



# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Minutes

Tuesday, May 4<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  
Dave Cotter  
Dorothy Lawrence  
Nicholas Zeo  
Brenda Cole

**Members Absent:** Mike Swiatek

**Also Present:** Angela Panaccione, Conservation Agent  
Sarah Fortune, Conservation Assistant  
Paul Martin, BSC Group; 33 Waldo Street, Worcester, MA 01680  
Kevin O’Brion; National Grid

1. **Call to Order:** 6:35 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 – present**
  - v. **Nicholas Zeo – present**
  - vi. **Brenda Cole – present**
  - vii. **Mike Swiatek – absent**

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

- a. Possible resignation – Mike Swiatek

Mike Swiatek expressed his concern about his current work load and missing recent meetings and informed the Agent that he might have to resign from the PCC. In the event that Mike does resign, there would be a vacancy on the PCC, and several residents have expressed their interest in joining the PCC.

3. **Review Mail/Phone Messages**

- a. NHESP draft Priority Habitat Map – public comment period from 5/3/21 to 7/3/21

The PCC received notification from the Natural Heritage and Endangered Species Program (NHESP) regarding the public comment period on the draft Priority Habitat map, which goes from 5/3/2021 to 7/3/2021. Specifically, NHESP is requesting public comment on the status of areas proposed for delineation or removal as Priority Habitat regarding the physical or biological features of the habitat, or the current scope of existing development in the area. The Agent suggested, for example, that the town compost area off Old Warren Road be removed from Priority Habitat designation due to the current use of the area.

b. New England Central Railroad Notification: Yearly Operational Plan (YOP)

The PCC received notification regarding the New England Central Railroad Yearly Operational Plan (YOP) for herbicide application to control post-emergent vegetation along the railroad Right-of-Way in Palmer. The herbicide application program will commence on or after 6/1/2021 and will conclude on or about 8/1/2021.

c. CSX Transportation, Inc. Notification: Yearly Operational Plan (YOP)

The PCC received notification regarding the CSX Transportation, Inc. Yearly Operational Plan (YOP) for vegetation management activities along the railroad Right-of-Way in Palmer. The YOP is available to view by request.

**4. Approval of Minutes**

a. 3/16/2021

**Motion made by Dorothy Lawrence to approve the minutes from 3/16/2021 as written**

**Motion seconded by Nick Zeo**

**No further discussion**

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

**Motion Caries 6-0-0**

b. 4/6/2021

**Motion made by Dorothy Lawrence to table the approval of the minutes from 4/6/2021 until 5/18/2021 at 6:30 PM**

**Motion seconded by Nick Zeo**

**No further discussion**

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

**Motion Caries 6-0-0**

**5. Violations & Enforcement**

a. DEP # 256-0349 – 19 New Hampshire Ave

The project at 19 New Hampshire Ave is currently in violation for failure to meet pre-activity requirements as stipulated in the Special Order of Conditions for the project. The Agent and the Assistant performed an inspection on 5/4/2021 and observed that the DEP file number had not been posted at the road, erosion and sediment controls had not been installed, and the applicant did not schedule a pre-activity meeting prior to the commencement of any activity on site. The Applicant has been given instructions on how to come into compliance with the Order of Conditions and the Assistant will re-inspect the site on 5/7/2021.

b. L27 Springfield Street (Map 16-27)

The Agent and Assistant discovered violations at L27 Springfield Street during the inspection to 19 New Hampshire Ave on 5/4/2021. The violations consist of the unauthorized alteration to an intermittent stream channel, unauthorized alteration to Bordering Vegetated Wetlands, and to their 100-foot buffer zones. The

Agent and Assistant will meet with the property owner on 5/6/2021 to discuss how to bring the property back into compliance with the Wetlands Protection Act and the Palmer Wetlands Protection Ordinance.

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

- a. 7:15 PM Notice of Intent (NOI) DEP #256-353 – New England Power Company: X176 Transmission Line (ROW): The applicant has submitted a Notice of Intent for activities associated with proposed maintenance and improvements at up to thirty-three (33) structures along the X176 Transmission Line Right-of-Way (ROW). The work is proposed within Bordering Vegetated Wetlands (BVW), Land Under Water (LUW), the 100-foot Buffer Zone to BVW, Bordering Land Subject to Flooding (BLSF), 200-foot Riverfront Area, and the locally protected 50-foot No Disturb Zone to adjacent wetlands. Portions of the proposed project are also located within Natural Heritage and Endangered Species Program (NHESP) Priority and Estimated Habitats.

