

TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, November 17th, 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

Also Present: Angela Panaccione, Conservation Agent
Sarah Fortune, Conservation Assistant
Michael Fliss, Meadowbrook Green Condominium Association
William Peregoy
Mike Zhe, Borrego Solar
Brandon Smith, Borrego Solar
Tom Reidy
Ted Bakas
Keith Gazaille - Meadowbrook Green Condominium Association
David Swyter
Jackie Firsty, Bluewave Solar
Shawn Frankeskos, Bluewave Solar

1. **Call to Order:** 6:32 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. **FEMA Grant**

The Agent reported that FEMA is requesting additional information in order to process the town's grant application for the Route 181 culvert replacement project. The project was planning to divert vehicle traffic from Pine Street to Fuller Street and to create a truck detour all the way around the industrial park in order to

close Route 181 to replace the culvert, but FEMA requested that the truck detour use Pine Street because they observed a truck on that road during review of aerial imagery, although the road is posted as a truck-excluded road. The Agent supplied photographs of the truck exclusion signs and provided town ordinances regarding truck-excluded roads to FEMA as supplemental information for the grant application.

b. Final Environmental Impact Report (EIR): Seasonal Cottages

The Agent reported that the final EIR for the Seasonal Cottages project off Forest Lake Road and River Road has been received. Abutters were notified that the EIR was available to view at the library, but the library is currently close, so the Agent will contact MEMA to determine how abutters and the general public can view the EIR.

c. Mass Central Rail Trail

A feasibility study for the Mass Central Rail Trail is currently available for public review and comments. Feasibility issues include the need to construct two (2) different bridges over the Swift River, and that part of the trail in the Town of Ware is still an active railroad.

3. Approval of Minutes

a. 10/6/2020

Motion made by Nick Zeo to approve the minutes from 10/6/2020 as amended

Motion seconded by Dorothy Lawrence

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. 10/20/2020

Motion made by Dorothy Lawrence to table the approval of minutes from 10/20/2020 until 12/15/2020 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. Requests for Certificates of Compliance

a. DEP # 256-0280: Meadowbrook Green Condominiums

The Agent recommended that the PCC wait to issue a Certificate of Compliance until a site visit has been scheduled due to a Special Condition pertaining to the installation of boundary markers around one of the ponds on site.

b. DEP # 256-0019: Meadowbrook Green Condominiums

Motion made by Dorothy Lawrence to issue an Invalid Order Conditions for DEP # 256-0019 certifying that the work regulated under the above-referenced Order of Conditions never commenced. The Order of Conditions is lapsed and is no longer valid.

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

c. DEP # 256-0331: 271 Breckenridge Street

William Perego of Borrego Solar reported that the pavement has been removed from the old driveway on site, that the drainage system at the entrance to the site has been connected into the municipal drainage system, and that the sediment trap has been cleaned out as well. Erosion sediment controls have been removed from the site except by the access road.

The Agent asked if the applicant had proof that the area outside of the solar array fence had been seeded with the required wildflower seed mix because almost no vegetation was observed growing outside of the array fence. William Perego informed her that he will check with the site supervisor. Michael Zhe added that the site was seeded, but that the person who did the hydroseeding said that the seed mix requires a few warm days to germinate. The Agent suggested that the PCC could issue a partial Certificate of Compliance to release the area inside the security fence with a condition requiring that the area outside of the security fence be re-seeded with the wildflower seed mix if nothing grows next year, but that it is ultimately up to the PCC on how they want to proceed. Donald Blais, Jr. stated that he was amenable to this suggestion.

Motion made by Dorothy Lawrence to issue a Partial Certificate of Compliance certifying that the following portions of work regulated by the above-referenced Order of Conditions have been satisfactorily completed. The project areas or work subject to this partial certification that have been completed and are released from this Order are: the area within the solar array security fence and access road for DEP # 256-0331

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 re-assess the area outside of the solar array security fence for growth of wildflowers in 2021 for DEP # 256-0331

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

5. Schedule of Public Meetings & Hearings

- a. 7:10 PM Notice of Intent (NOI) DEP #256-348 – Solitude, LLC: Meadowbrook Green Condominium Association (Map 18 Lot 47-1): The applicant has submitted a Notice of Intent for the Ecological Restoration of Meadowbrook Green Condo Ponds through utilizing

selective aquatic herbicide and algaecide treatments with USEPA/MA DAR registered herbicides and other BMPs to control growth of nuisance aquatic plant species and invasive plant species, (specifically white and yellow waterlily and purple loosestrife), improve fish habitat, improve water quality and slow pond eutrophication.

