

# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Minutes

Tuesday, June 16<sup>th</sup>, 2020 – 6:30 PM

**LOCATION: Town Administrative Building Meeting Room**

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  
David Cotter  
Nicholas Zeo  
Mike Swiatek  
Brenda Cole (left meeting at 7:52 PM)

**Members Absent:** Dorothy Lawrence

**Also Present:** Angela Panaccione, Conservation Agent  
Sarah Fortune, Conservation Assistant  
Rob Natario, MassDOT  
Erika Klinkhammer, Pare Corp  
Greg Berube, Pare Corp  
Bill Peacey, 104 Beech Street, Palmer, MA 01069  
Jordyn Daley, 23 Faragon Ave, 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. **David Cotter – present**
  - iv. **Nicholas Zeo – present**
  - v. **Mike Swiatek – present**
  - vi. **Brenda Cole – present**

2. **Approval of Minutes**

- a. 6/2/2020

**Motion made by Brenda Cole to table the approval of the meeting minutes from 6/2/2020 until 7/7/2020 at 6:30 PM**

**Motion seconded by Nick Zeo**

**No further discussion**

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

**Vote was Unanimous – Motion carries**

### **3. Signing of Documents**

- a. Order of Conditions (OOC): DEP # 256-0346 – Bondsville Fire & Water District

**Motion made by Nick Zeo to issue the Order of Conditions with Findings of Fact and Special Conditions for DEP # 256-0346 to the Bondsville Fire & Water District**

**Motion seconded by Dave Cotter**

**No further discussion**

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

**Vote was Unanimous – Motion carries**

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

- a. DEP # 256-0331: 271 Breckenridge Street – Borrego solar

The PCC conducted an inspection to 271 Breckenridge Street on 6/8/2020 to examine the site for compliance with the Order of Conditions in preparation for the issuance of a Certificate of Compliance. Several compliance issues were observed during the inspection, including: drainage issues at the entrance to the site, in which pavement at the entrance remains to be removed; rutting in one (1) sediment basin was observed and needs to be fixed to maintain the functionality of the sediment basin; and confirmation that the required wildflower seed mix was planted outside the security fence to the solar array. The work to address the drainage issues at the entrance to the site is a combined effort by the applicant and the DPW, due to impacts to Breckenridge Street that have occurred as a result of the drainage issues. The project representative claimed that wildflowers could take up to one (1) year to germinate, but there was no observable evidence on the site that the seed mix had ever been distributed on the site due to the presence of a thick layer of bark mulch. The Agent informed the PCC that they could table the issuance of a Certificate of Compliance for the project until the aforementioned compliance issues had been addressed. The PCC did not take further action on this agenda item at this time.

### **5. Project Monitoring**

- a. Forest Lake

The Agent reported that the restoration work that was authorized by an Emergency Certification issued on 6/2/2020 to restore the beach area at Forest Lake has been ruined due to a severe storm that occurred which resulted in a major washout of the beach. The Agent will update the PCC when she has discussed the beach washout with the Department of Fish & Game.

- b. L65 Bennett Street

There was no update on this agenda item.

- c. DEP # 256-0342: Forest Lake Demo

There was no update on this agenda item.

- d. DEP # 256-0248: Quaker Lane Certificate of Compliance (COC)

The Agent is working with the applicant to determine what culvert will be replaced in lieu of the donation of conservation land as required per the Order of Conditions. There was no further update on this agenda item.

## 6. New/Old Business

### a. Approval of the spending of funds for FY 2021

Due to the COVID-19 pandemic, the town is proposing to cut funding to the Conservation Assistant position for FY 2021. The town currently funds 15 of the 30 hours for the Conservation Assistant position for FY 2021 and the PCC funds the other 15 hours for the position. The town will allow the PCC to fully fund the Conservation Assistant position for FY 2021 in lieu of the budget cut due to the current workload of the PCC. The funds will be appropriated from the PCC's state wetlands account and town wetlands account, in which \$12,969.00 from each account will be used to fund the Conservation Assistant position at 30 hours a week for FY 2021.

