrap Way, Chicopee, MA
Jack Murphy; 149 Sandrap Way, Chicopee, MA
Donald Fydryk, Sherman & Frydryk LLC; 3 Converse Street, Palmer, MA 01069
Kim Shattuck; 120 Woodcliff Drive, Westfield, MA
Mark Dupuis; 129 Woodcliff Drive, Westfield, MA

1. **Call to Order:** 6:32 PM – Donald Blais, Jr. (Chair)

2. **Approval of Minutes:**

a. 5/21/2019

Motion made by Dorothy Lawrence to approve the minutes from 5/21/2019 as written

Motion seconded by Mike Swiatek

No further discussion – 6-0-1 – Motion carries (Brenda Cole abstained)

b. 9/3/2019

Motion made by Nicholas Zeo to approve the minutes from 9/3/2019 as written

Motion seconded by Dorothy Lawrence

No further discussion – 5-0-2 – Motion carries (David Cotter and Mike Swiatek abstained)

3. **Approval of Payables:**

a. Mileage: \$274.34

Motion made by Dorothy Lawrence to approve the mileage reimbursement to Angela Panaccione for \$274.34 from the ordinance account

Motion seconded by Peter Izyk
No further discussion – 7-0-0 – Motion carries

- b. Big Y: \$ 212.89

Motion made by Dorothy Lawrence to approve the payable to Big Y for \$212.89 from the ordinance account

Motion seconded by Nicholas Zeo
No further discussion – 7-0-0 – Motion carries

4. Singing of Documents (DOA, OOC, COC, Ext., Etc.):

- a. Request for Extension: DEP # 256-0319; JT Brown, Ware Road

The PCC received a Request for Extension of Order of Conditions issued for DEP # 256-0319 for the JT Brown gravel pit located off of Route 32 on 9/4/2019. The original Order of Conditions was issued by the PCC on 10/4/2016 and was set to expire on 10/4/2019. There is on-going gravel extraction on the site and therefore the applicant requested a three (3) year extension, which would extend the life of the permit until 10/4/2022.

Donald Blais, Jr. asked the PCC and members of the general public if they had any comments or questions on the proposed Extension. No comments or questions were voiced at this time.

Motion made by Peter Izyk to issue an Extension Permit for Orders of Conditions for DEP # 256-0319 for the JT Brown gravel pit on Ware Road

Motion seconded by Dorothy Lawrence
No further discussion – 7-0-0 – Motion carries

5. Review Phone/Mail/E-Mail Messages:

- a. Forest Cutting Plan for 166 Peterson Road (Map 20-33)

The PCC has not received any response from DCR or DEP on the FCP for 166 Peterson Road.

- b. FCP L11 Old Warren Road (Map 21-11)

The PCC has not received any response from DCR or DEP on the FCP for L11 Old Warren Road.

- c. Abutter Notice FCP Baltazar

The PCC has not received any response from DCR to the comments provided on the FCP for the Baltazar property.

6. Violations & Enforcement

- a. DEP # 256-0312: MA DOT I-90 Ramps

The PCC received correspondence from Robert Natario of DOT on 10/1/2019 that he would be unable to attend the meeting to discuss this enforcement issue due to illness. He intends to attend the next PCC meeting on 10/15/19.

- b. 166 Peterson Road

There was no update on this agenda item. The PCC has yet to receive correspondence relative to a site inspection with the property owners, the DCR Service Forester, the Town Manager, and the Commission.

c. Hillside Drive

This enforcement issue was resolved at the PCC meeting on 9/3/2019.

7. New/Old Business:

a. Forest Lake Seasonal Cottages MEPA Site Visit

The PCC conducted the MEPA site visit for the Forest Lake Seasonal Cottages project on 9/23/2019 to address any environmental impacts that have not yet been addressed. Following the site visit, the PCC hosted a meeting for public comments on the ENF. The Agent provided her review comments on the Environmental Notification Form (ENF) on 10/1/2019. A response to the ENF comments should be received by 10/11/2019. The ENF comments will then be integrated into the Environmental Impact Report (EIR).

b. 604(b) Grant

There was no update on this agenda item.

c. MVP Action Grant

There was no update on this agenda item.

d. Tree City USA

The Agent has been working with the Town Manager to finalize the requirements for the Tree City USA program. They are in the process of filling the Tree Warden position pursuant to the MGL that governs all tree wardens across the state, which requires that they be a licensed arborist and pesticide applicator.

e. Erosion & Sediment Control Ordinance

The PCC will review and provide comments on the draft Erosion and Sediment Control Ordinance.

f. 2019 Civic Education Academy: Cancelled

The 2019 Civic Education Academy scheduled for 10/16/19 has been cancelled.

g. MACC Fall Conference on 10/19/2019

Registration is now open for the MACC Fall Conference.

8. Schedule of Public Meetings & Hearings:

- a. 7:00 PM Request for Determination (RDA) 289 Wilbraham Street (Map 5-13): Heka, Incorporated of 98 Sgt. Tm Dion Way, Westfield MA is requesting a determination to see if the work associated with the development of a retail marijuana sales facility is subject to the Wetland Protection Act and the Town of Palmer Wetlands Ordinance.

