



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, June 15th, 2021 – 6:30 PM

LOCATION: HYBRID; IN-PERSON & VIA ZOOM
4417 Main Street, Palmer, MA 01069

Donald Blais, Chair
Dorothy Lawrence, Vice Chair
David Cotter
Peter Izyk
Nicholas Zeo
Brenda Cole
Mike Swiatek

Sarah Fortune, Interim
Agent

Members Present: Donald Blais, Jr.
Peter Izyk
Nicholas Zeo
Dorothy Lawrence

Members Absent: Dave Cotter
Brenda Cole
Mike Swiatek

Also Present: Sarah Fortune, Conservation Assistant
Jonathan Shuster, SWCA Environmental Consultants; 15 Cold Storage Road, Amherst, MA
Paul Martin, BSC Group; 33 Waldo Street, Worcester, MA 01608
Kevin O’Brion, New England Power Company; 44 Sylvan Road, Waltham, MA 02451
VJ Mahdavy, National Grid; 44 Sylvan Road, Waltham, MA 02451
Joe Libera, Camp Ramah in New England; 1206 Boston Providence Highway, Suite 201, Norwood, MA 02062

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 – absent**
 - v. **Nicholas Zeo – present**
 - vi. **Brenda Cole – absent**
 - vii. **Mike Swiatek – absent**

2. 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. CSX, Inc.: Yearly Operational Plan (YOP)

The PCC received notification regarding the National Grid Yearly Operational Plan (YOP) for herbicide application to control post-emergent vegetation along the CSX, Inc. railroad right-of-way in Palmer. Vegetation management activities are to commence around June 14, 2021 and will end around June 16, 2021.

3. Approval of Minutes

- a. 6/1/2021

Motion made by Dorothy Lawrence to table the approval of the minutes from 6/1/2021 until 7/6/2021 at 6:30 PM

Motion seconded by Peter Izyk

No further discussion

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

Motion Caries 4-0-0

4. Project Monitoring

- a. DEP # 256-0345: Mongo Pond Dam Repairs

The Agent performed an inspection to the Mongo Pond Dam site and observed a massive blowout of the erosion sediment controls as a result of a storm event that occurred during the work to install the water control structure. Prior to the storm, the erosion controls and dewatering device setup were adequate to capture any water discharging from the site prior to entering into Shearer Street or the adjacent Dumplin Brook, but the erosion and sediment controls weren't sufficient to handle additional water as a result of the storm. The Agent instructed the contractor to install several lines of erosion control in the road to serve as a water bar to slow down stormwater flows. She also instructed them to fortify the erosion control line at the top of the culvert on the opposite side of the highway embankment to prevent sediment laden water from discharging into the brook. Restoration via sediment removal is a component of the overall Mongo Pond Dam Repair project, and DOT is aware that additional sediment removal will have to occur as a result of the erosion control blowouts.

- b. Watermain break – Shearer Street

The Agent will contact P&H Excavating to get more information on the watermain break that occurred on Shearer Street on 6/13/2021. The Agent is unsure if the Mongo Pond Dam Repair project has resulted in the watermain break, due to the proximity of the watermain to the dam location. The Agent will update the PCC as more information becomes available.

- c. DEP # 256-0319: JT Brown Gravel Pit, Route 32

The Agent and Donald Blais, Jr. performed an inspection to the JT Brown Gravel Pit to review the proposed agricultural activities with respect to wetland resource areas on 6/10/2021. The Agent instructed the property owner to request an amendment of the Order of Conditions for the gravel pit to allow for agricultural activities to occur up to the 50-foot No Disturb Zone to wetland resource areas; the OOC states that there shall be no additional alteration to wetlands or their buffer zones, and there would not be enough viable land for agriculture to occur if all associated work was kept outside of the 100-foot buffer zone to wetlands, so an OOC amendment is required.

5. Violations & Enforcement

a. DEP # 256-0332 – L12 Breckenridge Street solar

The Agent performed an inspection on 6/7/2021 with representatives from Nexamp to review the wetland restoration area and to determine what work has occurred to bring the site into compliance with the two (2) outstanding Enforcement Orders issued for wetland and stormwater violations. Seasonal monitoring reports of the restoration area have not been found, so it is difficult to determine if the restoration area has been built according to the approved plan. The Agent recommended the applicant to develop a review the area and develop a baseline report to determine what restoration activities have occurred versus what was required. The Agent will update the PCC as more information becomes available.

6. New/Old Business

a. Community Rain Barrel & Compost Bin Program: Friday, June 25th, 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.

b. OSRP Committee – first meeting on 6/21/2021

The first Open Space Advisory Committee meeting will occur on 6/21/2021 at 7 PM and will be held in-person at the Town Hall Meeting Room. The OSRP community survey is live and has been distributed in hard-copy and digital format to several outlets for folks to provide input on recreational and open space needs for the Palmer. The survey will be available to take until 7/1/2021.