**Motion made by Nick Zeo to approve the authorization of the spending of funds from the Town Wetlands Ordinance Fee Account (CONFEE) # 24171728.52000 in the amount of \$12,969.00 and from the Wetlands State Account (CONWET) # 24171368.52000 in the amount of \$12,969.00; totaling \$25,938.00 to cover the FY 2021 budget for the Conservation Assistant's salary at 30 hours a week**

**Motion seconded by Peter Izyk**

**No further discussion**

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

**Vote was Unanimous – Motion carries**

### b. Land Donation – Flynt Street: Title Certification

There was no update on this agenda item.

### c. Master Plan Update

There was no update on this agenda item.

### d. 2020 Bac-T Sampling Dates

The 2020 Bac-T sampling season will commence on 7/2/2020 and the PCC will sample three (3) sites in town as part of their collaboration with the Chicopee 4 Rivers Watershed Council.

The Agent informed the PCC that state law requires that weekly bacteria testing be conducted at Forest Lake in order to maintain public swimming at the lake, which will cost approximately \$200 dollars in addition to the funds that have been approved for bacteria sampling with the C4R. The Agent asked the PCC if they supported additional bacteria testing at Forest Lake to keep the beach open to the public, and informed them that this requirement will be integrated into the land management agreement with the Department of Fish & Game in the future. Donald Blais, Jr. and Nick Zeo expressed their support for the additional bacteria testing at Forest Lake.

### e. Domnarski

The PCC received notification that Domnarski's annual bike race is being held on the conservation trails in the Pattaquatic District this year because Palmer Motorsports Park is currently closed. The PCC informed Domnarski in 2017 that the bike race could not be held on the conservation trails in the Pattaquatic District in 2017 due to potential liability issues such an event poses to the town, which is why the race was moved to Palmer Motorsports Park in recent years. The Agent requested a donation from Domnarski for the use of the

conservation trails rather than charging a fee or requiring a permit for use of the land to eliminate liability issues for the PCC.

f. ANRAD – Bluewave

The PCC received an ANRAD submitted by Bluewave for the confirmation of the wetland delineation at the project site, which includes miles of wetland flagging that must be reviewed. The Agent and Assistant will be reviewing the wetland delineation in the field on 6/29/2020, 6/30/2020, and 7/1/2020. The applicant still needs to submit the local ANRAD filing fee to the PCC, so the public hearing for the ANRAD will not be scheduled until the local filing fee has been received.

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

- a. 7:00 PM Cont. Notice of Intent (NOI) DEP #256-0345: MassDOT 250 & 358 Shearer Street (Map 12-32 & Map 13-68): The applicant submitted a Notice of Intent for activities associated with emergency repairs to the Mongo Pond dam to avoid additional damage to the I-90 access ramp roadway embankment. The work is proposed within Bank, Land Under Water, and the 100-foot Buffer Zone to Bordering Vegetated Wetlands associated with Dumplin Brook.

Donald Blais, Jr. re-opened the public hearing at 7:01 PM and Robert Natario of MassDOT, Greg Berube of Pare Corp, and Erika Klinkhammer of Pare Corp were in attendance to discuss the proposed project.

Greg Berube of Pare Corp reported that sediment removal activities will be limited to the intermittent stream channel which resulted from the failure of the Mongo Pond dam in December 2019. Restoration activities will be limited to the intermittent stream channel because the installation of the bypass culvert has changed the wetland resource areas on the site; specifically, what was Bordering Vegetated Wetlands (BVW) is now Land Under Water due to increased water volumes on the site. The Agent argued that new Riverfront Area was created by the installation of the new bypass culvert and that Riverfront Area restoration should be included as a component of the project. Greg stated that the permit was developed on the basis that the site did not contain new Riverfront Area as a result of the bypass culvert installation, and argued that it is not a pre-existing condition. He added that the bypass culvert installation prevented the failure of the I-90 on-ramp and provided the time necessary to design and construct the new drop inlet culvert to be installed in the Mongo Pond dam.

