

TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, October 15, 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
Angela Panaccione, Conservation Agent
Sarah Fortune, Conservation Assistant

Members Absent: Mike Swiatek

Also Present: Zach Bilodeau; 690 River Street, Palmer, MA 01069
Shelby Lamothe; 690 River Street, Palmer, MA 01069
Katarina Matos-McDonald; 4109 High Street, Palmer, MA 01069
Lori Burnham; 688 River Street, Palmer, MA 01069
Julia Magliozzo; 24 Third Street, Palmer, MA 01069
Joel Santisteban; 24 Third Street, Palmer, MA 01069
Lisa Beaudry; 40 Forest Lake Road, Palmer, MA 01069
Lori Hinkel; 624 River Street, Palmer, MA 01069
Joe Pratt; 34 Forest Lake Road, Palmer, MA 01069
Elaine McNeill; 34 Forest Lake Road, Palmer, MA 01069
Theresa Portante; BSC Group for 24 Third Street Street, Palmer, MA 01069
Kyzer Gordula; 26 Parkridge Rd Suite 1B, Haverhill, MA

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

2. **Approval of Minutes:**

a. 9/3/2019

Motion made by Brenda Cole to approve the minutes from 9/3/2019 as written

Motion seconded by Peter Izyk

No further discussion – 5-0-1 – Motion carries (Donald Blais, Jr. abstained)

b. 10/1/2019

Motion made by Dorothy Lawrence to approve the minutes from 10/1/2019 as written

Motion seconded by Nicholas Zeo

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

3. Approval of Payables:

- a. MACC: \$690.00

Motion made by Peter Izyk to the payable to MACC for Fall Conference registration in the amount of \$690.00 from the ordinance account

Motion seconded by Dorothy Lawrence

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

4. Project Monitoring

- a. DEP # 256-0257: Condominiums at Knox Pond

The PCC received a construction monitoring reported dated 10/4/2019 pertaining to ongoing work at the aforementioned project site. Peter Izyk inquired as to the status of the project, and the Agent stated that the applicant requested an extension of the Order of Conditions which was denied by the PCC yet the applicant continues to work under an expired Order of Conditions. The project is an earth removal operation to develop a subdivision and is located across from the cemetery next to Converse Middle School off of Route 32. The PCC instructed the Agent to issue a stop work order to the applicant.

5. Violations & Enforcement

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

The PCC has not received correspondence from Robert Natario of MassDOT since 10/1/2019 regarding his attendance at tonight's meeting, nor have they received information pertaining to the status of the violations at the I-90 ramps at this time.

- b. 166 Peterson Road

The Agent provided the PCC with an update on this enforcement matter, informing them that the property owners have denied the PCC, Agent and Town Manager the opportunity to conduct a site inspection with themselves and Doug Hutcheson of DCR Service Forestry to confirm that the wetland delineation was valid. Donald Blais, Jr. asked if the property owners provided an explanation as to why they denied a site inspection but they have not provided a reason at this time. The PCC lifted the Enforcement Order issued to the property owners on 10/1/2019 contingent upon the ability to conduct a site inspection with the aforementioned parties. Dave Cotter stated that timber harvesting activities are still occurring on site and that there is sporadic clearing of trees on the site. Brenda Cole asked if monitoring during the harvest is conducted by DCR; Dorothy Lawrence informed her that DCR performs site inspections before and after a timber harvest, not during an active operation. The DEP asked the Agent if the PCC viewed the Enforcement Order as valid because the property owners did not honor the condition pertaining to a site visit. The PCC agreed that the Enforcement Order is still valid.

6. New/Old Business

- a. Workday at First Street with Scouts BSA Troop 164 on 11/2/2019 at 8 AM

The PCC scheduled a workday with Scouts BSA Troop 164 to occur on Saturday, 11/2/2019 at 8 AM to spread wood chips along the inner edge of the trail to suppress the growth of Poison ivy onto the trail and to stain the gazebo. David Cotter reminded the Agent to check the weather forecast for the morning on 11/2/2019 because the sealant for the gazebo can't be applied in low temperatures.

b. Forest Lake Seasonal Cottages MEPA Site Visit

The Forest Lake Environmental Notification Form (ENF) comments were issued on 10/11/2019 and consisted of 206 pages of comments from the PCC, the DEP, the Pioneer Valley Planning Commission (PVPC), the Department of Revenue (DOR), and the Natural Heritage Endangered Species Program (NHESP). The MEPA approval process requires a draft Environmental Impact Report (EIR) be produced and must include a delineated alternative site design analysis to reduce impacts on adjacent environmental resources. For example, more information on wetland impacts was provided in the Order of Conditions issued by the PCC than were addressed in the ENF, so the applicant must expand that section. The applicant also failed to identify all impaired waterways in proximity to the project site, failed to include an inclusive construction phase schedule, needs to revise traffic estimates, and needs to address climate change impacts which were totally omitted in the ENF. The MEPA approval process also requires that the applicant respond directly to all comments on the draft ENF so the EIR is likely going to be a large document and take quite some time to produce.

