



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, October 19, 2021 – 6:30 PM
LOCATION: VIRTUAL VIA ZOOM
4417 Main Street, Palmer, MA 01069

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

Sarah Fortune, Interim
Agent

Members Present: Donald Blais, Jr.
Dorothy Lawrence
Peter Izyk
Nicholas Zeo
Brenda Cole

Members Absent: Dave Cotter

Also Present: Sarah Fortune, Interim Conservation Agent
Tina Pike, 635 River Street, Palmer, MA 01069

1. Call to Order: 6:30 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 - present**
 - v. **Brenda Cole – present**
 - vi. **Dave Cotter - absent**

2. Review Mail/Phone Messages

- a. Natural Heritage and Endangered Species Program (NHESP): Certified Vernal Pools

The NHESP provided notification to the PCC regarding the certification of two (2) new Vernal Pools in Palmer. NHESP doesn't delineate the boundary of a Certified Vernal Pool (CVP), but rather demarcates the pool's location. The CVPs are available to view through MassGIS OLIVER.

3. Approval of Minutes

- a. 8/17/2021

Motion made by Dorothy Lawrence to approve the minutes from 8/17/2021 as written

Motion seconded by Nick Zeo

No further discussion

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

Motion Caries 4-0-1 (Dorothy Lawrence abstained)

- b. 10/5/2021

Motion made by Dorothy Lawrence to approve the minutes from 10/5/2021 as written

Motion seconded by Nick Zeo

No further discussion

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

Brenda Cole - aye

Motion Caries 5-0-0

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

Motion made by Peter Izyk to table the approval of the remainder of the minutes until 11/2/2021 at 6:30 PM

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

Motion Caries 5-0-0

4. Approval of Payables

- a. MSMCP FY 2022 Dues: \$20.00

Motion made by Dorothy Lawrence to approve the payable to MSMCP for FY 2022 Dues in the amount of \$20.00 from the General Expense Account

Motion seconded by Nick Zeo

No further discussion

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

Brenda Cole - aye

Motion Caries 5-0-0

5. Project Monitoring

- a. DEP # 256-0345: Mongo Pond dam repairs, site visit 10 AM on 10/28/2021

The Agent reported that she has scheduled an inspection with MassDOT to the Mongo Pond dam at 10 AM on 10/28/2021. MassDOT reported that the dam repair project is complete, all disturbed areas on the site have been stabilized, and the stream has been restored through the removal of sediments that mobilized during the installation of the new water control structure in May of 2021. The Agent will update the PCC with her findings following the site inspection.

6. Requests for Certificates of Compliance

- a. DEP # 256-0331: 271 Breckenridge Street solar array

The PCC received a request for a complete Certificate of Compliance for the aforementioned project following the inspection performed with Will Peregoy of Borrego Solar on 9/29/2021 to inspect for site stabilization outside of the solar array security fence and to inspect the establishment of the pollinator wildflower meadow habitat for the purpose of issuing a full Certificate of Compliance. The PCC observed a noticeable increase in native vegetation growth outside of the security fence on about half to three quarters of the site compared to conditions observed during the last inspection performed at the end of 2020, which was certainly an

improvement. In addition to the increase in native vegetation growth outside of the solar array security fence, little to no non-native plant species were observed, which will facilitate the establishment of the pollinator meadow habitat as time goes on.

The PCC was still concerned regarding stabilization in the area adjacent to the wetlands on site, which was almost completely devoid of vegetation during the last inspection performed in the end of 2020. An increase in established vegetation was observed in this area compared to last year, but the vegetation growth was nowhere near as vigorous as observed in other areas on the site. Breakout of the mulch water bars was also observed in this area, which is partially the result of illegal ATV activity. Dave Cotter reported that the rip rap level spreader located directly adjacent to the wetlands was filled with sediment and that the straw wattles had started to degrade in that area.

Will Peregoy of Borrego Solar informed the PCC during the inspection that he will have a crew hand-remove sediment from the rip rap level spreader, re-install straw wattles, and reestablish the mulch water bars. He clarified that all work would be done by hand because it would be counterproductive to drive machinery into this area, which would disturb vegetation and other stabilization methods currently in place. The Agent has not received notification that this work has been completed at this time, and recommended that the PCC table the issuance of a complete Certificate of Compliance until notification has been received.

Motion made by Brenda Cole to table the issuance of a complete Certificate of Compliance for DEP # 256-0331 for the project located at 271 Breckenridge Street until 11/2/2021

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

Motion Caries 5-0-0

7. Other Business (New/Old)

a. Work day at First Street on 11/6/2021

The PCC scheduled a work day at the Swift River Greenbelt Conservation Area off First Street in Bondsville on 11/6/2021 to finish water sealing the gazebo in advance of winter. The Agent contacted local BSA troops to see if they were available to participate in the work day but they were unavailable. The PCC decided to move forward with the scheduled work day although the BSA troops can't participate, and plans to arrive at 9 AM.

