



# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Minutes

Tuesday, February 1, 2022 – 6:30 PM

LOCATION: Virtual via Zoom

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

Sarah Fortune,  
Conservation Agent

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

**Members Absent:** Dave Cotter  
Lucas McDiarmid

**Also Present:** Sarah Fortune, Conservation Agent  
Hector Quiles, HRQ Global; 144 Broadway Street, Chicopee, MA 01020  
Mike Marciniac, Palmer Planning Board  
Patrick Garner, Patrick Garner Company, Inc.; 109 Whitney Street, Northborough, MA 01532  
MaryAnn DiPinto, Three Oaks Environmental; P. O. Box 404, Hubbardston, MA 01452  
Klaire Gubler, VHB; Building 103B, 1 Federal Street, Springfield, MA 01105

1. **Call to Order:** 6:34 PM – Donald Blais, Jr. (Chair)

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

2. **Review Mail/Phone Messages**

- a. Notice of Audit Findings: 1182 Park Street

The PCC received a Notice of Audit Findings from MassDEP regarding an Activity and Use Limitation (AUL) inspection which occurred on 1/14/2022 at 1182 Park Street, which is the location of the former Country Rose Florist. MassDEP determined that there were no violations of the requirements applicable to the AUL at the site during the inspection.

3. **Approval of Minutes**

- a. 1/18/2022

**Motion made by Dorothy Lawrence to approve the minutes from 12/7/2021 as written**

**Motion seconded by Nick Zeo**

**No further discussion**

**Role call vote: Donald Blais, Jr. – aye; Dorothy Lawrence – aye; Peter Izyk – aye; Nicholas Zeo – aye;**

**Brenda Cole – aye**

**Motion Caries 5-0-0**

#### **4. New/Old Business**

##### **a. Conflict of Interest Training**

The Agent reminded the PCC to complete the Conflict of Interest Training for municipal employees and to return the training certificates and/or signature page to the Conservation office so that they can be submitted to the Town Clerk.

##### **b. Trail Grant Update: Mass Central Rail Trail**

The Agent reported that she contacted the Executive Director of the East Quabbin Land Trust (EQLT) to discuss their work on the Mass Central Rail Trail, and to get guidance on working with the Mass Central Rail Road and MassDOT. The Executive Director suggested that the Agent reach out to Craig Della Penna, the Executive Director of the Norrotuck Network, who has done a lot of work on trail projects across Western Mass. The Agent has not received a response from Craig Della Penna, but will update the PCC when she receives a response from him.

##### **c. FEMA HMGP Update**

MEMA contacted the Agent to inform her that they had not received the signed contract documents for the FEMA HMGP, which were mailed out on 1/18/2022. The Agent checked the tracking information on the certified mail slip and found that the documents were in a distribution center in New York without a definite date of delivery to the MEMA office. The Agent will continue to work with MEMA on how best to proceed because the contract documents need to be processed prior to the issuance of a Notice to Proceed for the project.

##### **d. 604(b) Grant Update**

The Agent requested a one (1) year extension from MassDEP for the 604(b) grant to develop a Watershed Based Plan for Forest Lake to provide additional time to complete town-required tasks, specifically two (2) public information sessions and septic system mapping. If approved, the grant contract would be extended until June 30, 2023. The Agent has not yet heard back from grant program coordinator regarding the extension request, but spoke with the coordinator at length about the extension prior to requesting it. The Agent will update the PCC when she has received a response from MassDEP.

##### **e. Site visit with DFG, Office of Boating & Fishing Access on 1/28/2022 at First Street**

The Agent attended a site visit with Terry Smith of the Department of Fish & Game Office of Boating & Fishing Access at the Swift River off First Street on 1/28/2022 to discuss plans for a fishing access project at the Swift River Greenbelt Conservation Area. Town Planner Linda Leduc, Planning Board Chair Mike Marciniac, and a representative from Trout Unlimited were also in attendance to discuss the project. The project includes the construction of a universally accessible fishing dock which will be located at the fishing hole, adjacent to

the universally accessible loop trail. The project will also include the construction access which will be converted into a universally accessible path to the fishing dock. The Agent will request that Terry Smith attend the next PCC meeting to present the project in greater detail.

f. FY 2023 Budget

Nick Zeo asked when the FY 2023 budget for the Conservation Commission will be ready. Donald Blais, Jr. informed him that the budget should be ready for review in March. Nick Zeo stated that parking lots at conservation areas aren't plowed that well, and asked if plowing of conservation area parking lots could be included in the budget, if it is not already included in the DPW budget. The Agent will inform the PCC when the FY 2023 budget request has been drafted.

5. Recess

- a. The PCC took a fifteen (15) minute recess at 6:44 PM.

