

# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Minutes

Tuesday, November 2, 2021 – 6:30 PM  
LOCATION: VIRTUAL VIA ZOOM  
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.  
Peter Izyk  
Nicholas Zeo  
Brenda Cole  
Dave Cotter

**Members Absent:** Dorothy Lawrence

**Also Present:** Sarah Fortune, Interim Conservation Agent  
Tina Pike; 635 River Street, Palmer, MA 01069  
Michael Sedani; 23 West Ware Road, Palmer, MA 01069  
Keith Terry, Sherman & Fyrdryk, LLC; 3 Converse Street, Suite 203, Palmer, MA 01069

1. **Call to Order:** 6:32 PM – Donald Blais, Jr. (Chair)

- a. Roll call attendance:
  - i. **Donald Blais, Jr. - present**
  - ii. **Dorothy Lawrence - absent**
  - iii. **Peter Izyk – present**
  - iv. **Dave Cotter - present**
  - v. **Nicholas Zeo - present**
  - vi. **Brenda Cole – present**

2. **Public Inquiries**

- a. Conservation Commission Vacancy

The PCC received an inquiry from George Richardson regarding the vacancy on the Conservation Commission. The Agent provided Mr. Richardson with all of the pertinent information regarding the appointment process, which will require that he submit a letter of interest in the vacancy to the Town Manager, who is the appointing authority. Donald Blais, Jr. added that Lucas McDiarmid, who previously served on the PCC, also expressed interest in the vacancy.

3. **Approval of Minutes**

- a. 10/19/2021

**Motion made by Dave Cotter to table the approval of the minutes from 10/19/2021 to 11/16/2021 at 6:30 PM**

**Motion seconded by Peter Izyk  
No further discussion**

**Role call vote: Donald Blais, Jr. – aye; Peter Izyk – aye; Nicholas Zeo – aye; Dave Cotter – aye; Brenda Cole - aye**

**Motion Caries 5-0-0**

b. 4/6/2021 Executive Session & 7/20/2021 Executive Session

**Motion made by Nick Zeo to table the approval of the Executive Session minutes until 11/16/2021 at 6:30 PM**

**Motion seconded by Brenda Cole**

**No further discussion**

**Role call vote: Donald Blais, Jr. – aye; Peter Izyk – aye; Nicholas Zeo – aye; Dave Cotter – aye; Brenda Cole - aye**

**Motion Caries 5-0-0**

**4. Approval of Payables**

a. Amazon: \$43.17

**Motion made by Nick Zeo to approve the payable to Amazon in the amount of \$43.17 from the General Expense Account**

**Motion seconded by Dave Cotter**

**No further discussion**

**Role call vote: Donald Blais, Jr. – aye; Peter Izyk – aye; Nicholas Zeo – aye; Dave Cotter – aye; Brenda Cole - aye**

**Motion Caries 5-0-0**

**5. Requests for Certificates of Compliance**

a. DEP # 256-0331: 271 Breckenridge Street solar array

The PCC received a request for a complete Certificate of Compliance for the aforementioned project following the inspection performed with Will Perego of Borrego Solar 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. The PCC observed 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.

The PCC received notification from Will Perego of Borrego Solar that a crew had performed the work to hand-remove sediment from the rip rap level spreader, re-install straw wattles, and reestablish the mulch water bars. All work was performed by hand because it would have been counterproductive to drive machinery into this area, which would disturb vegetation and other stabilization methods currently in place.

Although the work in the are adjacent to the wetland had been completed, the PCC was still concered regarding stabilization in this area, which was almost completely devoid of vegetation during the last inspection performed on 9/21/2021. Nick Zeo stated that he would like to revisit the site in spring of 2022 to re-inspect for vegetation growth in this area after the commencement of the growing season; Donald Blais, Jr. agreed with this

statement, and added that he would like to table the issuance of a complete Certificate of Compliance following an inspection in the 2022 growing season. Peter Izyk added that another issue he observed pertained to the amount of wood chips in this area, which are too thick to allow for vegetation growth farther down the slope toward the wetland where stabilization is needed. The Agent agreed with these statements, and added that the sediment accumulation in the rip-rap level spreader is likely the result of the lack of stabilization/vegetation establishment in that area. The Agent recommended that the PCC table the issuance of a full Certificate of Compliance until the meeting on 6/7/2022, following another inspection to the site to observe for stabilization in the area adjacent to the wetland.