b. Discuss Open Space and Recreation Plan Update

The Agent reported that the Open Space Advisory Committee met on 10/14/2021 at 3 PM via Zoom and began updating the goals and objectives for the 7-Year Action Plan using feedback obtained from residents at the Public Visioning Session on 9/28/2021. The Agent also reported that she has completed updating Section 4: Environmental Inventory and is almost done updating Section 5: Inventory of Lands of Conservation and Recreation Interest. The next meeting of the Open Space Advisory Committee is scheduled to occur on 10/28/2021 at 3 PM via Zoom.

c. Lower Ware River Blue Trail Update

The Agent reported that there is a site visit scheduled at 9 AM on 10/28/2021 with the Chicopee 4 Rivers Watershed Council at the Bennett Street access location to the Ware River to discuss the development of a

formal blue trail access to the river. The Town Manager and Town Councilor Jessica Sizer will also attend the site visit to discuss the project. The blue trail access project would be covered by the PCC's bulk trail Notice of Intent, regulated under DEP # 256-0302; the Order of Conditions will have to be extended at the next PCC meeting because it is going to expire in November 2021.

8. Schedule of Public Meetings & Hearings

- a. 7:01 PM Request for Determination of Applicability (RDA): 202 Boston Road (Map 15-2-1) – new septic system installation: The applicant is requesting a determination to see if the work associated with the installation of a new septic system 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 to Bordering Vegetated Wetlands and the 100-year flood plain (Zone AE) associated with the Quaboag River.

Donald Blais, Jr. opened the public meeting at 7:01 PM. The Agent reported that she conducted an inspection on 10/19/2021 to confirm the wetland delineation as found that the wetland boundaries were accurately delineated. She added that the proposed septic system will be located approximately 70-feet from the wetland limit within a previously disturbed portion of the site; the system will be installed in a lawn area front of the house. Erosion sediment controls will consist of silt fence and straw wattles which will be installed approximately 35-feet from the wetland limit. All disturbed areas on site will be loamed and seeded following construction to provide final site stabilization. The Agent also informed the PCC that the project is exempt from Riverfront Area requirements pursuant to 310 CMR 10.58(6)(c): On-site sewage disposal systems in existence prior to 8/7/1996 and the repair or upgrade of existing systems in compliance with 310 CMR 15.00, the State Environmental Code, as this system was in existence prior to the Rivers Protection Act. The work is also exempt from the WPA regulations pursuant to 310 CMR 10.03(3): Presumption Concerning 310 CMR 15.00, the State Environmental Code, Title V given that the new system will be located more than 50-feet from the limits of the wetlands on site.

Donald Blais, Jr. opened the public meeting for comments or questions by the PCC and members of the general public; no one wished to comment on the project at this time.

Motion made by Dorothy Lawrence to close the public meeting for the Request for Determination of Applicability (RDA) submitted for the installation of a new septic system at 202 Boston Road at 7:04 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

Motion Caries 5-0-0

Motion made by Dorothy Lawrence to make a Positive Determination, Box 2a stating that the boundary delineations of the following resource areas described on the referenced plans are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid: Shallow Marsh/Meadow confirmed as accurate as depicted on the site plan entitled, "Proposed Subsurface Sewage Disposal System for 202 Boston Road, Palmer, MA": Prepared by Lori McCool, R.S.; Signed & Stamped by Lori McCool, R.S.; dated 9/12/2021; scale 1"=30'.

Motion seconded by Nick Zeo

No further discussion

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

Brenda Cole - aye

Motion Caries 5-0-0

Motion made by Dorothy Lawrence to make a Negative Determination, Box 3 stating 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 Brenda Cole

No further discussion

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

Brenda Cole - aye

Motion Caries 5-0-0

Motion made by Peter Izyk to issue a Negative Determination, Box 5 stating that the area described in the Request is subject to protection under the Act. Since the work therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required: 310 CMR 10.03(3) – Presumption Concerning 310 CMR 15.00, the State Environmental Code, Title V; and 310 CMR 10.58(6)(c): On-site sewage disposal systems in existence prior to 8/7/1996 and the repair or upgrade of existing systems in compliance with 310 CMR 15.00, the State Environmental Code, Title V

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

Motion Caries 5-0-0

- b. 7:09 PM Request for Determination of Applicability (RDA): 22 Homestead Street (Map 8-64-68) – inground pool installation, after-the-fact filing: The applicant is requesting an after-the-fact determination to see if the work associated with the installation of an in ground pool is subject to the MA Wetlands Protection Act and the Town of Palmer Wetlands Protection Ordinance. Work has occurred within the 100-foot buffer zone and 50-foot No Disturb Zone to Bordering Vegetated Wetlands.