6. Schedule of Public Meetings & Hearings

- a. 7:01 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. reopened the public hearing at 7:01 PM and representatives MaryAnn DiPinto and Patrick Garner, in addition to applicant Hector Quiles of HRQ Global were in attendance to discuss the project. MaryAnn DiPinto submitted a stream analysis report developed by Patrick Garner, who was obtained by the applicant to conduct additional stream analysis per the PCC's request. MaryAnn Dipinto reported that she conducted one (1) transect to delineate the limits of Bordering Vegetated Wetlands on the site; Patrick Garner reported that he performed a soil analysis and confirmed the BVW delineation as accurate.

Patrick Garner reviewed the stream analysis report he provided, and stated that the USGS topographic map depicting the stream is inaccurate because the stream channel as shown on the USGS does not physically exist. Mr. Garner reported that he found fragmented stream channels meandering through the BVW that were essentially pockets of water without observable flow, and argued that this area is a flooded wetland rather than a perennial stream. He added that what appears to be stream channels on aerial photos are actually breaks in the shrub cover within the swamp that reveal pools of water, yet these pools had no defined banks; these channels are of varying length and width and change in location from year to year according to historic aerial imagery. Mr. Garner added that a definable stream channel regathers to the east and rear of 41 Fuller Road; because of its location, the 200-foot Riverfront Area overlaps into the eastern side of 9 Fuller Road. The Riverfront Area was plotted on the site plan as a 200-foot radius from the location in which Mr. Garner has identified a definable stream channel. The single family home development and associated grading has been located outside of the 200-foot Riverfront Area as depicted on the most recent site plans.

The Agent stated that the Mean Annual High Water Line (MAHWL) of the brook still has not been delineated as previously requested, which could change the location of the Riverfront Area extending it farther east into the project site and increasing impacts to the Riverfront Area as a result of the proposed project.

The Agent also asked for clarification on the ‘permanent boundary markers’ that are proposed to be installed at the 50-foot No Disturb Zone to the BVW, as there was no detail or specifications including on the site plan. The Agent requested that this information be confirmed and that a detail be added to the site plan.

Planning Board Chair Mike Marciniac stated that the site plan depicts 2 single family home lots, but that only 1 lot currently exists because the lot has not yet been subdivided. Mr. Marciniac asked the PCC if they could approve a site plan that wasn’t accurate, such as this. The Agent stated that the PCC doesn’t have jurisdiction over the subdivision of lots so they might not be able to render a decision based on that aspect of the site plan.

MaryAnn Dipinto informed the PCC that she will delineate Mean Annual High Water Line of the stream within the defined stream channel and will flag any additional banks or other wetland features in close proximity to the proposed development. She will submit a new delineation report and revised site plans after the MAHWL flags have been GPS located by a survey crew. MaryAnn proceeded to request a continuance of the public hearing until 3/1/2022 at 7 PM to allow for additional delination work to be performed.

**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 3/1/2022 at 7 PM**  
**Motion seconded by Nick Zeo**  
**No further discussion**  
**Role call vote: Donald Blais, Jr. – aye; Dorothy Lawrence – aye; Peter Izyk – aye; Nicholas Zeo – aye; Brenda Cole – aye**  
**Motion Caries 5-0-0**

**7. Set Next Meeting Date**

- a. The next meeting of the PCC is scheduled to occur on Tuesday, March 1, 2022 at 6:30 PM. This meeting will occur virtually via Zoom, and the public is encouraged to participate via remote means.

**8. Meeting Adjourned: 8:04 PM**

**Motion made by Brenda Cole to adjourn at 8:04 PM**  
**Motion seconded by Peter Izyk**  
**No further discussion**  
**Role call vote: Donald Blais, Jr. – aye; Dorothy Lawrence – aye; Peter Izyk – aye; Nicholas Zeo – aye; Brenda Cole – aye**  
**Motion Caries 5-0-0**

Sincerely Submitted,  
Sarah A. Fortune  
Palmer Conservation Agent



# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Documents

Tuesday, February 1, 2022 – 6:30 PM

**LOCATION: HYBRID – Virtual via Zoom & In person at the  
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, 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: 1/18/2022	Approval of Minutes	Retained in file for 2022 Agendas & Minutes
2.	Meeting minutes: 4/6/2021 Executive Session, 7/20/2021 Executive Session	Approval of Minutes	Tabled until 5/3/2022 at 6:30 PM
3.	Notice of Intent (NOI): 9 Fuller Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0358
4.	NOI Site Plans: 9 Fuller Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0358
5.	DEP File Comments: DEP # 256-0358, 9 Fuller Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0358
6.	Wetland Delineation Report: DEP # 256-0358, 9 Fuller Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0358
7.	Stream Analysis Report: DEP # 256-0358, 9 Fuller Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0358
8.	Notice of Audit Findings: 1182 Park Street	Review Mail/Phone Messages	Retained in 2022 Mail