

# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Minutes

Tuesday, November 19<sup>th</sup>, 2019 – 6:30 PM

LOCATION: Town Administrative Building Meeting Room

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  
David Cotter  
Peter Izyk  
Nicholas Zeo  
Dorothy Lawrence  
Brenda Cole (6:33 PM)  
Mike Swiatek  
Angela Panaccione, Conservation Agent  
Sarah Fortune, Conservation Assistant

**Members Absent:** None

**Also Present:** Paul Les; 19 Colonial Street, Palmer, MA 01069  
Raymond Breton; 591 Ridge Road, Wilbraham, MA  
Keith T. Terry, Sherman & Frydryk LLC; 3 Converse Street, Palmer, MA 01069  
Christina Pike; 627-635 River Street, Thorndike, MA  
Carol Steele; 11 Bourneside Street, Three Rivers, MA  
Robert Walker; 146 Elms Street, Westfield, MA  
Patricia Rice; 734 River Street, Palmer, MA 01069  
David Rice; 734 River Street, Palmer, MA 01069  
Lori Hinker; 624 River Street, Palmer, MA 01069  
Jon Pratt; 34 Forest Lake Road, Palmer, MA 01069  
Elaine McNeill; 34 Forest Lake Road, Palmer, MA 01069  
Lori Burnham; 688 River Street, Palmer, MA 01069  
Terrance Smith, Department of Fish & Game – Office of Boating & Fishing Access

1. **Call to Order:** 6:30 PM – Donald Blais, Jr. (Chair)

2. **Approval of Minutes**

a. 11/5/2019

**Motion made by Nicholas Zeo to approve the meeting minutes from 11/15/2019 as amended**

**Motion seconded by Peter Izyk**

**No further discussion – 5-0-1 – Motion carries (Dorothy Lawrence abstained)**

3. **Approval of Payables**

a. Big Y: \$40.75

**Motion made by Dorothy Lawrence to approve the payable to Big Y in the amount of \$40.75 from the ordinance account**

**Motion seconded by David Cotter**

**No further discussion – 7-0-0 – Motion carries**

- b. Connecticut River Conservancy: \$ 615.00

**Motion made by Dorothy Lawrence to approve the payable to Connecticut River Conservancy the amount of \$615.00 for water quality testing from the special maintenance account**

**Motion seconded by Peter Izyk**

**No further discussion – 7-0-0 – Motion carries**

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

- a. Issue Emergency Permit: Palmer Water District 1

A water main break occurred on Shearer Street on 11/19/2019 in close proximity to the Ice House Pond and the I-91 overpass. The Agent and Assistant conducted an inspection and the exact location of the water main break was unknown, water was discharging from the break toward the outlet of the culvert from the Ice House Pond. The Emergency Permit will be issued for the repair of the water main and for possible repair of the culvert from the Ice House Pond if necessary but additional review will be needed prior to work on the culvert.

**Motion made by Dorothy Lawrence to issue the Emergency Certification to Palmer Water District 1 for the repair of a water main off Shearer Street**

**Motion seconded by Nicholas Zeo**

**No further discussion – 7-0-0 – Motion carries**

#### **5. Violations & Enforcement**

- a. DEP # 256-0248: Quaker Lane, Flynt Street

Work continues to occur on Quaker Lane off Flynt Street although the Order of Conditions for this project expired on 9/28/2018. The Riverfront Area mitigation has not occurred and the PCC has not yet been provided with land for a Conservation Restriction, both of which were required actions incorporated into the Order of Conditions. Currently, work on site is occurring in the Riverfront area without a valid permit.

Paul Les was present to discuss the on-going violations, informing the PCC that the gravel operation on the site is in the final stages and that the subdivision road, excavation work and stormwater management system have been conducted. Grass has also been planted and the site has been stabilized. The stormwater management system will be reviewed by a Registered Professional Engineer, when the as-built site plan is produced and the town accepts the road. The catch basins and their associated pipes and elevations will also be reviewed and cleaned at this time. Paul continued to inform the PCC that stormwater currently doesn't drain to the catch basin on Flynt Street because the grade of the site is several inches below the grade of the road, but that he has ideas on how to fix this issue.