7. Schedule of Public Meetings & Hearings

a. 7:00 PM RDA: Camp Ramah – 39 Bennett Street (Map 36-70) – work in Buffer Zone to Bank: The applicant is requesting a determination to see if the work associated with the relocation of a gas water heater and construction of a shed is subject to the MA Wetlands Protection Act and the Town of Palmer Wetlands Protection Ordinance. The work will occur within the 100-foot Buffer Zone to Bank of Pattaquatic Pond.

Donald Blais Jr. opened the public meeting at 7:00 PM and Peter Izyk recused himself. Joe Libera of Camp Ramah was present to describe the project, stating that the work involves excavation and construction of a shed to hold a hot water heating tank for a camp cabin within the buffer zone to Bank of Pattaquatic Pond. Erosion controls will consist of silt fence and will be installed at the top of the slope to prevent sedimentation of the bank and of the pond. Excavated materials will be used to backfill the hole, and the area will be seeded to provide vegetative stabilization upon completion of work. The Agent performed an inspection on 6/15/2021 and observed that the erosion control (straw wattle) was installed.

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

Motion made by Dorothy Lawrence to close the public hearing for the Request for Determination of Applicability submitted for Camp Ramah of 39 Bennett Street at 7:03 PM

Motion seconded by Nick Zeo

No further discussion

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

Motion Caries 3-0-0 (Peter Izyk recused)

Motion made by Dorothy Lawrence to issue a Negative Determination, Box 3, stating that the work described in the Request is within the buffer zone, as defined by the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the standard Special Conditions

Motion seconded by Nick Zeo

No further discussion

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

Motion Caries 3-0-0 (Peter Izyk recused)

- b. 7:09 PM Cont. 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 7:09 PM. Peer reviewer Jonathan Shuster of SWCA, applicants Nick O'Brian and VJ Mahdavy of New England Power Company, and representative Paul Martin of BSC Group were in attendance at the hearing. Paul Martin gave a summary of the response to peer review comments, stating that the wetland delineation has been revised according to peer review comments. A wetland located off of Stimson Street was delineated and its extent was added to the site plans; the buffer zone from this wetland extends into the adjacent work envelope. Additional BVW was delineated and is identified as PAW13A on the site plans; there will be small portion of work in the buffer zone associated with this wetland which will consist of a graded work envelope. The wetland adjacent to structure 91 was re-delineated which resulted in a small portion of buffer zone extending into the work area. Overall, wetland impacts were minimized by using swamp matting to create a work envelope rather than grading and adding stone. Work envelopes that were proposed to consist of partial swamp matting and grading were revised to eliminate grading and place mats over the entire work envelope to create a solid surface to stage equipment.

Paul added that BSC's vernal pool expert reviewed the potential vernal pools and confirmed three (3) of the four (4) as certifiable vernal pools. The vernal pool located between structures 13 and 14 was delineated and the extent was added to the revised site plans. The vernal pool adjacent to wetland PAW24 was also delineated and the extent was added to the revised plans. Stone/gravel will be restricted to avoid the edge of vernal pools located within the access road, and the road will remain at a width of 12-feet; if a 16-foot width is needed, swamp matting will be placed over the extent of the vernal pool to create a larger work surface and allow for access to other portions of the right-of-way. Jonathan Shuster expressed his concern about the potential vernal pool adjacent to structure 54 where he observed spotted salamander

egg masses during his peer review of the delineation. Paul stated that the BSC vernal pool expert observed flow through the basin and did not observe any salamander egg masses or other vernal pool obligates, so BSC doesn't believe it is a certifiable vernal pool. This pool could have backflow from the Ware River which would inundate the area and allow fish to access the area.

The alternate access road by the solar array where Boblinks were observed was reviewed by BSC; BSC agrees that the wetland is more extensive there. Upland matting will be used in that location to protect the agricultural field, which is exempt under the Administrative Consent Order between MassDEP and New England Power Company.

The Agent asked for more information on the washout area between structures 52 and 53. Paul stated that the washout area is about 3-feet deep and is about 3 to 4-feet wide, and gets less deep as the grade decreases. The washout will be addressed by placing 4 to 6-inches of coarse stone in the washout area, which will then be top-dressed with smaller gravel. A waterbar will also be constructed to the west of structure 53 to slow stormwater flows and disperse it into adjacent vegetation. Although this area is located outside of the Riverfront Area and Bordering Land Subject to Flooding associated with the Ware River, the washout experiences erosion which results in sedimentation of the Riverfront Area.