Donald Blais, Jr. reopened the public hearing at 7:15 PM and representative Paul Martin of BSC Group was in attendance to present new information on the project, specifically regarding a revised restoration plan for Bordering Vegetated Wetlands (BVW) and Bordering Land Subject to Flooding (BLSF). The revised restoration plan proposes a new location for BVW replication and compensatory storage creation on a PCC property located on the Ware River that is adjacent to the areas of permanent BVW and BLSF loss; the replication area has been moved from a New England Power Company property to PCC property due to concerns about the overall success of the restoration area because of proximity to the railroad. The restoration plan has also been revised to construct the BVW replication in a separate area from the BLSF compensatory storage; this revision is in response to the DEP file comments. The revised restoration plan also proposes grading in the adjacent upland area. Proposed restoration plantings include Silky dogwood, Maleberry, and Winterberry in addition to a Wetland Seed Mix. There has been no revision to the proposed use of swamp matting to create work pads for the project.

Dorothy Lawrence expressed her concern about the proposed use of swamp mats within the Ware River to access structure 55, which is proposed to be removed entirely, and asked if the river was shallow in that location. Paul Martin stated that the area becomes marshy in times of low flow or drought periods, and showed historic aerial imagery to support his statement. The Assistant added that the ACO for National Grid allows the use of swamp matting up to a threshold of 30,000 square-feet; anything more than that requires DEP notification and justification for the use of that much swamp matting.

Paul Martin added that there is an area of washout adjacent to structures 53 and 54 that will be addressed to eliminate erosion and sedimentation to the Ware River. The project proposes to install stone to fill a void along the access road, to install stone along the entire surface of this portion of the access road right-of-way, and might include the installation of a water bar to help direct stormwater flow. The Assistant suggested that this might constitute an improvement over current conditions, as required by the Riverfront Area redevelopment regulations and as noted in the DEP file comments, if this portion of the work is within the Riverfront Area to the Ware River.

The Assistant informed the PCC that she is in the final stages of finalizing the peer review scope of work for the project, and is hoping to have third party review commence prior to the next PCC meeting on 5/18/2021.

Donald Blais, Jr. opened the hearing for public comment at 7:18 PM. No one from the general public wished to comment on the project at this time.

The applicant requested a continuance of the public hearing until 5/18/2021 at 7 PM.

**Motion made by Dorothy Lawrence to continue the public hearing for DEP # 256-0353 for maintenance activities along the NEPC X176 Transmission Line Right-of-Way until 5/18/2021 at 7 PM**

**Motion seconded by Dave Cotter**

**No further discussion**

**Role call vote: Donald Blais, Jr. – aye; Dorothy Lawrence – aye; Peter Izyk – recused; Nicholas Zeo – aye; Dave Cotter – aye; Brenda Cole - aye**

**Motion Caries 5-0-0 (Peter Izyk recused)**

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

### **a. Earth Day Clean-up: Saturday, May 8, 2021 from 9 AM to 12 PM**

The PCC postponed the 2021 Earth Day river cleanup to 5/8/2021 from 9 AM to 12 PM at Laviolette Field due to a snow storm that occurred on 4/16/2021 in which we got at least 6-inches of snow. Registration will begin at 8:30 AM and the PCC should plan to arrive at 7:45 AM to set up for the event.

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

The PCC is sponsoring the Community Rain Barrel & Compost Bin Program and has already received a few orders for compost bins at this time. The PCC will order the compost bins and will find a location to store them. 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.

### **c. Assett Management Grant – stormwater system mapping ongoing**

The Assistant has been working with Tighe & Bond to map the municipal stormwater system as required under the ongoing Assett Management grant. The Assistant is required to provide 120 hours of time to count towards the match component of the grant, and is about half way done with her hours at this time.

