



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, August 3rd, 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
Dorothy Lawrence
Dave Cotter
Brenda Cole

Members Absent: Mike Swiatek

Also Present: Sarah Fortune, Interim Conservation Agent
Michele & Steve Paul, 29 Cedar Hill Street, Palmer, MA 01069
Keith Terry; Sherman & Frydryk, LLC; 3 Converse Street, Suite 203, Palmer, MA 01069
Henry Rigali & Mary Hutchinson; 208 River Drive, Hadley, MA 01035

1. **Call to Order:** 6:30 PM – Donald Blais, Jr. (Chair)

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

a. **Agent Report**

The Agent reported updates on the following projects and grants: completed/closed out the MVP Action grant, and submitted for final reimbursement; confirming the budget for the FEMA Hazard Mitigation grant, which will fund construction costs for the Route 181 culvert replacement project; submitted the 604(b) grant quarterly report for the development of a watershed based plan for Forest Lake, in which no progress has been made during the last quarter; making progress updating the Open Space and Recreation Plan using information from the newly adopted Master Plan; and drafted a stormwater ordinance that complies with the MS4 year 3 permit requirements to provide to Planning Board for adoption while working with the DPW Director and Tighe & Bond to complete the MS4 annual report by the deadline of 9/28/2021.

3. **Review Mail/Phone Messages**

a. **15th edition of the Natural Heritage Atlas published on 8/1/2021**

The 15th edition of the Natural Heritage Atlas was published on 8/1/2021 and includes updated information on rare species and their habitats.

4. **Approval of Minutes**

a. **6/15/2021**

**Motion made by Dorothy Lawrence to approve the minutes from 6/15/2021 as amended
Motion seconded by Nick Zeo**

No further discussion

Motion Caries 4-0-2 (Dave Cotter and Brenda Cole abstained)

- b. 7/20/2021, 4/62021 Executive Session, & 7/20/2021 Executive Session

Motion made by Dorothy Lawrence to table the approval of the remainder of the minutes until 8/17/2021 at 6:30 PM

Motion seconded by Dave Cotter

No further discussion

Motion Caries 5-0-1 (Brenda Cole abstained)

5. Signing of Documents

- a. Ratify Emergency Certification: DPW, Rondeau Road repairs

Motion made by Dorothy Lawrence to ratify the Emergency Certification issued to the DPW on 7/26/2021 for repairs to Rondeau Road

Motion seconded by Peter Izyk

No further discussion

Motion Caries 6-0-0

6. Request for Certificate of Compliance

- a. Schedule site visit: DEP # 256-0331 – 271 Breckenridge Street, solar

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.

7. Violations & Enforcement

- a. DEP # 256-0332 – L12 Breckenridge Street solar

The applicant provided a baseline assessment of the wetland restoration area for the solar site located at L12 Breckenridge Street in order to determine what restoration activities need to be completed in order to comply with the outstanding Enforcement Orders issued for violations along the access road. The baseline assessment proposes to substitute plantings included in the approved restoration plan because they believe that some of the species will not succeed in the restoration area. The applicant proposes 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 recommended that the PCC formally approve the proposed substitution plantings because they differ from plantings included in the previously approved restoration plan.

Motion made by Dorothy Lawrence to approve the proposed substitution plantings for the wetland restoration plan approved for the solar site at L12 Breckenridge Street

Motion seconded by Dave Cotter

No further discussion

Motion Caries 6-0-0

8. Other Business (New/Old)

a. Request for Administrative Approval: 62 Flynt Street, tree removal

The PCC received a request for removal of one (1) large and dying Pine tree at 62 Flynt Street. The tree in question is not located in wetland resource areas but is located on the property bound abutting Burliegh Park. The Agent performed an inspection and found that the tree posed a threat to private property and public safety. recommended that the PCC approve the administrative approval request for tree removal.

Motion made by Peter Izyk to issue an Administrative Approval for the removal of one (1) Pine tree posing a threat to private property and public safety at 62 Flynt Street

Motion seconded by Dorothy Lawrence

No further discussion

Motion Caries 6-0-0

b. Request for Administrative Approval: 624 River Street, utility pole installation

The PCC received a request for Administrative Approval from MECO for the installation of one (1) new utility pole at 624 River Street, which is located in the locally-protected 100-foot buffer zone to land subject to flooding pursuant to the Palmer Wetlands Protection Ordinance, Chapter 143(2). The work to install the new utility pole will result in less than 4 square feet of disturbance, and all work will be staged from the existing driveway to the property. Erosion sediment controls will be used during work and all disturbed areas will be restored to pre-construction conditions. The Agent recommended that the PCC approve the Administrative Approval Request.

Motion made by Dorothy Lawrence to issue an Administrative Approval for the installation of one (1) new utility pole within the locally protected buffer zone to land subject to flooding at 624 River Street

Motion seconded by Peter Izyk

No further discussion

Motion Caries 6-0-0

c. Discuss Open Space and Recreation Plan Update

The next Open Space Advisory Committee meeting will occur on 8/12/2021 via Zoom. The draft of Section 3: Community Setting is almost complete and will be available for review by the committee during the meeting.

d. Discuss Master Plan Update

Nick Zeo reported that the Master Plan update is now complete and was adopted by the Planning Board on 8/2/2021. The draft Master Plan is available to review on the town's website.

