



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, June 6th, 2023 – 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

Members Present: Donald Blais, Jr.
Peter Izyk
Dave Cotter
Nick Zeo
Brenda Cole

Members Absent: Dorothy Lawrence
Lucas McDiarmid

Also Present: Heidi Mannarino, Conservation Agent
Terry Smith, Office of Fishing and Boating Access
Alan Weiss, Cold Spring Environmental Inc.
David Huot, 72 Jim Ash Road
Christina Pike
James Jianaces Jr., 352 Springfield Street
James Jianaces Sr.

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

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

Chair Update: The Chairman stated that there has continued to be vandalism containing vulgar and derogatory language at the gazebo located at the Swift River Greenbelt Conservation Area on First Street. The Chairman and the Agent reported the graffiti to the police as it contained personal information about an individual, and the Chairman emphasized that graffiti will not be tolerated by the Commission. The Agent indicated that the graffiti will be permanently covered up within the coming days.

Dave Cotter mentioned that visitors from Sunshine Village have indicated a need for a sani can at the First Street trail, especially since many people visit the area to eat lunch.

Nick Zeo suggested that the Chairman and Agent draft a memo to be read at an upcoming Town Council meeting expressing concern about the graffiti to make them aware of these issues, especially as summer begins and activity at these areas is on an uptick.

3. **New/Old Business:**

a. Town Council Meeting 6/12

The Chairman welcomed Andrew St. George from the Recreation Department. The Agent stated that both herself and Andrew would be attending a Town Council meeting to discuss the proposed acquisition of L43 Barker Street along the Chicopee River.

Andrew played a short video outlining the highlights of acquiring this land. He stated that the Conservation and Recreation Departments will be applying for a LAND grant contingent upon the support of the Conservation Commission and the Town Council. He followed up with logistics of the purchase including

the asking price of \$100,000 and the reimbursement rate of the grant being at 70% for the Town of Palmer. Therefore, the town would be paying approximately \$30,000 for the property. Andrew highlighted where a potential parking lot could be located, and the other parcels of land owned by the town, including how this parcel would establish access to these areas. He mentioned the items on the Open Space and Recreation Plan that this purchase would accomplish, most significantly establishing connection to the Red Bridge State Park.

Peter Izyk asked if this parcel was the same as the land the Riverwalk Development was proposed to take place on. Andrew clarified that while this land has development potential with connections to town water and sewer, this is not the same parcel that the Commission explored in previous years.

Brenda Cole asked if there was a plan B if the Town is not awarded the LAND grant. Andrew stated that in that event, the next step would likely be to request the Town Council fully fund the project. The Agent mentioned that they have also made contact with Opacum Land Trust to explore what assistance they could provide for this acquisition. Dave Cotter mentioned a Conservation Restriction could be a possible avenue, however Andrew mentioned that a restriction would have the same price point with less ability for the Town to control how the land could be utilized or accessed.

Nick Zeo made a motion to request the Town Council to endorse and encourage the pursuit of acquisition of the Riverfront property on the North side of the Chicopee River leading to Red Bridge State Park.

Motion seconded by Peter Izyk.

Motion carries 5-0-0.

No further discussion.

4. Violations and Enforcement

a. Administrative Hearing: 352 Springfield Street

Peter Izyk recused himself from the discussion of this matter. The property owner James Jianaces Jr. was present. The Agent asked Mr. Jianaces to give some context to the work that was occurring behind his home within the 200ft riverfront area associated with the Chicopee River. Mr. Jianaces went on to explain that the soil behind his house is very sandy and had been repeatedly washing out, so he added crushed concrete with hard pack on top of it, as well as tailings to stabilize the slope. He mentioned that he is aware of the Wetlands Protection Act and has since become familiar with the River Protection Act, and asked if this would be considered grandfathered in as maintenance since his home was built before 1996. The Agent stated that she will look back more specifically, but since the alteration is new and does not have to do with maintenance of the existing structure or foundation itself, it likely does not apply.

