

TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, July 7th, 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.
Dorothy Lawrence
Peter Izyk
David Cotter
Nicholas Zeo
Brenda Cole

Members Absent: Mike Swiatek

Also Present: Angela Panaccione, Conservation Agent
Sarah Fortune, Conservation Assistant
Patricia Poehler; 276 Flynt Street, Palmer, MA 01069
Steven Morotte; 58 Faragon Ave, Palmer, MA 01069
Phil Anton; Lake Thompson Association
Dave Golden, Palmer, MA 01069

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

- a. Roll call attendance:
 - i. **Donald Blais, Jr. – present**
 - ii. **Dorothy Lawrence – present**
 - iii. **Peter Izyk – present**
 - iv. **David Cotter – present**
 - v. **Nicholas Zeo – present**
 - vi. **Brenda Cole – present**

2. Public Inquiries

- a. 276 Flynt Street

Patricia Poehler of 276 Flynt Street was in attendance to determine if proposed work on her property will require review and approval by the PCC. The property owner obtained a permit in 2009 to dredge the upper pond and would like to address issues in another pond on the site. The proposed work includes filling a 1-foot sink hole that has developed and patching a stone wall on the property that have caused a pre-existing pond to drain into an adjacent coldwater fisheries stream. There is a series of three (3) existing manmade ponds on the property that were constructed by the previous property owner; currently, the upper and middle ponds are full, but the third pond is completely empty because it has drained through the sink hole adjacent to the stone wall. The property owner would like to conduct this work to improve wildlife habitat in the pond that empty because it is normally host to a variety of wildlife including frogs, turtles and various species of fish. No work is proposed to the intermittent streams or other wetland resource areas on the site.

The PCC agreed that the work could be conducted without requiring formal review, approval and permitting. The Agent stated that she perceives the situation as an emergency due to the current Stage 2 drought conditions. The property owner requested documentation regarding the emergency situation; the Agent will provide the documentation.

3. Approval of Minutes

a. 6/2/2020

Motion made by Dorothy Lawrence to table the approval of the meeting minutes from 6/2/2020 until 7/21/2020 at 6:30 PM

Motion seconded by Nick Zeo

No further discussion

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

Vote was Unanimous – Motion carries

b. 6/16/2020

Motion made by Dorothy Lawrence to approve the meeting minutes from 6/16/2020 as amended

Motion seconded by Peter Izyk

No further discussion

Role call vote: Donald Blais, Jr. – aye; Dorothy Lawrence – abstain; Peter Izyk – aye; David Cotter – aye; Nicholas Zeo – aye; Brenda Cole – aye

Motion carries – 5-0-1 (Dorothy Lawrence abstained)

4. Approval of Payables

a. MACC FY 2021 Dues & Handbooks

Dorothy Lawrence, Nick Zeo and Brenda Cole requested a subscription to the MACC Environmental Handbook for FY 2021. Sarah Fortune's membership and environmental handbook are paid for by the Brimfield Conservation Commission.

5. Signing of Documents

a. Order of Conditions (OOC): DEP # 256-0345 – MA DOT Mongo Pond Dam Repairs

Motion made by Nick Zeo to issue the Order of Conditions with Findings of Fact and Special Conditions for DEP # 256-0345 to MA DOT for Mongo Pond Dam Repairs

Motion seconded by Dave Cotter

No further discussion

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

Vote was Unanimous – Motion carries

6. Violations & Enforcement

a. Faragon Ave - Dock

The PCC continued the discussion from 6/16/2020 regarding the dock located at the end of Faragon Ave off Lake Thompson. Property owner Dave Golden, complainant Steve Marrotte, and Lake Thompson Association President Phil Anton were present for the discussion.

The Agent informed the PCC that she conducted a site visit with property owner Dave Golden and observed that the deck has been there for quite some time. The Agent reported that she did not observe any violations of the WPA or the Palmer Wetlands Protection Ordinance, and that her findings are specifically related to the WPA and impacts to wetland resource areas; she did not observe erosion resulting from the deck, although she did observe exposed bank, which is likely due to the current drought conditions. Steve Marrotte stated that he is disappointed that the Agent didn't observe a violation relative to the deck, but that he still believes that the deck is an overall safety issue because access to the lake from the end of Faragon Ave is now blocked. The Agent informed Steve that the PCC has no jurisdiction in this situation because Faragon Ave is a private road, the lake is privately owned, and is a manmade pond that is not subject to Chapter 91 and Public Waterfront Act regulations. The Agent suggested to Phil Anton that the Lake Thompson Association continue the discussion on this matter due to the lack of PCC jurisdiction.

Donald Blais, Jr. asked the PCC if they had any questions or comment on this agenda item; the PCC did not have any further comments or questions.

7. Schedule of Public Meetings & Hearings

- a. 7:17 PM Cont. Request for Determination (RDA) – CSX 5 Year VMP (CSX Right-of-Way):
The applicant is requesting confirmation of wetland boundaries along the railroad Right-of-Way mainline in Palmer in order to avoid wetland impacts during vegetation management under the railroad's Vegetation Management Plan. No work is proposed within 10-feet of wetland resource areas.

