

# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Minutes

Tuesday, February 15, 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  
Dave Cotter  
Lucas McDiarmid

**Members Absent:** Brenda Cole

**Also Present:** Sarah Fortune, Conservation Agent  
Terry Smith, Dept. of Fish and Game- Office of Fishing and Boating Access  
Joe Rogers, Department of Fish and Wildlife  
Mike Marciniac, Palmer Planning Board  
Tina Pike, Resident of Palmer Ma

**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. **Nicholas Zeo – present**
  - v. **Brenda Cole – absent**
  - vi. **Dave Cotter – present**
  - vii. **Lucas McDiarmid – present**

**2. Chair, Member & Committee Reports**

- a. Conflict of Interest Training

It was noted that the Conflict of Interest training has been completed by all members with the exception of Brenda Cole.

**3. Review Mail/Phone Messages**

- a. National Grid- Utility Pole: Bennett Street

The PCC received a notice from National Grid that two utility poles on Bennett Street will be maintained, as well as tree trimming maintenance in the immediate area. The work is exempt under the Wetland Protection Act regulations as well as local wetland protection ordinance. Anticipated to occur during construction season of 2022.

#### **4. Approval of Minutes**

- a. 2/1/2022

**Motion made by Dorothy Lawrence to table the minutes from 2/1/22 to 3/1/22 at 6:30pm.**

**Motion seconded by Peter Izyk**

**No further discussion**

**Role call vote: Lucas McDiarmid—abstain; David Cotter—aye; Nicholas Zeo – aye; Peter Izyk – aye; Dorothy Lawrence – aye; Donald Blais Jr. -- aye**

**Motion Caries 5-0-1 (Lucas McDiarmid abstained)**

#### **5. Other Mail**

- a. Sanitary Sewage Overflow: Palmer High School

The Conservation Agent received a form from Gerry Skowronek at DPW regarding a sanitary sewer overflow issue that had occurred on 2/14/22. The sewage line from Palmer High School had backed up and was spilling out of a manhole on Main Street. The apparent cause was from grease buildup. The Board of Health will be notified to make sure the School's grease traps are functional. The DEP has been notified of the overflow. Lucas McDiarmid asked if the PCC should send a letter to the Superintendent. The agent stated she would want to talk to the Health Agent first, and see what she suggested to do, and possibly collaborate on outreach regarding the habitual overflow.

#### **6. Requests for Certificates of Compliance:**

- a. DEP # 256-0342 – DFG, Kerrigan property demo

Terry Smith introduced himself and stated he worked for the Office of Fishing and Boating Access- he then stated that on the call was also Joe Rogers, the District Manager of the Division of Fisheries and Wildlife. He stated that Joe Rogers was instrumental in the land acquisition process. He stated the site had 7 different structures- there was a garage that had soil contamination- remediation actions occurred. All foundations were completely removed from site. All of the work on site was complete and a letter from Cold Spring Environmental, a third party consulting firm, was sent certifying the completeness. They also provided all records for abandonments, septic systems and wells. There was an agreement to work with Palmer's Board of Health. He then stated there is a want to move forward with next phase of project, and close out all of the demolition.

The agent stated that she preformed the final site visit on Monday 2/7/22 with Peter Izyk. The inspection findings were that all work had occurred according to the permit. The site conditions reflected what was in the Cold Spring Environmal reports as well so she recommends issuing a full complete COC with ongoing condition numbers 52,55-58.

**Motion made by Dorothy Lawrence to issue a full Certificate of Compliance with ongoing Site Conditions #52, 55-58. Motion seconded by Peter Izyk**

Peter Izyk stated that a great job was done in cleaning the site. Terry Smith also stated that the beach area was actually private, and was part of the Kerrigan Property until the acquisition.

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

**Motion Caries 6-0-0**

**No further discussion**

## **7. New/Old Business**

### **a. Discuss fishing & boating access projects & Land Management Agreements at Forest Lake**

Terry Smith of the Department of Fish & Game Office of Fishing & Boating Access stated that the conceptual site plan at Forest Lake is about 75% complete. They were able to leverage enough monies to create off street parking consisting of 8 trailer spaces and roughly 12 single car spaces, which will relieve some traffic congestion along the road and beach area and help to separate the uses of the beach between boating and swimming. The work will include the removal of existing boat launch and the restoration the beach, followed by construction of a new boat launch in a different area. The project will also include stormwater management to mitigate stormwater generated from the new impervious surface created by the parking lot.