The Agent also expressed her concern about flows from the existing culverts converging and undermining the new bypass culvert. Greg Berube argued that there is no backflow condition that could undermine the new bypass culvert because the two (2) culverts on the site are approximately 6-feet apart, and that the flows from the culverts converge 15-feet from location of the new culvert. Rob Natario of MassDOT reported that he conducted an inspection to the site on 6/16/2020 and did not observe any backflow conditions, and that there were minimal flows from both culverts during the inspection.

The Agent continued to express her concern about the Riverfront Area created as a result of the bypass culvert installation, and whether or not it is considered to be a new existing condition or not for the pupose of this project. She argued that the Riverfront Area is a new existing condition and should have been incorporated into the permit application. She also

stated that the goal of the project was to restore the area that was impacted by the failure of the existing culvert, but now the BVW impacts no longer exist because the area is now inundated with water due to the bypass culvert and is now Land Under Water, so no restoration will occur. Donald Blais, Jr. stated that he agreed with the Agent and believes that the new Riverfront Area should be considered as an existing condition of the site.

Erika Klinkhammer of Pare Corp stated that the permit application was submitted as an after-the-fact filing and that the impacts to BVW and Land Under Water were considered while developing the Notice of Intent, but that was before the bypass culvert was installed. She maintained that the installation of the bypass culvert did not create new Riverfront Area as an existing condition on the site.

Rob Natario added that the project was designed with several overall goals: to remove sediment from the intermittent stream channel, in which MassDOT is only responsible for a portion of the sediment removal although there is a large amount of sediment present in the entire watershed; stormwater improvements, by removing one (1) outfall while also improving the outfall from the I-90 ramp to Dumplin Brook; and to maintain connectivity between wetland complexes on the site. He believes that the project is an overall improvement to Dumplin Brook, wetland resource areas and their buffer zones, but that Riverfront Area mitigation will be provided if the PCC considers the new Riverfront Area created from the bypass culvert installation as an existing condition.

Donald Blais, Jr. asked the PCC if they had any question on the project as proposed, and for their thoughts on the status of the Riverfront Area. Peter Izyk stated that the Riverfront Area could be assigned after the new drop inlet structure is installed, due to the delay in manufacturing the drop inlet structure. Donald Blais, Jr. stated that the Riverfront Area should be considered as an existing condition of the site and integrated into the current permit application. The Agent informed the PCC that a motion must be made pertaining to the Riverfront Area designation, and whether or not it should be included in the current submission as an existing condition or assigned to the site after the project is complete.

**Motion made by Peter Izyk to accept the site plans as proposed without assigning new Riverfront Area to the site as a preexisting condition resulting from the emergency bypass culvert installation**

**Motion seconded by Nick Zeo**

**No further discussion**

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

**Vote was Unanimous - Motion carries**

**Motion made by Brenda Cole to close the public hearing for DEP # 256-0345 – MassDOT at 250 & 358 Shearer Street at 7:33 PM**

**Motion seconded by Nick Zeo**

**No further discussion**

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

**Vote was Unanimous - Motion carries**

The Agent informed the PCC that the Order of Conditions is not yet finalized and will have to be issued at the next PCC meeting on 7/7/2020, which poses an issue because it will be the 21<sup>st</sup> day after closing the public hearing and the final day to issue the Order of Conditions. The Assistant asked the applicant if they would be amenable to waiving the 21-day regulation to issue an Order of Conditions after closing a public hearing to allow for signatures to be obtained and for the documents to be mailed. Greg Berube, Rob Natario and Erika Klinkhammer were all amenable to waiving the 21-day regulation to issue an Order of Conditions after closing the public hearing, with the understanding that the permit will still be issued on 7/7/2020.

Brenda Cole left the meeting at 7:51 PM.

## **8. Violations**

### **a. 104 Beech Street**

Bill Peacey of 104 Beech Street was in attendance to discuss violations of the MA WPA, specifically pertaining to the unauthorized installation of a chicken coop and animal enclosure within the buffer zone to Bank of an intermittent stream on the site. Bill informed the PCC that the chicken coop and animal enclosure has been relocated and is now approximately 82-feet from the intermittent stream. The Agent expressed her desire to have an after-the-fact permit application filed in order to maintain the chicken coop on the site, and asked the PCC if they would accept a Request for Determination of Applicability (RDA) because the chicken coop is currently located outside of the 50-foot No Disturb Zone pursuant to the Palmer Wetlands Protection Ordinance. The PCC was amenable to an after-the-fact RDA submission.