Donald Blais, Jr. opened the hearing at 7:10 PM and Keith Gazaille was in attendance to discuss the project with the PCC. The Agent reported that no new information has been submitted regarding a response to MassDEP file comments, and that a special condition has been found regarding boundary markers around the pond for a previous Order of Conditions issued for work regulated under DEP # 256-0019. Keith stated that he believes that the project qualifies as an Ecological Restoration project, and that DEP suggested that the project be filed as an Ecological Restoration project, so he is not sure as to why DEP provided this file comment.

The discussion continued to the second DEP file comment, which pertained to the development of a long-term amangement plan for pond management because the use of chemicals is only a short-term solution. The Agent added that the ponds are shallow, and that chemical treatment doesn't address the growth of plants within the ponds, which contributes to eutrophication. Keith stated that external sources are contributing to sediment loading in the ponds which allows plants to grow in them, and that he isn't sure that the applicant can address the watershed standpoint.

The Agent suggested that the applicant provide a written response to the DEP file comments, in addition to a narrative that justifies their position on the project as proposed. The Agent instructed the applicant to submit this information no later than 12/15/2020.

The Agent will perform a site visit with Michael Fliss on 12/1/2020 to review the aeration system, which can be used to justify long-term pond management, and to also look for the boundary markers as stated in the special conditions for DEP # 256-0019. The applicant requested a continuance of the public hearing until 12/15/2020 to allow for the site inspection to occur.

Motion made by Nick Zeo to continue the public hearing for DEP # 256-0348 until 12/15/2020 at 7:00 PM

Motion seconded by Dorothy Lawrence

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. 7:25 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 7:25 PM, and the Agent reported that the applicant submitted the stormwater management report and revised site plans for the project. The Agent reviewed these documents and reported that the project appears to check out on paper, and that the PCC has no choice but to issue a Negative Determination for the project. She expressed her concern about: overall grade changes to the site; construction of the access road, which will require excavation to a depth of 15 to 20 feet; and, that the site discharges to

the access road. The project has been designed completely outside of the buffer zone, and the PCC can't even condition the work. As Stormwater Coordinator, the Agent will be conducting all regular site inspections. Finally, the Agent informed the applicant that she needs a copy of the EPA NOI for the project and that she needs contact information for the project's Environmental Monitor. Kevin McGaffry stated that he will provide the PCC with a copy of the SWPPP as soon as possible.

Donald Blais, Jr. stated that he has serious concerns about the project as well, especially in consideration of the increased frequency and intensity of storm events in recent times, which has resulted in enforcement situations for many of the solar projects designed outside of PCC jurisdiction.

Donald Blais, Jr. opened the public meeting for additional comment 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 large-scale solar development at L22 Sykes Street and L28 Mount Dumplin Street at 7:38 PM

Motion seconded by Peter Izyk

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

Motion made by Dorothy Lawrence to make a Negative Determination, Box 4 stating that the work described within the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless said work alters an Area subject to protection under the Act

Motion seconded by Brenda Cole

No further discussion

Role call vote: Donald Blais, Jr. – no; Dorothy Lawrence – aye; Peter Izyk – aye; David Cotter – aye; Nicholas Zeo – aye; Brenda Cole – aye;

Motion carries 5-1-0 (Donald Blais, Jr. voted no)

- c. 7:39 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 7:39 PM and Kevin McGarry of Fuss & O'Neil, Jacky Firsty of Bluewave Solar, and Chris Lucas of Lucas Environmental were in attendance. The Assistant reported that the PCC received a peer review proposal from Emily Stockman of Stockman Associates to review the area identified by DEP as a potential wetland that has been altered by agricultural activities. The proposal estimated that 16-hours of wetland consultation would be required and would cost \$2,050. The PCC did not receive any other peer review proposals for this project.

Motion made by Dorothy Lawrence to accept the peer review proposal from Stockman Associates pursuant to 53G for the project located at 3090 Palmer Street, DEP # 256-0350

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

The Agent reported that the applicant retained Chris Lucas of Lucas Environmental as an outside consultant to conduct a separate review the potential wetland area. Chris stated that the ORAD issued by the PCC for the site confirmed the wetland delineation, and that it appears that DEP's concern with the potential altered wetland area pertains to a 401 Water Quality Certification. Chris continued to report that it appears that there was a forested wetland in this area, and that the forest was cut after the Wetlands Protection Act and regulations came into effect, based on his review of historical aerial imagery and other information. Chris conducted review of soils in this area and found an A horizon 2 to 3 feet below the ground surface, which suggests that there was some sort of wetland there at one point.