In the future, in cooperation with Mass Wildlife, a portion of the site could be used for a “learn to fish” program. The site topography and existing roads makes it ideal for ADA access. Further into the future, a possible sport fishing pier at the point between cove and boat launch could be constructed. The office of Fishing and Boating access has in-house capabilities to do construction.

Terry Smith stated that he hopes the Town Council will consider a a Land Management Agreement, which will allow longer term projects, and doing so could help leverage funds for such projects. Land Management Agreements are also enforceable by state, local and Environmental Police, which would help relieve some of the burden on local law enforcement when needed to deal with use issues such as parking on the beach or fishing in the swimming area. He is also looking for support from Palmer Conservation Commission on the Land Management Agreement (LMA). The Agent asked if a letter of support was wanted for the Land Management Agreement. Terry Smith stated that he didn’t know if a letter of support was appropriate due to the fact that a NOI will be filed and subsequently under review by the PCC. He stated that perhaps the PCC can send an internal communications letter to Town Council regarding their support for the LMA. The Agent stated that Terry has a point – the PCC doesn’t want there to be a perceived conflict of interest or bias towards support of the LMA until after Order of Conditions has been issued for the boat launch and parking lot project. Terry smith then stated that the Land Management Agreement will be reviewed by the Town Council in March.

Nick Zeo then asked about the learn to fish program, and if there was any way to connect to the school systems. Joe Rogers stated that the program has a van and trailer with fishing equipment for folks to use, and is equipped to host one day programs. He stated that he is interested in collaborating with the Town on this program.

Donalds Blais Jr. asked to go over the funds aspect of the site plan again. Terry Smith stated that between now and December 2022 there is about a quarter of a million available for the project, and it will span over two fiscal years. He then stated that other future programs, such as the learn to fish program, shouldn’t be as costly due to there being a partial foundation still existing on the site. Overall the total project timeline for all plans at Forest Lake should span from 5-10 years and cost roughly 1.1 million dollars. Michael Marciniac, Chairman of Planning Board, stated that the Planning Board voted to send letter of support last month. He then asked to keep this project on the front burner due to construction season fast approaching. He then stated perhaps PCC members can speak to Town Council.

### **b. Discuss fishing & Boating Access Projects & Land Management Agreement for First St:**

Terry Smith stated that roughly 90% concept plans for shore fishing access station is complete. He also discussed there needs to be a sign for Rules and Regulations of use per the Land Management Agreement (LMA). He explained that there will be a precast concrete block installed to be utilized for shore fishing. There was a revision in 2020 to the LMA showing the PCC’s ownership of the site. He then stated that a fly-fisherman has generously offered to donate towards the construction of the fishing station, and that he had received the check. The aim is to begin and complete construction in 2023. Terry Smith then stated that he was unsure if a permit was needed due to an open OOC. The agent stated that yes there is an open OOC, but that refers to trail

maintenance, and she is unsure if a permit would be needed due to trail being built under OOC, as long as no excavation.. She will check and let Terry Smith know. Dave Cotter asked if the excavation was only going to be 6' down. Terry Smith answered that they will be using existing foundations and granite block walls, and will excavate 6' down for fishing station. There will also be some trees removed for construction access, and to allow for vehicles to back in. Nick Zeo stated that this is a great project to expand upon what we already have at the site. The Agent then stated that she will follow up with Linda Leduc, the Town Planner, regarding access to the site through the Adaptas property. They were amenable to allowing access, but she would like to confirm.

- c. Review Notice of Intent to Convert Land Subject to Chapter 61A: Assessor's Map 18-22, Land off 129 Sykes St

The Agent explain the notification PCC received regarding the conversion of 26.42 acres from Chapter 61A to Commercial uses. This parcel is part of a larger solar project site, Dumplin Brook Solar.

