



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, October 30, 2018 – 6:30 PM

LOCATION: Town Administrative Building Meeting Room

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

Angela Panaccione, Agent
Jeff Stanhope, Assistant

Members Present: Donald Blais, Jr.
David Cotter
Peter Izyk
Nicholas Zeo
Dorothy Lawrence
Lucas McDiarmid
Angela Panaccione, Conservation Agent
Jeff Stanhope, Conservation Assistant

Members Absent: Brenda Cole

Also Present: John Thomas, SWCA Environmental Consultants
Drew Pierson, BlueWave Solar
Donald Frydryk, Sherman & Frydryk
Ed Pletman, Camp Ramah
Joe Libera, Camp Ramah
Mike Strzemienski, L22 Sykes Street
Diana Strzemienski, L22 Sykes Street

1. **Call to Order:** 6:35 PM – Donald Blais, Jr. (Chair)
2. **Chair, Member & Committee Reports:** No Chair, Member & Committee Reports.
3. **Review Phone/Mail/E-Mail Messages**
 - a. **FEMA – Watershed Study**

The Agent was contacted by FEMA because they are going to be doing a watershed study of the Chicopee River Watershed. They sent the Commission a survey to fill-out asking questions in relation to things like flooding issues, total river mileage, watershed budget details, and other information or updates in order to improve their study. There will be a meeting in regard to the FEMA watershed study sometime between November 27, 2018 and November 29, 2018. The Agent will forward the e-mail to members of the Commission so that they can review it, address concerns, and ask or answer questions.

b. **Forest Cutting Plan – Smith Street**

The Commission received a Forest Cutting Plan (FCP) for 65 acres on a property located off Smith Street. The Agent sent a lot of comments to the Department of Conservation and Recreation (DCR) about the plan details, such that they expect to remove 70 percent total basal area across the board with a

goal of long term management utilizing a shelterwood cut. The applicant approached the Planning Board a month and a half ago about converting the land into solar. The town wide moratorium on solar up is still in effect until March though, therefore the Town of Palmer isn't currently accepting any solar plans. The Agent sent a letter to DCR stating that she is fairly positive that this specific FCP should be considered 'change of use' and the DCR removed the clause from the Forest Cutting Practices Act (FCPA) that once stated FCP applicants would need a permit for plans considered 'change of use.' Therefore, the Agent believes the applicant will not receive a permit and they cannot file for 6 months regardless because of the moratorium on solar. The property in question is also in priority habitat, and Priority Habitat sent a similar letter because the landowners had an initial conversation with them about the potential for large scale solar on their property. The Agent stated hopefully DCR will reject the FCP and then the Conservation Commission can permit it as it should be once the solar moratorium is lifted.

4. **Public Inquiries:** No Public Inquiries Scheduled.

5. **Approval of Minutes**

a. October 16, 2018

Motion made by Peter Izyk to approve the minutes from October 16, 2018 as amended.

Motion seconded by David Cotter.

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

6. **Approval of Payables**

a. United Site Service: \$158.55

Motion made Peter Izyk to approve the payable to United Site Services in the amount of \$158.55, for the First Street Trail Portable Toilets, from the Trail Grant (TRAILS) Account.

Motion seconded by Nicholas Zeo.

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

b. Mileage Reimbursement – Donald Blais Jr.: \$70.31

Motion made by Lucas McDiarmid to approve the payable to Donald Blais Jr. in the amount of \$70.31, for Mileage Reimbursement for the MACC Fall Conference, from the Conservation Commission Town Wetlands Ordinance (CONFEE) Account.

Motion seconded by Nicholas Zeo.

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

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

a. Extension Permit DEP #256-0302

The applicant: Town of Palmer Conservation Commission, Parks & Recreation Department, and Trail Committee is applying for an Extension Permit for Orders of Conditions for DEP #256-0302. The Order of Conditions is hereby extended until 11/19/2023 (5 year). The Extension Permit is in regard to the Bulk Trail Notice of Intent. Therefore this applies to any trail work to be done at Various Town Owned Locations, for example: The Swift River Trail project, the Three Rivers Fitness Trail project, and any trail work done at Midura Conservation Area are all covered under this permit. The accepted trail

work can be referred to as routine open space trail maintenance and land stewardship activities that do not significantly alter or affect wetlands or buffer zones.

Motion made by David Cotter to issue a 5 year extension permit for DEP #256-0302 for the Bulk Notice of Intent for Town Wide Trail Work.

Further discussion – Lucas McDiarmid asked what this Extension Permit applies to and the Agent answered Town Wide Trail Work.

Motion seconded by Lucas McDiarmid.

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

8. Schedule of Public Hearings

a. Notice of Intent (NOI) DEP #256-0333 Camp Ramah: 39 Bennett Street (Map 36-70)

The applicant is requesting a NOI for proposed site improvements including the reconstruction of an amphitheatre located at 39 Bennett Street. The proposed amphitheatre will require 1,700 SF of disturbance within the 100-foot wetland buffer zone.

