



# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Minutes

Tuesday, April 19th, 2022 – 6:30 PM  
LOCATION: Town Hall Meeting Room  
4417 Main St Palmer MA

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  
Lucas McDiarmid  
Dorothy Lawrence

**Members Absent:** Dave Cotter

**Also Present:** None

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

2. **Chair Member Reports:**

a. Town Council Meeting on 4/11/2022 for appropriation of funds for FEMA HMGP:

The Agent explained to the PCC that she and the Chairman attended the Town Council meeting on 4/11/22 to discuss FEMA Hazard Mitigation Grant Program to request the appropriation of funds for the Rt. 181 Culvert replacement Project. The total cost of the project is \$515,981.00 with 75% of the cost covered by federal funds, and 25% of the cost is locally funded. The Town is responsible for \$126,496, however through two separate grants awarded previously (FY19 DER culvert grant and FY20 MVP Action Grant) the cost dropped to \$66,495.25, which Town Council unanimously voted to approve the funding.

3. **Review Mail/Phone Messages**

a. New England Central Railroad: 2022 Post-Emergent Vegetation Management

The PCC received a notice regarding 2022 Post Emergent Vegetation Management along the New England Central Railroad, stating herbicides will be used to control vegetation along the ballast portion of the New England Central Railroad as a part of its 5-year Vegetation Management Plan (VMP). Herbicides will also be applied to the right of way and at the switches and signals for the railroad. PCC issued a (DOA) for 5-year VMP in 2021.

4. **Approval of Minutes**

a. 3/15/2022

**Motion made by Nick Zeo to approve the minutes from 3/15/2022 as amended**

**Motion seconded by Lucas McDiarmid**

**No further discussion**

**Motion Caries 6-0-0**

b. 4/5/2022

**Motion made by Lucas McDiarmid to table the minutes from 4/5/2022 to 5/3/2022 at 6:30pm**

**Motion seconded by Nick Zeo**

**No further discussion**

**Motion Caries 6-0-0**

**5. Approval of Payables**

**Motion made by Dorothy Lawrence the approve the payable in the amount of \$660.00 to ESRI from the General Expense Account**

**Motion seconded by Lucas McDiarmid**

The agent stated that she will now have the ability to make maps in house with the access to ArcGIS.

**No further discussion**

**Motion Caries 6-0-0**

**6. New/Old Business:**

a. Hazard Mitigation Plan Update:

Donald Blais stated that there was a public meeting on 4/12/22. Lucas McDiarmid stated that he attended the meeting for about 30 minutes. The agent stated that she didn't think it was advertised well. She will provide information for the next public session, and that she will help with advertising.

b. Earth Day Event- 4/23/2022 9-12 at Laviolette Field

The agent stated that registration is at 8:30am. She is encouraging folks to come register, even if they are cleaning elsewhere. She stated local Scouts will be set up at First St to tackle trash and finish gazebo, as they have the supplies needed. She stated the weather looks favorable.

c. Forest Cutting Plan Submission:

The PCC received final approved FCP for district, and she stated that there has been an ongoing issue of her not receiving initial FCP for review and comments. She stated that she expressed concern to DCR, and has been very frustrated. She stated that she was informed landowners can revise FCP so that no work can be done in wetlands. She stated frustration comes from not being informed until after the fact and that the memorandum of understanding is not being upheld.

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

a. 7:00 PM Cont. Notice of Intent (NOI) Forest Lake Fishermen Access: DEP#256-0360: The applicant has submitted a Notice of Intent for activities associated with the proposed redevelopment of the existing site for improved public fishing and boating access involving the reconstruction of an existing driveway and off-street parking area; the construction of new boat ramp driveway and turnaround area; the construction of a new fisherman access boat

ramp; and other miscellaneous site work along the eastern shoreline of Forest Lake on land owned by the MA Department of Fish & Game. Work is proposed to occur within Bank, Bordering Land Subject to Flooding, and Land Under Waterbodies and Waterways associated with Forest Lake.

Donald Blais, Jr. opened the hearing at 7:00pm. The Agent reported that representative Terry Smith of the Department of Fish & Game, Office of Boating & Fishing Access, submitted new information including a Stormwater Management Report and Checklist, and revised site plans at the last hearing on 4/5/2022, so the hearing was continued to this meeting to allow for review of the new information and preparation of an Order of Conditions. The Agent had no concerns upon review of the new information and recommended that the PCC issue an Order of Conditions with Findings of Fact, Special Conditions and Approved Plans and Documents.

Donald Blais, Jr. opened the public hearing for comments or questions by members of the general public and the PCC; no one wished to comment on the project at this time.