**Motion made by Dorothy Lawrence to make recommendation to Town Council to not exercise right of first refusal**

**Motion seconded by Nick Zeo**

The Agent then explained the Right of First Refusal (ROFR) procedure. The Town has 21 days to decide if they would like to exercise ROFR, followed by 120 days to come up with the sale price to which they they can purchase the property and keep it in the current use program.

**Role call vote: Donald Blais, Jr. – aye; Dorothy Lawrence – aye; Peter Izyk – aye; Nicholas Zeo – aye; Dave Cotter – aye; Lucas McDiarmid – no**

**Motion Caries 5-1-0**

Mike Marciniac then stated that the Planning Board voted the same way as PCC. He then stated that there will be another parcel coming up for ROFR that is more attractive. He then asked a few questions about the lease, assessment, and valuation. He then asked if once an NOI has been filed and the town exercises ROFR, could the NOI be retracted. Dorothy Lawrence stated that essentially yes, the landowner could do whatever they would like with it. They can back out of the real estate transaction.

**No further discussion**

- d. Discuss & schedule spring river cleanup event

The Agent stated that the Spring River Cleanup is scheduled for Earth Day, April 23<sup>rd</sup> with a rain date of April 30<sup>th</sup>. Lucas McDiarmid asked if the cleanup was only on the river. The Agent stated that she would like to do cleanup in all four villages as well as spray paint storm drains.

- e. Discuss public outreach event for 604(b) grant: Watershed Based Plan for Forest Lake

The Agent stated that residents will need to be re-notified about septic mapping. A doodle poll will be included to gauge thw dates and times that work best for the outreach event. The agent will ask Terry Smith for permission to hold the outreach event at the Forest Lake beach, per the Land Management Agreement.

- f. FEMA HMGP Update – administrative kickoff meeting on 2/10/2022 at 1 PM

The Agent discussed the meeting held on February 10<sup>th</sup>. She FEMA has received the contract documents and they are being processed. Once get notice to proceed then the project has to be put out to bid. She stated the funding is split between FY22 and FY23, depending on how long bidding takes place.

**8. Set Next Meeting Date**

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

**9. Meeting Adjourned: 8:09 PM**

**Motion made by Dorothy Lawrence to adjourn at 8:09 PM**

**Motion seconded by Nick Zeo**

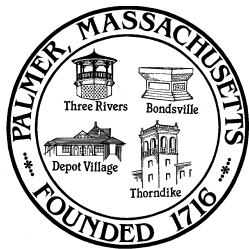
**No further discussion**

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

**Dave Cotter – aye; Lucas McDiarmid – aye**

**Motion Caries 6-0-0**

Sincerely Submitted,  
Sarah A. Fortune  
Palmer Conservation Agent



# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Documents

Tuesday, February 15, 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, 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: 2/1/2022	Approval of Minutes	Tabled until 3/1/2022 at 6:30 PM
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.	Sanitary Sewage Overflow Notification	Review Mail/Phone Messages	Retained in 2022 Mail
4.	National Grid: Utility Pole Maintenance Notification, Bennett Street	Review Mail/Phone Messages	Retained in 2022 Mail
5.	Notice of Intent (NOI): 9 Fuller Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0358
6.	NOI Site Plans: 9 Fuller Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0358
7.	DEP File Comments: DEP # 256-0358, 9 Fuller Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0358
8.	Wetland Delineation Report: DEP # 256-0358, 9 Fuller Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0358
9.	Request for Certificate of Compliance: DEP # 256-0342, Forest Lake Property Demo	Signing of Documents	Retained in file for DEP # 256-0342
10.	Land Management Agreement: Forest Lake	New/Old Business	Retained in file for Forest Lake LMA
11.	Site Plans: Forest Lake Parking Lot & Boat Launch Project	New/Old Business	Retained in RDA file for 138 Boston Road
12.	Site Plans: Swift River/First Street – Shore Fishing Station	New/Old Business	Retained in binder for Swift River Greenbelt Conservation Area
13.	Notice of Intent to Convert Land Subject to Chapter 61 Designation: Land off 129 Sykes Street (Map 18-29)	New/Old Business	Retained in file for 2022 Mail