

# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Minutes

Tuesday, August 17, 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  
Dave Cotter  
Brenda Cole

**Members Absent:** Dorothy Lawrence  
Mike Swiatek

**Also Present:** Sarah Fortune, Interim Conservation Agent  
Dave Gorden, Thunderchase Environmental, LLC; Dedham, MA  
Diana Strzemienski; L22 Sykes Street, Palmer, MA 01069  
Leslie Duthie for Opacum Land Trust; 1 Carpenter Street, Monson, MA 01057  
Ryan Digs, 81 Mount Dumplin Road, Palmer, MA 01069  
Glenn Buesing; 175 Summer Street, Thorndike, MA 01079

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

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

a. Agent Report

The Agent reported updates on the following projects and grants: Open Space and Recreation Plan update of Sections 3 and 4 are complete, update of Section 5 is ongoing; working to schedule a workday at First Street with local BSA troops to water seal gazebo and replace missing shingles on the gazebo roof on 9/25/2021; the Public Visioning Session for the Open Space and Recreation Plan Update has been scheduled for Tuesday, 9/28/2021 at 6:30 PM in the Town Hall Meeting Room and all PCC members and members of the public are welcome to attend.

3. **Approval of Minutes**

a. 7/20/2021

**Motion made by Dave Cotter to approve the minutes from 7/20/2021 as amended**

**Motion seconded by Peter Izyk**

**No further discussion**

**Motion Caries 4-0-1 (Brenda Cole abstained)**

b. 8/3/2021

**Motion made by Brenda Cole to table the approval of the minutes from 8/3/2021 to 9/7/2021 at 6:30 PM**

**Motion seconded by Peter Izyk**

**No further discussion**

**Motion Caries 5-0-0**

- c. 4/6/2021 Executive Session & 7/20/2021 Executive Session

**Motion made by Dave Cotter to table the approval of the remainder of the minutes until 9/7/2021 at 6:30 PM**

**Motion seconded by Peter Izyk**

**No further discussion**

**Motion Caries 5-0-0**

#### **4. Request for Certificate of Compliance**

- a. DEP # 256-0331 – 271 Breckendridge Street solar: Site visit scheduled on 8/23/2021 at 12 PM

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 site visit is scheduled to occur on 8/23/2021 at 12 PM.

#### **5. Violations & Enforcement**

- a. DEP # 256-0332 – L12 Breckenridge Street solar: wetland restoration work to commence week on 8/16/2021

The Agent reported that the wetland restoration work at the solar site located at L12 Breckenridge Street commenced this week and is being supervised by a professional wetland scientist, as required by the two (2) enforcement orders issued for wetland violations in 2018 and 2019. The PCC approved substitutions for plants included in the previously approved restoration plan at the meeting on 8/3/2021 which proposed to substitute the approved plantings of Tussock sedge and Spike rush with nine (9) Cinnamon fern and nine (9) sensitive fern plantings; the supplemental plantings are intended to serve a wide range of hydrologic conditions as opposed to the obligate-rated species originally selected which favor higher levels of inundation. The Agent will update the PCC on the status of the restoration area work as the information becomes available.

#### **6. Other Business (New/Old)**

- a. Discuss Open Space and Recreation Plan Update

The Agent reported that the status of the OSRP Update was somewhat discussed under the Agent report, but added that she can send the draft OSRP chapters to the PCC for review and comment if they so desire. Donald Blais, Jr. asked if the Agent had anything else to add to this agenda item; she added that a few themes have been identified as a result of the OSRP community survey that was available to take in July 2021, which included maintenance and upkeep of open space areas and the notion that their value was decreased due to lack of maintenance, and that the committee has been discussing ways to increase community involvement in maintenance of open space and recreation lands.