Peter Izyk recused himself as an abutter.

Donald Frydrk of Sherman & Frydryk Land Surveying and Engineering was present at tonight's meeting, as were Ed Pletmon and Joe Libera of the applicant Camp Ramah. The applicant is filing for a NOI for an amphitheatre reconstruction located on Camp Ramah property. Prior, the applicant was subject to a Cease & Desist Order because they started excavation of the old amphitheatre without permission or a permit. Therefore, Don Frydryk of Sherman & Frydryk was hired to draft and develop plans for the amphitheatre project as well as submit the NOI on behalf of the applicant Camp Ramah.

The Agent has no issues with the current plans. The only concern, which was also raised by the Department of Environmental Protection (DEP), is whether or not Camp Ramah has received Certificates of Compliance (COC) for all of their past Orders of Conditions (OOC). The applicant is first required to request Certificates of Compliance for their previous Orders of Conditions before they move forward on this newest project. As soon as they receive these Certificates of Compliance by approval, the older Orders of Conditions will be officially closed out. The Agent requested that the applicant take care of the aforementioned as soon as possible, as well as attend our next scheduled meeting on November 13, 2018, in order to provide us with the requests for Certificates of Compliance. Camp Ramah will be on the Agenda schedule for 6:45 pm, when we will continue the Public Hearing.

The Agent asked the Commission if they want to schedule a site visit at Camp Ramah on the Monday before the Tuesday meeting and it was confirmed. It will be scheduled for 12:00 pm on Monday, November 12, 2018 (after the Veteran's Day Parade in Bondsville) at Camp Ramah at 39 Bennett Street.

Motion made by David Cotter to continue the public hearing to the next meeting scheduled for Tuesday, November 13, 2018 at 6:45 pm.

Seconded by Lucas McDiarmid.

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

b. Abbreviated Notice of Resource Area Delineation (ANRAD) DEP #256-0335 BWC Swift River, LCC: 3090 Palmer Street (Map 29 Lot 1)

The applicant has submitted an ANRAD to confirm the precise boundaries of jurisdictional resource areas, which have been delineated at 3090 Palmer Street. No work is proposed as part of this application.

John Thomas of SWCA Environmental Consultants and Drew Pierson of BlueWave Solar were present at tonight's meeting.

The question John proposed to the Agent is when the boundaries of jurisdictional resource areas will be confirmed because the boundaries need to be confirmed as it has not been done yet. In his previous conversation with the Agent, John learned of a cut-off for confirming the boundaries of a November 1, 2018 deadline. John made a comment that since tomorrow is already October 31, 2018 it puts them in a small window to actually have the boundaries confirmed by the Conservation Commission. Therefore, the Agent has suggested a peer-review consultant to determine the wetland boundaries. The ANRAD map depicts the different jurisdictional boundaries that they are seeking confirmation of. The different types of jurisdictional boundary categories are represented by particular lines and specific colors, as well as described in detail when associated with the key in the legend on the map that explains the categories.

Dorothy Lawrence asked if a site-visit will need to be scheduled and the Agent answered yes a site-visit will need to be scheduled for both of the two proposed site locations. Dorothy then asked if both site-visits need to be done prior to the November 1, 2018 deadline and John answered that it is a technicality in the Conservation Commission's regulations, but if the Commission was willing to waive it as a technicality then he can meet with anyone on anyday. The Agent discussed her concern with her own and members of the Commission's ability to identify 'naked plants', or leafless plants, by their buds.

A site-visit is required to confirm the Wetlands Delineation Boundary Line and check the accuracy of the Wetland Flags. The hire of a third-party peer review consultant is a potential option if the Agent has difficulty with the naked plant identification.

The plan is to potentially hire a third-party peer review consultant to perform a site-visit to walk the site as well as check the wetland delineation line and wetland flags, in the case that the Agent or nobody from the Commission can meet John on site to walk the site and confirm the jurisdictional boundaries. The Agent will try to put in a specific request for Brett Townsend from Vanasse Hangen Brustlin (VHB).

The Agent will meet John at 3090 Palmer Street at 11:00 am tomorrow, Wednesday, October 31, 2018.

If the Agent does not feel comfortable identifying the naked plants in order to confirm the Wetlands Delineation Boundary Line, then the Commission will utilize the third-party peer review option.

Motion made by Lucas McDiarmid to continue the public hearing to Tuesday, November 13, 2018 at 6:15 pm.

Seconded by Nicholas Zeo.

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

Motion made by Dorothy Lawrence to retain a third party consultant for BWC Swift River, LCC if necessary.

Seconded by Peter Izyk.

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

- c. Abbreviated Notice of Resource Area Delineation (ANRAD) DEP #256-0334 BWC Dumplin Brook, LLC: L22 Sykes Street (Map 18 Lot 22)

The applicant has submitted an ANRAD to confirm the precise boundaries of jurisdictional resource areas, which have been delineated at L22 Sykes Street. No work is proposed as part of this application.

