



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, July 20th, 2021 – 6:30 PM
LOCATION: Town Hall Meeting Room
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 (Enters at 6:43 pm)
Brenda Cole
Mike Swiatek

Also Present: Sarah Fortune, Interim Conservation Agent
Scott Jordan, EcoTec, Inc.; 102 Grove Street, Worcester, MA 01605

1. **Call to Order:** 6:31 PM – Donald Blais, Jr. (Chair)

2. **Review Mail/Phone Messages**

a. **MACC FY 22 Dues: \$473.00**

The PCC received notification from MACC regarding membership dues for FY22, which amounts to \$473.00 and includes environmental handbook subscriptions for all commissioners and staff. There was no increase in dues from FY21 to FY22. The FY22 dues have been submitted for payment.

3. **Approval of Minutes**

a. **6/1/2021**

Motion made by Dorothy Lawrence to approve the minutes from 6/1/2021 as amended

Motion seconded by Peter Izyk

No further discussion

Motion Caries 4-0-0

b. **6/15/2021**

Motion made by Nick Zeo to table the approval of the minutes from 6/15/2021 until 8/3/2021 at 6:30 PM

Motion seconded by Dorothy Lawrence

No further discussion

Motion Caries 4-0-0

c. **4/6/2021 Executive Session**

Motion made by Nick Zeo to table the approval of the minutes from 4/6/2021 Executive Session until 8/3/2021 at 6:30 PM

Motion seconded by Dorothy Lawrene

No further discussion

Motion Caries 4-0-0

4. Project Monitoring

- a. Schedule site visit: DEP # 256-0331 – 271 Breckendridge Street, solar

The PCC received a request to schedule site visit to the solar array at 271 Breckenridge Street to inspect for final site stabilization outside of the security fence for the issuance of a complete Certificate of Compliance. The applicants were required to reseed the perimeter of the site with wildflower seed mix to create pollinator habitat and to provide final site stabilization. The PCC will schedule the inspection on either 8/2/2021, 8/9/2021, or 8/10/2021 at 12 PM.

- b. DEP # 256-03536: NEPC X176 Transmission Line project

The Agent received a request from New England Power Company to amend some of the Special Conditions in the Order of Conditions for the aforementioned project; specifically, the Special Conditions pertain to Vernal Pools time-of-year work restrictions, prohibition of refueling of equipment in resource areas or their buffer zones, and prohibition of equipment storage within resource areas or their buffer zones. The Agent informed NEPC that the only way to obtain an amended Order of Conditions is to amend the project (i.e. increase or decrease proposed resource area impacts) or to request a Superseeding Order of Conditions from MassDEP, which would delay the project start time considerably and would likely result in a much more stringent Order of Conditions for the project. The applicant provided a memo for clarification on the Special Conditions and requested approval from the Agent on the amendments in order to move forward with the project.

Special Condition #72 states that, “Work shall be scheduled to occur outside of the Vernal Pool Breeding Season between the dates of March 1 and June 1, nor between September 1 to October 1 to avoid permanent impacts to vernal pools”. This condition was included in the Order because the Vernal Pools were determined by peer review to be certifiable but have not been certified by the applicant; if they were certified, work would not be allowed within 100-feet of the pools in any event. On the other hand, the interpretation of this condition can be misleading; this condition was meant to restrict work in the vicinity of pools during vernal pool breeding season, not to stop work on the entire project site between the dates of March 1 to June 1 and September 1 to October 1. The applicant responded to this comment by stating that permanent impacts to vernal pools will be avoid by the use of swamp matting over the entirely over the pool to provide safe access to other parts of the right-of-way within the vicinity of the pools, and that no excavation or other earth work will occur within the vicinity of the vernal pools.

Special Condition #42 states that, “Equipment shall be stored outside of the identified buffer zone at the end of each work day”. Additionally, Special Condition #43 states that, “Equipment for fuel storage and refueling operations shall be located outside of all resource areas and their identified buffer zones within the jurisdiction of the Commission”. The applicant explained that construction and refueling equipment will be stored outside of resource areas and their buffer zones according to NEP construction practices to the extent practicable. However, on occasion equipment may not be able to be moved outside of the buffer due to safety concerns or other construction-related reasons. In this event, the applicant will notify the Agent as soon as possible in accordance with Special Condition #7. The Agent was amenable to these minor amendments, with the understanding that project sites are in a constant state of flux and contractors may need to act accordingly in response to facts such as site conditions, weather, and other external variables.

