



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, June 4, 2019 – 6:30 PM

LOCATION: Town Administrative Building Meeting Room

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

Angela Panaccione, Agent
Jeff Stanhope, Assistant

Members Present: Donald Blais, Jr.
David Cotter
Peter Izyk
Nicholas Zeo
Brenda Cole
Dorothy Lawrence
Mike Swiatek
Angela Panaccione, Conservation Agent
Jeff Stanhope, Conservation Assistant

Members Absent: None

Also Present:

Call to Order: 6:40 PM – Donald Blais, Jr. (Chair)

Chair, Member & Committee Reports:

No Chair, Member & Committee Reports.

Signing of Documents (DOA, OOC, COC, Ext, Etc.)

➤ Issue Order of Conditions: DEP #256-0336 Forest Lake Seasonal Cottages

Motion made by Brenda Cole to issue the Order of Conditions for DEP # 256-0336 with Finding of Facts and Special Conditions for the Forest Lake Seasonal Cottages

Seconded by Dorothy Lawrence

No further discussion – 5-0-0 – Motion Carries

Approval of Meeting Minutes

➤ May 7, 2019

Motion made by Dorothy Lawrence to approve the Meeting Minutes from May 7, 2019 as amended

Motion seconded by Nicholas Zeo

No further discussion – 6-0-1 – Motion Carries (Peter Izyk abstained)

➤ May 21, 2019

Motion made by Nicholas Zeo to table the approval of Meeting Minutes from May 21, 2019 until June 18, 2018 at 6:30 PM

Motion seconded by David Cotter

No further discussion – 7-0-0 – Motion Carries

Public Inquiries:

No Public Inquires Scheduled.

Approval of Payables

➤ Roberts & Sons Printing – \$3,032.00

Motion made by Dorothy Lawrence to approve the payable in the amount of \$3,032.00 to Roberts & Sons Printing for Compost Bin and Rain Barrel Informational and Order Pamphlets from the Conservation Commission Fee Account

Seconded by David Cotter

No further discussion – 7-0-0 – Motion Carries

Schedule of Public Hearings

➤ 7:00 PM Request for Determination (RDA) – MassDOT, MA RT-32 (MM 11.22 to MM 11.78 and MM13.33 to MM 18.02)

The applicant requested a Determination of Applicability to see if the work associated with the milling and resurfacing with Hot Mix Asphalt (HMA) of MA RT-32 is subject to the Wetland Protection Act. The proposed work will occur within the Riverfront Area of three perennial streams, Bordering Land Subject to Flooding (BLSF), Bank, and within the 100-foot Buffer Zone to Bordering Vegetated Wetlands (BVW).

Donald Blais, Jr. opened the public meeting and Robert Natarro of MassDOT was present to discuss the proposed project with the PCC, stating that the project pertains to the reconstruction of Route 32 within the existing footprint of the roadway. Robert continued to state that an in-depth walk-through of the roadway will be inspected for placement of erosion and sediment controls due to the presence of culverts, drainages swales and seeps to prevent construction impacts to wetlands. He also informed the PCC that the work is anticipated to occur in late summer or fall of 2019.

Motion made by Dorothy Lawrence to close the public meeting for the Request for Determination for Applicability submitted by MassDOT for resurfacing MA Route 32

Seconded by Nicholas Zeo

No further discussion – 7-0-0 – Motion Carries

Motion made by Dorothy Lawrence to make a Negative Determination that the work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent

Seconded Brenda Cole

No further discussion – 7-0-0 – Motion Carries

Motion made by Dorothy Lawrence to make a Negative Determination, 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

Seconded by Nicholas Zeo

No further discussion – 7-0-0 – Motion Carries

Motion made by Dorothy Lawrence to issue a Negative Determination, stating that the area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required: 310 CMR 10.02(2)(b)(2)(a-q) and 310 CMR 10.58(5-6)

Seconded by Peter Izyk

No further discussion – 7-0-0 – Motion Carries

Motion made by Dorothy Lawrence to make a Negative Determination, stating that the area and/or work described in the Request is not subject to review and approval by the Palmer Wetlands Ordinance (PWO) because MassDOT as a state agency is exempt from the PWO

Seconded by David Cotter

No further discussion – 7-0-0 – Motion Carries

Review Phone/Mail/E-Mail Messages

➤ **Planning Board Letter – Re: Jurisdiction of Solar Projects**

The letter from the Planning Board to the PCC pertained to jurisdiction over stormwater management of commercial projects, specifically solar projects, and claims that the Agent has interpreted the Statement of Jurisdiction in the Section 10.0.2 of the Wetlands Protection Act (WPA) Regulations out of context and has provided false information on the extent of the PCC's jurisdiction regarding stormwater as stated in the regulations. The letter also stated that the Planning Board is aware that review of stormwater management systems needs to be improved by both boards. This letter was also issued to applicants for solar projects.