- b. FEMA Hazard Mitigation Grant Update

The Agent reported that she reviewed the budget for the FEMA Hazard Mitigation Grant to confirm the in-kind match and required local share portions of the budget, which she has provided to FEMA for review and approval.

c. Forestry bridge removed on King's Brook

The Agent received notification from the DCR Service Forester regarding the removal of the forestry bridge installed in King's brook for timber harvests that occurred in 2019 and 2020. The area where the bridge was installed has been stabilized with straw to prevent erosion and sedimentation of the brook.

d. Ware River Blue Trail Update

The Agent has been working with the Chicopee 4 Rivers Watershed Council to develop a blue trail on the lower Ware River. One of the blue trail access points will be located at the discontinued portion of Bennett Street, and the Agent is working to confirm that the town still owns the old road right-of-way, which is necessary in order to formalize river access at that location. There has still been no response from Thorndike Energy regarding their offer to create an access point on their property off Hill Street before the canal to the Mill. The grant round ends on December 2021.

**7. Schedule of Public Meetings & Hearings**

- a. 7:00 PM Abbreviated Notice of Resource Area Delineation (ANRAD): L22 Sykes Street, L28 & L29 Mt. Dumplin Street (Map 18-22, 28, 29): The applicant submitted an Abbreviated Notice of Resource Area Delineation for review and confirmation of delineated Bordering Vegetated Wetlands at L22 Sykes Street, and L28 & L29 Mt Dumpin Street, Palmer, MA 01069 (Map 18 Lots 22, 28 & 29). No work is proposed as a component of this permit application.

Donald Blais, Jr. opened the public hearing at 7 PM and Dave Gorden of Thunderchase Environmental, LLC was in attendance to present the project to the PCC, stating that the application submitted was for the confirmation of resource area boundaries only. The resource area boundaries requested for confirmation were: BVW flag series D44 to D50, BVW flag series F231 to F344, IVW flag series M1 to M19, IVW flag series IW1-A1 to IW-IF, and IW-2A to IW-2D.

Resource area boundaries were delineated by Dave Gorden on 7/5/2021 and the delineation was reviewed by the Agent on 8/5/2021. The Agent reported that the wetland boundaries were very obvious due to specific site conditions, in which the wetlands were located at the toe of of slope to Mt. Dumplin and were interspersed between old agricultural roads and stone walls. The Agent did not find any discrepancies with the resource area delineation, but had a question regarding DEP comment #3 which pertained to incomplete BVW delineation data sheets included in the ANRAD submission. Dave Gorden informed the PCC and the Agent that the data sheets weren't incomplete, but that they have a box on page 1 which can be selected if vegetation along is presumed to delineate the wetland boundary, in which only section 1 of the data sheets needs to be completed; in this case, this box was selected and vegetation alone was used to delineate the wetlands due to historic land use and agricultural activities on the site, so there was no need to complete the data sheets beyond section 1.

Donald Blais, Jr. opened the meeting for comment or questions 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 # 256-0356 for the ANRAD submitted for resource area delineation confirmation at L22 Sykes Street, L28 & L29 Mt. Dumplin Street at 7:12 PM**  
**Motion seconded by Dave Cotter**  
**No further discussion**  
**Motion Caries 5-0-0**

**Motion made by Nick Zeo to issue an Order of Resource Area Delineation for DEP # 256-0356 confirming the boundaries of BVW flag series D44 to D50, BVW flag series F231 to F344, IVW flag series M1 to M19, IVW flag series IWI-A1 to IW-IF, and IW-2A to IW-2D at L22 Sykes Street, L28 & L29 Mt. Dumplin Street**  
**Motion seconded by Brenda Cole**  
**No further discussion**  
**Motion Caries 5-0-0**

**8. New/Old Business**

a. Review draft Conservation Restriction: Opacum Land Trust, Nichols CR

Leslie Duthie of the Opacum Land Trust was in attendance to present a draft Conservation Restriction (CR) for the David G. Nichols property located at 2 Robinson Road. The CR will permanently protect 40 acres of this property historic property, which was the location of the Noga Turkey Farm. 5 acres has been excluded for the existing single family home where Mr. Nichols currently resides. The CR is has been developed with a primary focus on wildlife habitat protection and working forestland preservation including vegetation management and control of non-native plant species. The CR will not be open to the public as Mr. Nichols currently resides there and plans to live on site for the rest of his life.