**Motion made by Nick Zeo to table the issuance of a complete Certificate of Compliance for DEP # 256-0331 for the project located at 271 Breckenridge Street until 6/7/2022**

**Motion seconded by Dave Cotter**

**No further discussion**

**Role call vote: Donald Blais, Jr. – aye; Peter Izyk – aye; Nicholas Zeo – aye; Dave Cotter – aye; Brenda Cole - aye**

**Motion Caries 5-0-0**

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

- a. 7:03 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 7:03 PM after the PCC took a five (5) minute recess. Applicant Michael Sedani and representative Keith Terry of Sherman & Frydryk, LLC were in attendance to present the project to the PCC. Keith Terry informed the PCC that he performed an inspection with the Agent to review the wetland delineation on 10/22/2021, in which the Agent requested that the delineation be revised to include an additional wetland flag closer to the proposed work area. The site is currently developed with a single family home and gravel driveway, and contains Bordering Vegetated Wetlands associated with an intermittent stream. The proposed garage will be located over a portion of the existing gravel driveway adjacent to the deck on the house, within the 100-foot Buffer Zone and 50-foot No Disturb Zone to these wetland resource areas. Proposed disturbance within the Buffer Zone and No Disturb Zones is approximately 480 square feet; the garage will be located almost entirely within the No Disturb Zone, and grading is proposed within the Buffer Zone. The work will include construction of the garage, placement of erosion sediment controls, grading to adjust slope within the existing tree line, and stabilization of disturbed areas with loam and seed following the completion of construction. The shortest distance between the limit of work and the limit of the Bordering Vegetated Wetlands on the site is located approximately 8-feet. The site is located within Priority Habitats of Rare Species, and the project has been filed with the Natural Heritage and Endangered Species Program to review for impacts to rare species and their habitats; the NHESP issued a 'no-take' determination on 11/2/2021.

The Agent proceeded to state her concerns with the project as proposed, with respect to the DEP file comments issued for the project. No wetland delineation data sheets were included in the Notice of Intent submission and no information was provided on existing versus proposed site grades. Additionally, no information was provided on the permitting history for the site; based on review of aerial photos, it appears that the driveway was expanded and the area north

of the house had been cleared within jurisdictional areas without a permit. Additionally, the project was filed claiming an exemption from MESA under 321 CMR 10.14(5) which permits, “the construction or removal of structures secondary to the primary residence and located within existing paved areas and lawfully developed and maintained lawns or landscaped areas on residential properties, provided that there is no expansion of such existing paved, lawn and landscaped areas” but does not appear to comply with this exemption because the work will result in the expansion of disturbed areas within the Buffer and No Disturb Zones.

Keith Terry responded to the Agent’s concerns, stating that he can’t address the permitting history for the site; he believes that the construction of the house was lawful, which occurred in the 1990s, and added that the applicant purchased the property in 2015 and has not performed any work on the site since then. The project has been filed with NHESP pursuant to MESA and is no longer claiming the aforementioned exemption. The Agent requested that a revised narrative be submitted stating that the project is no longer applying for the MESA exemption.

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. The Agent recommended that the PCC continue the public hearing until 11/16/2021 at 7 PM to allow for the applicant to submit the DEP wetland delineation data sheets, quantification on the existing versus proposed site grades, and a revised narrative removing the MESA exemption.

**Motion made by Brenda Cole to continue 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 until 11/16/2021 at 7 PM**

**Motion seconded by Nick Zeo**

**No further discussion**

**Role call vote: Donald Blais, Jr. – aye; Peter Izyk – aye; Nicholas Zeo – aye; Dave Cotter – aye; Brenda Cole - aye**

**Motion Caries 5-0-0**

## **7. Signing of Documents**

### **a. Extension OOC: DEP # 256-0302 – Bulk Trail NOI**

The Agent recommended that the PCC extend the Order of Conditions for the Bulk Trail Notice of Intent, regulated under DEP # 256-0302, which is going to expire on 11/19/2021. This NOI allows for the construction and maintenance of recreational trails, which is of vital importance to the development of the blue trail access to the Ware River off Bennett Street.

**Motion made by Nick Zeo to issue an Extension Order of Conditions for the Bulk Trail Notice of Intent, regulated under DEP # 256-0302**

**Motion seconded by Dave Cotter**

**No further discussion**

**Role call vote: Donald Blais, Jr. – aye; Peter Izyk – aye; Nicholas Zeo – aye; Dave Cotter – aye; Brenda Cole - aye**

**Motion Caries 5-0-0**

## 8. Project Monitoring

- a. DEP # 256-0345: Mongo Pond dam repairs, site visit 10 AM on 11/2/2021

The Agent reported the site inspection with MassDOT to the Mongo Pond Dam site did not occur as scheduled. The Agent will reschedule the inspection with MassDOT and will update the PCC of her findings following the inspection.

