

TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, October 20th, 2020 – 6:30 PM
LOCATION: VIRTUAL VIA ZOOM

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.
Dorothy Lawrence
Peter Izyk
David Cotter
Nicholas Zeo
Brenda Cole

Members Absent: Mike Swiatek
Angela Panaccione, Conservation Agent

Also Present: Sarah Fortune, Conservation Assistant
Don Frydrk, Sherman & Frydryk, LLC; 3 Converse Street, Palmer, MA 01069
Marc Cardaropoli; 19 New Hampshire Ave, Three Rivers, MA 01080
Michael Bechard; 69 Chudy Street, Three Rivers, MA 01080
Steven Herzog, Wood Environment & Infrastructure Solutions; 271 Mill Road, 3rd Floor,
Chelmsford, MA 01824

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

- a. Roll call attendance:
 - i. **Donald Blais, Jr. – present**
 - ii. **Dorothy Lawrence – present**
 - iii. **Peter Izyk – present**
 - iv. **David Cotter – present**
 - v. **Nicholas Zeo – present**
 - vi. **Brenda Cole – present**
 - vii. **Mike Swiatek – absent**

2. **Review Mail/Phone Messages**

- a. National Grid utility pole maintenance – River Street pole and anchor replacement/installation

The PCC received notification from National Grid regarding utility pole maintenance activities, specifically pertaining to the utility pole anchor replacement/installation at 319 River Street. The PCC issued an Order of Conditions for single family home construction at 319 River Street on 6/8/2020, regulated under DEP # 256-0344. Maintenance activities performed for the provision of utilities is an exempt activity under the Wetlands Protection Act Regulations.

3. **Approval of Minutes**

- a. 9/22/2020

Motion made by Brenda Cole to approve the minutes from 9/22/2020 as amended

Motion seconded by Peter Izyk

No further discussion

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

Motion Caries – 5-0-1 (Dorothy Lawrence abstained)

b. 10/6/2020

Motion made by Dorothy Lawrence to table the approval of the minutes from 10/6/2020 until 11/17/2020 at 6:30 PM

Motion seconded by Dave Cotter

No further discussion

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

Vote was Unanimous – Motion Caries

4. Project Monitoring

a. DEP # 256-0345: MA DOT Mongo Pond Dam Repairs

The Assistant reported that the work to repair the Mongo Pond Dam is progressing. The Agent will continue to conduct routine site inspections during the duration of the project.

5. Violations & Enforcement

a. 19 Kelly Street

The Assistant will attend the Ware Conservation Commission meeting on 10/21/2020 to discuss joint enforcement at 19 Kelly Street. A site visit must be scheduled in order to determine what if any violations have occurred in Palmer, given that the property spans the town line with Ware. The Assistant will update the PCC as necessary on this enforcement situation.

6. New/Old Business

a. Master Plan Update

Nick Zeo provided an update on the Master Plan Update, reporting that there were questions regarding a stormwater utility fee and enterprise fund during the last public forum. There is also a survey available regarding impervious areas, which is related to the stormwater enterprise fund. The next public forum is scheduled to occur on 10/29/2020, and the discussion will focus on transportation issues such as the east-west rail line. The next steering committee meeting is scheduled to occur on 11/12/2020.

7. Schedule of Public Meetings & Hearings

a. 7:00 PM Cont. Request for Determination (RDA) – CSX 5 Year VMP (CSX Right-of-Way):
The applicant is requesting confirmation of wetland boundaries along the railroad Right-of-Way mainline in Palmer in order to avoid wetland impacts during vegetation management

under the railroad's Vegetation Management Plan. No work is proposed within 10-feet of wetland resource areas.

Donald Blais, Jr. opened the public meeting at 7:00 PM and Steven Herzog of Wood Environment & Infrastructure Solutions, Inc. was in attendance to represent CSX, Inc. Steven Herzog informed the PCC that this Request for Determination of Applicability was submitted for review and approval of the 5-year Vegetation Management Plan (VMP) to control the growth of vegetation along the railroad right-of way. CSX, Inc. is required by federal regulations to control the growth of vegetation along the railroad for safety purposes. CSX, Inc. is also required to file a Request for Determination of Applicability (RDA) in Massachusetts because herbicides can't be used within 10-feet of wetland resource areas. In order to ensure that herbicides aren't used within 10-feet of wetlands, rail road ties are painted to identify culverts, wetlands, and rivers to indicate to the herbicide applicator where to shut off the herbicide sprayer machine. The herbicide applicator also keeps maps and GIS information on board to identify wetlands. If necessary, mechanical control of vegetation will be conducted in areas that are proximal to wetlands where herbicides can't be used. The Assistant performed an inspection with Steven Herzog on 10/13/2020 to review the wetland delineation in areas in close proximity to the rail road right of way, and observed the location of the painted railroad ties. The Assistant reported that she found no issues with the wetland delineation, and that there should not be impacts to wetlands as long as the herbicide applicator is mindful of the painted railroad ties, and stated that she has no issue with the project as proposed.

