



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, October 5, 2021 – 6:30 PM
LOCATION: Town Hall Meeting Room
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
Dave Cotter
Brenda Cole

Members Absent: None

Also Present: Sarah Fortune, Interim Conservation Agent

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

2. Review Mail/Phone Messages

a. CSX Transportation, Inc. – Railroad Right-of-Way Vegetation Management

The PCC received notification regarding the right-of-way vegetation management for CSX Transportation, Inc. Vegetation management activities are to commence on or after 9/28/2021 and will conclude on or before 10/15/2021. The vegetation management will include herbicide application via low-pressure spray from a railroad mounted truck to control woody vegetation that is encroaching into the railroad right-of-way. Herbicide will be applied to non-sensitive areas only one (1) time in 2021.

b. New England Power Company – Notification of Utility Maintenance Activities

The PCC received notification regarding utility maintenance activities proposed to occur at the Palmer 503 Substation located at 24 Blanchard Street. The work will include necessary overhead electrical maintenance and underground work within the substation yard. The work is exempt from the Wetlands Protection Act and regulations pursuant to 310 CMR 10.02(2)(a)(2) and the Palmer Wetlands Protection Ordinance (Section I(I)) as it is considered normal maintenance of an existing facility used in the service of providing electricity to the public.

3. Approval of Minutes

a. 7/20/2021

Motion made by Dave Cotter to approve the minutes from 7/20/2021 as amended

Motion seconded by Peter Izyk

No further discussion

Motion Caries 4-0-1 (Brenda Cole abstained)

b. 8/3/2021

Motion made by Dorothy Lawrence to approve the minutes from 8/3/2021 as written
Motion seconded by Dave Cotter
No further discussion
Motion Caries 6-0-0

- c. 4/62021 Executive Session & 7/20/2021 Executive Session

Motion made by Dave Cotter to table the approval of the remainder of the minutes until 9/7/2021 at 6:30 PM
Motion seconded by Peter Izyk
No further discussion
Motion Caries 5-0-0

4. Signing of Documents

- a. Issue Duplicate Order of Conditions: DEP # 256-0346, Bondsville Water Line Project

The PCC received a request to issue a duplicate Order of Conditions for the aforementioned project due to clerical issues with the original OOC which prevented the applicant from recording the Order at the Hampden County Registry of Deeds.

Motion made by Brenda Cole to issue a duplicate Order of Conditions with clerical amendments for DEP # 256-0346 for the Bondsville Water Line project
Motion seconded by Dorothy Lawrence
No further discussion
Motion Caries 6-0-0

5. Project Monitoring

- a. Discuss site visit – DEP # 256-0331: 271 Breckenridge Street solar array

The PCC performed a site visit with Will Peregoy of Borrego Solar to 271 Breckenridge Street 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. There was 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.

An area of concern is 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 no where 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.

The Agent expressed her concern about the lack of stabilization in this area, and the need to reestablish the straw wattles and remove sediment from the rip rap level spreader. Will Peregoy of Borrego Solar suggested

that he 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 was amenable to this suggestion, and recommended that a follow-up inspection occur after this work has taken place. Will added that Borrego Solar would hold off on the formal request for a Complete Certificate of Compliance until this work had been completed and the PCC was satisfied with stabilization in this area of concern.

6. Other Business (New/Old)

a. Discuss Open Space and Recreation Plan Update

The Agent reported that the Open Space and Recreation Public Visioning Session occurred on 9/28/2021 from 6:30 to 8:30 PM and had a total of 17 attendees. The PVS included a presentation on open space plans, reviewed their importance as municipal planning tools, and provided a summary of progress made since the last OSRP update that occurred in 2014. The PVS also included breakout discussions on topics which included: greatest assets and needs for open space and recreation; top priorities for open space and recreation improvements; increasing community involvement in maintenance and improvement of open space and recreation areas; and, what are the top funding funding priorities for open space and recreation projects. Each group then gave a summary of the discussions on each topic for all participants. The breakout group discussion information will utilized to develop the 7-year Action Plan for open space and recreation goals to accomplish throughout the duration of the 2021 OSRP.

7. Schedule of Public Meetings & Hearings

- a. 7:05 PM Request for Determination of Applicability (RDA): 93 Water Street (Map 55-79) – new well installation: The applicant is requesting a determination to see if the work associated with the installation of a new water supply well is subject to the MA Wetlands Protection Act and the Town of Palmer Wetlands Protection Ordinance. Work is proposed to occur within the 100-year flood plain (Zone AE) associated with the Quaboag River.

Donald Blais, Jr. opened the public meeting at 7:05 PM and stated that the applicant is requesting a determination to see if the work associated with the installation of a new water supply well is subject to the MA Wetlands Protection Act and the Town of Palmer Wetlands Protection Ordinance. Work is proposed to occur within the 100-year flood plain (Zone AE) associated with the Quaboag River. The property is currently serviced by town water but the proposed private water supply will be used for irrigation purposes so that the applicant can be self-sustaining.

Dorothy Lawrence asked if a private water supply well could be installed within the 100-year flood plain. The Agent informed her that this is a permissible activity, given that the proposed location of the well is located within the flood plain only. The Agent also reported that she contacted Mark Stinson at DEP to ask if there was an exemption for installing a private water supply well in a wetland resource area, and if the applicant was required to provide compensatory flood storage; Mark informed the Agent that there is no exemption for private water supply wells and that there is no exemption from the requirement to provide compensatory flood storage, but that the new flood volume lost as a result of the well installation may be *de minimus*.

