



# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Minutes

Tuesday, March 1st, 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.  
Brenda Cole  
Peter Izyk  
Nicholas Zeo  
Dave Cotter  
Lucas McDiarmid

**Members Absent:** Dorothy Lawrence

**Also Present:** Sarah Fortune, Conservation Agent  
Mike Marciniac, Palmer Planning Board  
Chris Knight, Fuss & O'Neill; 1550 Main Street, Suite 400, Springfield, MA 01103  
Dan DeLaney, Fuss & O'Neill; 1550 Main Street, Suite 400, Springfield, MA 01103  
Dave Gorden, Thunderchase Environmental  
Mike Zimmer, address unknown  
Don Vacon, 11 Meadowbrook Lane, Palmer, MA 01069  
Jim Johnson, 7 Meadowbrook Lane, Palmer, MA 01069  
Glenn Buesing, 175 Summer Street, Thorndike, MA  
Christine Wilson, 4 Meadowbrook Lane, Palmer, MA 01069

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

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

2. **Review Mail/Phone Messages**

- a. **Forest Lake: Permit Tolling**

The PCC received a notice from Fletcher Tilton Attorneys at law associated with Forest Lake Properties LLC, which confirms that the OOC expiration date has been tolled as a result of state of emergency due to COVID

from June 4<sup>th</sup>, 2022 to September 10<sup>th</sup> 2023. The Agent will follow up with Paul McManus of EcoTech about the directional drilling for the new waterline from the project site to the Bondsville Water Department.

b. Shah Food & Fuel

The PCC received notification from Carriage House Consulting, LLC regarding the Shah Food and Fuel Facility 1239 Park St pertaining to the completion of Phase IV Activities and findings of the Phase IV Final Inspection Report. Monitoring of site groundwater conditions has confirmed that the ongoing natural attenuation and biodegradation processes are serving as an effective means by which further reductions in constituents of concern are expected to continue, resulting in improved groundwater conditions at and downgradient of the subject property. The Immediate Response Actions have been completed at the site, and the objectives of the Phase IV are now viewed to have been achieved.

3. Approval of Minutes

a. 2/1/2022

**Motion made by Nick Zeo to approve the minutes as written. Motion seconded by Lucas McDiarmid  
No further discussion**

**Roll call vote: Lucas McDiarmid—abstain; David Cotter—abstain; Nicholas Zeo – aye; Peter Izyk – aye;  
Donald Blais Jr. – aye; Brenda Cole – aye**

**Motion Caries 4-0-1 (Lucas McDiarmid and Dave Cotter abstained)**

b. 2/15/2022

**Motion made by Dave Cotter to table the minutes from 2/15/2022 to 3/15/2022 at 6:30pm**

**Motion seconded by Peter Izyk**

**No further discussion**

**Roll call vote: Lucas McDiarmid – aye; David Cotter – aye; Nicholas Zeo – aye; Peter Izyk – aye; Brenda  
Cole – aye; Donald Blais Jr. – aye**

**Motion Caries 6-0-0**

4. Violations and Enforcement:

a. L27 Springfield St

The Agent conducted a site visit last week and reported that the restoration areas have been constructed and stabilized. The required plantings will be installed in the replication area as soon as the weather permits, followed by the required 2-year monitoring period to ensure the success of the restoration area.

5. New/Old Business:

a. FY23 Budget

The Agent reported that she has requested an additional 5 hours a week for the FY23 budget to offset for the hours spent in PCC meetings, to provide assistance with stormwater and maintain compliance with the MS4 permit, and to provide public facilitation and outreach programs. The Town Manager suggested to use wetlands funds to offset the budget, which can be used for administration and enforcement of the Wetlands Protection

Act. Lucas McDiarmid asked the Agent to send the total amounts for the 5 additional hours and requested the motion language to be used.

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

- a. 7:00 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.

