



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, August 20th, 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

Members Present: Donald Blais, Jr.
David Cotter
Peter Izyk
Nicholas Zeo (6:32 PM)
Dorothy Lawrence
Mike Swiatek
Angela Panaccione, Conservation Agent
Sarah Fortune, Conservation Assistant

Members Absent: Brenda Cole

Also Present: Sasha Bernard; 9 Lafayette Street, Three Rivers, MA 01080
Ed Hood, Opacum Land Trust; 2 Brookfield Road, Brimfield, Ma 01010
Trevor Hermance; New Britain, CT

1. **Call to Order:** 6:31 PM – Donald Blais, Jr. (Chair)
2. **Chair, Member & Committee Reports:** No Chair, Member or Committee Reports
3. **Approval of Meeting Minutes**
 - a. May 21, 2019
Motion made by Mike Swiatek to table the approval of the minutes from May 21, 2019 to September 3, 2019 at 6:30 PM
Seconded by Peter Izyk
No further discussion – 6-0-0 – Motion Carries
 - b. June 4, 2019
Motion made by Nicholas Zeo to approve the meeting minutes from June 4, 2019 as written
Seconded by Dorothy Lawrence
No further discussion – 6-0-0 – Motion Carries
 - c. June 18, 2019
Motion made by Nicholas Zeo to approve the meeting minutes from June 18, 2019 as amended
Seconded by Dorothy Lawrence
No further discussion – 6-0-0 – Motion Carries
4. **Approval of Payables**

a. SWCA – \$786.00

Motion made by Mike Swiatek to approve the payable to SWCA in the amount of \$786.00 for peer review services from the Outside Consultant Account

Seconded by Dorothy Lawrence

No further discussion – 6-0-0 – Motion Carries

b. Mileage – \$279.56

Motion made by Dorothy Lawrence to approve the payable to Angela Panaccione in the amount of \$279.56 for mileage through July 2019 from the Con Com Wetlands Town Account

Seconded by Mike Swiatek

No further discussion – 6-0-0 – Motion Carries

c. Big Y – \$26.65

Motion made by Nicholas Zeo to approve the payable in the amount of \$26.65 from the Con Com General Expense Account

Seconded by Dorothy Lawrence

No further discussion – 6-0-0 – Motion Carries

5. Requests for Certificate of Compliance

a. DEP #256-0269: Palmer Motorsports Park

The Agent reported that the issuance of a Certificate of Compliance (COC) for Palmer Motorsports Park would be based on an invalid Order of Conditions, stating that the work regulated under the aforementioned file number never occurred because although the project was not built to substantial compliance with the final site plans approved by the PCC, the project is in substantial compliance with all other consent requirements set forth by other agencies when the state took over enforcement. Letters that alleviate the compliance issues include: a letter from the Natural Heritage and Endangered Species Program (NHESP), case number 013-227; a letter from the Department of Fish and Wildlife (DFW), dated October 2, 2013; and a letter the Army Corps of Engineers dated June 25, 2014. A copy of these documents retained within the project file per record retention requirements. A COC must be issued in some capacity by the PCC so NHESP can finalize a 400-acre conservation area adjacent to the project site.

Motion made by Nicholas Zeo to issue a Certificate of Compliance for DEP # 256-0269 for Palmer Motorsports Park certifying that work regulated under the aforementioned Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.

Seconded by Dorothy Lawrence

No further discussion – 6-0-0 – Motion Carries

6. Violations & Enforcement

a. 690 River Street – Forest Lake

The Agent reported that the fence installed along a privately-owned portion of Forest Lake which was in violation of the Chapter 91 Public Waterfront Act has now been cut to allow for wildlife movement and will remain in place temporarily until the end of the 2019 summer season. The Agent also reported that the property owner will be filing a permit for septic system upgrades and plans to include a permanent fence in the filing that will comply with the Chapter 91 Public Waterfront Act.

b. Bennett Street Dam

The Agent reported that logs were placed on top of the Bennett Street dam which diverted water into a small pool and resulted in erosion to the dam. The property owner corrected the situation immediately after speaking with the Agent by removing the logs and allowing water to flow freely. The Agent added that bacteria levels were abnormally high at this location for the first time ever as determined by the recent round of water quality testing.