The applicant requested a continuance of the public meeting until 8/4/2020 at 7 PM.

Motion made by Nick Zeo to continue the public meeting for the Request for Determination of Applicability for CSX, Inc. 5-Year VMP (CSX Right-of-Way) to 8/4/2020 at 7:00 PM

Motion seconded by Dave Cotter

No further discussion

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

Vote was Unanimous – Motion carries

8. New/Old Business

- a. Rain Garden Maintenance – Sidewalks

The Agent informed the PCC that the DPW can't perform maintenance on the rain gardens along the sidewalks off Fairview Street due to budget cuts for FY 2021, and asked the PCC if they would like to assume responsibility for their maintenance. The rain gardens were installed as required by the MS4 permit, and require bi-annual cleaning in order to maintain their functionality with respect to stormwater treatment. Maintenance of the rain gardens would include the removal of accumulated sediments and trash. The Assistant volunteered to perform bi-annual maintenance on the rain gardens.

Motion made by Dave Cotter that the PCC will assume responsibility for bi-annual maintenance of the rain gardens off Fairview Street

Motion seconded by Nick Zeo

No further discussion

Role call vote: Donald Blais, Jr. – aye; Dorothy Lawrence – aye; Peter Izyk – aye; David Cotter – aye; Nicholas Zeo – aye; Brenda Cole – 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 – Dorothy Conflict of Interest

The Agent informed the PCC that the town believes that Dorothy Lawrence has a conflict of interest due to her recent employment at VHB and can no longer serve as representative for the Commission on the Master Plan Update Committee, although Dorothy works in an entirely different department at VHB than the department that is assisting with the Master Plan update. Dorothy informed the PCC that the ‘conflict of interest’ is a ‘financial conflict’ because she is now employed at VHB although she will never see or review any documentation regarding the Master Plan update. She disclosed the ‘conflict’ with the state Ethics Commission and submitted an official disclosure form to both the state and the town regarding the perceived conflict of interest, and is now waiting on a formal response from the state Ethics Board, which was requested by VHB. The PCC acknowledges the perceived ‘conflict of interest’ and agreed that Dorothy is still the best representative from the Commission to serve on the Master Plan Update Committee.

Motion made by Dave Cotter that the PCC acknowledges Dorothy Lawrence’s disclosure of the conflict of interest, and still supports her to represent the Commission on the Master Plan Update Committee

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

Motion carries – 5-0-0 (Dorothy Lawrence recused)

- d. 2020 Bac-T Sampling Dates

The 2020 Bac-T sampling season commenced 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. Results from sampling at Forest Lake showed higher than normal bacteria levels which could be the result of work to construct a boat ramp and other beach restoration work, in addition to the current Stage 2 drought conditions. The PCC will continue to sample at Forest Lake throughout the season, and will try to determine the cause of the higher-than-normal bacteria levels.

9. Set Next Meeting Date

- a. The next meeting of the PCC is scheduled to occur on Tuesday, July 21st, 2020 at 6:30 PM.

10. Meeting Adjourned: 7:59 PM

Motion made by Dorothy Lawrence to adjourn at 7:59 PM

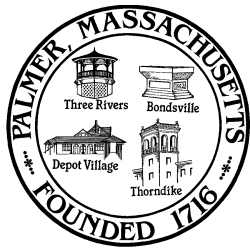
Motion was seconded by Peter Izyk

No further discussion

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

Vote was Unanimous - Motion carries

Sincerely Submitted,
Sarah A. Fortune
Palmer Conservation Assistant



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Documents

Tuesday, July 7th, 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	Tabled until 7/21/2020 at 6:30 PM
2.	Meeting Minutes: 6/16/2020	Approval of Minutes	Retained in 2020 meeting minutes binder
3.	DEP # 256-0345 – MA DOT Shearer Street: DEP Comments	Schedule of Public Meetings & Hearings	Retained in file for DEP #256-0345
4.	DEP # 256-0345 – MA DOT Shearer Street: Site Plan	Schedule of Public Meetings & Hearings	Retained in file for DEP #256-0345
5.	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
6.	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
7.	DEP # 256-0345 – MA DOT Shearer Street: Notice of Intent	Schedule of Public Meetings & Hearings	Retained in file for DEP #256-0345
8.	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
9.	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
10.	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
11.	DEP # 256-0345 – MA DOT Shearer Street: Memo Addressing DEP Comments	Schedule of Public Meetings & Hearings	Retained in file for DEP #256-0345
12.	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
13.	CSX Transportation, Inc. – Vegetation Management Plan: Request for Determination of Applicability	Schedule of Public Meetings & Hearings	Retained in RDA file for CSX Transportation, Inc.
14.	Faragon Ave – Unauthorized Dock: Plot Plan/Dock Drawing	Violations & Enforcement	Retained in file for 23 Faragon Ave - dock

