

TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, February 4th, 2020 – 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
Mike Swiatek
Angela Panaccione, Conservation Agent
Sarah Fortune, Conservation Assistant

Members Absent: Brenda Cole

Also Present: Jason Bessette; 46 Smith Street, Palmer, MA 01069
Danielle Bessette; 46 Smith Street, Palmer, MA 01069
Joseph R. White; 3 Converse Street, Palmer, MA 01069
Tim Benton; 52 Smith Street, Palmer, MA 01069
Maureen Benton; 52 Smith Street, Palmer, MA 01069
Bob Sylvester; 85 Beech Street, Palmer, MA 01069

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

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

a. **MACC Environmental Service Award – Conservation Administrator of the Year**

The Agent was selected to receive an Environmental Service Award from the Massachusetts Association of Conservation Commissions (MACC) for Conservation Administrator of the Year. The Agent will receive the award at the MACC Annual Environmental Conference on 2/29/2020.

b. **Master Plan information on Open Space and Recreation Areas**

Nicholas Zeo provided an article on Master Plan updates regarding open space and recreation areas and how these areas can be integrated into the Master Plan as a component of economic development to the town for review. Access to and quantity of open space and recreation areas is often a big factor for people and could be an incentive for folks to move to Palmer, therefore boosting the local economy.

3. **Review Mail/Phone Messages**

a. **MACC AEC Sign-ups**

Registration is now open for the MACC Annual Environmental Conference, to be held at the College of the Holy Cross on Saturday, February 29th, 2020. Commissioners are welcome to provide their registration to the Assistant, who will register all interested members directly with MACC.

b. Three Rivers Chamber of Commerce Dinner

The Three Rivers Chamber of Commerce invited the Agent to attend their annual dinner, which will occur on February 18, 2020. The Agent requested that the PCC cancel the meeting scheduled for that date to allow her to attend the dinner. Town Manager Ryan McNutt will be the keynote speaker at the event. The Agent will also contact Don Frydryk and Paul Les to inform them that the discussion of the Quaker Lane project until March 4, 2020.

c. Massachusetts Land Trust Coalition Conference on 3/28/2020

Registration is now open for the Massachusetts Land Trust Coalition Conference on 3/28/2020. All interested PCC members are welcome to attend.

d. MA Open Space Conference on 4/25/2020

The MA Open Space Conference will be held on 4/25/2020 at Greenfield Community College in Greenfield, and all interested PCC members are welcome to attend. The Assistant has been asked to present on the topic of landowner outreach. The Agent might present on the topic of updating Open Space and Recreation Plans, depending on her availability.

4. Approval of Minutes

a. 1/21/2020

Motion made by Mike Swiatek to approve the meeting minutes from 1/21/2020 as amended

Motion seconded by Nick Zeo

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

5. Approval of Payables

a. Mileage - \$ 266.23

Motion made by Dorothy Lawrence to approve the payable to Angela Panaccione for mileage in the amount of \$ 266.23 from the Town Wetlands Ordinance Fee (CONFEE) Account

Motion seconded by Nick Zeo

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

6. Signing of Documents

a. Land Management Agreement – DFG, First Street

The Land Management Agreement with the Department of Fish & Game for the Swift River Greenbelt off First Street in Bondsville requires modification to allow for the installation of a univsersally accessible fishing station and an eight (8) car parking lot. This agreement was originally established with Town Council in 2006 when the conservation area was in the care and custody of the Palmer Redevelopment Authority (PRA); the land

management agreement now identifies the PCC as the owner of the conservation area. The modified agreement has been signed, notarized and sent to Town Council.