The Agent responded with a letter referencing this section of the WPA Regulations, which clearly states that a Conservation Commission can take jurisdiction of any project site outside of jurisdictional areas when those projects result in impacts to jurisdictional areas. Solar projects on Breckenridge and River Streets put in permanent erosion controls because of repetitive issues; need to amend their OOC and come to us a second time for plan changes and approval because the new permanent SW control structures were not included or part of the original site or construction plans. The Planning Board doesn't believe that joint review of stormwater is necessary although the Agent has made several requests to hold joint-hearings so that both boards can clarify jurisdiction.

Dorothy Lawrence suggested that the Agent request MassDEP's Wetland Circuit Rider Mark Stinson to issue a letter to the Planning Board clarifying the language of the WPA regarding jurisdiction over stormwater. Donald Blais stated that he is not opposed to obtaining a letter from MassDEP clarifying this matter, but he still desires to hold a joint meeting with the Planning Board to resolve these issues moving forward for future projects. David Cotter expressed his agreement with Dorothy's suggestion to request assistance from MassDEP to mediate this difference in interpretation of jurisdiction.

The PCC proceeded to discuss the disadvantage to applicants resulting from a lack of joint review of stormwater by both boards because it requires applicants to undergo duplicate review.

The Agent informed the PCC that the applicants for the two (2) solar projects on Breckenridge Street need to amend and re-submit their Notices of Intent due to overall changes in the site plan to incorporate permanent stormwater management structures into their project design; a change of this magnitude to a site plan triggers additional review and permitting by the PCC.

The PCC discussed that the ultimate goal of clarifying jurisdiction over stormwater management review is to facilitate a better working relationship between the two boards moving forward.

The Planning Board has not responded to the most recent letter sent by the Agent on behalf of the PCC.

➤ Land Donation – Elms College

The Agent reported that Elms College has requested that the PCC accept the release of land deeds and accept donation of three (3) parcels of land located off of Route 181 to the PCC. Elms College has now updated their proposed land donation to include two (2) parcels located on the corner of Mount Dumplin Road and off Baptist Hill Road. The college would like to donate this land to the PCC because they have little to no use for the land and would like to relieve themselves of property tax payments. The deeds for the properties are fiduciary and therefore the land must be donated to someone rather than sold.

The Agent began a title search for the original three (3) properties to verify that the titles for the properties are clean and have no liens on them. The Agent did mention that it might not be wise to acquire these properties if they don't hold any development value or if they don't fall within the PCC's parameters for priority land acquisition. The Agent will report back to the PCC the title search has been finalized.

The discussion of Elms College land donations was tabled until July 18, 2019 at 6:30 PM.

Requests for Certificates of Compliance: No Requests for Certificates of Compliance received.

Project Monitoring

➤ DEP #256-0327: 24 Third Street, Sherwood Lumber

The Agent reported that the PCC has received the spring monitoring reports for the wetland replication area at Sherwood Lumber located at 24 Third Street. The Agent will will perform a site visit in the following week to inspect the replication area. David Cotter informed the PCC that erosion occurred this past winter where lumber used to be stored on site and expressed his concern about sedimentation of the Swift River after a heavy rainstorm, and suggested that a berm be constructed at the in proximity to the river to prevent washouts. The Agent will coordinate a site visit with David next week to inspect the replication area and area of erosion.

Violations & Enforcement

➤ DEP #256-0332: 153 Breckenridge Street

The Agent reported that the meeting to discuss this enforcement issue was rescheduled from July 2, 2019 to July 16, 2019. There are no other updates to report.

➤ DEP #256-0331: 271 Breckenridge Street:

No updates.

➤ Determination of Applicability (DOA): River Street Solar:

No updates.

New/Old Business

➤ Bondsville Dry Hydrant

The dry hydrant is anticipated to be installed within the access road to the Swift River by Endelson Playground and Splashpad in Bondsville. The dry hydrant was proposed and approved by the PCC as a component of the original permit to reconstruct the playground. It will be installed within the next few months.

➤ Thorndike Playground

The Agent reported that she conducted the final site inspection and signed-off on the final permit for the project. The Thorndike Playground will officially open on Saturday, June 8, 2019 at 10 AM.

➤ NAACC Field Trainings

See discussion below regarding the MVP Action Grant.