**Motion made by Lucas McDiarmid continue the hearing to 4/19/2022 at 7:00pm**

**Motion seconded by Brenda Cole**

**No further discussion**

**Roll call vote: Lucas McDiarmid – aye; David Cotter – aye; Nicholas Zeo – aye; Peter Izyk – aye; Brenda Cole - aye; Donald Blais Jr. – aye**

**Motion Caries 6-0-0**

- b. 7:00 PM Request for Determination of Applicability: L22 Sykes Street, L28 & L29 Mt. Dumplin Street: The applicant is requesting a determination to see if the work associated with the construction of a ground-mounted solar photovoltaic array and associated infrastructure is subject to the MA Wetlands Protection Act and the Town of Palmer Wetlands Protection Ordinance. The proposed solar array has been located outside of the 100-foot buffer zone to wetland resource areas.

Donald Blais, Jr. opened the hearing at 7:04 PM and Dan Delany and Chris Knight of Fuss & O’Neil were in attendance to present the proposed project, stating that the site design has been significantly amended since the PCC previously reviewed the project. Dan Delany reported that the access drive configuration and the solar panel alignment has been revised, but the overall footprint is generally the same, however the change to the access road is significant. He added that although the PCC previously issued a Negative Determination for the previous site design, there is no way to amend a Determination of Applicability, which resulted in the current Request for Determination of Applicability filing. Dan DeLaney reported that the entrance to the site will be from Mt. Dumplin Road as previously proposed, with a staging area to be located off Sykes Street/Route 181 on the existing pastureland. He stated that the total access road length is 2200', which is a reduction from previous design, and will follow an existing cart path which will require less earth removal and will make the road less steep than previously designed. There was a recent ORAD (Order of Resource Area Delineation) which confirmed the delineation of additional wetlands adjacent to new access road. Dan DeLaney added that the total acreage of the site is 307 acres, but the project area is 53.8 acres which includes a 22.3-acre area of selective vegetation clearing to prevent shading of the solar array. The total area of grubbing is 31.5 acres. The solar arrays have been shifted more to the west due to shading and will not be visible from adjacent roadways. Array phase A footprint has moved down, Phase C has moved up. The agent asked why there was no new soil analysis done. Dan Delany reported that a new analysis was conducted in 2021 to confirm the soil types in the locations of proposed stormwater management structures along the access road and within the array area. The Agent then asked if there was a soil analysis done in the

infiltration basin behind Palmer High School, which experiences regular groundwater issues. Dan Delaney reported that TP1 and TP11 are in that vicinity.

Donald Blais then asked if this site will be visible from the schools. Dan Delaney stated there is a geographical high point between the track and the array, so it will be blocked from view.

Chris Knight stated that most of the tree clearing is to the south, and that the clearing is limited on the north side where the school is.

The Agent inquired about the land locked parcel 24-65 that was omitted from the site plans, which is in the care and custody of the PCC. Dan Delaney reported that this parcel has now been added to the plans per the request of the Agent, to ensure that no work will occur in that parcel, and the closest part of the project to that parcel is the proposed infiltration basin behind the Palmer High School track.

Lucas McDiarmid asked if there was an erosion control plan for the project. Dan Delaney informed him that the infiltration basin will be constructed in the first phase. Additional erosion control structures include temporary diversion swales and sediment traps that will be installed within the first project phase. He added that the ESC plan must be dynamic while working through the phases of the project.

Dan Delaney proceeded to clarify the Agent's question regarding the temporary construction parking on the existing pastureland off Route 181 in proximity to the 100-year flood plain on the site. comment 4 regarding floodplains. He stated that figure F16-02 shows the temporary parking which is outside of the 100-year floodplain which is considered Bordering Land Subject to Flooding (BLSF) as defined by the regulations. Chris Knight added that the temporary parking has been proposed to minimize the presence and/or parking of large equipment on Mt. Dumplin Road.

Dan DeLaney proceeded to explain the proposed changes in selective clearing, stating that there are two (2) distinct changes clearing areas. The first clearing area is within the solar array security fence and is significant due to proposed stumping and grubbing of the area to prepare it for array installation. The second selective clearing has been expanded to reduce shading of the arrays and will include limited trees trimming and retaining tree stumps and shrubs. Selective tree trimming in this area will occur depending upon the height of trees and their distance from the array panels. Lucas McDiarmid asked for an estimate of trees removed; Dan will follow up with an estimate following the meeting. Dan Delaney responded to the Agent's comment number 9 regarding 2 Drainage Point 3's on the post-development stormwater modeling. He reported that was a typo and there should only be one DP3, not two. The uphill DP3 represents wetland system parallel to road. The correct DP3 should be at base of road. The Agent proceeded to ask about the post development 3PE sub watershed and why a time of concentration path doesn't connect it to DP3. Dan Delaney stated that stormwater is only modeled within areas will be changed because of work which is why the time of concentration path doesn't connect because there is no work outside 3PE sub-water shed; modeling stormwater outside of work areas can drastically affect the stormwater modeling, yielding undersized stormwater management systems.