Brenda Cole asked if the Agent had performed a site inspection; the Agent reported that she hasn't conducted a formal inspection, but that she has performed a desktop review of the property and is quite familiar with the site and has no issues with the project at this time.

Motion made by Nick Zeo to close the public meeting for the Request for Determination of Applicability (RDA) submitted for the installation of a new private water supply well at 93 Water Street at 7:14 PM

Motion seconded by Dorothy Lawrence

No further discussion

Motion Caries 6-0-0

Motion made by Dorothy Lawrence to make a Negative Determination, Box 2 stating that the work described within the Request is within an area subject to projection under the Act, but will not remove, fill, dredge or alter that area. Therefore, said work does not require the filing of a Notice of Intent

Motion seconded by Dave Cotter

No further discussion

Motion Caries 6-0-0

Motion made by Dorothy Lawrence to make a Negative Determination, Box 6 stating that the area/work described in the Request is not subject to review and approval by the Palmer Wetlands Protection Ordinance, Chapter 143

Motion seconded by Dave Cotter

No further discussion

Motion Caries 6-0-0

8. Signing of Documents

a. Ratify Emergency Certification: DPW, Rondeau Road and Olney Road repairs

The PCC received a request from the DPW on 10/4/2021 for an Emergency Certification for the emergency work to repair Rondeau and Olney Roads. Emergency work includes asphalt reclamation and repaving of Rondeau and Olney Roads in order to maintain public safety. The Agent performed an inspection on 10/5/2021 and issued the Emergency Certification, and recommended that the PCC ratify the Emergency Certification.

Motion made by Dorothy Lawrence to ratify the Emergency Certification issued to the DPW for emergency work to reclaim asphalt and repave Rondeau Road and Olney Roads to maintain public safety

Motion seconded by Dave Cotter

No further discussion

Motion Caries 6-0-0

9. New/Old Business

a. ENF: Reed Fish Hatchery – Dam Repair & Pipeline Replacement Project

The PCC received an Environmental Notification Form (ENF) for a dam repair and pipeline replacement project at the Reed Fish Hatchery located on Route 32. The Agent performed an inspection to the fish hatchery on 9/20/2021 to review the proposed work and discuss the ENF with various environmental organizations. The Agent provided review comments on the ENF following the inspection which pertained to the applicability of an agricultural exemption for the site and the proposed work. The Agent determined that the site would

constitute ‘land in agricultural use’ and that the work would constitute ‘normal maintenance of land in agricultural use’, which would exempt the activity from the WPA, its regulations, and the Palmer Wetlands Protection Ordinance. The Agent reported that DEP also concurred that the site and the proposed work would qualify for the agricultural exemption. DEP did recommend that the applicant obtain a formal Determination on the agricultural exemption from the PCC by filing a Request for Determination of Applicability.

b. Ware River blue trail update

The Agent confirmed that the old road right-of-way for Bennett Street is still owned by the town, which will make it easier to formalize blue trail access to the Ware River there. The Agent will continue to work with the Chicopee 4 Rivers Watershed Council to formalize the blue trail access prior to the end of 2021.

c. Schedule work day with BSA Troops at First Street

The PCC will schedule another work day with local BSA Troops at First Street to finish water sealing the gazebo at First Street, tentatively on 11/6/2021. The Agent will reach out to the Troops and finalize the date.

d. Seasonal Cottages: Draft Ch. 91 license documents received

The PCC received draft documents for the Ch. 91 Public Waterfront license for the Seasonal Cottages project. The Agent has yet to review the documents but will provide them to the PCC for their review.

10. Set Next Meeting Date

- a. The next meeting of the PCC is scheduled to occur on Tuesday, October 19, 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.

11. Meeting Adjourned: 7:48 PM

Motion made by Dorothy Lawrence to adjourn at 7:48 PM

Motion seconded by Dave Cotter

No further discussion

Motion Caries 6-0-0

Sincerely Submitted,
Sarah A. Fortune
Interim Conservation Agent



TOWN OF PALMER CONSERVATION COMMISSION

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

Meeting Documents

Tuesday, October 5, 2021 – 6:30 PM
LOCATION: Town Hall Meeting Room
4417 Main Street, Palmer, MA 01069

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: 8/3/2021	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 10/19/2021 at 6:30 PM
3.	Payable: Turley - \$117.56	Approval of Payables	Retained in FY 22 Payables
4.	Payable: Squires - \$77.50	Approval of Payables	Retained in FY 22 Payables
5.	Payable: Connecticut River Stormwater Coalition FY 22 Dues - \$3,500	Approval of Payables	Retained in FY 22 Payables
6.	Issue Duplicate Order of Conditions: DEP # 256-0346, Bondsville Water Line Project	Signing of Documents	Retained in file for DEP # 256-0346
7.	Ratify Emergency Certification: DPW, Rondeau Road and Olney Road repairs	Signing of Documents	Retained in file for Emergency Certification, DPW, Rondeau & Olney Roads
8.	Request for Determination of Applicability: 93 Water Street	Schedule of Public Meetings & Hearings	Retained in RDA file for 93 Water Street
9.	Determination of Applicability: 93 Water Street	Schedule of Public Meetings & Hearings	Retained in RDA file for 93 Water Street