Donald Blais, Jr. opened the public meeting and Donald Frydryk of Sherman and Frydryk LLC was in attendance to present the proposed project, stating that project involves the construction of a 6,300 square-foot retail marijuana sales facility with a private water supply, stormwater management structures, and a parking area with 61 spaces at 289 Wilbraham Road. There is an existing building on site that is run-down and will be razed in order to construct the new facility. There is a perennial stream with Bordering Vegetated Wetlands (BVW) on site but no temporary or permanent alterations are proposed to Bank, BVW, Bordering Land Subject to Flooding (BLSF), and Riverfront Area because the project was designed completely outside of wetland

resource areas. Stormwater management structures include infiltration basins and a level spreader which will be located outside of the Riverfront Area to allow stormwater to recharge the wetlands while meeting water quality standards prior to discharge to the perennial stream. Erosion sediment controls consist of silt fence and straw wattles at the limit of work. Don Frydryk requested a Negative Determination from the PCC.

The Agent confirmed the wetland delineation and reported that it was a conservative line and that she had no concerns with the proposed project.

Donald Blais, Jr. opened the meeting to public comment. No member of the public wished to comment on the proposed project.

Motion made by Dorothy Lawrence to close the meeting for the Request for Determination of Applicability submitted for the construction of a retail marijuana sales facility at 289 Wilbraham Street at 7:11 PM

Motion seconded by Mike Swiatek

No further discussion – 7-0-0 – Motion carries

Motion made by Nick Zeo to make a Negative Determination, Box 1 stating that the area described in the Request is not in an area subject to the Act or the Buffer Zone

Motion seconded by Peter Izyk

No further discussion – 7-0-0 – Motion carries

Motion made by Peter Izyk to make a Negative Determination, Box 4 stating that the work described within the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act

Motion seconded by Mike Swiatek

No further discussion – 7-0-0 – Motion carries

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

Motion seconded by Peter Izyk

No further discussion – 7-0-0 – Motion carries

9. Chair, Member & Committee Reports:

a. Vandalism at Swift River Greenbelt Universal Access Loop Trail in Bondsville

Dave Cotter wanted to discuss the recent acts of vandalism to the gazebo at the Swift River Greenbelt Loop Trail off First Street in Bondsville. Dave has discovered that shingles have been ripped off the gazebo roof and thrown into the river, the table has been unattached from the gazebo and moved, and in addition to a fair amount of graffiti inside the gazebo. Although the police regularly patrol the area, it has proven ineffective at preventing vandalism to the newly constructed trail and its amenities. Dave had spoken to the Agent about installing cameras at the conservation area as a means to prevent vandalism, but the Assistant was unsure of the status of that. Donald Blais, Jr. requested that folks respect the conservation area, the trail, and all of the hard work that the community invested into transforming the area into a space for people of all mobility levels to enjoy for years to come.

10. Set Next Meeting Date: The next meeting of the Palmer Conservation Commission is scheduled to occur on Tuesday, October 15, 2019 at 6:30 PM.

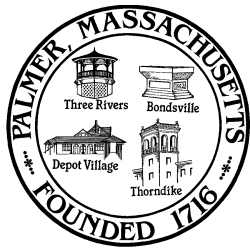
11. Meeting Adjourned: 7:23 PM

Motion made by Dorothy Lawrence to adjourn at 7:23 PM

Motion was seconded by Nicholas Zeo

No further discussion – 5-0-0 – Motion Carries

Sincerely Submitted,
Sarah A. Fortune
Palmer Conservation Assistant



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Documents

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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: 5/21/2019, 9/3/2019	Approval of Minutes	Retained in 2019 minute binder in office
2.	Forest Cutting Plan: 166 Peterson Road (Map 20-33)	Review Mail/Phone Messages	Retained in 2019 Forest Cutting Plans file in office
3.	Forest Cutting Plan: L11 Old Warren Road (Map 21-11)	Review Mail/Phone Messages	Retained in 2019 Forest Cutting Plans file in office
4.	Forest Cutting Plan: Baltazar	Review Mail/Phone Messages	Retained in 2019 Forest Cutting Plans file in office
5.	Request for Extension: DEP # 256-0316 – JT Brown Gravel Pit; Ware Road	Signing of Documents (DOA, OOC, COC, Ext., Etc.)	Retained in file for DEP # 256-0139 in office
6.	Request for Determination of Applicability (RDA), site plans & associated documents: 289 Wilbraham Street (Map 5-13) – Heka, Inc.; construction of retail marijuana sales facility	Schedule of Public Meetings & Hearings	Retained in RDA file for 289 Wilbraham Street/Heka, Inc.
7.	Draft Erosion & Sediment Control Ordinance	New/Old Business	Retained in ESC info in Stormwater/MS4 file
8.	Draft Erosion & Sediment Control Permit	New/Old Business	Retained in ESC info in Stormwater/MS4 file