c. Hillside Drive

The Agent was contacted by the Police Department and was informed of work occurring in wetlands off of Hillside Drive, but she was not provided with a physical address of the area where the work occurred so she been unable to locate the area or observe violations. The Agent will update the PCC when new information about this possible violation becomes available.

d. DEP # 256-0332: 153 Breckenridge Street

The Agent reported that she received monitoring reports from SWCA through July which state that there are no wetland issues on site but that stormwater issues are still occurring as a result of the work. The Agent continues to anticipate the receipt of a Request to Amend the Order of Conditions from the applicant to change the location of a proposed utility pole.

7. Public Inquiries: No Public Inquiries

8. Schedule of Public Hearings: No Public Hearings Scheduled

9. Project Monitoring: No Project Monitoring

10. New/Old Business:

a. 604(b) Grant

The Agent reported that the PCC received the 604(b) grant to fund a watershed study of Forest Lake after three (3) consecutive years of applying for the grant. The grant proposal for the Forest Lake watershed study included analysis of invasive plant and animal species, mapping private septic systems, and mapping and analyzing stormwater inputs; all of these factors negatively impacts the overall health and quality of the Forest Lake ecosystem, and the watershed study grant will allow the PCC to determine which of those factors poses the greatest risk to the lake.

b. FEMA Grant

The Agent reported that she has not received a response regarding the FEMA Grant at this time.

c. Wood Bank

The Agent reported that the PCC received a grant to establish a community wood bank, but that she is not sure who will administer the grant and manage the wood bank due to the resignation of Conservation Assistant and Tree Warden Jeff Stanhope, although he expressed interested in running the wood bank in a volunteer capacity. The Agent also informed the PCC that the wood storage must be moved from the Town's compost area due to the potential fire hazard of storing dried wood adjacent to combustible compost.

d. Funds Transfer & Assistant Position

The PCC discussed the creation of a 30-hour a week Conservation Assistant position to assist the Agent to achieve PCC goals, due to the immense time constraints and federal legal requirements of the MS4 permit. The position is currently budgeted for 15-hours per week, so the Agent proposed the use of the

Wetland Filing Fee Account and the Ordinance Account to offset the budget for the 30-hour a week position through the end of FY 2020. The Town Manager has approved the transfer of funds to offset the budget for the position contingent upon the PCC's approval of the use of the funds.

Motion made by Dorothy Lawrence to approve the fund transfer from the Wetland Filing Fee and Ordinance Filing Fee Accounts to offset the budget for a 30-hour a week Assistant position through the end of FY 2020

Seconded by Peter Izyk

No further discussion – 6-0-0 – Motion Carries

e. 2019 Civic Engagement Academy

The PCC will engage in the 2019 Civic Engagement Academy by giving presentations on the Conservation Commission itself and on stormwater. The Conservation Commission presentation is scheduled for October 16, 2019 from 6:30 to 8:30 PM and will be given by Assistant Sarah Fortune. The stormwater presentation is scheduled to occur on October 30, 2019 from 6:30 to 8:30 PM and will be given by the Agent. The PCC will use this opportunity to familiarize the general public with their work.

f. Minor Change to DEP # 256-034: Structure 56

The PCC received a request to amend the Order of Conditions issued for DEP # 256-0341 pertaining to the location of the exploratory soil boring adjacent to Structure 56. The applicant proposed to move the soil boring location 10-feet behind Structure 56 as opposed to the original location, which was 10-feet in front of the structure. The new proposed soil boring location remains within the current approved limit of work for the project.