Donald Blais, Jr. opened the public meeting for comments or questions from the PCC and members of the general public. No one wished to comment on the project as proposed at this time.

Motion made by Dorothy Lawrence to close the public meeting for the Request for Determination of Applicability submitted for wetland delineation confirmation along the CSX, Inc. railroad right-of-way for the 5-Year Vegetation Management Plan

Motion seconded by Nick Zeo

No further discussion

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

Vote was Unanimous – Motion Caries

Motion made by Dorothy Lawrence to make a Positive Determination, Box 2a, stating that the boundary delineations described on the referenced plan(s) are confirmed as accurate, and that the boundaries confirmed by this Determination are strictly for the application of herbicides to control “target vegetation” and shall not apply to any other project other than CSX’s Vegetation Management Plan (VMP) and Yearly Operational Plan (YOP)

Motion seconded by Nick Zeo

No further discussion

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

Vote was Unanimous – Motion Caries

Motion made by Dorothy Lawrence to make a Negative Determination, Box 5, stating that the work described within the Request meets the requirements for the following exemptions, so no Notice of Intent is required: 310 CMR 10.03(6)(b); 310 CMR 10.05(a)(2), 310 CMR 10.58(6)(a)

Motion seconded by Brenda Cole

No further discussion

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

Vote was Unanimous – Motion Caries

- b. 7:09 PM Request for Determination (RDA) – 69 Chudy Street (Map 70 Lot 50): The applicant is requesting a determination to see if the work associated with the installation a 12-foot by 20-foot shed is subject to the MA Wetlands Protection Act and the Town of Palmer Wetlands Protection Ordinance. Work is proposed within the 100-foot buffer zone and within the 50-foot No Disturb Zone to Bank of an intermittent stream.

Donald Blais, Jr. opened the public meeting at 7:09 PM, and property owner Michael was in attendance to discuss the proposed project with the PCC. The Assistant provided a synopsis of the project, reporting that the work involves the installation of a 12-foot by 20-foot shed within the 50-foot No Disturb Zone to Bank of a stream on the site. Several inches of soil will be excavated and filled with stone to provide a foundation for the shed. No additional work has been proposed. The filing is the result of a building permit application, and upon inspection it was determined that the shed could not be relocated outside of the No Disturb Zone due to existing site constraints, which required that the property owner file a Request for Determination of Applicability. The Assistant had no issues with the proposed project, and recommended that the PCC issue a Negative Determination for the work.

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

Motion made by Dorothy Lawrence to close the public meeting for the Request for Determination of Applicability submitted for the installation of a 12-foot by 20-foot shed in the Buffer Zone and No Disturb Zone to Bank of an intermittent stream at 69 Chudy Street

Motion seconded by Dave Cotter

No further discussion

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

Vote was Unanimous – Motion Caries

Motion made by Dorothy Lawrence to make a Positive Determination, Box 5, stating that the area and/or work described within the Request is subject to review and approval by the Palmer Conservation Commission, pursuant to the Palmer Wetlands Protection Ordinance, Chapter 168

Motion seconded by Nick Zeo

No further discussion

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

Vote was Unanimous – Motion Caries

Motion made by Dorothy Lawrence to make a Negative Determination, Box 3, stating that work described in 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 Conditions

Motion seconded by Dave Cotter

No further discussion

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

Vote was Unanimous – Motion Caries

- c. 7:19 PM Cont. Notice of Intent (NOI) DEP #256-349 – Marc Cardaropoli: 19 New Hampshire Street (Map 16 Lot 28): The applicant has submitted a Notice of Intent to install a garage within the 100-foot Buffer Zone to Bordering Vegetated Wetlands (BVW), and the locally protected 50-foot vegetated buffer strip to BVW. The work is subject to the MA Wetlands Protection Act and the Town of Palmer Wetlands Protection Ordinance.

Donald Bais, Jr. re-opened the hearing at 7:19 PM, and Don Frydryk of Sherman & Frydryk, LLC and property owner Marc Cardaropoli were in attendance to discuss the revised documentation submitted per PCC request. Don Frydryk reported that the highwater mark has been delineated along the stream channel located on the northern side of the permanent limit of work line, and the Riverfront Area associated with this stream has been added to the site plans. The project proposes 4,300 square feet of permanent disturbance to the Riverfront Area, but this area is previously disturbed with an existing lawn area that once contained a skating rink. Proposed improvements to the Riverfront Area include the removal of trash such as a reclining chair, a tarp, and several tires that were observed in wetlands during the 10/6/2020 site inspection.

The Assistant stated that she has no issues with the project as proposed, and recommended that the PCC issue an Order of Conditions with Findings of Fact and Special Conditions for the project.

Donald Blais, Jr. opened the public hearing for comment and questions from the PCC and members of the general public. No one wished to comment further on the project at this time.