### **d. LAND Grant information session: 5/13/2021 from 2 PM to 4 PM**

The Assistant will be participating in a LAND grant information session on 5/13/2021 from 2 PM to 4 PM. The Conservation office will be open during this time for emergencies but the Assistant will be busy with the information session.

### **e. MS4 trainings: 5/11/2021 to 5/12/2021 from 8:30 AM to 4:30 PM**

The Assistant will be taking two (2) MS4 trainings from 5/11/2021 to 5/12/2021 from 8:30 AM to 4:30 PM. The Conservation office will be open during this time for emergencies but the Assistant will be attending the trainings.

### **f. OSRP Update – District Local Technical Assistance (DLTA) funding**

The Agent and Assistant met with PVPC to discuss the 2021 Open Space and Recreation Plan (OSRP) Update and DLTA funding. The DLTA funding has been approved, and there is an option to request additional funds if necessary to complete the plan update. A survey will be sent out to the OSRP Committee to schedule the first meeting which will tentatively occur in the beginning of June 2021. PVPC is working on the community survey which should be available to distribute by the end of May 2021; the 2021 survey will use the same questions as the 2014 survey to maintain continuity between plan updates. The first community visioning session will occur tentatively in the middle of July 2021.

g. Master Plan Update

Nick Zeo reported that the Master Plan Update is addressing climate change, and the recent committee meeting involved setting goals over time to address climate change. He also reported that there is a lot of cross-pollination with the OSRP update, and suggested that the OSRP Committee should meet with a few members of the Master Plan Update Committee in order to avoid duplicating efforts regarding climate change and open space preservation.

h. Conservation Agent/Stormwater Coordinator resignation: effective 5/8/2021

The Conservation Agent/Stormwater Coordinator will resign her position effective on 5/8/2021 after the Earth Day River Clean-up event because she has taken a new position with the Town of Charlton. The Conservation Agent position has been posted on the town website as of 5/3/2021. The Conservation Assistant has applied for the Conservation Agent position. Dorothy Lawrence suggested that the PCC provide a letter of support for the Assistant to be hired for the permanent position due to her experience in municipal conservation, historical knowledge of PCC business, and prior civic engagement on the PCC itself. Brenda Cole added that the letter shouldn't be a recommendation but a letter of support to avoid overstepping bounds regarding the hiring process. Nick Zeo stated that it makes sense to promote the Assistant to the permanent Conservation Agent position in order to maintain continuity with ongoing projects while also allowing for a somewhat seamless transition between administrators.

**Motion made by Nick Zeo to provide a letter of support to the Town Manager to promote the Conservation Assistant from Interim Conservation Agent to Conservation Agent**

**Motion seconded by Dorothy Lawrence**

**No further discussion**

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

**Dave Cotter – aye; Brenda Cole - aye**

**Motion Caries 6-0-0**

**8. Set Next Meeting Date**

a. The next meeting of the PCC is scheduled to occur on Tuesday, May 18<sup>th</sup>, 2021 at 6:30 PM.

**9. Meeting Adjourned: 8:10 PM**

**Motion made by Brenda Cole to adjourn at 8:10 PM**

**Motion was seconded by Dorothy Lawrence**

**No further discussion**

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

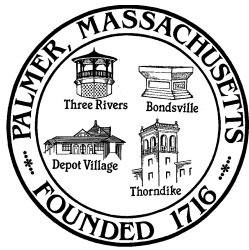
**Nicholas Zeo – aye; Brenda Cole – aye**

**Vote was Unanimous – Motion Caries**

Sincerely Submitted,

Sarah A. Fortune

Palmer Conservation Assistant



# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Documents

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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: 3/16/2021, 4/6/2021	Approval of Minutes	Retained in 2021 minutes binder
2.	Notice of Intent: NEPC – X176 Transmission Line ROW Maintenance Activities	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0353
3.	Site plans: NEPC – X176 Transmission Line ROW Maintenance Activities	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0353
4.	DEP file comments: NEPC – X176 Transmission Line ROW Maintenance Activities	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0353
5.	DEP file comments: NEPC – X176 Transmission Line ROW Maintenance Activities	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0350
6.	Revised Restoration Plan: NEPC – X176 Transmission Line ROW Maintenance Activities	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0350