**Motion made by Nick Zeo to close the public hearing for DEP # 256-0360 for the construction of a Fisherman Access Facility at Forest Lake at 7:03 PM**

**Motion seconded by Dorothy Lawrence**

**No Further Discussion**

**Motion carries 6-0-0**

**Motion made by Lucas McDiarmid to issue an Order of Conditions with Findings of Fact, Special Conditions and Approved Plans and Documents for DEP # 256-0360 for the construction of a Fisherman Access Facility at Forest Lake**

**Motion seconded by Dorothy Lawrence**

**Motion carries 6-0-0**

**No Further Discussion**

**Motion made by Dorothy Lawrence to issue a waiver of the 50-foot No Disturb Zone provision of the Palmer Wetlands Protection Ordinance, Chapter 143**

**Motion seconded by Lucas McDiarmid**

**No further discussion**

**Motion carries 6-0-0**

- b. 7:07 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. re-opened the public hearing at 7:07 PM and the Agent reported that the representative requested a continuance of the hearing until 5/3/2022 at 7:00 PM to allow for a survey crew to GPS the newly delineated Mean Annual High Water Line flags and revise the site plan for the project.

**Motion made by Brenda Cole to continue the hearing for DEP # 256-0358 for the construction of two (2) single family home lots at 9 Fuller Road until 5/3/2022 at 7 PM**

**Motion seconded by Peter Izyk**  
**No further discussion**  
**Motion carries 6-0-0**

**8. New/Old Business:**

a. Update: FEMA Hazard Mitigation Grant

The Agent reported that proposal for bid assistance and construction oversight for the Route 181 culvert replacement project has been approved. The grant allows for three (3) months for bidding the project, which will occur between 4/1/2022 and 7/1/2022.

b. 604(b) Grant:

The Agent reported that the contract extension request has been approved and will extend until 6/30/2023.

**9. Violations/Enforcements:**

a. Discuss unauthorized trail expansion work and wetland violations at the Midura Conservation Area:

The Agent reported that unauthorized work has been occurring on the White Trail at the Midura Conservation Area in which trees have been cut to expand the trail. Lucas McDiarmid and the Agent walked the trail to visually see the tree work being done and observed numerous locations where trees had been cut to expand trail widths in order to accommodate motorized vehicles. She stated that there has been people driving through a river tributary, and other work being done that constitute wetland violations, both on Town property and on private property. There are other areas where it is clear that skid trails from previous commercial timber harvests are being used to drive straight through to the white trail. She stated that she needs more time out there to see what is going on and to gather more documentation. The white trail passes through private property, which has an implication on enforcement action, given that any documentation of violations taken on private property without landowner consent can't be used for enforcement purposes. The Agent was told that there was a document that authorized public access to the white trail through private property but that she can't locate this document. The question surrounding this is, what authority the Town has regarding regulation of changes being made to the trail there. Lucas McDiarmid asked about "Smokey's cabin" and if the Environmental Police have been monitoring that. The Agent stated that that is a whole separate situation. Nick Zeo asked if the abandoned jeep was still there. The Agent stated it was and that she will follow up with the Environmental Police.

**Motion made by Dorothy Lawrence to adjourn at 7:34 PM**  
**Motion seconded by Lucas McDiarmid**  
**No further discussion.**  
**Motion Caries 6-0-0**

Sincerely Submitted,  
Sarah A. Fortune  
Palmer Conservation Agent



# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Documents

Tuesday, April 19<sup>th</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: 3/15/2022	Approval of Minutes	Retained in 2022 Minutes & Agendas
2.	Minutes: 4/5/2022 (4/6/2021 & 7/20/2021 Executive Session)	Approval of Minutes	Approval tabled until 5/3/2022 at 6:30 PM
3.	Notice of Intent: DEP # 256-0360, Forest Lake Fisherman Access Facility	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0360, Forest Lake Fisherman Access Facility
4.	Site Plans: DEP # 256-0360, Forest Lake Fisherman Access Facility	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0360, Forest Lake Fisherman Access Facility
5.	Stormwater Management Report: DEP # 256-0360, Forest Lake Fisherman Access Facility	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0360, Forest Lake Fisherman Access Facility
6.	DEP File Comments: DEP # 256-0360, Forest Lake Fisherman Access Facility	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0360, Forest Lake Fisherman Access Facility
7.	NHESP Determination Letter: DEP # 256-0360, Forest Lake Fisherman Access Facility	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0360, Forest Lake Fisherman Access Facility
8.	Order of Conditions: DEP # 256-0360, Forest Lake Fisherman Access Facility	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0360, Forest Lake Fisherman Access Facility
9.	Notice of Intent: DEP # 256-0359, 9 Fuller Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0359, 9 Fuller Road
10.	Site Plans: DEP # 256-0359, 9 Fuller Road	-Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0359, 9 Fuller Road
11.	Stream Report: DEP # 256-0359, 9 Fuller Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0359, 9 Fuller Road
12.	DEP File Comments: DEP # 256-0359, 9 Fuller Road	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0359, 9 Fuller Road
13.	BVW Data Sheets: DEP # 256-0359, 9 Fuller Road	Schedule of Public Meetings & Hearings	