Motion made by David Cotter to accept the modified land management agreement with the Department of Fish & Game for First Street

Motion seconded by Mike Swiatek

No further discussion – 6-0-0 – Motion carries

7. Project Monitoring

a. MassDOT – Shearer Street

The Army Corps of Engineers (ACOE) notified the PCC that they have issues with the Emergency Permit issued to MassDOT for repairs to the culvert under the I-90 on ramps off Shearer Street, and have essentially halted the project without providing any information to the town on when the culvert replacement and restoration work can continue although the PCC required that a full Notice of Intent be filed for the culvert replacement and wetland restoration work. The culvert collapse caused 40-feet of road fill to erode into the adjacent wetlands, and failure of the I-90 ramps would have resulted in extreme public safety and economic impacts to the town. Both the ACOE and MassDEP were informed of the emergency situation and invited to site visits with the PCC but neither organization attended the site visits. Rather, the ACOE performed a site visit after the emergency work was conducted and saw the sediment that eroded into the wetlands and regarded it as a violation; their justification for the violation was that Dumplin Brook and the sedimentation resulting from the culvert failure is discharging to the Quaboag River and eventually to the ocean, which is why they have halted the remainder of the work. The Agent provided clarification on the ACOE's determination on this violation to MassDEP and they were appreciative of the clarification. The PCC would like the culvert replacement and wetland restoration work to commence as soon as possible.

8. Violations & Enforcement

a. 2018 Oak Street

The PCC received a complaint about horse manure being placed within 25 to 50 feet of the Ware River at 2018 Oak Street, which has now been resolved. The Board of Health performed a follow-up site inspection and provided documentation to the PCC which showed that all manure placed on the bank to the Ware River has been removed by hand by the property owner.

b. Enforcement Order: 46 Smith Street

The PCC issued an Enforcement Order to the property owner of 46 Smith Street for unpermitted alteration to the bank of the intermittent stream and for the installation of animal enclosures within 25-feet of the stream channel on 1/21/2020. The Agent reported that the animal enclosures within 25-feet of the stream channel on the site have been removed by the property owner, so the focus can now shift to restoration of bank and buffer zone to the intermittent stream, but because it is a headwater stream with a rocky bottom there is very little vegetation naturally associated with it which will make restoration work tricky. The Agent discussed the matter with the DPW who suggested that the property owner fix the headwall on the culvert inlet which is failing to serve as restoration. The Agent also suggested that stones could be placed in the stream to restore the stream bank because it is a rocky bottom stream. Finally, the Agent instructed the property owner that any future leaf removal shall be conducted by hand.

Jason Bessette, property owner at 46 Smith Street, was in attendance for the discussion and asked about the possibility of replacing the culvert to serve as restoration for the violations; the Agent informed him that the culvert is in decent shape, so replacement of the headwall would be more ideal in this situation. Jason stated that he doesn't mind doing the restoration work, but that he won't be happy to do the work if neighbors continue to complain about his efforts; the Assistant informed him that the Commission would be able to diffuse any possible disputes if neighbors complain about the restoration work.

Bob Sylvester of 85 Beech Street wished to comment on the violation, informing the PCC that he regularly cleans out the outlet of the culvert because it causes ice dams to form on the road in winter due to leaves and other debris blocking the culvert in addition to stormwater inputs from the adjacent paved portion of Smith Street adding more water to the stream. He believes that the outlet of the culvert should also be addressed in the restoration work to prevent future ice dam formation on the road. The Agent informed him that culvert is town property because it is located within the road Right-of-Way, so the town would be exempt from filing a wetlands permit to clean the culvert; she will conduct a site visit with the property owner and his contractor to review the area. The Agent also informed him that the culvert was considered for replacement as restoration for another ongoing violation, but that it is second on the list for possible replacements after the a culvert on Breckendridge Street.

Attorney Joseph R. White requested that the PCC rescind the Enforcement Order, arguing that the actions conducted by Jason Bessette were done to mitigate flooding issues on Smith Street. The Agent informed him that the Enforcement Order functions like any other wetlands permit and allows work to be done in wetland resource areas, such as restoration work. Attorney White then requested that the Enforcement Order be amended because the animal enclosures and fencing on the site have been removed, and the property owner understands that any future work to clean out the culvert inlet will be conducted by hand. Attorney White also wanted to determine who is responsible for doing the work because he was under the impression that the DPW is working on improving the culvert. The Agent informed him that any work conducted by the property owner must be done in coordination with the DPW and that the restoration work must be done simultaneously with any work done by the town, and must be completed by 6/21/2020.