The Agent asked for more information on how the project meets the Riverfront Area Redevelopment requirements, specifically pertaining to providing an improvement over current conditions. Paul Martin reviewed aspects of the project that will comply with the redevelopment requirements, including the use of swamp matting to create a work envelope around structure 27 and the area will be restored to pre-construction conditions (grades, vegetation); this area will use a Type R road in which stone will be used to fix potholes and ruts and there will be no expansion of the road width. The access road between structures 67 and 68 will not be graded or changed; rather, access will be on foot and will utilize the existing access road. A Type R road will be located between structures 77 and 78 in which there will be no expansion of the road width and only stone will be used to fill potholes and ruts; grading will occur to create a work pad at structure 78, and the area will be restored to pre-construction grades and vegetation conditions upon completion of work. The washout area between structures 53 and 54 that erodes sediment into the Riverfront Area to the Ware River will be addressed as previously described, which will eliminate sediment transport into this resource area. The access road between structures 67 and 68 will not be widened or graded; the existing access road will be used or the structures will be accessed on foot. A Type R Road will be used between structures 77 and 78 in which stone will be used to fix ruts and potholes and the road will not be widened. A work envelope at structure 78 will consist of swamp matting or grading; if grading is used, the area will be restored to pre-construction grades and vegetation upon completion of the work there; the same will occur to create a work envelope at structures 106 and 107, and a Type R road will be used in this location as well. These revisions to the project have reduced the amount of permanent Riverfront Area impacts from 2.7 percent to 1.19 percent of the total Riverfront Area on site.

Donald Blais, Jr. opened the hearing for additional questions or comments by the PCC or members of the general public. Dorothy Lawrence requested that the Order of Conditions include a condition to require that a pump truck be used when dewatering is required within the Riverfront Area in order to prevent additional alteration to this resource area. The Agent added that the PCC needs to make a motion regarding the waiver from the Palmer Wetlands Protection Ordinance to allow for work to occur in the 50-foot No Disturb Zone, as requested by the applicant. There were no additional questions or comments from the PCC or members of the general public.

Motion made by Dorothy Lawrence to close the public hearing for DEP # 256-0353 for maintenance activities along the NEPC X176 Transmission Line Right-of-Way at 7:79 PM

Motion seconded by Nick Zeo

No further discussion

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

Motion Caries 3-0-0 (Peter Izyk recused)

Motion made by Dorothy Lawrence to issue an Order of Conditions with Findings of Fact, Special Conditions, and Approved Plans & Documents for DEP # 256-0353 for maintenance activities along the NEPC X176 Transmission Line Right-of-Way

Motion seconded by Nick Zeo

No further discussion

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

Motion Caries 3-0-0 (Peter Izyk recused)

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, for DEP # 256-0353 for maintenance activities along the NEPC X176 Transmission Line Right-of-Way

Motion seconded by Nick Zeo

No further discussion

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

Motion Caries 3-0-0 (Peter Izyk recused)

8. New/Old Business

a. In-person meetings resume 7/6/2021

Donald Blais, Jr. reported that COVID-19 restrictions will be lifted on 5/29/2021 and wanted to discuss the option of resuming in-person meetings with the PCC. The Interim Agent added that the Town Manager said the PCC could resume in-person meetings whenever they choose, but to pay attention in the language for legal notices and agenda postings. Nick Zeo asked about the option to hold hybrid meetings, via Zoom and in-person. The Interim Agent will have to check on this option with MACC and MSMCP. The PCC decided that they would resume in-person meetings without masks on 7/6/2021.

b. C4R bacT sampling starts on 6/10/2021

Bacteria sampling through the Chicopee 4 Rivers Watershed Council began on 6/10/2021. The State Street sampling location had the highest bacteria levels at 218.7 while Forest Lake had the lowest bacteria levels at 12.2.

c. Warren Wastewater Treatment Facility: treatment system nonfunctional

The Warren Wastewater Treatment Facility began treating wastewater during the first week of June after not being functional since May 1, 2021.

d. New Hampshire Avenue: equipment question

The PCC received an inquiry regarding the use of a backhoe to inspect for soil types under the road at the property on New Hampshire Avenue where violations occurred as a result of fortifying an old forestry road. The PCC approved the use of a backhoe to evaluate soils for the purpose of developing a restoration plan.

9. Set Next Meeting Date

- a. The next meeting of the PCC is scheduled to occur on Tuesday, July 6th, 2021 at 6:30 PM.

10. Meeting Adjourned: 8:04 PM

Motion made by Dorothy Lawrence to adjourn at 8:04 PM

Motion was seconded by Peter Izyk

No further discussion

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

Vote was Unanimous – Motion Caries

Sincerely Submitted,
Sarah A. Fortune
Interim Conservation Agent



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Documents

Tuesday, June 15th, 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

Sarah Fortune, Interim
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.	Meeting Minutes: 6/1/2021	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.	Response to DEP file comments: NEPC – X176 Transmission Line ROW Maintenance Activities	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0353
6.	Revised Restoration Plan: NEPC – X176 Transmission Line ROW Maintenance Activities	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0353
7.	Peer Review Letter: NEPC – X176 Transmission Line ROW Maintenance Activities	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0353
8.	Amended Environmental Resource Mapping: NEPC – X176 Transmission Line ROW Maintenance Activities	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0353
9.	Response to Peer Review Letter: NEPC – X176 Transmission Line ROW Maintenance Activities	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0353
10.	Request for Determination of Applicability (RDA): 39 Bennett Street; Camp Ramah	Schedule of Public Hearings & Meetings	Retained in file for RDA for 39 Bennett Street
11.	Determination of Applicability (RDA): 39 Bennett Street; Camp Ramah	Schedule of Public Hearings & Meetings	Retained in file for RDA for 39 Bennett Street