Donald Blais, Jr. opened the public meeting at 7:09 PM and the Agent informed the PCC that this is an after-the-fact filing for an inground pool installation project within the 100-foot Buffer Zone and 50-foot No Disturb Zone to Bordering Vegetated Wetlands that commenced prior to the issuance of a building permit; the Agent discovered that the pool foundation was installed when conducting the initial building permit inspection. The pool foundation is approximately 37-feet from the wetland limit at its closest location and 80-feet from the wetland limit at its farthest location. The Buffer Zone and No Disturb Zone were also filled with excavated materials from the pool foundation hole. No other alterations such as tree removal were observed. The Agent issued an Enforcement Notice to the property owner requiring this after-the-fact filing for the pool installation and Buffer/No Disturb Zone restoration work. Restoration of the Buffer/No Disturb Zone will consist of the removal of excavated materials to a depth that matches pre-construction grades and exposes the underlying substrate and seed stock and allow the area to revegetated; this work will be conducted by hand, and the material will be stockpiled on site for future use or removed from the site and properly disposed of. Upon restoring the altered area to pre-construction grades,

the remaining material will be graded to create a gentle slope from the area around the pool down to the wetlands; the toe of this slope will be lined with erosion controls and the entire slope will be loamed and seeded upon completion of work to provide final stabilization.

The Agent added that although the pool installation work was conducted in jurisdictional areas, the area was a previously disturbed lawn area associated with a single family home. She recommended that the PCC issue a waiver of the 50-foot No Disturb Zone provision of the Palmer Wetlands Protection Ordinance, Chapter 143.

Donald Blais, Jr. opened the public meeting for comments or questions by the PCC and members of the general public; no one wished to comment on the project at this time.

Motion made by Peter Izyk to close the public meeting for the after-the-fact Request for Determination of Applicability (RDA) submitted for the installation of an inground pool at 22 Homestead Street at 7:21 PM

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

Motion Caries 5-0-0

Motion made by Dorothy Lawrence to waive the 50-foot No Disturb Zone requirement of the Palmer Wetlands Protection Ordinance, Chapter 143, Section 1(C)(4)

Motion seconded by Nick Zeo

No further discussion

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

Motion Caries 5-0-0

Motion made by Dorothy Lawrence to make a Negative Determination, Box 3 stating 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

Motion Caries 5-0-0

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 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

Motion Caries 5-0-0

- c. 7:21 PM Notice of Intent (NOI) DEP # 256-0357: 23 West Ware Road (Map 44-7): The applicant has submitted a Notice of Intent for activities associated with proposed construction of a 20' by 24' detached garage adjacent to an existing single family home. The work is proposed within the 100-foot Buffer Zone to Bank of an intermittent stream.

Donald Blais, Jr. opened the public hearing at 7:21 PM. The Agent informed the PCC that the applicant requested a continuane of the public hearing until 11/2/2021 in order to revise the site plans to reflect changes to the wetland delineation, as requested by the Agent during an inspection to review the wetland line on 10/18/2021.

Motion made by Dorothy Lawrence to continue the public hearing for the Notice of Intent submitted for the construction of a 20' by 24' garage at 23 West Ware Road, regulated under DEP # 256-0357 until 11/2/2021 at 7 PM

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

Motion Caries 5-0-0

9. Set Next Meeting Date

- a. The next meeting of the PCC is scheduled to occur on Tuesday, November 2, 2021 at 6:30 PM. This meeting will be a hybrid meeting in which the PCC will attend via Zoom while members can attend the meeting in person at the Town Hall Meeting Room, located at 4417 Main Street.

10. Meeting Adjourned: 7:41 PM

Motion made by Dorothy Lawrence to adjourn at 7:41 PM

Motion seconded by Nick Zeo

No further discussion

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

Brenda Cole - aye

Motion Caries 5-0-0

Sincerely Submitted,
Sarah A. Fortune
Interim Conservation Agent



TOWN OF PALMER CONSERVATION COMMISSION

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

Meeting Documents

Tuesday, October 19, 2021 – 6:30 PM
LOCATION: VIRTUAL VIA ZOOM

Sarah Fortune, Interim
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: 8/17/2021, 10/5/2021	Approval of Minutes	Retained in 2021 minutes binder
2.	Meeting Minutes: 4/6/2021 Executive Session, 7/20/2021 Executive Session	Approval of Minutes	Approval tabled until 11/2/2021 at 6:30 PM
3.	Payable: MSMCP FY 22 Dues - \$20.00	Approval of Payables	Retained in FY 22 Payables
4.	Letter from NHESP: Certified Vernal Pools	Review Mail/Phone Messages	Retained in 2021 Mail
5.	Request for Determination of Applicability (RDA): 202 Boston Road	Schedule of Public Meetings & Hearings	Retained in RDA file for 202 Boston Road
6.	RDA Site Plan: 202 Boston Road	Schedule of Public Meetings & Hearings	Retained in RDA file for 202 Boston Road
7.	Determination of Applicability with Special Conditions: 202 Boston Road	Schedule of Public Meetings & Hearings	Retained in RDA file for 202 Boston Road
8.	Request for Determination of Applicability: 22 Homestead Street	Schedule of Public Meetings & Hearings	Retained in RDA file for 22 Homestead Street
9.	RDA Site Plan/As-Built: 22 Homestead Street	Schedule of Public Meetings & Hearings	Retained in RDA file for 22 Homestead Street
10.	Determination of Applicability with Special Conditions: 22 Homestead Street	Schedule of Public Meetings & Hearings	Retained in RDA file for 22 Homestead Street
11.	Notice of Intent: 23 West Ware Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0357
12.	NOI Site Plans: 23 West Ware Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0357
13.	DEP File Comments: DEP # 256-0357, 23 West Ware Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0357