



# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Minutes

Tuesday, November 16, 2021 – 6:30 PM  
LOCATION: Town Administration Building  
4417 Main Street, Palmer, MA 01069

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

Sarah Fortune, Interim  
Agent

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

**Members Absent:** Lucas McDiarmid

**Also Present:** Sarah Fortune, Interim Conservation Agent  
Tina Pike; 635 River Street, Palmer, MA 01069  
Don Frydryk, Sherman & Fyrdryk, LLC; 3 Converse Street, Suite 203, Palmer, MA 01069  
Ryan McNutt, Town Manager; 4417 Main Street, Palmer, MA 01069

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

2. **New/Old Business**

a. **Discussion with Town Manager**

Town Manager Ryan McNutt was in attendance to discuss the proposed restructuring of the Conservation Agent position and Conservation Commission. Ryan stated that Palmer is an ideal location for development due to the MassPike exit and large industrial park, among other features, but is fragmented, similarly to town departments. His goal is to streamline permitting and increase collaboration between various departments to ease the permitting and development process for projects in the future. He added that it costs applicants a significant amount of money to attend multiple meetings with various boards and permitting authorities, and would like to streamline this process in reduce overall permitting costs for applicants. For example, other communities combine the Planning Board, Community Development, Economic Development, and Conservation Commission into one (1) department that functions as a 'Economic Development Department', and he would like to do this in Palmer. With respect to restructuring the Conservation Agent position, Ryan intends to have the position report to the Town Planner instead of directly to him; he added that he has to oversee many boards and staff, and that it would be helpful to have the Agent report to the Town Planner moving forward. Additionally, the hours for the Agent will be reduced from 32.5 to 25 hours per week. Ryan informed the PCC that he had researched the Agent position going back to 2012 and believes that 25 hours per week is appropriate. Some of the duties of the previous Agent/Stormwater Coordinator will move to the Planning Board and the DPW, specifically pertaining to stormwater, but that all the other wetland and open space duties will remain the same for the Conservation Agent.

Brenda Cole asked what stormwater duties will become the responsibility of the Planning Board and the DPW; Ryan informed her that stormwater stuff will be moved to those departments, and the Agent will become a more

typical Agent position. Dorothy Lawrence stated that there should be a firm line with stormwater duties between the Conservation Commission and Planning Board, given that they operate under different regulatory frameworks, and that she doesn't want the Commission's authority to be overrun as a result of the department and position restructuring.

The Interim Agent expressed her concern regarding the proposed changes to stormwater responsibilities, stating that she is concerned that the Town won't be able to comply with the MS4 permit Minimal Control Measures (MCMs) of construction site monitoring, public education and public outreach; to the best of her knowledge, neither the Planning Board nor the DPW perform regular construction site monitoring or conduct public education and outreach for stormwater. The Interim Agent added that the MS4 Notice of Intent and the town's Stormwater Management Plan (SWMP) will have to be revised as a result of the proposed changes to stormwater duties, as the Conservation Commission/Agent are listed as the responsible party for complying with the aforementioned MCMs. The Interim Agent stated that she believes that there might be a better, more streamlined way to conduct stormwater activities, such as placing a greater responsibility with the DPW as they conduct many of the required actions such as street sweeping and catch basin cleaning.

Brenda Cole asked if there were other underlying reasons for the departmental and position restructuring; Ryan responded that there are no other underlying reasons.

The Interim Agent stated that it would be helpful to work more closely with the Planning Board, in which greater collaboration would allow for the identification of permitting needs and regulatory requirements early on in the project review process, rather than having two (2) disjunct review processes. Ryan added that it was clear from a previous joint meeting with the Conservation Commission and Planning Board that there was very little communication between the two (2) departments, and that communication needs to be increased between them. Additionally, he stated that the restructuring will also include the Board of Health and Building Departments. Finally, he informed the PCC that the statutory requirements for the Conservation Commission will not change.

Dorothy Lawrence asked if wetland permit applications will still go to the PCC; Ryan reassured her that wetland permits will still be submitted to the PCC as usual. Donald Blais, Jr. asked when the proposed restructuring will be implemented. Ryan informed him that it will occur between January of 2022 and the beginning of FY 2023. Ryan added that he will likely keep the Conservation Agent job posting open until the middle of December, and will move forward with the formal hiring process after that. Dorothy Lawrence stated that the PCC wants to see the Interim Agent hired in a permanent capacity, due to the fact that she is a knowledgeable Agent who cares deeply about Palmer.