The Agent recommended that an as-built plan be produced and that the applicant apply for a Request for Certificate of Compliance as soon as possible. Paul stated that the Town won't accept the subdivision road until the final pavement has been installed, but that an as-built plan could be produced no later than 2/18/2020.

The Agent proceeded to inquire about the Conservation Restriction (CR) that is required to mitigate disturbance to Riverfront Area onsite as a condition of the Special Order of Conditions. Paul stated that the ownership/liability of the CR between the applicant and the town was never finalized when the NOI was submitted approximately 10 years ago. If the CR is of no interest to the Town, the applicant is willing to do another project in town such as a culvert replacement or stewardship work on conservation land. The Agent was amenable to this proposal because the CR parcel is currently degraded and contains several invasive species, if the PCC was amenable to this idea. The Assistant suggested that invasive species mitigation on the CR parcel is a viable option to mitigate disturbance to the Riverfront Area because the presence of invasive species is likely the result of the gravel excavation and overall construction of the subdivision. The PCC scheduled a site visit on 12/6/2019 at 10 AM and will review the CR property.

The applicant will provide an as-built site plan no later than 2/18/2020 and will attend the PCC meeting scheduled for 2/18/2020.

b. DEP # 256-0257: Condominiums at Knox Pond

The PCC received a construction monitoring reported dated 10/4/2019 pertaining to ongoing work at the aforementioned project site. The applicant requested an extension of the Order of Conditions which was denied by the PCC in January of 2019 yet the applicant continues to work under an expired Order of Conditions. The project is an earth removal operation to develop a subdivision and is located across from the cemetery next to Converse Middle School off of Route 32.

Paul Les and Keith Terry were present to discuss the on-going violation on site, stating that there is currently no work occurring in wetland resource areas although there are future plans to work in jurisdictional areas. The Agent informed them that they will have to refile the Notice of Intent (NOI) for the project and that no work may occur in wetland resource areas until they have received a new Order of Conditions for the project. Paul Les informed the PCC that if water and sewer are installed to the site in the spring of 2020 that the NOI could be resubmitted during the fall of 2020. The water and sewer installation to the site has been previously approved by the town.

The Agent suggested that the PCC amend the Enforcement Order to require the NOI submission by July 7, 2020.

**Motion made by Brenda Cole to amend the Enforcement Order issued for DEP # 256-0257, Condominiums at Knox Pond to require the filing of a new Notice of Intent (NOI) no later than 7/7/2020**  
**Motion seconded by Dorothy Lawrence**  
**No further discussion – 7-0-0 – Motion carries**

6. Schedule of Public Meetings & Hearings

- a. Notice of Intent (NOI): 731 River Street (Map 27-6): The applicant submitted a Notice of Intent for activities associated with the demolition of and legal off-site disposal of C&D waste and bulk asbestos waste resulting from the demolition of single family homes, cottages and accessory structures along the eastern shoreline of Forest Lake in Palmer, MA. The demolition work is proposed within the 100-foot Buffer Zone to Bordering Vegetated Wetland (BVW), and the locally protected 50-foot vegetated buffer strip to BVW. Access to the site will be obtained off of River Street & River Street Extension.

Donald Blais, Jr. opened the public hearing at 7:05 PM and Terrence Smith of the Massachusetts Department of Fish & Game – Office of Boating & Fishing Access was in attendance to present the proposed project to the PCC, stating that the acquisition of this land by the state is still in process and that the project will commence after the acquisition is finalized. The site fits within criteria of preservation of open space and exists within a landscape of other adjacent preserved lands. The project will involve the demolition of all existing structures on the site, in which there are 7 structures located within the Buffer Zone to bank of Forest Lake. There are two (2) to three (3) private water supply wells will be abandoned on site under the jurisdiction of the Board of Health. Abandonment of septic systems for state properties is directly overseen by MassDEP. The C&D waste will be disposed of at licensed facilities and records of disposition will be provided to the PCC. The C&D waste will also be tested for other contaminants and an environmental report will be produced. Erosion sediment controls have been proposed and will be installed between a structure/work area and wetland resource areas to prevent impacts resulting from the demolition work.