Motion made by Dorothy Lawrence to close the public hearing for DEP # 256-0349 for the construction of a garage at 19 New Hampshire Ave at 7:25 PM

Motion seconded by Brenda Cole

No further discussion

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

Vote was Unanimous – Motion carries

Motion made by Dorothy Lawrence to issue an Order of Conditions with Findings of Fact and Special Conditions for DEP # 256-0349 for the construction of a garage at 19 New Hampshire Ave at 7:25 PM

Motion seconded by Dave Cotter

No further discussion

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

Vote was Unanimous – Motion carries

- d. 7:30 PM Cont. Request for Determination (RDA) – BWS Dumplin Brook, LLC: L22 Sykes Street (Map 18 Lot 22) & L28 Mt Dumpin Street (Map 18 Lot 28): The applicant is requesting a determination to see if the work associated with the installation of a large scale solar array is subject to the MA Wetlands Protection Act and the Town of Palmer Wetlands Protection Ordinance.

Donald Blais, Jr. reopened the public hearing at 7:30 PM, and the Assistant reported that the applicant requested a continuance of the public hearing until 11/17/2020 at 7:00 PM.

Motion made by Dorothy Lawrence to continue the public meeting for the Request for Determination of Applicability submitted for large-scale solar development at L22 Sykes Street and L28 Mount Dumplin Street to 11/17/2020 at 7:00 PM

Motion seconded by Nick Zeo

No further discussion

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

Vote was Unanimous –Motion carries

- e. 7:31 PM Cont. Notice of Intent (NOI) – BWS Dumplin Brook, LLC: 3090 Palmer Street (Map 29 Lot 1): The applicant has submitted a Notice of Intent to see if the work associated with the installation of a large scale solar array is subject to the MA Wetlands Protection Act and the Town of Palmer Wetlands Protection Ordinance.

Donald Blais, Jr. reopened the public hearing at 7:31 PM, and the Assistant reported that the applicant requested a continuance of the public hearing until 11/17/2020 at 7:00 PM.

Motion made by Dorothy Lawrence to continue the public hearing for DEP # 256-0350 for the Notice of Intent submitted for large-scale solar development at 3090 Palmer Street to 11/17/2020 at 7:00 PM

Motion seconded by Dave Cotter

No further discussion

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

Vote was Unanimous –Motion carries

8. Set Next Meeting Date

- a. The next meeting of the PCC is scheduled to occur on Tuesday, November 17th, 2020 at 6:30 PM.

9. Meeting Adjourned: 7:38 PM

Motion made by Brenda Cole to adjourn at 7:38 PM

Motion was seconded by Nick Zeo

No further discussion

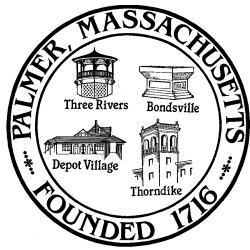
Role call vote: Donald Blais, Jr. – aye; Dorothy Lawrence – aye; Peter Izyk – aye; David Cotter – aye; Nicholas Zeo – aye; Brenda Cole – aye;

Vote was Unanimous - Motion carries

Sincerely Submitted,

Sarah A. Fortune

Palmer Conservation Assistant



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Documents

**Tuesday, October 20th, 2020 – 6:30 PM
LOCATION: VIRTUAL VIA ZOOM**

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: 9/22/2020	Approval of Minutes	Retained in 2020 minutes binder
2.	Meeting Minutes: 10/6/2020	Approval of Minutes	Tabled until 11/17/2020 at 6:30 PM
3.	Notice of Intent: 19 New Hampshire Ave	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0349
4.	Site plans: 19 New Hampshire Ave	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0349
5.	DEP File Comments: 19 New Hampshire Ave	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0349
6.	Order of Conditions with Findings of Fact & Special Conditions: 19 New Hampshire Ave	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0349
7.	Request for Determination of Applicability (RDA): Bluewave Solar – L22 Sykes Street & L28 Mt. Dumplin Street	Schedule of Public Hearings & Meetings	Retained in RDA file for Bluewave Solar
8.	Site Plans: Bluewave Solar – L22 Sykes Street & L28 Mt. Dumplin Street	Schedule of Public Hearings & Meetings	Retained in RDA file for Bluewave Solar
9.	Notice of Intent: Bluewave solar – 3090 Palmer Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0350
10.	Site plans: Bluewave solar – 3090 Palmer Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0350
11.	Stormwater Management Report: Bluewave solar – 3090 Palmer Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0350
12.	Request for Determination of Applicability (RDA): 69 Chudy Street	Schedule of Public Hearings & Meetings	Retained in RDA file for 69 Chudy Street
13.	Determination of Applicability (DOA) with Special Conditions: 69 Chudy Street	Schedule of Public Hearings & Meetings	Retained in RDA file for 69 Chudy Street
14.	Request for Determination of Applicability (RDA): CSX, Inc.	Schedule of Public Hearings & Meetings	Retained in RDA file for 69 Chudy Street
15.	Request for Determination of Applicability (RDA) -Site Plans:	Schedule of Public Hearings & Meetings	Retained in RDA file for CSX, Inc.

	CSX, Inc.		
16.	Determination of Applicability: CSX, Inc.	Schedule of Public Hearings & Meetings	Retained in RDA file for CSX, Inc.