- b. 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 regarding a change to the aforementioned project, requesting confirmation from the PCC regarding a minor field change pertaining to work at Structure 47 of the transmission line. The structure is located at a hard bend in the powerline and consists of three (3) towers; the original design had one of the foundations in the Riverfront Area and Buffer Zone, and two of the foundations were located in BVW, with square footage of resource area impacts included in the design of the mitigation area. The representative was informed that in order to install the foundation in the Riverfront Area/Buffer Zone, the contractor would have to excavated approximately 7-feet in order to get the ground surface at the same elevation as the other two (2) foundations. The representative indicated to the contractor that this would involve new impacts to resource areas that were not covered in the permitting. So the designers suggested to move one of the foundations in the BVW as a solution. This minor field change represents drilling and foundation installation of one of the foundations within the BVW, but will not result in any additional square footage of impact within BVW. The entire workpad area is matted, and this covers the necessary location for the revised foundation location.

The PCC determined that moving one of the foundations for structure 47 in the BVW will not result in additional resource area impacts; therefore, this is a minor change to the project and will not require additional documentation to be provided for review and approval by the PCC.

## 9. 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 Brenda Cole to table the issuance of the Enforcement Order for restoration of altered BVW and Bank at L27 Springfield Street until 11/16/2021 at 6:30 PM**

**Motion seconded by Dave Cotter**

**No further discussion**

**Role call vote: Donald Blais, Jr. – aye; Peter Izyk – aye; Nicholas Zeo – aye; Dave Cotter – aye; Brenda Cole - aye**

**Motion Caries 5-0-0**

## 10. Other Business (New/Old)

- a. Reschedule work day at First Street on 11/6/2021

The PCC canceled the work day scheduled at the Swift River Greenbelt Conservation Area off First Street in Bondsville on 11/6/2021. The PCC will reschedule the workday to occur in Spring of 2022.

b. Discuss Open Space and Recreation Plan Update

Donald Blais, Jr. 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 also reported that she has completed updating Section 4: Environmental Inventory and is almost done updating Section 5: Inventory of Lands of Conservation and Recreation Interest.

c. Thorndike Reservoir FCP Update

The Agent contacted the DCR Service Forester regarding the aforementioned FCP regarding the required 50-foot filter strip to be maintained along public ways, which did not appear to be maintained upon performing a driveby inspection. The DCR Service Forester performed an inspection to review the width of the filter strip and reported that the 50-foot filter strip has been maintained along Danielle Drive except in the area of the landing which was expanded to allow for log trucks and equipment to access the site.

d. Upcoming office reorganizing

The Agent reported that the Conservation office will be switching with the Building Department at some point in the near future.

**11. Set Next Meeting Date**

- a. The next meeting of the PCC is scheduled to occur on Tuesday, November 16, 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.

**12. Meeting Adjourned: 8:17 PM**

**Motion made by Brenda Cole to adjourn at 8:17 PM**

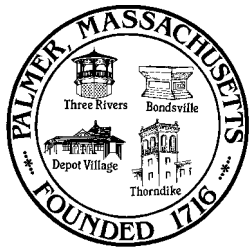
**Motion seconded by Dave Cotter**

**No further discussion**

**Role call vote: Donald Blais, Jr. – aye; Peter Izyk – aye; Nicholas Zeo – aye; Dave Cotter – aye; Brenda Cole - aye**

**Motion Caries 5-0-0**

Sincerely Submitted,  
Sarah A. Fortune  
Interim Conservation Agent



# TOWN OF PALMER CONSERVATION COMMISSION

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

## Meeting Documents

**Tuesday, November 2, 2021 – 6:30 PM  
LOCATION: VIRTUAL VIA ZOOM**

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	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 11/16/2021 at 6:30 PM
3.	Payable: Amazon - \$43.17	Approval of Payables	Retained in FY 22 Payables
4.	Notice of Intent: 23 West Ware Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0357
5.	NOI Site Plans: 23 West Ware Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0357
6.	DEP File Comments: DEP # 256-0357, 23 West Ware Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0357
7.	NHESP Determination Letter: DEP # 256-0357, 23 West Ware Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0357
8.	Notice of Intent: DEP # 256-0353, X176 Transmission Line ROW	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0353
9.	NOI Site Plans: DEP # 256-0353, X176 Transmission Line ROW	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0353
10.	DEP File Comments: DEP # 256-0353, X176 Transmission Line ROW	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0353
11.	Minor Project Change Correspondance: DEP # 256-0353, X176 Transmission Line ROW	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0353
12.	Forest Cutting Plan: Thorndike Reservoir property	New/Old Business	Retained in file for 2021 Forest Cutting Plans