Dan Delaney responded to Agent's comment number 10, stating that the basins discharge via outlet control structure. When the basin fills, the outlet control structure lets out water to segregated swale. He stated this plan is on sheet CP101 & CS 101, which has better detail.

Donald Blais Jr opened the hearing for questions and comments by the PCC and members of the general public. Don Vacon of the Meadowbrook Green Condominiums asked about traffic on the access road, which is across from the condos. The Agent referred him to the Planning Board and informed him that there will be temporary construction parking off Route 181 to minimize traffic on Mount. Dumplin Road. Don Vacon asked about stormwater management for the site and expressed his concerns about the existing stormwater issues at the Condos which could be exacerbated by this development. The Agent that the access road will include two detention basins at the bottom of the road where it enters Mount Dumplin Road which should capture stormwater flows from the access road prior to leaving the site or adding to the stormwater issues at the condos.

**Motion made by Lucas McDiarmid close the public meeting for the Request for Determination of Applicability submitted for solar array construction at L22 Sykes Street, L28 and L29 Mount Dumplin Street at 8:30pm**

**Motion seconded by Dave Cotter**

**Roll call vote: Lucas McDiarmid—aye; David Cotter—aye; Nicholas Zeo – aye; Peter Izyk – aye; Brenda Cole-- aye; Donald Blais Jr. – aye**

**Motion carries – 6-0-0**

**Motion made by Brenda Cole to make a Negative Determination, Box 1, stating that the area described in the Request is not an area subject to protection under the Act or the Buffer Zone**

**Motion seconded by Peter Izyk**

**Roll call vote: Lucas McDiarmid – aye; David Cotter – aye; Nicholas Zeo – aye; Peter Izyk – aye; Brenda Cole – aye; Donald Blais Jr. – aye**

**Motion Carries – 6-0-0**

**Motion made by Dave Cotter to make a Negative Determination, Box 6 stating that the area and/or work described in the Request is not subject to review and approval by the Palmer Wetlands Protection Ordinance, Chapter 143**

**Motion seconded by Lucas McDiarmid**

**Roll call vote: Lucas McDiarmid – aye; David Cotter – aye; Nicholas Zeo – aye; Peter Izyk – aye; Brenda Cole – aye; Donald Blais Jr. – aye**

**Motion Carries – 6-0-0**

**7. Meeting Adjourned: 8:37 PM**

**Motion made by Brenda Cole to adjourn at 8:37 PM**

**Motion seconded by Nick Zeo**

**No further discussion**

**Roll call vote: Donald Blais, Jr. – aye; Dorothy Lawrence – aye; Peter Izyk – aye; Nicholas Zeo – aye; Brenda Cole – 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, March 1<sup>st</sup>, 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.	Minutes: 2/1/2022	Approval of Minutes	Retained in binder for 2022 minutes
2.	Minutes: 2/15/2022	Approval of Minutes	Tabled until 3/15/2022 at 6:30 PM
3.	Request for Determination of Applicability (RDA): L22 Sykes Street, L28 & L29 Mount Dumplin Street	Schedule of Public Meetings & Hearings	Retained in RDA file for L22 Sykes Street, L28 & L29 Mount Dumplin Street
4.	RDA Site Plans: L22 Sykes Street, L28 & L29 Mount Dumplin Street	Schedule of Public Meetings & Hearings	Retained in RDA file for L22 Sykes Street, L28 & L29 Mount Dumplin Street
5.	Notice regarding Order of Conditions Expiration Date: DEP # 256-0336; Seasonal Cottages at Forest Lake	Review Mail/Phone Messages	Retained in file for DEP # 256-0336
6.	Notice of Completion of Phase IV Activities: 1239 Park Street	Review Mail/Phone Messages	Retained in file for 2022 Mail