Motion made by Nicholas Zeo to approve the minor amendment to the Order of Conditions for DEP # 256-0341 pertaining to a change in location for the soil boring adjacent to Structure 56 the new proposed location is within the previously approved limit of work

Seconded by Dave Cotter

No further discussion – 6-0-0 – Motion Carries

g. Wedding at First Street on Saturday, August 24, 2019

The PCC received a request to hold a wedding at the Swift River Greenbelt Conservation Area off First Street in Bondsville on Saturday, August 24, 2019. The PCC currently has no procedures regulating the use of conservation areas for events such as weddings, nor do they have a permit application for members of the general public to obtain permission to use a conservation area for an event such as this. The PCC proceeded to discuss stipulations for use of conservation areas due to the fact that there are no facilities such as restrooms or formal trash removal services through the Town. The PCC also discussed whether or not to require an event fee for use of conservation land or to suggest a donation. The Agent suggested that any event on conservation land with more than five (5) attendees could require PCC notification and any event with more than ten (10) attendees could require a permit from the PCC. The Agent also suggested including information of this nature in the kiosk at the Swift River Greenbelt so that members of the public are aware of the use regulations of the conservation area.

Motion made by Dorothy Lawrence to create a permit for use of conservation land for events with more than five (5) attendees

Seconded by Peter Izyk

No further discussion – 6-0-0 – Motion Carries

h. Source to Sea Cleanup: 9/28/2019 from 9 AM to 12 PM

The PCC will host the annual Source to Sea Cleanup on Saturday, September 28, 2019 from 9 AM to 12 PM at the Swift River Greenbelt Conservation Area off First Street in Bondsville. Volunteer groups will include local Scouting BSA and Girl Scout Troops, the Chicopee 4 Rivers Watershed Council, employees from local businesses and other members of the general public.

i. Scout Project: First Street – Site Visit on 8/27/2019

The PCC received a request from a life scout candidate to do a project at the Swift River Greenbelt in Bondsville in order to become an official Eagle Scout. The Agent will meet with the scout on August 27, 2019 at 3 PM to discuss the project in greater detail. The Scout has proposed to spread mulch and remove a section of railing installed along the trail edge due to safety concerns.

j. Letter of Support: CR for Forest Legacy

Ed Hood, Executive Director of Opacum Land Trust to request PCC involvement in a Forest Legacy project to permanently conserve approximately 1,000-acres of private lands and working forests. The land trust is working with nine (9) different landowners from across their service area ranging from Dudley to Hampden with one (1) parcel located in Palmer; this parcel is located off Robinson Road and is approximately 40-acres in size. The land will be permanently protected through a Conservation Restriction (CR) which involves the sale of development rights, but the land ultimately remains in private ownership. The Forest Legacy project requires that the land trust obtain support from either a state agency or local municipality to hold the CR, and Opacum Land Trust prefers to have the local municipality hold the CR as a way to engage the local community in the project. If the Forest Legacy grant application is accepted, the process will take approximately two (2) years to complete.

Motion made by Dorothy Lawrence to provide Opacum Land Trust with a letter of support for the Forest Legacy project and to hold the Conservation Restriction for the Palmer parcel

Seconded by Mike Swiatek

No further discussion – 6-0-0 – Motion Carries

k. Trail Grant & LAND Grant Official Opening Ceremonies

The Agent expressed interest in organizing events to celebrate the official opening of the Swift River Greenbelt trail and receipt of the LAND grant to protect the Turnpike Parcel. The PCC decided to schedule the opening ceremony for the Trail Grant on Saturday, October 26th, 2019 at 11 AM. The Assistant will begin coordinating the event.

l. DCR Trails Conference: 10/31/2019 to 11/2/2019

The Department of Conservation and Recreation (DCR) is hosting the annual Trails Conference from October 31st to November 2nd, 2019. All interested Commissioners are welcome to attend the conference.

m. MACC Fall Conference: 10/19/2019

The MACC Fall Conference will occur on Saturday, October 19th, 2019 in Danvers, MA from 8:00 AM to 4:15 PM. All interested Commissioners are welcome to attend the conference. The Agent, Assistant and Chair will be attending the conference.