The Agent mentioned that herself and the Chairman had conducted a site visit and asked if he would voluntarily restore the area to a stable but revegetated state. Mr. Jianaces agreed, stating that he would be willing to install a silt fence, plant highbush blueberries, and do what is necessary to correct the violation.

Dave Cotter asked how big of an area was the disturbance that took place. Mr. Jianaces approximated that it was about 40 linear feet of slope that he stabilized. The Agent indicated that she will follow up with Mr. Jianaces about the specifics of what needs to be corrected on his property, and will conduct a site visit once it is complete and follow up with the Commission.

There was no further discussion.

5. Public Hearings:

7:00pm: 72 Jim Ash Road Request for Determination of Applicability

Alan Weiss from Cold Spring Environmental Consultants, Inc was present on behalf of the applicant. Alan introduced the project stating that it is the construction of a garage in the buffer zone in excess of 50 feet from a wetland resource area and indicated that many members of the Commission had seen the site during a visit earlier that day. He stated that there is siltation control for the project included on the plan and conditions such as no debris or fill placed beyond the siltation control. Alan stated that the area in question is previously disturbed, was likely filled decades ago and currently houses a temporary tent structure.

The Agent asked if the siltation controls were straw bales and silt fence, to which Mr. Weiss responded that those were the controls included on his plans. Peter Izyk asked if the owner planned on paving the

driveway down to the garage, to which the applicant, David Huot, replied that he would not be. Brenda Cole asked what the topography of this site is like, Mr. Weiss responded that it is slightly sloped, but fairly level at the location of the proposed construction. The Agent asked what kind of equipment will be used for the work to which Mr. Weiss responded that there will be a small backhoe to excavate the footings of the structure, but no debris will be stored beyond the siltation controls.

**Motion to close the public hearing at 7:09pm was made by Nick Zeo, seconded by Dave Cotter.
Motion carries 5-0-0.**

Peter Izyk made a motion to make a negative determination, box 3, stating that the work described within 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 order of special conditions.

Motion seconded by Brenda Cole.

Motion carries 5-0-0.

No further discussion.

6. Correspondence:

a. Utility Notification- National Grid

Replacement of existing pole 209 within 100-foot buffer zone to Bordering Vegetated Wetland (BVW) on a cross-country right-of-way between Sykes St and High St in Palmer.

The Agent stated this is exempt via 310 CMR 10.02 as a minor exemption for repairing or replacing utility poles.

b. Utility Notification- National Grid

Repair of 5 existing structures along the N14 and X176 lines, excavating footings, repairing them and then painting these footings. This work will be occurring within the 100-foot buffer to BVW and the 200 foot riverfront area.

The Agent stated this is also exempt by 310 CMR 10.02 as a minor exemption for repairing or replacing utility poles.

7. Minutes 4/18/23, 5/2/2023, 5/16/2023

A motion to approve the minutes of 4/18/2023 was made by Nick Zeo.

Motion seconded by Dave Cotter.

Motion carries 5-0-0.

No further discussion.

A motion to approve the minutes of 5/2/23 was made by Brenda Cole.

Motion seconded by Nick Zeo.

Motion carries 5-0-0.

No further discussion.

A motion to approve the minutes of 5/16/23 was made by Nick Zeo.

Motion seconded by Dave Cotter.

Motion carries 5-0-0.

No further discussion.

Public Hearings Cont.

7:17pm: Amendment of Order of Conditions DEP #256-0365 First Street Fishing Platform

The Chairman welcomed Terry Smith from the Office of Fishing and Boating Access. Terry began by stating as he was excavating the slope down to the platform, he encountered an unexpected number of boulders, hundreds of yards of rocks. T. Smith adjusted his slopes on the plans from 3 to 1 to 2 to 1 to minimize excavation. He plans to utilize the excavated boulders to stabilize the slopes, indicating that it is a common practice for these types of revetments.

