

TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, July 16th, 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

Members Absent: Jeff Stanhope, Conservation Assistant

Also Present: Ryan McNutt, Town Manager, Town of Palmer
Alexandra Echandi, BSC Group, 73 Waldo Street, Worcester, MA 01608
Sarah Fortune, 57 Liberty Street, Warren, MA 01083

1. **Call to Order:** 6:32 PM – Donald Blais, Jr. (Chair)
2. **Chair, Member & Committee Reports:** Welcome new Town Manager Ryan McNutt

Donald Blais, Jr. invited new Town Manager Ryan McNutt to attend the meeting to welcome Ryan to Palmer and to provide him with the opportunity to familiarize himself with the Commission and the projects that the board is currently working on.

3. **Review Phone/Mail/E-Mail Messages:** Forest Cutting Plan for 166 Peterson Road

The PCC received a Forest Cutting Plan for a harvest at 166 Peterson Road which is a large parcel containing King's Brook, a coldwater fisheries resource. The Forest Cutting Plan proposes to cross the brook two (2) times and harvest 50-percent of the basal area of the wetlands associated with the brook on steep slopes while only maintaining a 50-foot filter strip around the brook. The Agent requested the ability to schedule a site visit with the DCR Service Forester to confirm the wetland delineation but the choice is ultimately up to the property owner. The Agent is concerned about the proposed harvest due to impacts to the brook resulting from a loss of shading to the transmission of invasive forest pests and increased illegal ATV use due to the lack of stream crossing removal post-harvest. Sarah Fortune suggested that the Agent review the BMP manual and require variable-width filter strips due to the presence of steep slopes adjacent to the stream. The Agent will report back to the PCC when amendments of the Forest Cutting Plan have been submitted for review and comment.

4. **Public Inquiries**

None

5. Approval of Payables

a. SWCA -- \$2938.00

Motion made by Dorothy Lawrence to approve the payable to SWCA for \$2930.00 for peer review services for DEP #256-0332 from the Outside Consultant Account

Seconded by Peter Izyk

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

b. PVPC – \$7697.51

Motion made by Dorothy Lawrence to approve the payable to PVPC for \$7697.51 from the Municipal Vulnerability Account

Seconded by Nicholas Zeo

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

c. MACC – \$542.00

Motion made by Mike Swiatek to approve the payable to MACC for \$542.00 for FY2020 annual membership dues and environmental handbook subscriptions from the Con Com General Expenses Account

Seconded by Nicholas Zeo

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

d. MSMCP – \$20.00

Motion made by Nicholas Zeo to approve the payable to MSMCP for \$20.00 for FY2020 annual membership dues from the Con Com General Expenses Account

Seconded by Peter Izyk

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

6. Violations & Enforcement

a. 690 River Street – Forest Lake

The Agent reported that a fence has been installed along a privately-owned portion of Forest Lake that is currently in violation of the Chapter 91 Public Waterfront Act that is located within wetland resource areas and is restricting wildlife movement. Due to the classification of Forest Lake as a “Great Pond”, the first 10-foot of the pond extending from the shore is a public common and Chapter 91 prohibits any barriers to public use of the lake or structures such as docks without permits from MassDEP. The Agent wrote a letter to the property owner requiring that the fence be removed and “No Trespassing” signs to be installed in place of the fence to keep people from entering that area.

7. Schedule of Public Meetings & Hearings

a. 7:07 PM Notice of Intent (NOI) DEP #256-0330 – 271 Breckenridge Street (Map 19-60, 61 & 62) – Borrego Solar

The applicant requested an amendment of the Order of Conditions issued for the construction of a 6.4 megawatt (MW) solar array where the work associated with the installation is subject to the MA Wetlands Protection Act (WPA) and the Palmer Wetlands Ordinance (PWO). The amendment request pertains to the proposed installation of a dry well and curtain drain to the access road to manage stormwater issues and prevent it from discharging onto Breckenridge Street.

Donald Blais, Jr. opened the public hearing and there were no representatives from Borrego Solar present to discuss the proposed amendment with the PCC.

The Agent explained that the amendment to the Order of Conditions would be a minor amendment made within the meeting minutes and there would be no requirement to re-register the Order of Conditions at the Hampden County Registry of Deeds.

**Motion made by Brenda Cole to approve the the amendment to the Order of Conditions to include the installation of a drywell and curtain drain along the access road for DEP # 256-0330 for Borrego Solar at 271 Breckenridge Street
Seconded by Nicholas Zeo**

Mike Swiatek asked if the Agent believed that the drywell and curtain drain would actually be installed as a result of the approved amendment to the Order of Conditions. The Agent stated that it will likely be installed although there often a disconnect between engineers who design site plans versus contractors who are supposed to construct the project per the site plans. She continued to explain that there is a joint Enforcement Order issued to the applicant with the DPW due to the discharge of stormwater from the property, and if the stormwater issues aren't resolved then DPW can place a lein on the property for damages incurred to Breckenridge Street.

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

b. 7:15 PM Notice of Intent (NOI) DEP #256-0341 – New England Power Company (NEP), X176 Line (Map 30 Lots 4 & 5)

The applicant has submitted a Notice of Intent for activities associated with exploratory geotechnical soil borings along the X176 Transmission Line Right-of-Way (ROW), in Palmer, MA. The exploratory borings are proposed within the 100-year floodplain (Bordering Land Subject to Flooding, BLSF), the 200-foot Riverfront Area of the Ware River, the 100-foot Buffer Zone to Bordering Vegetated Wetland (BVW), and the locally protected 50-foot vegetated buffer strip to BVW. Access will be obtained along the existing upland access road associated with the utility ROW off of Summer Street for Structure 54 and River Street for Structure 56.