➤ LAND Grant Update

The Agent reported that the PCC has received the check for the purchase of the Turnpike parcel and is anticipating that MassDOT will come pick up the check and deliver their signed portion of the deed. The Agent will complete the Baseline Documentation Survey with the PCC Intern in the following week as well. The Agent intends to submit the paperwork and documentation to the Town Attorney by June 10, 2019 and submit the reimbursement paperwork by the end of the week.

➤ Culvert Replacement Grant

The Agent reported that alternatives for this culvert replacement were reviewed at a recent meeting with the DPW, in which the culvert classification was reviewed as it was misclassified as a 2 by 5 foot stone culvert when it is actually two (2) separate corrugated metal pipes. The Agent reported that the culverts have deteriorated significantly since she took photos of them in the past. The grant application is due by June 6, 2019. See discussion below regarding the MVP Action Grant.

➤ MVP Action Grant

The Agent reported that she will pursue the MVP Action Grant rather than the Culvert Replacement Grant. The next round of grant applications should be announced in August of 2019. Funding is available up to 2 million dollars and there is a 20-percent match required for this grant. For this implementation round the PCC will apply for funding: to replace the RT-181 culvert; for funding to implement Phase 1 of the MS4 permit because of lack of money and manpower for the mapping; and conduct the NAACC Culvert Assessments that the Agent will be doing with the people from DER. The 20-percent match required by the grant will be compensated from NAACC Culvert Assessments and will provide folks pursuing the culvert assessment training to shadow her while allowing the PCC to write off the volunteer time as match toward the grant.

➤ Stormwater Management Program Plan Website

The draft Stormwater Management Program Plan is now posted to the website and is now publicly available for review. The Agent is currently coordinating the public hearing component of this plan, in which the plan is required to be presented before the Town's governing body.

➤ Rain Barrel/Compost Machine Friday 6/7/2019 5:00 pm – 8:00 pm

The Agent reminded the PCC that the pickup day for the Rain Barrel and Compost Bin program is scheduled to occur on Friday, June 7, 2019 from 5:00 PM to 8:00 PM at the trail head to the Swift River Greenbelt off First Street in Bondsville.

➤ Wood Bank Grant

Jeff Stanhope reported that the final paperwork for the grant is ready to be signed by the Town Manager. He also reported that he has been in contact with Bill Sharpe who has volunteered to help set up the wood bank and volunteered his wood splitter. Jeff has also been in contact with DCR to obtain crates to store split wood in preparation for pickup by residents.

➤ Trail Grant Work Days

The PCC needs the DPW to do a few things at the Swift River Greenbelt Universally Accessible Trail but they are currently understaffed. The Agent will update the PCC when the work has been conducted.

Office Closed

The Conservation office will be closed from Monday June 24, 2019 to Friday July 5, 2019. The office will reopen on Monday, July 8, 2019.

Set Next Meeting Date: Tuesday, June 18, 2019 at 6:30 PM

The next meeting of the Palmer Conservation Commission is scheduled to occur on Tuesday, June 18, 2019 at 6:30 PM.

Meeting Adjourned at 8:43 PM

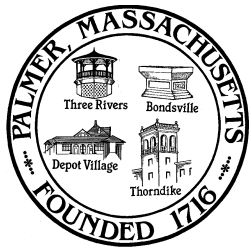
Motion made by Brenda Cole to adjourn at 8:43 PM

Motion was seconded by Dorothy Lawrence

No further discussion – 7-0-0 – Motion Carries

Sincerely Submitted,

Sarah A. Fortune
Palmer Conservation Assistant



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Documents

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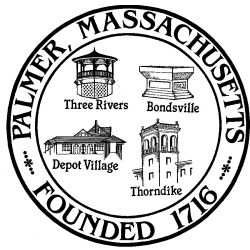
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The following is a list of documents used at the above-mentioned meeting, in addition to those included in the agenda packet which is part of the official record of the meeting:

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2.	Approval of Meeting Minutes: 5/21/2019	Approval of Meeting Minutes	Tabled until June 18, 2019 at 6:30 PM
3.	Order of Conditions: DEP # 256-0336; Forest Lake Seasonal Cottages	Signing of Documents (DOA, COC, OOC, Ext. Etc.)	Retained in file for DEP # 256-0336
4.	Request for Determination (RDA) permit application packet: MassDOT; MA RT-32 Resurfacing	Schedule of Public Meetings & Hearings	Retained in RDA file for MassDOT; MA RT-32 Resurfacing
5.	Letter from Planning Board: Stormwater Jurisdiction	Review Mail/Phone Messages	Retained in 2019 Mail
6.	Correspondance from Elms College: Land Donation	Review Mail/Phone Messages	Retained in 2019 Mail



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