Nick Zeo expressed his concern about the proposed restructuring and reduced hours for the Conservation Commission and the impact that will have on the maintenance of open space and conservation areas, especially with consideration to the increase in use of open space and recreation areas since the COVID-19 pandemic. He added that the PCC provided a letter to the Town Manager in August of 2021 to request the use of revenue generated from local and state wetland permit filing fee funds to hire a part-time administrative assistant and to offset departmental budget cuts but that this request was not approved.

Donald Blais, Jr. proceeded to state that economic development has always been an issue in Palmer, and that he supports streamlining in order to facilitate economic development, but he shares the same concerns expressed by Dorothy Lawrence and Peter Izyk on the department and position restructuring. Peter added that he doesn't want the PCC's authority to be pushed aside, as it was with the Dollar General development that occurred in 2016/2017.

Dorothy Lawrence requested that the Town Manager keep the PCC informed on all proposed changes to the department and the staff position moving forward.

### **3. Schedule of Public Meetings & Hearings**

- a. 7:05 PM Cont. 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. re-opened the public hearing at 7:05 PM and representative Don Frydryk of Sherman & Frydryk, LLC were in attendance to present the project to the PCC. Don provided revised site plans with the revised wetland line as requested by the Agent during the inspection on 10/22/2021. He also provided wetland delineation data sheets and a revised Notice of Intent narrative as requested by the PCC on 11/2/2021. Finally, Don reported that he prepared a complete project filing with the Natural Heritage and Endangered Species Program (NHESP) to review for impacts to rare species and their habitats; the NHESP issued a 'no-take' determination on 11/2/2021.

Don Frydryk proceeded to report that the project will propose approximately 3,000 square feet of disturbance within the 100-foot Buffer Zone to the BVW on the site which will result from construction of the garage, placement of erosion sediment controls, grading to adjust and stabilize the slope behind the house, and stabilization of disturbed areas with loam and seed following the completion of construction. All excavated material will be removed from the site. The area where the garage and grading are to be located is within an existing disturbed, cleared area and gravel driveway on the site. Construction and tree is proposed within the locally-protected 50-foot No Disturb Zone and will result in approximately 375 square-feet of new disturbance within that area. He respectfully requested a waiver of the No Disturb Zone provision of the Palmer Wetlands Protection Ordinance, Chapter 143 in order to perform the proposed work.

Dorothy Lawrence inquired about the existing site conditions; Don reported that the site is currently developed with a single family home and gravel driveway, and contains Bordering Vegetated Wetlands associated with an intermittent stream. Dorothy asked if the garage construction will include a foundation or a slab; Don stated that it will probably be built upon a frost footing, and that there are no plans to construct a full basement beneath the garage. Dorothy inquired about equipment staging and material stockpiling, which is normally condition to occur outside of the 100-foot Buffer Zone; the Agent informed her that there is really no where on the site outside of the Buffer Zone for material stockpiling and staging.

The Agent expressed her concern about the proposed erosion control measures, specifically that a straw wattle alone may not be sufficient to provide protection to adjacent resource areas given their proximity to the work area and the steep slope of the site. The Agent stated that she will require that silt fence be used in addition to a straw wattle at the base of the slope, extending from the 50-foot No Disturb Zone line to wetland flag W6. Don Frydryk was amenable to this requirement.

Donald Blais, Jr. opened the public hearing to questions and comments by the PCC and members of the general public; no one wished to comment on the project as proposed.

**Motion made by Dorothy Lawrence to close 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 at 7:21 PM**  
**Motion seconded by Peter Izyk**  
**No further discussion**  
**Motion Caries 6-0-0**

**Motion made by Dorothy Lawrence to issue a waiver of the 50-foot No Disturb Zone provision of the Palmer Wetlands Protection Ordinance, Chapter 143, Section 1(4)**  
**Motion seconded by Dave Cotter**  
**No further discussion**  
**Motion Caries 6-0-0**

**Motion made by Nick Zeo to issue and Order of Conditions with Findings of Fact, Special Conditions and Approved Plans & Documents for DEP # 256-0357 for the construction of a 20' by 24' garage at 23 West Ware Road**  
**Motion seconded by Dave Cotter**  
**No further discussion**  
**Motion Caries 6-0-0**

#### **4. Approval of Minutes**

- a. 10/19/2021, 4/62021 Executive Session & 7/20/2021 Executive Session

**Motion made by Dave Cotter to table the approval of the minutes until 12/7/2021 at 6:30 PM**  
**Motion seconded by Peter Izyk**  
**No further discussion**  
**Motion Caries 6-0-0**

#### **5. Project Monitoring**

- a. DEP # 256-0353: X176 Transmission Line ROW, update on wetland replication & compensatory storage areas

The PCC received notification from representative Paul Martin of BSC Group that the compensatory storage area and wetland replication area have been excavated to base grade and have been stabilized for winter. Planting within the restoration area will occur in Spring of 2022.