Additionally, NEPC requested that the Order of Conditions be amended regarding the way the property was referenced; it was referenced as an ‘easement’ on the original Notice of Intent, which was transferred to the Order of Conditions, when the transmission line is actually a ‘right-of-way’. This amendment was requested in order to avoid difficulty in recording the Order at the Registry of Deeds, which might reject the recording due to the fact that the project site is right-of-way and not an easement. This amendment was easily fixed by changing the Order of Conditions form to accurately reference the project site.

The Agent was amenable to accepting the proposed minor amendments to the Order of Conditions as previously stated, and will retain the memo with the minor amendments in the project filing with the OOC. The PCC was also amenable to these amendments to the OOC.

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

The Agent performed an inspection on 7/20/2021 with representatives from Nexamp and the Planning Board to review stormwater Best Management Practices (BMPs) executed on site to mitigate stormwater issues resulting from the construction of the large-scale solar array. The applicant provided an As-Built site plan depicting all BMPs installed on site to date; the Planning Board was satisfied with the current BMPs but suggested that the BMPs had to be fortified to fully provide adequate stormwater management. The applicant expressed desire to move forward with the battery storage construction component of the project, but needed approval from Planning Board and Conservation prior to doing so; the Agent deferred to the Planning Board on this matter, as they are the stormwater permitting authority, but informed the applicant that enforcement action will be taken if construction of the battery storage area results in an erosion and sedimentation event. The Agent also reviewed areas of washout off site with the applicant, and requested copies of the SWPPPs for the site in order to confirm that there has been no blowouts of the stormwater management system to date.

The applicant provided a baseline report for the wetland restoration area along the access road in order to inform what restoration activities need to occur to comply with the two (2) outstanding enforcement orders for violations resulting from work on the access road in 2018 and 2019. Upon completion of restoration area construction, the applicant is required to perform two (2) years of monitoring with quarterly reports provided to the PCC to document success of restoration activities. The Agent will update the PCC when the restoration work commences.

5. Schedule of Public Meetings & Hearings

- a. 7:00 PM Notice of Intent (NOI): 260 Breckenridge Street (Map 19-2): The applicant has submitted a Notice of Intent for activities associated with proposed construction of a new septic system with associated grading. The work is proposed within the 100-foot Buffer Zone to Bordering Vegetated Wetlands (BVW).

Donald Blais Jr. opened the public hearing at 7 PM and Scott Jordan of EcoTec, Inc. was in attendance to present the proposed project, stating that the work involves the construction of a new septic system in service of an existing single family home at 260 Breckenridge Street. Wetland resource areas on the site include a narrow fringe Bordering Vegetated Wetland (BVW) associated with an intermittent stream that flows through a deep marsh/pond in the vicinity of the site. The limit of the proposed septic system is 90-feet from the edge of the BVW and the limit of work is about 74-feet from the edge of the BVW, which will coincide with the location of the erosion sediment controls. The existing failed septic system will be pumped, crushed and removed.

The Agent asked if the Board of Health approved the septic system, given the fact that the plan calls out for variances needed for depth to high groundwater. Dorothy Lawrence added that septic systems are normally raised in order to provide separation to high groundwater, but that this septic system did not appear to be raised. Scott Jordan reported that the Board of Health did approve the septic system design. Dorothy also asked what is between the septic system and the pond; Scott reported that there is a field between the proposed septic system and pond, and that it isn't necessarily manicured lawn.

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 Nick Zeo to close the public hearing for DEP # 256-0354 for the installation of a new septic system at 260 Breckenridge Street at 7:14 PM

Motion seconded by Peter Izyk

No further discussion

Motion Caries 5-0-0

Motion made by Dorothy Lawrence to issue an Order of Conditions with Findings of Fact, Special Conditions, and Approved Plans & Documents for DEP # 256-0354 for for the installation of a new septic system at 260 Breckenridge Street

Motion seconded by Peter Izyk

No further discussion

No further discussion

Motion Caries 5-0-0

6. Violations & Enforcement

a. 66 Breckenridge Street – tree removal in Buffer Zone

The Agent reported that tree removal in the buffer zone to wetlands has been occurring without required review or approval at 66 Breckenridge Street. The Agent will issue and enforcement notice to request property owner attendance to discuss the matter at an upcoming PCC meeting.