The Agent suggested that the Enforcement Order could be amended if the PCC desired to rescind the requirement to obtain a consultant, to develop a restoration site plan, and to conduct a wildlife habitat analysis to save the property owner money while also allowing work to be done under the Enforcement Order.

Peter Izyk acknowledged that the PCC has experienced issues with this area in the past due to the accumulation of sand from plowing the road in the winter months. Jason Bessette suggested that something be installed along the road to prevent sand from washing into the culvert in the future, such as a guardrail, but the Agent informed him that would do little to prevent the culvert from becoming blocked and suggested that a jersey barrier be installed instead. The Agent will work with Jason and the DPW to determine what could be done to prevent culvert blockages in the future.

Motion made by Nick Zeo to amend the Enforcement Order issued on 1/21/2020 for the unpermitted alteration of the bank and buffer zone to an intermittent stream channel at 46 Smith Street by rescinding the requirement to obtain a wetland consultant, to develop a wetland restoration site plan, and to conduct a wildlife habitat analysis

Motion seconded by Dorothy Lawrence

No further discussion – 6-0-0 – Motion carries

c. FCP: Peterson Road/Old Warren Road

The PCC received information from Asplundh Tree Expert Company that they have been delivering woodchips to the property at 166 Peterson Road for the purpose of constructing an ATV course across their property, in addition to the Lizak and Baltazar properties. Asplundh has been conducting tree removal for National Grid along roadways and transmission lines and reported that they have been delivering woodchips to 166 Peterson Road because the Town reached their need. The vegetation along roadways and transmission lines are likely riddled with invasive plant species, so this is extremely problematic for the PCC, due to impacts to the area resulting from woodchips containing invasive plants. This is also problematic for the PCC due to the extensive wetland complexes on the properties. The conversion of logging roads to permanent roads is not permissible under an approved Forest Cutting Plan as well.

The Department of Conservation and Recreation (DCR) responded to the PCC's concerns on this matter, informing them that the Service Forester conducted an inspection and did not observe wood chips or other violations of the approved Forest Cutting Plan, but that he only reviewed 'harvest areas' due to DCR's jurisdiction. The PCC is still concerned that wood chips are being brought onto these properties and area being used to create ATV trails in non-harvest areas. The Assistant conducted a site visit on 1/16/2020 along King's Brook from the Midura Conservation Area along Lizak's property and did not observe any encroachment of harvesting onto town land, nor did she observe wood chips. The PCC will conduct a follow up inspection to other areas adjacent to harvests off the Bedard property in the near future to determine if the reports of woodchip deliveries by Asplundh Expert Tree Company to the area are accurate.

9. New/Old Business

a. Account Authorization

The PCC rescinded the motion made on 11/19/2019 to approve funds expenditures from the Wetlands Town Account and the Wetlands State Account to cover the Assistant's salary at 30 hours per week.

Motion made by Dorothy Lawrence to rescind the motion made on 11/19/2019 approving the transfer of funds from the Wetlands Town Account and the Wetlands State Account to cover the Assistant's salary at 30 hours per week

Motion seconded by Mike Swiatek

No further discussion – 6-0-0 – Motion carries

Motion made by Dorothy Lawrence to approve the authorization of spending funds from the Town Wetlands Ordinance Fee Account (CONFEE) # 24171728 in the amount of \$ 4,365.80 and from the Wetlands State Account (CONWET) # 24171368 in the amount of \$ 4,365.80; totaling \$ 8,731.60 to supplement the FY 2020 budget to cover the Conservation Assistant's salary at 30 hours a week

Motion seconded by Mike Swiatek

No further discussion – 6-0-0 – Motion carries

b. Trail Cameras

The Assistant met with Verizon to discuss the possibility of installing cameras along the trail at First Street as a means to address and prevent vandalism to the trail. Verizon suggested that one (1) camera be installed at the parking area and one (1) camera be installed to view the gazebo, given that most vandalism has occurred at these locations. The cameras will cost \$ 349.00 to purchase and will incur a \$ 39.99 cost per month in order to connect the cameras to the Verizon data network with unlimited cloud storage.