### **b. 23 Faragon Ave**

The PCC received a complaint pertaining to an unauthorized dock at 23 Faragon Ave on Lake Thompson. Jordyn Daley was in attendance on behalf of her parents who reside at 23 Faragon Ave to discuss the violation. She informed the PCC that the dock was not installed by her parents and is not used by residents of 23 Faragon Ave, but rather was installed and is used by the residents of 58 Faragon Ave. The Agent and the PCC apologized to Jordyn for the confusion, and informed her that we used the information provided by the complainant in order to pursue enforcement. The Agent thanked Jordyn for her participation in the discussion and for clarifying the matter. The PCC did not discuss the matter further.

## **9. Set Next Meeting Date**

- a. The next meeting of the PCC is scheduled to occur on Tuesday, July 7<sup>th</sup>, 2020 at 6:30 PM.

## **10. Meeting Adjourned: 8:22 PM**

**Motion made by Mike Swiatek to adjourn at 8:22 PM**

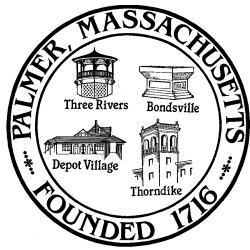
**Motion was seconded by Peter Izyk**

**No Further Discussion**

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

**Vote was Unanimous - Motion carries**

Sincerely Submitted,  
Sarah A. Fortune  
Palmer Conservation Assistant



# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Documents

Tuesday, June 16<sup>th</sup>, 2020 – 6:30 PM

**LOCATION: Town Administrative Building Meeting Room**

Donald Blais, Chair  
Dorothy Lawrence, Vice  
Chair  
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: 6/2/2020	Approval of Minutes	Approval tabled until 7/7/2020 at 6:30 PM
2.	DEP # 256-0345 – MA DOT Shearer Street: DEP Comments	Schedule of Public Meetings & Hearings	Retained in file for DEP #256-0345
3.	DEP # 256-0345 – MA DOT Shearer Street: Site Plan	Schedule of Public Meetings & Hearings	Retained in file for DEP #256-0345
4.	DEP # 256-0345 – MA DOT Shearer Street: Revised Site Plans 6/1/2020	Schedule of Public Meetings & Hearings	Retained in file for DEP #256-0345
5.	DEP # 256-0345 – MA DOT Shearer Street: Minimum Information and Documentation for Dewatering Plans	Schedule of Public Meetings & Hearings	Retained in file for DEP #256-0345
6.	DEP # 256-0345 – MA DOT Shearer Street: Notice of Intent	Schedule of Public Meetings & Hearings	Retained in file for DEP #256-0345
7.	DEP # 256-0345 – MA DOT Shearer Street: Army Corps of Engineers Construction General Permit Information AE-2020-01040	Schedule of Public Meetings & Hearings	Retained in file for DEP #256-0345
8.	DEP # 256-0345 – MA DOT Shearer Street: Revised Existing Condition Plan 6/10/2020	Schedule of Public Meetings & Hearings	Retained in file for DEP #256-0345
9.	DEP # 256-0345 – MA DOT Shearer Street: Palmer Right of Entry sediment removal at outlet (signed)	Schedule of Public Meetings & Hearings	Retained in file for DEP #256-0345
10.	DEP # 256-0345 – MA DOT Shearer Street: Memo Addressing DEP Comments	Schedule of Public Meetings & Hearings	Retained in file for DEP #256-0345
11.	DEP # 256-0346 – Bondsville Water Line: Order of Conditions with Special Conditions, Findings of Fact, and Approved Plans & Documents	Signing of Documents	Retained in file for DEP #256-0346
12.	DEP # 256-0331 – 217 Breckenridge Street – Borrego Solar: Request for Certificate of Compliance	Requests for Certificate of Compliance	Retained in file for DEP #256-0331
13.	23 Faragon Ave – Unauthorized Dock: Plot Plan/Dock Drawing	Violations & Enforcement	Retained in file for 23 Faragon Ave - dock