7. New/Old Business

a. Discuss Open Space and Recreation Plan Update

The first Open Space Advisory Committee meeting occurred on 7/15/2021 at 11 AM via Zoom. The Committee reviewed the digital results of the open space community survey; the Committee still needs to upload hard-copy survey responses in order to get the full spectrum of responses. The Agent will be working to update Section 3: Community Setting and Section 4: Environmental Inventory of the Open Space and Recreation Plan prior to the next Advisory Committee Meeting. The Committee also discussed developing an informational brochure that includes all open space and recreation areas in Palmer, as the survey responses indicated that many people don't know about all the open space areas in town or where to obtain information on them.

b. Discuss Master Plan Update

Nick Zeo reported that the Master Plan update is now complete and will be placed on the Planning Board agenda for acceptance at their meeting on 8/2/2021. The draft Master Plan is available to review on the town's website. Upon acceptance by the Planning Board, the Master Plan will be published.

c. C4R bacT sampling results from 7/8/2021

Bacteria sampling through the Chicopee 4 Rivers Watershed Council occurred on 7/8/2021. Due to recent storm events which produced significant amounts of rainfall, all sampling sites exhibited extremely high amounts of E. coli bacteria. The next sampling event will occur on 7/22/2021.

d. Schedule work day: First Street

The PCC will schedule a work day at the Swift River Greenbelt Conservation Area off First Street in advance of the Source to Sea Cleanup on 9/25/2021 in order to perform trail maintenance and repairs to the gazebo. The work day is TBD.

e. Forest Cutting Plan: Baltazar, Old Warren Road

The Baltazar timber harvest off Old Warren Road in the vicinity of King's Brook has commenced. The Agent will contact DCR to obtain a final approved forest cutting plan, which was never provided to the PCC.

f. Rondeau Road – washout/road failure

Recent storm events which produced a significant amount of rainfall resulted in road failure and washout areas on Rondeau Road. The DPW worked to repair Rondeau Road on 7/17/2021 and 7/18/2021 in order to make the road passable for residents and emergency vehicles. The Agent and the DPW will meet with the stormwater engineer Tighe & Bond on 7/21/2021 to develop a project to develop a long-term solution to stormwater management issues on Rondeau Road.

g. Forest Cutting Plan: Bedard/Lizak, Old Warren Road

Dave Cotter reported that all the timber harvested from the Bedard and Lizak properties in the vicinity of King's brook had been removed but that the forestry bridge in the brook had not been removed. The Agent will contact DCR to discuss removal of this bridge, which would require a permit from the PCC in order to remain as a permanent stream crossing structure now that the timber harvest is complete.

Dave also reported that the large beaver dam on King's brook blew out as a result of the recent rainstorms; the beavers started building two (2) smaller dams and gave up on the large dam, which failed as a result of the intense rainstorm events.

h. Al's Cycle Shop

Dave Cotter reported that the buildings at the former site of Al's Cycle Shop have been demolished.

i. Mill Pond

Dave Cotter inquired as to whether the brush that has been cut at the Mill Pond off Main Street will be removed. The Agent will ask the DPW to remove the brush.

j. Wood at compost area off Old Warren Road

Dave Cotter reported that wood is still being stored at the compost area off Old Warren Road, and asked what the PCC is going to do with it. The Agent reported that the PCC lost the grant to develop a community wood bank, and was not sure what to do with the wood at this time.

k. Sherwood Lumber

Dave Cotter asked if Sherwood Lumber is still going to construct a bridge for the pump they use to draw water from the Swift River for dust control at their lumber yard off Third Street. The Agent was unsure if they were still going to construct the bridge, but was aware of issues pertaining to the bridge crossing over PCC land.

8. Set Next Meeting Date

a. The next meeting of the PCC is scheduled to occur on Tuesday, August 3rd, 2021 at 6:30 PM.

9. Meeting Adjourned: 7:49 PM

Motion made by Dorothy Lawrence at 7:49 PM to enter Executive Session Under MGL Ch. 30A § 21(a)(6) to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body

Motion was seconded by Nick Zeo

No further discussion

Motion Caries 5-0-0

Sincerely Submitted,
Sarah A. Fortune
Interim Conservation Agent



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Documents

Tuesday, July 20th, 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
	Meeting Minutes: 6/15/2021, 4/6/2021 Executive Session	Approval of Minutes	Approval tabled until 8/3/2021 at 6:30 PM
2.	Notice of Intent: 260 Breckenridge Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0354
3.	Site plans: 260 Breckenridge Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0354
4.	DEP file comments: 260 Breckenridge Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0354
5.	Order of Conditions: 260 Breckenridge Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0354
6.	Approved Plans & Documents: 260 Breckenridge Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0354
7.	Findings of Facts: 260 Breckenridge Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0354
8.	Memo – Minor Amendments to Special Conditions: NEPC – X176 Transmission Line ROW Maintenance Activities	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0353