11. Review Phone/Mail/E-Mail Messages:

a. Forest Cutting Plan for 166 Peterson Road & Lizak's

The PCC received a Forest Cutting Plan (FCP) for the Lizak parcel in addition to the plan that was submitted for 166 Peterson Road. The Lizak parcel was previously landlocked but access to the land was granted through the property at 166 Peterson Road. The PCC provided comments on the original FCP submission for 166 Peterson Road in January of 2019, which most importantly stated that a formal

wetland delineation must be conducted pursuant to the Forest Cutting Practices Act; misidentified wetlands on a FCP negate the agricultural exemption from the Wetlands Protection Act. This issue was settled between all involved parties, the wetland area was excluded from the timber harvest, and the PCC started to work with the property owner to purchase a portion of the land at 166 Peterson Road that directly abuts King's Brook. The PCC received correspondence from the property owner on Thursday, August 15, 2019 that they were no longer interested in selling the land to the Town and that the harvest was to commence as originally proposed including harvesting in the previously excluded wetland area without formally delineating it. Moreover, the PCC never received an abutter notification from the property owner due to the proximity of the harvest to conservation land; the PCC should be provided with a 10-day window to verify property bounds and ensure no encroachment on Town land will occur. The Agent provided additional comments on the FCP on Thursday, July 15, 2019 stating that: the agricultural exemption is vacated due to the lack of a formal wetland delineation and depiction on the FCP; to hire a wetland scientist; and to request that the harvest in Stand 3 only be stopped to allow for a formal wetland delineation. These comments have not been addressed by DCR at this time. The Agent suggested that the PCC issue and Enforcement Order to the property owner at 166 Peterson Road based on improper depiction and delineation of wetland resource areas thus vacating the Agricultural Exemption from the Wetlands Protection Act, 301 CMR 10.02 (b); Donald Blais, Jr. asked the PCC to make a motion at this time.

Motion made by Dorothy Lawrence to issue and Enforcement Order to the property owner at 166 Peterson Road stating that the Agriculture Exemption from the Wetlands Protection Act is vacated due to improper delineation of wetland resource areas and to require all harvesting activities in Stand 3 be stopped until the wetlands have been formally delineated by a wetland scientist

Seconded by Mike Swiatek

No further discussion – 6-0-0 – Motion Carries

12. Office Closed: The Conservation office will be closed from Tuesday, August 27th, 2019 until Thursday, August 29th, 2019.

13. Set Next Meeting Date: The next meeting of the Palmer Conservation Commission is scheduled to occur on Tuesday, September 3rd, 2019 at 6:30 PM.

14. Meeting Adjourned: 8:46 PM

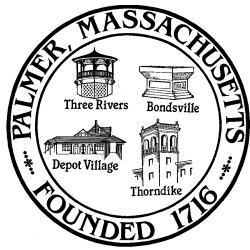
Motion made by Nicholas Zeo to adjourn at 8:46 PM

Motion was seconded by Mike Swiatek

No further discussion – 6-0-0 – Motion Carries

Sincerely Submitted,

Sarah A. Fortune
Palmer Conservation Assistant



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Documents

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Peter Izyk
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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: 6/4/2019, 6/18/2019, 7/16/2019	Approval of Meeting Minutes	Retained in 2019 meeting minutes in office
2.	Certificate of Compliance (COC): DEP # 256-0269; Palmer Motorsports Park	Requests for Certificate of Compliance	Retained in file for DEP # 256-0269 in office
3.	Amendment to Notice of Intent (NOI), site plans & supporting documents: DEP # 256-0341 – New England Power Company; Structure 56 & exploratory soil borings	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0341 in office
4.	Forest Cutting Plans: 166 Peterson Road, Lizak's	Review Mail/Phone Messages	Retained in 2019 Forest Cutting Plans file in office
5.	Opacum Land Trust: Forest Legacy Project; Letter of Support for Conservation Restriction	New/Old Business	Retained in 2019 OLT Forest Legacy Application file in office
6.	MassConn Sustainable Forest Partnership: Emerald Forest/Forest Legacy Project Landowner FAQ's	New/Old Business	Retained in 2019 OLT Forest Legacy Application file in office
7.	Opacum Land Trust: Letter of Request to hold Conservation Restriction	New/Old Business	Retained in 2019 OLT Forest Legacy Application file in office