



# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Minutes

Tuesday, March 16<sup>th</sup>, 2021 – 6:30 PM  
LOCATION: VIRTUAL VIA ZOOM

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.  
Peter Izyk  
Brenda Cole  
Dorothy Lawrence  
Nicholas Zeo (enters at 6:34 PM)

**Members Absent:** Sarah Fortune, Conservation Assistant  
David Cotter  
Mike Swiatek

**Also Present:** Angela Panaccione, Conservation Agent  
Theodore Bakas, BWC Dumplin Brook, LLC  
Kevin McGary, BWC Dumplin Brook, LLC  
Jackie Firsty, BWC Dumplin Brook, LLC  
Tom Ready, Attorney for BWC Dumplin Brook, LLC

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

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

**2. Approval of Minutes**

- a. 2/16/2021

**Motion made by Brenda Cole to approve the minutes from 2/16/2021 as amended**

**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**

**3. Signing of Documents**

- a. Extension Request: DEP # 256-0314

The Order of Conditions for the project regulated under DEP # 256-0314 was previously closed out with a Certificate of Compliance. The PCC did not take action on this agenda item.

#### **4. Requests for Certificates of Compliance**

a. DEP # 256-0251: Riverwalk, LLC – invalid OOC

The Applicant for the Riverwalk project requested a Certificate of Compliance. The Order of Conditions was issued for the project in 2007, but the work regulated under the aforementioned DEP file number never commenced.

**Motion made by Brenda Cole to issue a Certificate of Compliance for DEP # 256-0251, stating that the work regulated under the aforementioned DEP file number never commenced.**

**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**

#### **5. Project Monitoring**

a. DEP # 256-0342: DFG Forest Lake Demo Pre-Activity Meeting

The demolition work at the Kerrigan Property on Forest Lake has begun and three (3) of the five (5) structures have been demolished to date. The remaining structures will be demolished next week. The Agent has performed two (2) site visits to monitor the project at this point, and reported that the project is in compliance with the Order of Conditions. Upon completion of the demolition work, the Town will begin working with the Department of Fish & Game to finalize a land management agreement for the Forest Lake beach, the parking area, and fishing access. The PCC will be the steward of the beach, the parking area and fishing access.

b. DEP # 256-0352: NEPC West Ware Road Pre-Activity Meeting

The pre-activity meeting for this project is scheduled to occur on Thursday, March 18<sup>th</sup> at 10 AM.

#### **6. New/Old Business**

a. MACC Annual Environmental Conference: April 6-17, 2021

The MACC Annual Environmental Conference is scheduled to occur via Zoom from April 6<sup>th</sup> to April 17<sup>th</sup>, 2021. All PCC members who are interested in attending the conference may do so.

b. Earth Day Clean-up: Saturday, April 17, 2021 from 9 AM to 12 PM

The PCC is hosting a river cleanup to celebrate Earth Day on 4/17/2021 from 9 AM to 12 PM at Laviolette Field. The Board of Health has requested an official event write up so that they may formally approve the event, given the COVID-19 pandemic. All COVID-19 safety protocols will be implemented during the event. A total of 50 people will be allowed to attend the event; this was determined based on the large size of Laviolette Field. The PCC is partnering with the Chicopee 4 Rivers Watershed Council and Keep Palmer Clean on the event. The PCC will ask Country Bank for a donation for 100 individual hand sanitizer bottles to distribute to volunteers.

c. Community Rain Barrel & Compost Bin Program: Friday, June 25<sup>th</sup>, 2021 from 3-7 PM

The PCC is hosting the Community Rain Barrel & Compost Bin Program in collaboration with the Town of Belchertown Conservation Commission. Residents can purchase rain barrels and compost bins at a discounted price. The pickup date for the rain barrels and compost bins will occur on 6/25/2021 at the Swift River Greenbelt Conservation Area and cul-de-sac off First Street. Pickup will occur from 3 to 7 PM.

d. Schedule Executive Session

The PCC scheduled an executive session to occur at 7:30 PM on 4/6/2021.

e. OSRP Update – Need to form committee

The PCC needs to form a committee in order to update the 2014 Open Space Plan. Donald Blais, Jr., Peter Izyk, Dave Cotter and Brenda Cole expressed interest to serve as PCC representatives on the OSRP Update Committee. The PCC will finalize this matter at the next meeting on 4/6/2021 at 6:30 PM.

f. Bac-T sampling

The Chicopee 4 Rivers Watershed Council will be continuing the bacteria sampling program and asked if the PCC wanted to sponsor sampling sites for the 2021 sampling season, as they have done in past years. The PCC identified the Swift River at First Street, the Ware River, and Forest Lake as important sampling locations.