#### **6. Violations & Enforcement**

- a. Issue Enforcement Order: L27 Springfield Street (Map 16-27): restoration of altered BVW and Bank

The Agent recommended that the PCC table the issuance of the Enforcement Order for restoration of altered BVW and Bank at L27 Springfield Street to allow for the representative to submit additional information on the violations.

**Motion made by Dorothy Lawrence to issue an Enforcement Order for restoration of altered BVW and Bank at L27 Springfield Street**  
**Motion seconded by Dave Cotter**

**No further discussion**

**Motion Caries 6-0-0**

**7. Other Business (New/Old)**

a. Discuss Open Space and Recreation Plan Update

The Agent reported that the Open Space Advisory Committee met on 10/28/2021 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 added that she is on schedule to complete the OSRP update and submit it to the Department of Conservation Services for conditional approval by the end of December 2021

b. MassTrails Grant: Mass Central Rail Trail – due 2/1/2022

The Agent reported that she met with the Town Manager and Town Councilor Jessica Sizer to discuss applying for a MassTrails Grant for the Mass Central Rail Trail. The grant application will be for preliminary trail design and permitting. The grant application is due on 2/1/2022.

c. Land and Water Conservation Fund – grant round now open

The Land and Water Conservation Fund grant round is now open, and can be used for land acquisition and trail development projects.

d. Update on Nichols CR – 2 Robinson Road, Opacum Land Trust

The Agent attended the Town Council meeting on 11/15/2021 with a representative of Opacum Land Trust to discuss the Conservation Restriction for the Nichols property, located at 2 Robinson Road. The CR document was not ready to sign by the Town Council due to some last minute language changes, but should be ready for approval during December 2021. The Town Council seemed to support the project.

e. Bulk Trail NOI DEP # 256-0302 – discuss if permit needed to construct Bennett Street access for C4R Lower Ware River Blue Trail

The PCC discussed whether the Chicopee 4 Rivers Watershed Council (C4R) would have to file a wetlands permit for the development of the blue trail access to the lower Ware River off Bennett Street under the Bulk Trail NOI, DEP # 256-0302. The permit covers activities such as trail construction and maintenance, but doesn't discuss the construction of formal river accesses. Dorothy Lawrence suggested that the C4R submit a letter describing the project, which the PCC could use to determine whether or not a separate filing under the Bulk Trail NOI would be required. The Agent added that the project site is located within Priority Habitats of Rare Species, and that the C4R might have to file with the NHESP pursuant to MESA.

**8. Set Next Meeting Date**

- a. The next meeting of the PCC is scheduled to occur on Tuesday, December 7, 2021 at 6:30 PM. This meeting will be held in the Town Hall Meeting Room, located at 4417 Main Street.

**9. Meeting Adjourned: 8:13 PM**

**Motion made by Dorothy Lawrence to adjourn at 8:13 PM**

**Motion seconded by Peter Izyk**

**No further discussion**  
**Motion Caries 6-0-0**

Sincerely Submitted,  
Sarah A. Fortune  
Interim Conservation Agent



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Nicholas Zeo  
Brenda Cole

## Meeting Documents

**Tuesday, November 16, 2021 – 6:30 PM**  
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**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: 10/19/2021, 6/2021 Executive Session, 7/20/2021 Executive Session	Approval of Minutes	Approval tabled until 12/7/2021 at 6:30 PM
2.	Notice of Intent (NOI): 23 West Ware Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0357
3.	Revised NOI Site Plans: 23 West Ware Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0357
4.	DEP File Comments: DEP # 256-0357, 23 West Ware Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0357
5.	NHESP Determination Letter: DEP # 256-0357, 23 West Ware Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0357
6.	DEP Wetland Delineation Data Sheets: 23 West Ware Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0357
7.	Revised NOI Narrative: DEP # 256-0357, 23 West Ware Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0357
8.	Order of Conditions with Findings of Fact, Special Conditions, and Approved Plans & Documents: DEP # 256-0357, 23 West Ware Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0357
9.	Issue Enforcement Order: L27 Springfield Street	Violations & Enforcement	Retained in file for L27 Springfield Street Enforcement Order
10.	Letter to Town Manager: Request to use revenue generated from filing fees to hire Administrative Assistant	New/Old Business	Retained in file for FY 2022 budget