T. Smith stated that another change to the approved plan was a section of the path in which the slope was not ADA compliant. Mr. Smith explained that this is now the area where a gazebo may potentially go, and the path was originally included through this section on the plans as a matter of convenience. He also explained that instead of revegetating the disturbed areas, he is proposing to apply hemlock mulch to act as a duff layer. Mr. Smith described 2 different sizes of mulch, one being course and larger on the steeper slopes and the other is finer for flatter areas.

Mr. Smith asked the Commission their opinion on the final surface of the pathway, mentioning that the original plan for stone dust may cause maintenance issues on this site down the line. He proposed that a natural looking alternative could be black top with an oil and stone finish, similar to the pathways at Sturbridge Village. Mr. Smith stated that to compensate for the impervious pavement, he plans to install filter strips along the edge of the path with 3' native stone to allow storm water to filter off the sides rather than run down the pavement. He suggested that this same technique could be used for the rest of the existing ADA path as well to minimize future maintenance needs. Mr. Smith finished by saying that the project has ended up being under budget for what was anticipated.

The Agent asked about a gap on the corner of the fishing platform, whether that would create an issue for stormwater to discharge out of directly into the river. Mr. Smith replied that the corner would be a slightly higher point, and the platform would be pitched back from to prevent stormwater from running out of that area, and instead would be directed to the filter strip area on the opposite side.

Brenda Cole asked why the pathway needs to be ADA compliant rather than Massachusetts Architectural Access Board. Mr. Smith replied that they are required to comply with the Massachusetts Architectural Access Board, the slope requirements are that if it is under 5% there does not need to be a handrail, and the maximum slope of the path is 4%.

Mr. Smith mentioned that there will be a plaque mounted on a rock at the pathway, including a dedication and recognizing who took part in this project.

The Chairman asked if the paving of this path is acceptable by the Commission, to which the Agent responded that she has no issues with it. Mr. Smith reiterated that he has observed that sites with paving typically need less maintenance and prevent fine sediment run off.

Nick Zeo asked if the plaque would be the only signage installed by the State at the platform. Mr. Smith responded that he was planning to install signage for both regulations and designated handicap accessible spots at the parking area.

Peter Izyk asked how deep the pool was off the end of the fishing platform. Mr. Smith responded that he had fished in this area just recently, and the water came up about to his mid-section when approximately 15 feet out into the river. Peter Izyk continued that he would be worried about kids jumping off the platform. Mr. Smith replied that he can install signage there for that purpose.

Motion to close the public hearing for DEP #256-0365 at 7:40pm made by Peter Izyk.

Motion seconded by Dave Cotter.

Motion carries 5-0-0.

Motion to issue an amended order of conditions with special conditions and approved plans and documents for activities associated with the construction of an elevated fishing platform with ADA accessible pathway approach along the Swift River at First Street Bondsville at 7:41pm made by Nick Zeo.

Motion seconded by Peter Izyk.

Motion carries 5-0-0.

Mr. Smith added that he has leftover curb stops from another project he is working on and proposed that they could be installed at the Forest Lake Beach area. The Agent stated that the Commission is definitely interested and would try to coordinate with the DPW.

Violations and Enforcement Cont.

b. L65 Bennett Street

The Agent stated that 4 notices were sent without any response from the property owner, and that the next step may be to issue a fine. She stated that there has been no repeat violation since it was first brought to the Commission's attention, however this property owner has a history of violations. The Agent reminded the Commission that fines can be up to \$300 per day per violation.

Brenda Cole asked what kind of discretion the Commission has with making the rules for these violations, to which the Agent responded that it is up to some interpretation. Brenda added that it may not be helpful to be too punitive or there will not be any cooperation from the violator.

Nick Zeo asked if the violator had been notified about the meeting, the Agent responded that he had been sent a notification and will be sent notice of the ticket being issued as well.

Peter Izyk added that what has been referred to as Bennett Street Pond is Forest Lake, and was divided off when the trolley was constructed.

Brenda Cole stated that she was still unsure as to what the sequence of events would be for this violation. The Agent replied that once the ticket is issued for the amount deemed appropriate, the violator can either pay the fine, appeal, or not respond. If the violator does not respond, then it can be pursued as a criminal complaint.