Donald Blais, Jr., opened the discuss for public comment, and several members of the public wished to comment on this matter. Joe Pratt of 34 Forest Lake Road in Palmer asked how long it would take to receive a response on the ENF comments; the Agent stated that there is no timeframe. Elaine McNeill 34 Forest Lake Road in Palmer asked where the ENF comment response can be accessed; the Agent informed her to google search MEPA public comments and she should be able to find the response on the internet when it becomes available. Elaine McNeill asked if a third party was preparing and/or reviewing the EIR on behalf of the applicant; the Agent informed her that the applicant is responsible for producing the EIR. Lisa Beaudry of 40 Forest Lake Road in Palmer asked what ability the PCC has to deny the project; the Agent informed her that the PCC has already issued a permit for the project and there is no ability to deny it at this point. The Agent proceeded to inform all members of the general public that MEPA is a separate review process that is a cumulative review of all environmental impacts of a proposed project, not simply a review of wetland impacts. There is no deadline for the applicant to finish the EIR but the longer the take to produce the report, the more difficult it will be. The ENF is lacking a fair amount of information, and the MEPA process is quite extensive, therefore a lot of work will be required in order to produce the draft EIR.

7. Schedule of Public Meetings & Hearings:

- a. 7:13 PM Request for Determination (RDA) 24 Third Street (Map 28-34): Massachusetts Electric Company d/b/a National Grid is requesting a determination to see if the work associated with the installation of three utility poles is subject to the Wetland Protection Act and the Town of Palmer Wetlands Ordinance.

Donald Blais, Jr. opened the public meeting and Theresa Ponteunte of BSC Group was in attendance to present the project to the PCC stating the work involves the relocation of one (1) utility pole and the installation of two (2) new utilities poles to support the installation of an rooftop solar array on the building on site. Pole 12 is proposed to be shifted 22-feet west and the two (2) new poles are proposed to be installed adjacent to a previously disturbed area next to the access drive. There will be minimal ground disturbance, and all excavated soils will be used to backfill the holes or will be removed from the site and disposed of properly.

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 installation and relocation of utility poles at 24 Third Street at 7:20 PM

Motion seconded by Peter Izyk

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

Motion made by Dorothy Lawrence to make a Negative Determination, Box 3 stating that the work described within the Request is in 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 David Cotter

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

Motion made by Peter Izyk to make a Negative Determination, Box 5 stating 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, as specified in the Act and the Regulations, no Notice of Intent is required: 310 CMR 10.02(2)(b)(2)(h)

Motion seconded by Dorothy Lawrence

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

Motion made by Peter Izyk 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 Nicholas Zeo

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

- b. 7:22 PM Request for Determination (RDA) 24 Third Street (Map 28-34): Ecogy MA LLC is requesting a determination to see if the work associated with the installation of ground-level electrical utilities associated with a rooftop solar photovoltaic array are subject to the Wetland Protection Act and the Town of Palmer Wetlands Ordinance.

Donald Blais, Jr. opened the public meeting and the Agent gave the PCC an overview of the project, stating that this is an after-the-fact filing for the construction of a utility pad within the 50-foot No Disturb Zone to wetland resource areas pursuant to the Palmer Wetlands Protection Ordinance, Chapter 168. The Agent visited the site to inspect the locations of the inverter pad and utility pole, which were installed in previously disturbed areas within the 50-foot No Disturb Zone. No erosion sediment controls have been proposed or are necessary because the work has already been performed.

Donald Blais, Jr. opened the meeting for public comment, and no one from the public wished to comment on the project.

Motion made by Dorothy Lawrence to close the meeting for the Request for Determination of Applicability submitted after-the-fact for the installation of an inverter pad and utility poles at 24 Third Street at 7:26 PM

Motion seconded by David Cotter

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

Motion made by Nicholas Zeo to make a Negative Determination, Box 3 stating that the work described within the Request is in 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 Dorothy Lawrence

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

Motion made by Dorothy Lawrence to make a Negative Determination, Box 5 stating 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, as specified in the Act and the Regulations, no Notice of Intent is required: 310 CMR 10.02(2)(b)(2)(h)

Motion seconded by Peter Izyk

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

Motion made by Dorothy Lawrence 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 – 6-0-0 – Motion carries

- c. 7:28 PM Request for Determination (RDA) 690 River Street (Map 36-83): Cold Spring Environmental c/o Shelby Lamothe is requesting a determination to see if the work associated with the replacement of an onsite septic system are subject to the Wetland Protection Act and the Town of Palmer Wetlands Ordinance.

