

TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, August 18th, 2020 – 6:30 PM

LOCATION: VIRTUAL VIA ZOOM

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
Mike Swiatek

Members Absent: None

Also Present: Angela Panaccione, Conservation Agent
Sarah Fortune, Conservation Assistant
William Peacey; 104 Beech Street, Palmer, MA 01069

1. Call to Order: 6:34 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
 - vii. Mike Swiatek – present

2. Approval of Minutes

- a. 6/2/2020

Motion made by Nick Zeo to table the approval of the meeting minutes from 6/2/2020 until 9/1/2020 at 6:30 PM

Motion seconded by Dorothy Lawrence

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; Mike Swiatek – aye

Vote was Unanimous – Motion carries

- b. 7/21/2020

Motion made by Nick Zeo to approve the meeting minutes from 7/21/2020 as amended

Motion seconded by Dave Cotter

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; Mike Swiatek - abstain

Motion carries – 6-0-1 (Mike Swiatek abstained)

The PCC switched the Chair from Donald Blais, Jr. to Dorothy Lawrence at this time due to technical difficulties.

3. Violations & Enforcement

a. 19 Kelly Street

The PCC was notified of violations occurring at 19 Kelly Street, and upon further investigation into the matter, determined that the property is not located in Palmer, but rather is located in Ware. The PCC notified the Ware Conservation Commission of the violations, and will work with the WCC and conduct joint enforcement if they determine that violations have also occurred in Palmer.

4. New/Old Business

a. Sherwood Lumber

Sherwood Lumber and the PCC made an agreement several years ago to have a bridge constructed along the trail at the Swift River Greenbelt Conservation Area as a trade-off to allow the lumber yard to withdraw water from the Swift River for dust control purposes. The PCC will contract the project because the bridge will be located on conservation land, and Sherwood Lumber will pay for the bridge construction. The Agent will continue to work with Sherwood Lumber and will update the PCC as necessary on the project.

b. FY 2021 Budget Discussion

The PCC discussed the FY 2021 budget, specifically pertaining to the budget for the Conservation Assistant position, which is a full-time position budgeted at 30-hours a week yet the Town is not allowing the position to accrue paid benefits as a normal full-time position would. The Agent worked with the Town Manager to sort out a raise for the position, which has been approved, but the Agent suggested that the PCC could make a motion to cover fringe benefits for the Assistant, which is authorized under the enabling legislation pertaining to the spending revenue from wetlands filing fees. Dorothy Lawrence asked if the PCC already authorized the use of funds to cover fringe benefits; the Agent informed her that she is correct, but that the Assistant hasn't been receiving fringe benefits. The Agent added that vacation time would be the only benefit that could pose a liability for the PCC, because if the Assistant quit her job tomorrow, the PCC would have to pay out the vacation time she accrued; but on the other hand, fringe benefits of paid sick and vacation time would not pose a liability to the Commission from a financial perspective.

Motion made by Mike Swiatek to cover the fringe benefits of sick time and holidays for the Conservation Assistant position for FY 2021

Motion seconded by Donald Blais, Jr.

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; Mike Swiatek – aye

Vote was Unanimous – Motion carries

The PCC switched the Chair from Dorothy Lawrence back to Donald Blais, Jr. at this time.

c. Master Plan Update

Dorothy Lawrence reported that she can't participate on the Master Plan Update Committee until the state ethics commission renders a decision on the perceived conflict of interest matter due to her employment at the same firm that is assisting the town with the overall plan update. Brenda Cole stated that she can continue to serve on the committee for Dorothy Lawrence until the ethics committee renders their decision on the matter. The Agent informed the PCC that there is a survey posted to the town website for the general public to participate in the Master Plan Update.

Nick Zeo expressed his concern about increased usage of conservation areas since the COVID-19 pandemic, and was curious to know if the Master Plan will include a discussion about increasing budgets for maintenance of conservation areas and improving facilities such as parking lots. The Agent informed him that this would likely be discussed in the Open Space Plan Update, which will occur in 2021. The Agent will email the 2014 Open Space Plan Action Items for the PCC to review and send suggestions on conservation priorities in preparation for the Open Space Plan Update.

5. Schedule of Public Meetings & Hearings

- a. 7:04 PM 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.

Donald Blais, Jr. opened the public meeting at 7:04 PM. The Agent reported that she will conduct a site visit on 9/7/2020/ The PCC received a request from the applicant to continue the public hearing until 9/22/2020 at 7:00 PM to allow for the Agent to conduct a site visit.

Motion made by Dorothy Lawrence to continue the public hearing for CSX 5 Year VMP (CSX Right-of-Way) to 9/22/2020 at 7:00 PM

Motion seconded by Mike Swiatek

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; Mike Swiatek - aye

Vote was Unanimous –Motion carries

- b. 7:07 PM Request for Determination (RDA) – 104 Beech Street (Map 75-10-6): The applicant is requesting a determination to see if the work associated with the installation of a chicken coup and caged run for birds is subject to the MA Wetlands Protection Act and the Town of Palmer Wetlands Protection Ordinance. The structures are installed approximately 58-feet from the Bank of intermittent stream on the site.

Donald Blais, Jr. opened the public meeting at 7:07 PM and applicant William Peacey was in attendance to discuss the project with the PCC. The Agent reported that this is an after-the-fact filing resulting from violation that consisted of the installation of a chicken coup and caged run for birds within the 50-foot No Disturb Zone to an intermittent stream. The structures have now been moved to 58-feet from the intermittent stream, but the PCC needs to render a formal determination on the matter.

