

TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, December 7, 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
Lucas McDiarmid

Members Absent: Brenda Cole
Dave Cotter

Also Present: Sarah Fortune, Interim Conservation Agent
Bernard J. Croteau; P.O. Box 12, Palmer, MA 01069
Kristina Tenggren; 34 Crystal Brook Drive, Springfield, MA 01118

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

2. **Violations & Enforcement**

a. **Enforcement Order: L27 Springfield Street**

Bernie Croteau of L27 Springfield Street was in attendance to discuss the Enforcement Order issued on 11/16/2021 for unauthorized alterations to two (2) discrete wetland areas which resulted from work to improve an existing access road to the site in May 2021. During the process of improving the existing access road, which appears to have been constructed prior to the effective date of the Wetlands Protection Act regulations, land adjacent to the road was altered by removing vegetation and moving soil and large rocks. Field work performed by GZA GeoEnvironmental, Inc. in June of 2021 determined that the land on either side of the access road appears to qualify as a Bordering Vegetated Wetland (BVW); this is referred to as Area 1 on the draft restoration plan. Field work also determined that the swale along the southern side of the access road within the BVW appears to qualify as Bank; this is referred to as Area 2 on the draft restoration plan. Approximately 450 square feet of alteration was observed in Area 1 located to the north of the access road, and approximately 150 square feet of alteration was observed in Area 2 located to the south of the access road.

The PCC reviewed the required actions and timeframes included in the Enforcement Order issued to Mr. Croteau. Many of the required actions have already been completed by Mr. Croteau since the violations were discovered in May 2021, including the submission of a draft restoration plan, which was required to be submitted no later than 2/1/2022. Upon acceptance of the draft restoration plan by the PCC, Mr. Croteau and proceed with the required planting and monitoring work of the restoration areas.

Mr. Croteau asked if he could start work on the restoration areas in preparation for planting season in 2022; the Agent informed him that he can start work now that he has been issued an Enforcement Order, which permits restoration activities to occur in regulated areas. He also asked if he could install a straw wattle around the catch basin inlet on the southern side of the access road at the edge of the New Hampshire Ave cul-de-sac to prevent

sediment from entering the drainage system during the course of the restoration work; the PCC was amenable to the installation of erosion control measures there, but suggested that a straw wattle might be more effective as a toe-of-slope erosion control measure. Mr. Croteau also informed the PCC that he has contacted the DPW to request that they pump out this catch basin, and he anticipates that it will be cleaned during Spring of 2022.

The Agent expressed her concern about the swale restoration in Area 2, which proposes to stabilize the swale with the placement of stone rather than reduce the width of the swale which was increased to a width of 5-feet as a result of the access road improvements. The Agent explained that simply stabilizing the swale with stone will not restore the pre-existing hydrologic conditions of the resource areas and may result in upstream and downstream wetland impacts. The PCC suggested reducing the width of the swale to 2.5-feet; the Agent and Mr. Croteau were amendable to this idea.

Donald Blais, Jr. asked if the PCC or members of the general public had any questions or would like to comment on this Enforcement Order; no one wished to comment at this time.

3. Schedule of Public Meetings & Hearings

- a. 7:05 PM Cont. Notice of Intent (NOI) DEP # 256-0358: 9 Fuller Road (Map 29-12): The applicant has submitted a Notice of Intent for activities associated with the proposed construction of two (2) single family homes on ANR lots subdivided from 9 Fuller Road. Work is proposed to occur within the 100-foot Buffer Zone to Bordering Vegetated Wetlands (BVW) and within the 200-foot Riverfront Area to Moores brook, a coldwater fisheries resource.

Donald Blais, Jr. opened the public hearing at 7:04 PM. The Agent reported that the applicant requested a continuance of the public hearing until 1/18/2022 to allow for additional field work to be completed. MassDEP and the Agent expressed concerns regarding the Mean Annual High Water Line delineation of Moores brook, which was delineated via aerial photographs rather than field work, and could greatly change the amount of Riverfront Area on the site and proposed Riverfront Area alterations.

Motion made by Dorothy Lawrence to continue the public hearing for the Notice of Intent submitted for 9 Fuller Road, regulated under DEP # 256-0358 until 1/18/2022 at 7 PM

Motion seconded by Lucas McDiarmid

No further discussion

Motion Caries 7-0-0

4. Approval of Minutes

- a. 10/19/2021

Motion made by Dorothy Lawrence to approve the minutes from 10/19/2021 as written

Motion seconded by Peter Izyk

No further discussion

Motion Caries 4-0-1 (Lucas McDiarmid abstained)

- b. 11/2/2021

Motion made by Peter Izyk to approve the minutes from 11/2/2021 as written

Motion seconded by Nick Zeo

No further discussion

Motion Caries 3-0-2 (Dorothy Lawrence and Lucas McDiarmid abstained)

c. 11/16/2021

Motion made by Dorothy Lawrence to approve the minutes from 11/2/2021 as amended

Motion seconded by Nick Zeo

No further discussion

Motion Caries 4-0-1 (Lucas McDiarmid abstained)

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

Motion made by Dorothy Lawrence to table the approval of Executive Session minutes from 4/6/2021 and 7/20/2021 until 1/18/2022 at 6:30 PM

Motion seconded by Peter Izyk

No further discussion

Motion Caries 5-0-0

5. Review Mail/Phone Messages

a. MACC: Advance notice of FY 2023 dues - \$299.00

The PCC received notification from MACC regarding membership dues for FY 2023, which will cost \$299.00. Membership dues were not increased in 2021 due to the COVID-19 pandemic, but have now been increased by 2 percent.

