



TOWN OF PALMER CONSERVATION COMMISSION

Palmer Town Building
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Tharyn Nein-Large, Chair
Donald Duffy, Vice Chair
Peter Izyk
Sarah Brodeur
David Cotter

Agent: Angela Panaccione

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MEETING MINUTES

TUESDAY NOVEMBER 3, 2015 @ 7:00 PM

Members Present: Tharyn Nein-Large (Chair)
Donald Duffy (Vice Chair)
Peter Izyk
Sarah Brodeur
Dave Cotter
Angela Panaccione (Agent)

Members Absent: Sean O'Donnell

Also Present: No Public Present

Meeting Opens: 7:00 PM – Tharyn Nein-Large (Chair)

7:00 PM Administrative Matters: Minute Approval – October 20, 2015

Motion made by Peter Izyk to accept the minutes from Tuesday October 20, 2015 as corrected

Motion seconded by Sarah Brodeur

No further discussion – vote taken: 5-0-0 – Motion Carries

7:06 PM Administrative Matters: Mail, Reports, Projects, Monitoring, Enforcement, Site Visits

1. Midura Extension/Town Council Meeting: The Agent will attend the Town Council meeting on November 9, 2015 to request the town accept a land donation for Conservation Land. The parcel is owned by Darlene A. Bergeron-Burns, as is known as Lot 2 Kings Brook (Map/Lot 21-2). The parcel is 29.8 acres (Deed Reference: Bk 8385/Pg 311) and has been in Tax Title since 1993. The Agent located the 2001 file about a donation of the Bergeron-Burns parcel to the Commission, which never appears to have been followed through with. Donald Duffy informed the Commission the property was in tax title, but the owner was going to donate it to Conservation in lieu of paying back taxes. A 2002 special town meeting vote unanimously approved the acquisition, but the Board of Selectmen at the time did not sign the purchase and sale agreement or the deed. Duffy stated the property is still in tax title and instructed the Agent to speak with the Tax Collector.

Upon further research, the Agent contacted Darlene A. Bergeron-Burns, who is still willing to donate the parcel to the Conservation Commission in lieu of taxes. Under MGL Ch.60 Sec 77C: Cities and towns,

may accept a deed in lieu of foreclosure to any parcel of land and upon acceptance and recording any real estate taxes and other municipal charges and liens shall be treated as having been paid.

The Agent prepared a power point presentation for Town Council detailing the acquisition and ecological significance of the parcel.

The Agent also discussed with the Commission the possibility of drafting enabling legislation to transfer the turnpike parcel (Map 15-14) from Mass DOT to the Commission. The Agent has reached out to Anne Gobi's office and has requested the legislation. She will also present this to Town Council and request their further support in this matter.

2. Garmin Oregon 650: The Agent requested the Commission purchase a hand held GPS device for boundary marking and surveying of conservation land. Several grants require a base line boundary document for any Conservation Land. The Agent attended a training last week which focused on using the Garmin Oregon 650 to locate boundary markers in the field and to mark boundary lines of the Conservation Lands. On Friday 11/20/15, the Agent and the two interns will begin marking Midura's boundaries. The first will be the 10.64 acre parcel North of Old Warren Road.

Motion made by Donald Duffy to purchase the Garmin Oregon 650, from the Towns Wetlands Account, for GPS

Motion seconded by David Cotter

No further discussion – vote taken: 5-0-0

3. Forest Management Policy and Proposed Timber Harvest: The Commission has retained Licensed Forester Harry Wandeloski (MA Licensed Forester # 243) to develop a forest cutting plan for a parcel off Bacon Road (Map 49-1). The parcel is 16 acres that borders Nenameseck Sportsman Club. The Commission discussed the goals of the harvest. The main goal is maximizing revenue while maintain consistency with Nenameseck's current Forest Management Plan.

The Commission also discussed amending Ordinance Ch.8, Art. 1- Sale of Forest & Agricultural Products Ordinance to increase the revenue limit from \$10,000/FY to \$50,000/FY. The Agent has completed extensive research into the matter and all other municipalities that harvest conservation lands either do not have a set limit or the limit is at least \$50K/FY.

4. Tax Title Taking & Eminent Domain: The Commission discussed using eminent domain to take land in tax title, specifically parcels identified as "Owner Unknown", which abut Conservation Lands. The MACC handbook recommends this process as Commissions can clear the title to tax title land by having the area shown on a plan and taking it by eminent domain under the Conservation Commission Act.

If there is land that is shown as "owners unknown," an award of some purchase money is made. The check is payable to the city or town treasurer and deposited in a savings bank (MGL Ch. 79 §7D). If not claimed within 14 years, the money "escheats" to the state (not the municipality) under MGL Ch. 200A. There are several municipalities who are acquiring land in this manner and using Community Preservation Funds to cover any damages.

To "take" land by eminent domain requires the Commission submit a request in writing to the Town council, and the town council vote by 2/3rds to take the land. The Commission is considering this avenue to take the land once owned by Zandadou Corporation, which is 5.5 acres of wetlands and King's Brook.

5. EO 562: On March 31, 2015 the Baker Administration announced Executive Order 562 (EO) (To Reduce Unnecessary Regulatory Burden). This EO requires all government agencies to review all regulations (CMRs) and demonstrate that each one 1. Has a clearly identified need best addressed by the agency; 2. 5 Cost of the regulation don't exceed the benefits; 3. Regulation doesn't exceed federal requirements or duplicate efforts; 4. There are no less restrictive alternatives; 5. The regs don't adversely affect MA competitiveness; 6. The agency has an established process and schedule for measuring the regulation's effectiveness; and 7. the regulation is time-limited or had a regular review. Each agency has to prepare a business/competitiveness impact statement for each regulation. Any regulation not meeting those standards will sunset on March 31, 2016. The EO also requires that the Secretary of Administration and Finance (SAF) will establish a process for accepting public comment. SAF has just announced the creation of the on-line portal to accept and solicit public comment regarding all MA laws. The portal can be found at <http://www.mass.gov/anf/a-clearer-code-regulatory-reform.html> The Commissioners will view the portal on their own and will discuss it at the next meeting

Next Meeting Date: Tuesday November 17, 2015 at 7pm

Office Closed: Tuesday November 10, 2015

Meeting Adjourned: 8:15 PM

Motion made by Donald Duffy to adjourn at 8:15 PM

Motion seconded by David Cotter

No further discussion – vote taken: 5-0-0– Motion Carries

Sincerely Submitted,
Angela C Panaccione, Conservation Agent