Motion made by Dorothy Lawrence to make a Negative Determination, Box 3, stating that the work described in the Request is located 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 Special Conditions

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; Mike Swiatek - aye

Vote was Unanimous –Motion carries

Motion made by Nick Zeo to close the public meeting for the Request for Determination of Applicability for 104 Beech Street at 7:11 PM

Motion seconded by Mike Swiatek

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; Mike Swiatek - aye

Vote was Unanimous –Motion carries

6. New/Old Business

a. First Street Storm Damage

The recent wind storm resulting in damage to several trees at the Swift River Greenbelt off First Street in Bondsville, but no damage was observed to the universal loop trail itself. Dave Cotter has been working to clean up the damaged trees, and reported that there are still several damaged trees to be removed from the site, but that he needs help to do so because several of the trees are large and are hanging over the trail. Dorothy Lawrence stated that she is available to help on weekends.

b. 2020 Bac-T Sampling Dates

Analysis of the last bacteria sampling at Forest Lake revealed an E. coli level of 356 ppm (parts per million), which makes the lake unswimmable by the general public. The Agent informed the Board of Health and the Department of Fish & Game of the extremely high bacteria levels, and signage was posted to inform the public that the lake is closed for swimming. The PCC was required to re-test Forest Lake within 24-hours due to the high bacteria levels; analysis of that sample revealed an E. coli level of 1 ppm. The PCC is not sure why the bacteria levels were so drastically different within the 24-hour time period between sampling events.

The Agent spoke with the Town Manager and the Department of Fish & Game pertaining to the land management agreement for Forest Lake, in which the land would be placed in the care and custody of the PCC when the agreement was finalized. The land management agreement will also require that the PCC conduct weekly bacteria testing in order to keep the lake open for public swimming and recreation purposes. The PCC would cover the cost of the additional sampling events, which would result in an increase of about \$200 dollars annually for bacteria testing. The Agent reported that the PCC's expense budget for FY 2021 has been increased from \$3,000 to \$5,000 because of the Verizon bill from the cameras to monitor the Swift River Greenbelt off First Street, so there is ample funds available to cover the increase in sampling costs. In the event that analysis of weekly bacteria samples yielded results that were unsafe for public swimming, the PCC would notify the Board of Health and they would close the beach for public swimming; the only issue with this is that the approved sample testing lab located at the Connecticut River Conservancy is only open two (2) days a week, so

in the event that the beach had to be closed, it may take several days to get results from the lab and re-open the beach for public use.

The Agent reported that the Department of Fish & Game will assume the care and custody of the Forest Lake beach if the PCC does not agree to have the land placed in their care and custody. Because the Department of Fish & Game does not deal with recreational matters, they will likely close it to the public which would be a disservice to all the people that recreate there. If the PCC does accept the land within their care and custody, the Town Council will still have to accept the land management agreement developed by the Agent, the Town Manager, and the Department of Fish & Game. Donald Blais, Jr. and Dave Cotter expressed their interest in accepting the land into PCC care and custody.

Motion made by Dorothy Lawrence that the PCC will assume the responsibility to manage the Forest Lake beach land

Motion was 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; Mike Swiatek – nay

Motion carries – 6-1-0

7. Set Next Meeting Date

- a. The PCC canceled the meeting scheduled to occur on Tuesday, September 1, 2020 at 6:30 PM. The next meeting of the PCC is scheduled to occur on Tuesday, September 22nd, 2020 at 6:30 PM.

8. Meeting Adjourned: 7:58 PM

Motion made by Dorothy Lawrence to adjourn at 7:58 PM

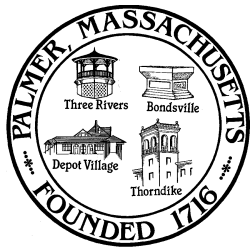
Motion was seconded by Nick Zeo

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; Mike Swiatek - aye

Vote was Unanimous - Motion carries

Sincerely Submitted,
Sarah A. Fortune
Palmer Conservation Assistant



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Documents

Tuesday, August 18th, 2020 – 6:30 PM
LOCATION: VIRTUAL VIA ZOOM

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	Approval tabled until 9/1/2020 at 6:30 PM
2.	Meeting Minutes: 7/21/2020	Approval of Minutes	Retained in 2020 Meeting Minutes binder in office
3.	Request for Determination of Applicability (RDA): CSX, Inc.; 5-Year VMP (CSX Right-of- Way)	Schedule of Public Hearings & Meetings	Retained in file for CSX, Inc.; 5-Year VMP (CSX Right-of-Way)
4.	Site Plans: CSX, Inc.; 5-Year VMP (CSX Right-of- Way)	Schedule of Public Hearings & Meetings	Retained in file for CSX, Inc.; 5-Year VMP (CSX Right-of-Way)
5.	Request for Determination of Applicability (RDA): 104 Beech Street	Schedule of Public Hearings & Meetings	Retained in file for 104 Beech Street
6.	Determination of Applicabilty (DOA): 104 Beech Street	Schedule of Public Hearings & Meetings	Retained in file for 104 Beech Street
7.	Special Conditions: 104 Beech Street	Schedule of Public Hearings & Meetings	Retained in file for 104 Beech Street