John Thomas of SWCA Environmental Consultants, Drew Pierson of BlueWave Solar, and Mike & Diana Strzemienski (the landowners of L22 Sykes Street), were present at tonight's meeting.

A site-visit is required to confirm the Wetlands Delineation Boundary Line and check the accuracy of the Wetland Flags. The hire of a third-party peer review consultant is a potential option if the Agent has difficulty with the naked plant identification.

The Agent will meet John at L22 Sykes Street after the 11:00 am site visit tomorrow, Wednesday, October 31, 2018.

If the Agent does not feel comfortable identifying the naked plants in order to confirm the Wetlands Delineation Boundary Line, then the Commission will utilize the third-party peer review option.

Motion made by Nicholas Zeo to continue the public hearing to Tuesday, November 13, 2018 at 6:30 pm.

Seconded by David Cotter.

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

Withdrawal of Motion.

Motion made by Nicholas Zeo to retain a third party consultant for BWC Dumplin Brook, LLC if necessary.

Seconded by David Cotter.

No further discussion – 5-1-0 – Motion Carries.

Motion made by Nicholas Zeo to continue the public hearing to Tuesday, November 13, 2018 at 6:30 pm.

Seconded by Peter Izyk.

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

9. Requests for Certificate of Compliance: No Requests for Certificate of Compliance.

10. Project Monitoring

a. DEP #256-0331: 271 Breckenridge Street Solar

David Cotter thoroughly walked the entirety of the site for 3 hours with Michael (Mike) Schlieper, the Site Superintendent of Borrego Solar. The mysterious hole with water in it was determined to be a homemade old fashioned septic, also known as a grey well, which is a 55-gallon drum utilized to collect laundry and shower water, etc. David is impressed with the installation of their silt-fence because it is very secure and stable, even with the rocky soil found throughout this property. He mentioned that all of their silt-fence was toed-in properly in accordance with the erosion and sediment control regulations.

David asked if they still plan to donate wood, to which Mike answered yes, therefore we will utilize the wood as a source of donation for the future establishment of a Town of Palmer Community Wood Bank.

11. **Violations & Enforcement:** No Violations & Enforcement.

12. **New/Old Business**

a. **Administration of 2017 MA Trails Grant – AmeriCorps 2019, Work Day 11/3**

There will be a free Buffer Zone Workshop in Hadley that interferes with the plan for a Saturday, November 3, 2018 Work Day. Therefore, we will re-schedule the Work Day to a later date that the Commission can agree upon based on their schedules. This Work Day will be mainly utilized to install the fence, but the option is to hire AmeriCore again for a 5-day work week to finish the remainder of necessary work like the fence. The Agent has the option to put in another request to AmeriCore, so she will fill out the AmeriCore paperwork as soon as possible. The Work Day has been re-scheduled to Saturday, November, 10, 2018 at 9:00 am for a trail clean-up of debris such as leaves, sticks, and rocks.

b. **MVP Grant**

The kick-off meeting is scheduled for Monday, November 5, 2018 at 1:00 pm and it will be held here in the Town Council Conference Room.

c. **FEMA Hazardous Mitigation Grant**

The Agent met with Pioneer Valley Planning Commission (PVPC) on Wednesday, October 17, 2018 to discuss the latest updates in regard to the next steps for the FEMA Hazardous Mitigation Grant.

d. **DCR Urban & Community Forestry Challenge Grant**

Jeff Stanhope had phone conversations with Sean Mahoney, Market & Utilization Forester for the DCR, in regard to the Community Wood Bank category of the Challenge Grant as well as Mollie Frelicher, Community Action Forester for the DCR, in regard to the Securing or Training Professional Staff category of the Challenge Grant.

e. **MACC Buffer Zone Workshop 11/3/2018 @ 9:00 am – 11:30 am. Hadley Sr. Center, Hadley, MA**

The MACC Buffer Zone Workshop is scheduled for Saturday, November 3, 2018 at 9:00 am – 11:30 am and it will be held at the Hadley Senior Center in Hadley, Massachusetts.

f. **C4RWC Annual Meeting PHCC 11/4/2018 @ 1:00 pm**

The Chicopee 4Rivers Watershed Council (C4RWC) Annual Meeting is scheduled for Sunday, November 4, 2018 at 1:00 pm and it will be held at the Palmer Historical & Cultural Center (PHCC) located at 2072 Main Street, Three Rivers, Massachusetts.

g. **MACC Fall Conference**

Members of the Conservation Commission discussed the success of the MACC Fall Conference based on the content of the presentations and quality of the presenters. They also mentioned that the topic of solar projects was a popular discussion and MACC stated solar talk will be on their radar for the future.

13. Upcoming Events, Conferences & Trainings

14. Office Closed: Normal Office Hours.

15. Set Next Meeting Date: Tuesday, November 13, 2018 at 6:00 pm.

16. Meeting Adjourned: 8:51 PM

Motion made by Lucas McDiarmid to adjourn at 8:51 PM

Motion was seconded by Nicholas Zeo

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

Sincerely Submitted,

Jeff Stanhope

Palmer Conservation Assistant