Donald Blais, Jr. opened the public meeting and Shelby Lamothe of 690 River Street was in attendance to present the proposed project to the PCC. The Agent informed the PCC that they can only review the construction of the proposed septic system and not the decommissioning of the existing septic system on site. The septic system as proposed is not raised and therefore requires no ground stabilization to prevent post-construction impacts to adjacent wetland resource areas. Board of Health approval is still required for the septic system because of the requested variance from the required setback distance from the existing private water supply and proposed leach field.

The Agent inquired as to why the post and rope fence was not included as a component of the RDA permit application. Shelby requested that the engineer include the fence on the site plans but failed to do so. The Agent informed her that she can still move forward with the work pending Board of Health approval and that the fence will be included in the special conditions issued with the Determination of Applicability. The fence will consist of posts and rope with the posts positioned four (4) feet apart. The Agent requested that the post locations be staked out when the silt fence is installed so that both can be inspected during the pre-activity meeting.

Donald Blais, Jr. opened the meeting for public comment, and no one from the public wished to comment on the project.

Motion made by Brenda Cole to close the meeting for the Request for Determination of Applicability submitted for the septic system repair at 690 River Street at 7:36 PM

Motion seconded by David Cotter

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

Motion made by Dorothy Lawrence to make a Negative Determination, Box 3 stating that the work described within the Request is in 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 Nicholas Zeo

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

Motion made by Dorothy Lawrence 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 Nicholas Zeo
No further discussion – 6-0-0 – Motion carries

8. New/Old Business

a. 604(b) Grant

There was no update on this agenda item.

b. MVP Action Grant

The MVP Action Grant application is due 11/14/2019. The grant application will be to acquire funding for the design and engineering of the culvert replacement on Route-181.

c. Tree City USA

The Agent will attend an upcoming Town Council meeting to discuss the adoption of a shade tree ordinance as required per the Tree City USA program.

d. Erosion & Sediment Control Ordinance

There was no update on this agenda item.

e. MACC Fall Conference on 10/19/2019

Registration is now open for the MACC Fall Conference.

9. Chair, Member & Committee Reports:

a. Swift River Greenbelt Universal Access Loop Trail in Bondsville

Dave Cotter informed the PCC that the Massachusetts Association of Recreational Trails Advisory Board (MARTAB) requested the construction of an additional rest area/pull off near the end of the trail for wheel chair accessibility due to the grade of the trail in that area. There is gravel in that area of the trail and can be spread out quite easily during the next workday. Nick Zeo suggested that a bench or table could be installed in that area but that the PCC should be mindful of vandalism if they decide to go this route. The Agent informed the PCC that the Department of Fish and Game received approval to construct an ADA compliant boat launch and fishing area with ramps near the gazebo where the Lily Pond discharges to the river. The Department of Fish and Game will also fund the construction of the boat launch and fishing access.

10. Set Next Meeting Date: The next meeting of the Palmer Conservation Commission is scheduled to occur on Tuesday, November 19, 2019 at 6:30 PM.

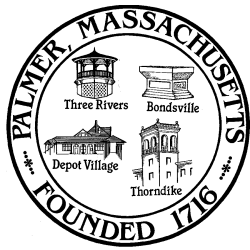
11. Meeting Adjourned: 7:52 PM

Motion made by Brenda Cole to adjourn at 7:52 PM

Motion was seconded by Dorothy Lawrence

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

Sincerely Submitted,
Sarah A. Fortune
Palmer Conservation Assistant



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Documents

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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.	Meeting Minutes: 9/3/2019, 10/1/2019	Approval of Minutes	Retained in 2019 minute binder in office
2.	Requet for Determination of Applicability (RDA), site plans & associated documents: 24 Third Street Street (Map 28-34) – National Grid; installation and relocation of utility poles	Schedule of Public Meetings & Hearings	Retained in RDA file for 24 Third Street; utility poles
3.	Requet for Determination of Applicability (RDA), site plans & associated documents: 24 Third Street Street (Map 28-34) – Inc.; Ecogy MA LLC; ground level utilities for rooftop solar array	Schedule of Public Meetings & Hearings	Retained in RDA file for 24 Third Street; ground level utilities
4.	Requet for Determination of Applicability (RDA), site plans & associated documents: 690 River Street (Map 36-83); Septic system repair	Schedule of Public Meetings & Hearings	Retained in RDA file for 690 Wilbraham Street