**Motion made by Nick Zeo to sponsor three (3) bacteria sampling sites for the 2021 Bac-T sampling program through the Chicopee 4 Rivers Watershed Council**

**Motion seconded by Brenda Cole**

**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. Schedule of Public Meetings & Hearings**

- a. 7:00 PM Cont. Notice of Intent (NOI) DEP #256-350 – BWS Dumplin Brook, LLC: 3090 Palmer Street (Map 29 Lot 1): The applicant has submitted a Notice of Intent to see if the work associated with the installation of a large scale solar array is subject to the MA Wetlands Protection Act and the Town of Palmer Wetlands Protection Ordinance.

Donald Blais, Jr. reopened the public hearing at 7:00 PM. The Applicant provided revised site plans and a final response to DEP file comments on the project, as requested by the PCC. Kevin McGary presented the revised site plans to the PCC.

Kevin proceeded to review the DEP file comments and responses. DEP comment 1 pertained to the historic wetlands as altered via agricultural activities; the revised site plans include the historic wetlands and a 25 foot, 50 foot and 100 foot buffer zones to the historic wetlands and removed the proposed array from that area. The applicant requested a waiver of the 50-foot No Disturb Zone provision of the Palmer Wetlands Protection Ordinance, Chapter 143. There are some locations where work is proposed within the 50 foot No Disturb Zone, but the project has been designed so that the array is not within 25 feet of wetlands on site. DEP Comment 2 pertained to work within the Riverfront Area to the Swift River; the project has been relocated outside of the Riverfront Area to the Swift River. DEP Comment 3 pertained to bankfull width of Scott's brook; three (3) bankfull width measurements were taken with the Assistant and provided to the PCC for review. DEP Comment 4 pertained to the submission of the SWPPP; the applicant will submit the SWPPP prior to any land disturbance on the site. DEP comment 5 pertained to compensatory flood storage calculations; the calculations have been included in the revised site plans.

The project has also been revised so that electrical interconnections will now be entirely underground within the area of the stream crossing, which has resulted in additional loss of flood storage. The compensatory storage areas have been increased to reflect this change.

Donald Blais, Jr. opened the hearing for questions from the PCC. The Agent stated that she has no further questions or comments on the project, and that the project revisions have addressed all previous questions and comments.

**Motion made by Brenda Cole to waive of the 50-foot No Disturb Zone provision of the Palmer Wetlands Protection Ordinance, Chapter 143**

**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**

**Motion made by Dorothy Lawrence to close the public hearing for DEP # 256-0350 for the Notice of Intent submitted for BWS Dumplin Brook, LLC at 3090 Palmer Street until 3/2/2021 at 7:20 PM**

**Motion seconded by Brenda Cole**

**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**

**Motion made by Nick Zeo to issue an Order of Conditions with Findings of Fact, Special Conditions, and Approved Plans & Documents for DEP # 256-0350 for the Notice of Intent submitted for BWS Dumplin Brook, LLC at 3090 Palmer Street**

**Motion seconded by Dorothy Lawrence**

**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**

**8. Set Next Meeting Date**

- a. The next meeting of the PCC is scheduled to occur on Tuesday, April 6<sup>th</sup>, 2021 at 6:30 PM.

**9. Meeting Adjourned: 7:28 PM**

**Motion made by Nick to adjourn at 7:28 PM**

**Motion was seconded by Dorothy Lawrence**

**No further discussion**

**Role call vote: Donald Blais, Jr. – aye; Peter Izyk – aye; David Cotter – aye; Nicholas Zeo – aye; Mike Swiatek– aye; Brenda Cole - aye**

**Vote was Unanimous – Motion Caries**

Sincerely Submitted,  
Sarah A. Fortune  
Palmer Conservation Assistant



# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Documents

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Donald Blais, Chair  
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David Cotter  
Peter Izyk  
Nicholas Zeo  
Brenda Cole  
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: 2/16/2021	Approval of Minutes	Retained in 2021 minutes binder
2.	Notice of Intent: Bluewave solar – 3090 Palmer Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0350
3.	Site plans: Bluewave solar – 3090 Palmer Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0350
4.	Stormwater Management Report: Bluewave solar – 3090 Palmer Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0350
5.	DEP file comments: Bluewave solar – 3090 Palmer Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0350
6.	Reponse to DEP file comments: Bluewave solar – 3090 Palmer Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0350
7.	Peer Review Agricultural Field Assessment: Bluewave solar – 3090 Palmer Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0350
8.	Peer Review Letter from Stockman Associates, LLC: Bluewave solar – 3090 Palmer Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0350
9.	Request for Certificate of Compliance: DEP # 256-0251; Riverwalk, LLC	Requests for Certificates of Compliance	Retained in file for DEP # 256-0251
10.	Certificate of Compliance: DEP # 256-0251; Riverwalk, LLC	Requests for Certificates of Compliance	Retained in file for DEP # 256-0251