The Agent expressed her interest in purchasing a third camera to install at the location of the future fishing outpost, but is concerned that the extra cost will go over the PCC's available budget.

Motion made by Nick Zeo to purchase up to three (3) cameras from Verizon for monitoring at First Street from the TRAILS account

Motion seconded by Brenda Cole

No further discussion – 6-0-0 – Motion carries

c. Stormwater Regulation Updates

The Agent will be attending a working group meeting on 1/29/2020 at MassDEP in Boston for updates to the state's Stormwater Regulations.

d. Palmer Artisan Fair on 5/2/2020

The Palmer Artisan Fair will be held on 5/2/2020, and the Agent would like to include the annual rain barrel and compost bin program at this year's event as a way to increase overall attendance at the event given the popularity of the rain barrel and compost bin program. The Agent will update the PCC when she has received a response from the Palmer Cultural Council on the request to include the rain barrel and compost bin program at the event.

e. Rain Barrel/Compost Bin Program (Possibly at Artisan Fair)

Please see the section above on the Palmer Artisan Fair.

f. Earth Day Cleanup on 4/18/2020

The PCC will be organizing an Earth Day Cleanup on 4/18/2020. A photo taken at last year's event has been featured in the top 10 national photos for Earth Day Cleanups.

g. Culvert Assessments & Stormwater outfall mapping

Culvert assessments and stormwater outfall mapping has been conducted from review of site plans, but a majority of the field work has been on hold due to weather and until the town has been informed if they received an Asset Management Grant. If the town receives the grant, assessments and mapping will continue to serve as the math component of the Culvert Replacement Grant.

h. 604(b) Grant

The Agent reported that 17 of the 25 septic systems targeted for review under this grant are likely in a state of failure. The Agent will continue to work with the Board of Health to obtain property owner approvals to conduct on-site inspections of septic systems.

i. 2020 Trail Grant: UTV purchase

The PCC was unable to apply for a 2020 Recreational Trails Grant to fund the purchase of a UTV for trail maintenance and conservation land stewardship due to difficulties obtaining necessary paperwork for the grant application.

j. MVP Action Grant

There is no update on this agenda item.

k. Conflict of Interest Training

The PCC received the Conflict of Interest training packet which shall be returned to the Town Clerk upon completion.

l. 2020 Trail Grant UTV

The PCC will begin working on a 2020 Trail Grant to obtain funding to acquire UTV's for the purpose of conducting land management and stewardship on the 800-acres of town-owned conservation land.

m. Master Plan

Dorothy Lawrence will represent the PCC on the Master Plan update committee due to her overall resume and experience in municipal planning. All other PCC members are welcome to attend meetings of the Master Plan Committee.

10. Set Next Meeting Date

- a. The next meeting of the PCC is scheduled to occur on Tuesday, February 4, 2020 at 6:30 PM.

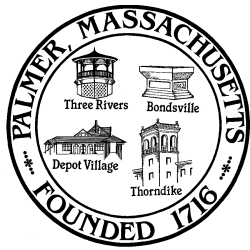
11. Meeting Adjourned: 7:31 PM

Motion made by Mike Swiatek to adjourn at 7:31 PM

Motion was seconded by Nick Zeo

No further discussion – 6-0-0 – Motion Carries

Sincerely Submitted,
Sarah A. Fortune
Palmer Conservation Assistant



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Documents

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Chair
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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: 1/21/2020	Approval of Minutes	Retained in 2020 minute binder in office
2.	MACC AEC registration form	Review Mail/Phone Messages	Retained in MACC 2020 file in office
3.	Land Management Agreement: Department of Fish & Game; First Street	Signing of Documents	Retained in file for Swift River Geenbelt Conservation Area at First Street
4	Enforcement Order: 46 Smith Street; Unpermitted alteration to bank of intermittent stream	Signing of Documents	Retained in enforcement file for 46 Smith Street