Kevin McGarry proceeded to discuss DEP comment 2, which pertains to the western array security fence and erosion controls proposed within Riverfront Area. He informed the PCC that the site plans will be revised to remove the western array security fence and erosion controls from the Riverfront Area. DEP comment 3 pertained to the stream crossing upgrade, and that bankfill width measurements need to be taken in order to prove that the stream crossing is adequately sized; Chris Lucas will take 3 bankfull width measurements the next time he is on site. DEP comment 4 regarding the SWPPP, which will be submitted prior to the commencement of any activity on the site. DEP comment 4 pertains to flood storage elevations, so the site plans will be revised to show the flood storage elevations at 1-foot intervals.

Kevin asked if he should anticipate additional comments on the project requiring a response other than the DEP file comments. The Agent stated that she doesn't anticipate additional project comments because there are no proposed grade changes other than at the stream crossing and that she has no concerns about stormwater management.

Donald Blais, Jr. opened the public hearing for comments or questions from the PCC and members of the general public. No one wished to comment further on the project at this time. The applicant requested a continuance of the public hearing until 12/15/2020 to allow for revised site plans to be developed and for peer review field work to occur.

Motion made by Brenda Cole 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 12/15/2020 at 7:00 PM

Motion seconded by Dorothy Lawrence

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

6. Project Monitoring

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

The Agent reported that she is waiting for MassDOT to submit a progress report for the project, so she is unsure if the project is complete, but is aware that DOT wanted to complete the project before winter. She reported that the outlet control structure has been installed, that the site is stabilized with erosion sediment controls, and that the access road has now been restored.

7. Violations & Enforcement

a. 19 Kelly Street

The Assistant did not have an update to report on the violations at 19 Kelly Street. No site visit has been scheduled at this time, nor has she heard from the Ware Conservation Commission on the status of enforcement at this time.

8. New/Old Business

a. Recreational Trails Grant

The PCC will apply for a Recreational Trails Grant to expand the trail network at the Midura Conservation Area, with the goal of formalizing new trails, specifically on the Turnpike parcel. The Agent and Assistant performed an inspection to the conservation area and observed that the white trail that passes through the Lizak property has been essentially destroyed due to recent timber harvesting activities, so the trail needs to be rerouted off of this property. There are also several missing trail markers and navigation points, and trail blazes need to be refreshed, so volunteer work to refresh these will be used as match toward the grant. DPW will make the trail markers and navigation point signage, which will also be used toward the match portion of the grant. The grant application is due on February 1, 2021.

Dorothy Lawrence left the meeting at 8:21 PM.

b. Master Plan Update

Nick Zeo reported that the last Master Plan update meeting discussed transportation and included topics such as the Mass Central Rail Trail and recreational trail plans, which will likely move to the open space meeting. The next public forum for the Master Plan update will occur on 11/19/2020 and will focus on the topic of housing. The following two meetings will probably occur in December and discuss open space and climate change topics.

9. Set Next Meeting Date

- a. The next meeting of the PCC is scheduled to occur on Tuesday, December 15th, 2020 at 6:30 PM.

10. Meeting Adjourned: 8:42 PM

Motion made by Brenda Cole to adjourn at 8:42 PM

Motion was seconded by Dave Cotter

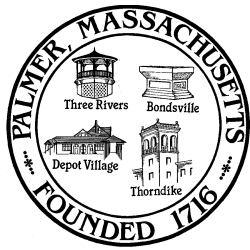
No further discussion

Role call vote: Donald Blais, Jr. – 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, November 17th, 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: 10/6/2020	Approval of Minutes	Retained in 2020 minutes binder
2.	Meeting Minutes: 10/20/2020	Approval of Minutes	Tabled until 12/15/2020 at 6:30 PM
3.	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
4.	Site Plans: Bluewave Solar – L22 Sykes Street & L28 Mt. Dumplin Street	Schedule of Public Hearings & Meetings	Retained in RDA file for Bluewave Solar
5.	Notice of Intent: Bluewave solar – 3090 Palmer Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0350
6.	Site plans: Bluewave solar – 3090 Palmer Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0350
7.	Stormwater Management Report: Bluewave solar – 3090 Palmer Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0350
8.	DEP file comments: Bluewave solar – 3090 Palmer Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0350
9.	Reponse to DEP file comments: Bluewave solar – 3090 Palmer Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0350
10.	Notice of Intent: Meadowbrook Green Condominium Association	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0348
11.	Site plans: Meadowbrook Green Condominium Association	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0348
12.	DEP file comments: Meadowbrook Green Condominium Association	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0348
13.	Request for COC: DEP # 256-0280 – Meadowbrook Green Condominium Association	Requests for Certificate of Compliance	Retained in file for DEP # 256-0280
14.	Request for COC: DEP # 256-0019 –Meadowbrook Green Condominium Association	Requests for Certificate of Compliance	Retained in file for DEP # 256-0019
15.	Request for COC: DEP # 256-0331 – 271 Breckenridge Street	Requests for Certificate of Compliance	Retained in file for DEP # 256-0331