Peter mentioned that this ticketing has not been done in years but has always existed as a power of the Commission. Brenda recalled that they had pursued a ticket a few years prior but it had not been filed correctly and nothing came of it. Dave Cotter added that the ticket had never been registered with the court. The Agent asked what year this had happened, to which the Chairman approximately 2017 or 2018.

A motion to assess fines for violations at L65 Bennett Street at \$300 to be issued to James Wawrzyk for violations of the Massachusetts Wetlands Protection Act MGL c 131 s 40 and the Palmer Wetlands Protection Ordinance Chapter 143 made by Brenda Cole.

Motion seconded by Nick Zeo.

Motion carries 5-0-0.

No further discussion.

New and Old Business cont.

b. Midura Trail Map

The Agent stated that the Department has run out of brochures for Midura and would like input on what changes the Commission may like to see before she orders more. She stated that the map is now outdated and the points of interest could be more detailed or eye-catching. Dave Cotter pointed out a section of the trail that needs to be updated on the map on the brochure. The Agent asked how the trails had previously been mapped, to which Dave Cotter responded that he and his wife had taken GPS systems out on the trail and a company had created the maps for the Commission. Peter Izyk pointed out that there were inconsistencies with calling "Old Warren Road" "Old Warren Street" throughout the brochure. Peter also pointed out where text boxes were cut off on the brochure.

Brenda Cole mentioned that the points of interest should correlate to the numbers on the map so that visitors can find these spots. The Agent also mentioned a QR code may be helpful for visitors who may want to look at the map on their phone.

Peter Izyk asked whether this property would be in Thorndike, since the brochure indicates that the Conservation Area is located in Palmer.

The Chairman added that Andrew St. George will be mentioning the upcoming Midura Event during his concert series in the coming weeks.

c. Adaptas Trail Clean-up Day

The Agent stated that herself, the Chairman, and Dave Cotter walked the First Street Trails with some employees at Adaptas who will be involved in the volunteer clean-up day. The Agent clarified that the volunteers will be working in 1 hour shifts, to prevent an overwhelming number of people working at once. The work will include cleaning up sticks and other woody debris, removing invasives, and cutting back overgrowth. The Agent stated that any Commissioners available to help supervise work on the property are welcome and that she will be present for part of the day.

Nick Zeo asked if we had informed the volunteers about poison ivy, and Dave Cotter replied that most of the poison ivy is on the accessible pathway and Adaptas will provide them with safety info on ticks, poison ivy, correct footwear, etc.

The Chairman stated that this event will be taking place on June 23rd, and that maybe there will be more events with Adaptas in years to come.

d. Acquisition of Educational Materials

The Agent stated that Lauren from Education and Outreach contacted her about any needs the Commission may have for educational materials. The Agent mentioned that Lauren had said she worked with the Palmer Conservation Commission before. The Agent said a few ideas she had was a handout on common invasives in the area since its an issue that comes up a lot during the permitting process, or materials on vernal pools or stormwater management.

The Chairman expressed an interest in getting materials geared towards kids for any future involvement with the local schools. The Chairman expressed that it may help with issues such as vandalism at conservation areas in town.

Nick Zeo mentioned that videos such as the one shown at the beginning of the meeting may be another great way to connect with younger people. Christina Pike from the public added that in years past the schools have had conservation groups or hiking programs for the kids as after school programing.

The Chairman added that he works with someone on the school committee in the cultural council and that he will mention these ideas next time he sees them.

Christina Pike stated that some home-schooled kids who used the beach during the heat wave also cleaned the beach once they were finished using the facility because that is how they were instructed.

8. Next Meeting Date: 6/20/2023

9. Adjourn

Motion made by Nick Zeo to adjourn at 8:16 PM

Motion seconded by Peter Izyk.

Motion Caries 5-0-0.

No further discussion.

Sincerely submitted,

Heidi Mannarino
Conservation Agent