The CR has been reviewed by the state, and needs to be reviewed and approved by the Town of Palmer in order to be finalized; Leslie spoke with the Town Mananger who requested that the PCC provide a letter of recommendation to the Town Council to accept and approve the CR.

**Motion made by David Cotter to make a recommendation to the Town Manager to present the Conservation Restriction (CR) for the David G. Nichols property to be held by The Opacum Land Trust, Inc. to the Town Council for approval**  
**Motion seconded by Brenda Cole**  
**No further discussion**  
**Motion carries 5-0-0**

b. Review & Approve Memo: request of filing fee funds for Administrative Assistant

The PCC made a motion to request the authorization to use funds generated from permit filing fees to cover the costs of a part-time Administrative Assistant on 8/3/2021, but the Agent recommended that the PCC make a new motion requesting the use of revenue generated from wetland permit filing fees to include in a formal memo justifying the need for a part-time Administrative Assistant to provide to the Town Manager for review.

Currently, there is a total of \$17,489.41 in the State Wetlands Account and a total of \$27,530.57 in the Town Wetlands Ordinance Fee Account. The use of filing fee funds has to be authorized by the Town Manager. The Agent would work with the Town Manager and the Account to who determine the number of hours and hourly

wage for an Administrative Assistant. The PCC estimated that the cost of a part-time Administrative Assistant would be approximately \$12,000 for the remainder of FY 2022.

**Motion made by Nick Zeo to request approval for the authorization of spending funds from the Town Wetlands Ordinance Account (CONFEE) #24171728.52000 and from the Wetlands State Account (CONWET) # 24171368.52000 to cover the costs for a part-time Administrative Assistant for the remainder of FY 2022**

**Motion seconded by Peter Izyk**

**No further discussion**

**Motion Caries 5-0-0**

**9. Set Next Meeting Date**

- a. The next meeting of the PCC is scheduled to occur on Tuesday, September 7, 2021 at 6:30 PM. The PCC has canceled the meeting scheduled to occur on Tuesday, September 21, 2021 at 6:30 PM.

**10. Meeting Adjourned: 7:40 PM**

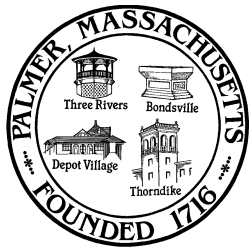
**Motion made by Brenda Cole to adjourn at 7:40 PM**

**Motion 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

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

## Meeting Documents

**Tuesday, August 17<sup>th</sup>, 2021 – 6:30 PM**  
**LOCATION: Town Hall Meeting Room**  
**4417 Main Street, Palmer, MA 01069**

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: 7/20/2021	Approval of Minutes	Retained in 2021 minutes binder
	Meeting Minutes: 8/3/2021, 4/6/2021 Executive Session, 7/20/2021 Executive Session	Approval of Minutes	Approval tabled until 9/7/2021 at 6:30 PM
2.	DEP # 256-0356 – L22 Sykes Street, L28 & L29 Mt. Dumplin Street: Abbreviated Notice of Resource Area Delineation (ANRAD)	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0356
3.	DEP # 256-0356 – L22 Sykes Street, L28 & L29 Mt. Dumplin Street: Site Plans	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0356
4.	DEP # 256-0356 – L22 Sykes Street, L28 & L29 Mt. Dumplin Street: DEP File Comments	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0356
5.	DEP # 256-0356 – L22 Sykes Street, L28 & L29 Mt. Dumplin Street: ORAD, Findings of Facts, Approved Plans & Documents	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0356
6.	Opacum Land Trust – Draft Conservation Restriction: 2 Robinson Road, Nichols Property	New/Old Business	Retained in file for Nichols CR/OLT
7.	Review memo: Request to use filing fee funds for Administrative Assistant	New/Old Business	Retained in file for FY 2022 Administrative Assistant Request