6. Approval of Payables:

a. CRC: 2021 bacT sampling program - \$600.00

Motion made by Dorothy Lawrence to approve the payable to the Connecticut River Conservancy (CRC) for the 2021 bacT sampling program in the amount of \$600.00 from the General Expense account

Motion seconded by Peter Izyk

No further discussion

Motion Caries 5-0-0

7. Project Monitoring

a. DEP # 256-0353: X176 Transmission Line ROW

The PCC received notification from representative Paul Martin of BSC Group relative to a new proposed access road in the vicinity of structures 109 and 115. This alternate access road was surveyed by BSC Group for wetland resource areas and none were found, so work to construct the access does not fall under the PCC's jurisdiction, but BSC Group wanted to inform the PCC because some tree clearing and access road improvements will be occurring in uplands. The new alternate access road follows an existing cart path which gives the road its alignment and is also beneficial because it follows less steep contours and will require less tree trimming and improvement work overall. The Agent did observe that the cart path deviates from the existing right-of-way onto private property, and asked if BSC Group had obtained permission from the property owner to access the site; BSC Group confirmed that they obtained permission from the property owner to access the site.

b. DEP # 256-0338: 1235 Thorndike Street

The Agent performed the pre-activity meeting to 1235 Thorndike Street and reported that there were a few pre-construction requirements that had not been met yet. The Order of Conditions recording information had not been provided to the PCC prior to the pre-activity meeting. The stone anti-tracking pad had not been installed, and there was a segment of erosion sediment controls adjacent to the kettle pond on the site that needed to be installed. The Agent will re-inspec the site upon receipt of notification that these conditions had been met.

c. DEP # 256-0336: Seasonal Cottages – review new proposed water main route

The PCC received a request to make a determination on the depiction of wetland resource areas on the new water main site plan for the Seasonal Cottages project at Forest Lake. The water main was previously going to be installed along River Street all the way down to High Street, in which the PCC accepted the approximate locations of wetlands to be depicted on a site plan prior to the changes in the water main route. The new water main route is proposed to be extend from the Bondsville Fire Station to the site, and will either be attached to the Summer Street bridge or directionally-drilled under the Ware River. Work to install the water main is exempt from the WPA regulations as long as it is installed within the road right-of-way or road shoulder; the applicant is aware of the requirement to file an amended Notice of Intent if directional drilling will be needed to install the water main. The PCC agreed to accept a site plan depicting the approximate locations of jurisdictional wetlands adjacent to the water main route as they had done previously.

8. Other Business (New/Old)

a. Discuss Open Space and Recreation Plan Update

The Agent reported that the Open Space and Recreation Plan update is ongoing and on schedule for submission to the Division of Conservation Services for conditional approval in advance of the 12/31/2021 expiration date.

b. FCP: Deer Haven Farm, LLC

The Agent reported that she provided review comments on the aforementioned Forest Cutting Plan specifically pertaining to stream crossings; one (1) to two (2) stream crossing could be eliminated by adjusting the location of skid trails, and several stream crossings were not identified on the FCP application. The DCR Service Forester provided the review comments to the FCP preparer to be integrated into a revised FCP.

c. 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.

d. 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.

e. Update: FEMA HMGP – Route 181 culvert

The Agent reviewed the terms and conditions document provided by MEMA for the Hazard Mitigation Grant Program, which will fund construction costs for the Route 181 culvert upgrade project. The terms and conditions were signed by the Town Manager and sent to MEMA, who will submit it to FEMA on the town's behalf.

f. MassDEP Western Regional Office without wetlands staff

The PCC received notification that there is no staff within the wetlands division of the MassDEP Western Regional Office at this time. MassDEP provided contact information on an individual assigned to handle wetlands work in the interim. There was no information provided as to who would be conducting permit reviews or issuing DEP file comments, so it is uncertain how this will affect new permit submissions until new wetland staff have been hired.

9. Set Next Meeting Date

- a. The next meeting of the PCC is scheduled to occur on Tuesday, January 18, 2022 at 6:30 PM. This meeting will be held in the Town Hall Meeting Room, located at 4417 Main Street.

10. Meeting Adjourned: 8:05 PM

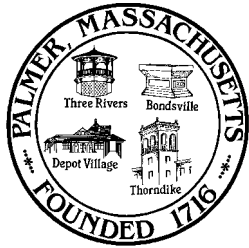
Motion made by Dorothy Lawrence to adjourn at 8:05 PM

Motion seconded by Lucas McDiarmid

No further discussion

Motion Carries 5-0-0

Sincerely Submitted,
Sarah A. Fortune
Interim Conservation Agent



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Documents

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 David Cotter
 Peter Izyk
 Nicholas Zeo
 Brenda Cole

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, 11/2/2021, 11/16/2021	Approval of Minutes	Retained in file for 2021 Agendas & Minutes
	Meeting minutes: 4/6/2021 Executive Session, 7/20/2021 Executive Session	Approval of Minutes	Tabled until 1/18/2022 at 6:30 PM
2.	Notice of Intent (NOI): 9 Fuller Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0358
3.	NOI Site Plans: 9 Fuller Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0358
4.	DEP File Comments: DEP # 256-0358, 9 Fuller Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0358
5.	Wetland Delineation Report: DEP # 256-0358, 9 Fuller Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0358
6.	MACC Advance Notice of FY 23 Dues	Review Mail/Phone Messages	Retained in 2021 Mail