Donald Blais, Jr. re-opened the public hearing and Alexandra Echandi of BSC Group was in attendance to present the proposed project to the PCC reporting that additional exploratory borings along the X176 transmission line at structure 55 off River Street, at structure 10 off South Liberty Street, and at structures 47 and 47-1 off Thorndike Street. Each soil boring will be approximately 6-8 inches in diameter and will be done with a pressure digger.

Swamp matting will be used to provide access and staging for soil boring equipment at structures 10, 47 and 47-1 due to the location of the access in wetland resource areas. The swamp matting will result approximately 6,000 square-feet of wetland impacts and will be removed upon completion of the work. National Grid is also under agreement with MassDEP to restore the area temporarily impacted by the work and installation of the swamp matting to existing conditions prior to the work, including topography and vegetation. Inspections will be conducted prior to and after work to inspect for impacts to wetlands and to observe for wildlife whose movement may become altered by the presence of the swamp matting.

Donald Blais, Jr. asked the Agent about requirements and conditions outlined in the Order of Conditions for the project. The Agent reported that the Findings of Fact state: that there are different wetland impacts under the WPA compared to the PWO; to schedule a pre-activity meeting with the PCC so the swamp matting can be inspected prior to work; and to follow the environmental guidance document.

The Agent did express her concern about dewatering and a lack of information included in the Notice of Intent in case dewatering is necessary to perform the work. Alexandra reported that there is no dewatering proposed as a result of the project.

Donald Blais, Jr. opened the hearing for public comment, and no one wished to comment on the project as proposed.

Motion made by Dorothy Lawrence to close the public hearing for DEP # 256-0341 for exploratory soil borings along the National Grid X176 Transmission Line

Seconded by Brenda Cole

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

Motion made by Nicholas Zeo to issue the Order of Conditions with Special Conditions for DEP # 256-0341 for exploratory soil borings along the National Grid X176 Transmission Line

Seconded by Peter Izyk

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

8. Violations and Enforcement

a. 153 Breckenridge Street – DEP # 256-0332

The Agent reported that there is no update on enforcement proceedings to date, but the PCC should receive a updated report from SWCA by August 20, 2019.

9. Approval of Meeting Minutes

a. May 21, 2019

Motion made by Dorothy Lawrence to table the approval of the minutes from May 21, 2019 to August 20, 2019 at 6:30 PM

Seconded by Peter Izyk

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

b. June 4, 2019

Motion made by Dorothy Lawrence to table the approval of the minutes from June 4, 2019 to August 20, 2019 at 6:30 PM

Seconded by Nicholas Zeo

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

c. June 18, 2019

Motion made by Dorothy Lawrence to table the approval of the minutes from June 18, 2019 to August 20, 2019 at 6:30 PM

Seconded by Nicholas Zeo

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

10. Requests for Certificate of Compliance

a. DEP #256-0269

The final inspection for the issuance of a Certificate of Compliance (COC) has been scheduled for 9 AM on July 17, 2019.

No action was taken on this agenda item.

11. Project Monitoring

None.

12. New/Old Business

a. MVP Action Grant

The Agent reported that up to 2 million dollars in funding is available to implement the MVP Program through the MVP Action Grant. The Agent is working with the DPW to develop the grant proposal.

b. Stormwater Management Program Plan Website

The Agent reported that the Stormwater Management Program information minus the appendices are now available online.

c. 2019 Source to Sea Cleanup

The 2019 Source to Sea Cleanup is scheduled to occur on September 28, 2019. The Agent will contact the Boy Scouts, Girl Scouts and Chicopee 4 Rivers Watershed Council about partnering. She will ask Dominos to sponsor lunch with Pizza again.

d. FEMA Grant

The Agent reported that the FEMA grant has now been submitted after receiving four (4) extensions on the submission deadline. She also reported that she is working with the DPW to identify property to purchase for a new DPW building because the MVP Action grant can be used to purchase land.

12. Office Closed: Monday, August 12, 2019 – Friday, August 16, 2019

13. Set Next Meeting Date: Tuesday, August 20, 2019 @ 6:30 pm (Cancel August 6, 2019 Meeting)

14. Meeting Adjourned: 8:03 PM

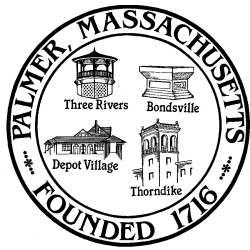
Motion made by Dorothy Lawrence to adjourn at 8:03 PM

Motion was seconded by Nicholas Zeo

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

Sincerely Submitted,

Sarah A. Fortune
Palmer Conservation Assistant



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Documents

Tuesday, July 16th, 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
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.	Approval of Meeting Minutes: 5/21/2019, 6/4/2019, 6/18/2019	Approval of Meeting Minutes	Tabled until August 20, 2019 at 6:30 PM
2.	Amendment to Notice of Intent (NOI): DEP # 256-0330; 271 Breckendridge Street; solar array construction	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0330
3.	Notice of Intent (NOI), site plans & supporting documents: DEP # 256-0341 – New England Power Company; exploratory soil borings	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0341
4.	Forest Cutting Plan: 166 Peterson Road	Review Mail/Phone Messages	Retained in 2019 Forest Cutting Plans file in office