Terrance informed the PCC that the current property owners signed the Notice of Intent because the land acquisition is still in process, but that an Order of Conditions could be issued to the Department of Fish & Game and recorded when the sale was final, or the PCC could continue the public hearing until the acquisition is final. If the title didn't transfer to the state for some reason, the Order of Conditions would no longer be valid.

The Agent inquired about the demolition of the collapsing structure with the green roof that is on the bank within the lake, and if the demolition of this structure will involve disturbance to Bank, which would require an amendment to the NOI. Terrance stated that this structure will be treated as bulk waste and will be handled for asbestos but that the concrete pad associated with the cottage on the bank of the lake will not be removed. The work is proposed to be conducted in winter during dry or frozen conditions, depending upon the closing of the real estate deal. The project will be broken down into two (2) phases: The demolition work will be bid out and conducted, which will take approximately one (1) week; and the restoration work will be done in-house by the Department of Fish & Game and is anticipated to take approximately a week depending on weather. The Agent also inquired about the removal of the existing docks in consideration of impacts to Land Under Waterbodies and Waterways (LUWW). Terrance stated that the docks can be removed through this project if the PCC desires, and that they were probably never permitted when they were installed. The dock 'footings' are probably sticks in the mud and can certainly be removed, but it is ultimately up to the PCC if they feel that dock removal will result in disturbance to wetland resource areas. The Agent suggested hand-removal of the docks and footings as a method to eliminate impacts to LUWW and will include this as a condition in the Special Order of Conditions.

Donald Blais, Jr. asked the PCC if they had additional questions about the proposed project. Mike Swiatek asked if lead testing will be conducted; Terrance informed her that he is unsure if lead testing will be done, but that he will provide a copy of the environmental assessment report, which would contain information about lead testing, to the PCC when it becomes available. David Cotter asked if all of the other "junk" (swing sets, tires, trash, etc.) will be removed as a part of the project; Terrance informed him that all refuse within proximity of the structures to be demolished will be removed.

Donald Blais, Jr. proceeded to open the hearing for public comment and requested that all public comment be pertinent to the project at hand. Elaine McNeill of 34 Forest Lake Road expressed her concern about wildlife and impacts to wildlife and wetlands as a result of the demolition work. Terrance informed her that the wealth and diversity of wildlife is why the Department of Fish & Game is interested in acquiring the property. Christina Pike of 627-635 River Street in Palmer asked if improvements to the access road will be necessary to protect the stream crossing from being damaged from bringing heavy equipment to the site for the demolition. Terrence stated that a timber mat can be placed over the stream crossing to protect it from being crushed, and this will be included in the Special Order of Conditions. Rob Walker, legal representation for the property owner whose land is surrounded by the Kerigan property, expressed his client's concern about the degradation of the access road. Terrance informed him that the access road will likely be improved and that access to the private property will not be blocked during demolition.

**Motion made by Dorothy Lawrence to close the public hearing and issue an Order of Conditions with Special Conditions for DEP # 256-0342, Kerigan property demolition at 7:48 PM**

**Motion seconded by Mike Swiatek**

**No further discussion – 7-0-0 – Motion carries**

## **7. Violations & Enforcement**

### a. DEP # 256-0312: MA DOT I-90 Ramps

The Agent conducted a site inspection and observed that the I-90 ramps have been stabilized and all required plantings have been installed. The PCC continues to receive complaints regarding sediment washing into culverts adjacent to the I-90 ramps although the ramps are stabilized.

### b. Ice House culvert

The Agent and Assistant conducted inspections to the Ice House culvert with MassDOT on 11/20/19 which is failing and causing sink holes to develop on I-91. It is an emergency situation and MassDOT is currently trying to figure out the best way to fix the culvert failure and sink holes.

