

# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Minutes

Thursday, August 29<sup>th</sup>, 2019 – 3:00 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 (3:04 PM)  
Nicholas Zeo  
Dorothy Lawrence  
Angela Panaccione, Conservation Agent  
Sarah Fortune, Conservation Assistant

**Members Absent:** Brenda Cole  
Mike Swiatek

**Also Present:** Ryan McNutt, Town Manager  
Nicole Parker, Executive Assistant to Town Manager

1. **Call to Order:** 3:03 PM – Donald Blais, Jr. (Chair)
2. **Chair, Member & Committee Reports:** No Chair, Member or Committee Reports
3. **Review Phone/Mail/E-Mail Messages:**

a. Forest Cutting Plan for 166 Peterson Road (Map 20-33)

The Agent provided the PCC with an update on the Forest Cutting Plan submitted for 166 Peterson Road, reporting that active timber harvest was observed and documented via video on this property in wetlands during a rainstorm on Wednesday, August 28, 2019. The Agent observed slash piles within 25-feet of King's Brook in addition to an illegal stream crossing which placed a massive log in the stream channel to support the stream crossing. The Agent had conducted this site visit for the purpose of verifying the bounds of the abutting conservation land to ensure no encroachment or timber harvesting on town land would occur. One (1) of the property bounds on the Bedard/conservation area line was particularly difficult to find so the Agent searched the vicinity for it. There were no 'No Trespassing' signs in this area to signify to the Agent where the public property ended and private property began. The PCC issued an Enforcement Order to stop work in Stand 3, but the property owner claims that the stop work order is not valid and therefore has continued to harvest timber in Stand 3 without a formal wetland delineation or following the abutter notification they sent which states that harvesting will not begin in that area for ten (10) days to allow the PCC to verify property bounds in proximity to Stand 3 of the harvest. The property owner was made aware of the Agent's presence in the area during the harvest and claims that the Agent was trespassing on private property, so she requested the Town Manager's attendance during this meeting.

The Agent showed the video she took from August 28, 2019 which depicted timber harvesting in wetlands during a rainstorm. Nicole Parker, Executive Assistant to the Town Manager, asked if the Agent had shared this video with anyone else; the Agent reported that she sent the video to David Foulis of MassDEP who is assisting with the enforcement, but that she had not received a response from the DEP or the DCR at this time. Ryan McNutt, Town Manager suggested that the PCC invite the DCR Service Forester and the property owner to the next meeting on September 3, 2019. The Town Manager also suggested that all PCC members and affiliates stay away from the harvest area until after the meeting on September 3, 2019 to avoid another issue with the property owner. Dorothy Lawrence stated that the Agent has every right to inspect property bounds of town conservation land and that the PCC should expect to hear complaints in situations such as this.

b. FCP L11 Old warren Road (Map 21-11)

The Agent updated the PCC on the Forest Cutting Plan submitted for the Lizak parcel and her comments on the plan. The preparer cited outdated regulations for the Forest Cutting Practices Act from 1995 and the plan overall proposes to leave four (4) to twelve (12) trees per acre on the 67-acre parcel. The plan does not properly identify wetlands nor does it identify steep slopes in which harvesting is proposed. The Agent also determined that three (3) bounds on the Lizak parcel are incorrectly marked on town land; this was determined during a site visit to verify the bounds on August 26, 2019.

Donald Blais, Jr. asked the Agent for suggestions on how best to proceed in this situation; she suggested that the PCC could grant the Lizak's access through conservation land trails to negate the need to cross King's Brook for the timber harvest. Dorothy Lawrence expressed her concern about this option. The PCC discussed that any timber removed from conservation land as a result of providing access to the Lizak parcel would be taken by the PCC as revenue. The PCC also decided to require a site visit with the logger and Agent to determine the precise path of access through conservation land.

**Motion made by Dorothy Lawrence to send comments and offer access to the Lizak's through conservation land trails to avoid crossing King's Brook provided that the parcel bounds are marked every hundred (100) feet and that no physical harvesting of timber is to occur on conservation land**

**Motion was seconded by Nicholas Zeo**

**No further discussion – 5-0-0 – Motion Carries**

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

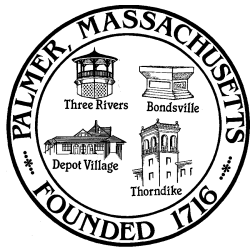
5. **Meeting Adjourned:** 4:15 PM

**Motion made by Dorothy Lawrence to adjourn at 4:15 PM**

**Motion was seconded by Nicholas Zeo**

**No further discussion – 5-0-0 – Motion Carries**

Sincerely Submitted,  
Sarah A. Fortune  
Palmer Conservation Assistant



# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Documents

Thursday, August 29<sup>th</sup>, 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

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.	Forest Cutting Plans: 166 Peterson Road (Map 20-33)	Review Mail/Phone Messages	Retained in 2019 Forest Cutting Plans file in office
2.	Forest Cutting Plans: L11 Old Warren Road (Map 21-11)	Review Mail/Phone Messages	Retained in 2019 Forest Cutting Plans file in office
3.	Forest Cutting Plan Comments: L11 Old Warren Road (Map 21-11)	Review Mail/Phone Messages	Retained in 2019 Forest Cutting Plans file in office