## **8. New/Old Business**

### a. Approval of spending from Wetlands and Town Accounts

The PCC authorized spending from the wetlands town account and wetlands state account to supplement the current FY 2020 budget to cover the Assistant's salary at 30 hours a week. A total of \$4,365.80 will be transferred from both accounts to supplement the budget for FY 2020.

**Motion made by Dorothy Lawrence to approve the authorization of spending funds from the wetlands town account in the amount of \$4,365.80 and from the state wetlands account in the amount of \$4,356.80**

**Motion seconded by Mike Swiatek**

**No further discussion – 7-0-0 – Motion carries**

### b. FY 2021 Budget Request

The Agent suggested that the PCC request Town Council to transfer \$6,238.65 from the wetlands town account and wetlands state account to cover the Assistant's salary at 30 hours a week for FY 2021. The PCC wouldn't

be requesting that Town Council appropriate more money to the Conservation budget, but rather that they transfer money to supplement the budget from their own accounts.

**Motion made by Dorothy Lawrence to request Town Council to approve the transfer of funds from the wetlands town account in the amount of \$6,238.65 and from the state wetlands account in the amount of \$6,238.65**

**Motion seconded by Peter Izyk**

**No further discussion – 7-0-0 – Motion carries**

c. MVP Grant

The MVP grant application to apply for funding for the engineering and design of the Route 181 culvert replacement project is due on 11/14/2019. Culvert assessments conducted with volunteers through the North Atlantic Aquatic Connectivity Collaborative (NAACC) will constitute the match portion of the grant application. The Agent and the Assistant will be conducting culvert assessments through NAACC throughout the fall because of a lack of vegetation and low-flow conditions are ideal for identifying and assessing road-stream crossings.

d. 604(b) Grant

The contract and scope of work for the 604(b) grant to fund a watershed study of Forest Lake has now been finalized. The watershed study will commence in the spring of 2020.

e. Tree City USA

The town will continue to finalize the required components of the Tree City USA program in 2020.

**9. Review Mail/Phone Messages**

a. MACC Fundamentals Trainings Course Completed – Sarah Fortune

Sarah Fortune recently completed the MACC Fundamentals Training Certificate Course for Conservation Commissioners.

**10. Set Next Meeting Date**

- a. The next meeting of the Palmer Conservation Commission is scheduled to occur on Tuesday, December 3<sup>rd</sup>, 2019 at 6:30 PM.

**11. Office Closed**

- a. The Agent will be on vacation from 11/25/2019 to 11/29/2019. The office will close for Thanksgiving from 11/27/2019 to 11/28/2019.

**12. Meeting Adjourned: 8:28 PM**

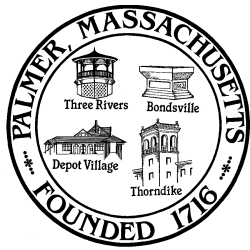
**Motion made by Brenda Cole to adjourn at 8:28 PM**

**Motion was seconded by Dorothy Lawrence**

**No further discussion – 7-0-0 – Motion Carries**

Sincerely Submitted,  
Sarah A. Fortune





# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Documents

Tuesday, November 19<sup>th</sup>, 2019 – 6:30 PM

**LOCATION: Town Administrative Building Meeting Room**

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: 11/5/2019	Approval of Minutes	Retained in 2019 minute binder in office
2.	Issue Emergency Permit: Palmer Water District I	Signing of Documents	Retained in 2019 Emergency Certification for Palmer Water District I
3.	Notice of Intent, Order of Conditions, site plans & associated documents: DEP # 256-0342 – 731 River Street; Kerigan Property Demolition	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0342
4.	Amend Enforcement Order: DEP # 256-0257 – Condominiums at Knox Pond	Signing of Documents	Retained in file for DEP # 256-0257
5.	Approve FY 2021 Budget Request	Signing of Documents	Retained in file FY2021 budget request