9. Schedule of Public Meetings & Hearings

- a. 7:00 PM Request for Determination of Applicability (RDA): 29 Cedar Hill Street (Map 2-97):
The applicant is requesting a determination to see if the work associated with the repair of a septic system is subject to the MA Wetlands Protection Act and the Town of Palmer Wetlands Protection Ordinance.

Donald Blais, Jr. opened the public meeting at 7 PM and Michele and Steve Paul of 29 Cedar Hill Street were in attendance to discuss the proposed project, which involves work associated with repairs to the onsite septic system which is currently in a state of failure. The proposed septic system repairs will be located within the same footprint as the existing septic system. It was unclear from review of the site plan submitted to the Board of Health for the septic system permit that all work would be outside of jurisdictional areas, so the Agent recommended that the property owners file a Request for Determination of Applicability to confirm the wetland location with respect to the septic system location. The Agent performed an inspection on 8/3/2021 to confirm that the proposed work will occur outside of the 100-foot buffer zone to wetlands on site and found that the work will be outside of the 100-foot buffer zone.

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 Dorothy Lawrence to close the public meeting for the Request for Determination of Applicability submitted for septic system repairs at 29 Cedar Hill Street at 7:04 PM

Motion seconded by Peter Izyk

No further discussion

Motion Caries 6-0-0

Motion made by Dorothy Lawrence to make a Positive Determination, Box 2A stating that the boundary delineations for the following resource areas are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding to all such decisions rendered pursuant to the wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid: Bordering Vegetated Wetlands

Motion seconded by Peter Izyk

No further discussion

Motion Caries 6-0-0

Motion made by Dorothy Lawrence to make a Negative Determination, Box 1 stating that the area described within the Request is not an area subject to protection under the Act or the Buffer Zone

Motion seconded by Dave Cotter

No further discussion

Motion Caries 6-0-0

Motion made by Dorothy Lawrence to make a Negative Determination, Box 4 stating that the work described in the Request is not within an area subject to protection under the Act (including the buffer zone). Therefore, said work does not require the filing of a Notice of Intent unless said work alters an Area subject to protection under the Act

Motion seconded by Dave Cotter

No further discussion

Motion Caries 6-0-0

Motion made by Dorothy Lawrence to make a Negative Determination, Box 6 stating that the area/work described in the Request is not subject to review and approval by the Palmer Wetlands Protection Ordinance, Chapter 143

Motion seconded by Dave Cotter

No further discussion

Motion Caries 6-0-0

- b. 7:00 PM Notice of Intent (NOI): DEP # 256-0355 – 42 Mason Street Street (Map 2-59): The applicant has submitted a Notice of Intent for activities associated with proposed construction of a single family home, leach facility, well and driveway. The work is proposed within the 100-foot Buffer Zone to Bordering Vegetated Wetlands (BVW).

Donald Blais Jr. opened the public hearing at 7:09 PM and Keith Terry of Sherman & Frydryk, LLC was in attendance to present the project, which includes the proposed construction of a single family home with a septic system, private water supply well and driveway within the 100-foot Buffer Zone to Bank of an intermittent stream on the site. Wetland resource areas were delineated using soils and vegetation and are identified on site by flagging numbered sequentially from W1 to W14. The site is currently undeveloped and a portion of the site is maintained as a field. The site is also is partially forested and the wetlands area located within the existing tree line along the eastern portion for the property. Tree clearing will occur in the outer 50-feet of the 100-foot buffer zone and there will be no tree clearing or other work proposed to occur within the 50-foot No Disturb Zone regulated under the Palmer Wetlands Protection Ordinance, Chapter 143. Erosion sediment controls will be installed at the limit of work line and no work is proposed beyond the limit of work.

Donald Blais, Jr. opened the hearing for questions or comments from the PCC and members of the general public; no one wished to comment on the project at this time.

Motion made by Dorothy Lawrence to close the public hearing for DEP # 256-0355 for the construction of a single family home, septic system, private water supply well, and driveway at 42 Mason Street at 7:17 PM

Motion seconded by Dave Cotter

No further discussion

Motion Caries 6-0-0

Motion made by Dorothy Lawrence to issue an Order of Conditions with Findings of Fact, Special Conditions, and Approved Plans & Documents for 0355 for the construction of a single family home, septic system, private water supply well, and driveway at 42 Mason Street

Motion seconded by Peter Izyk

No further discussion

Motion Caries 6-0-0

10. New/Old Business

- a. Source to Sea Cleanup: 9/25/2021 at 9 AM

The PCC will host the 2021 Source to Sea Cleanup at First Street on Saturday, September 25, 2021 from 9 AM to 12 PM.

- b. Schedule work day: First Street

The PCC will schedule a work day at the Swift River Greenbelt Conservation Area off First Street in advance of the Source to Sea Cleanup on 9/25/2021 in order to perform trail maintenance and repairs to the gazebo. The work day is TBD.

c. Discuss use of filing fee funds for Administrative Assistant

The PCC discussed the possibility of using filing fee funds to hire a part-time Administrative Assistant for the remainder of FY 2022 due to the loss of the Administrative Assistant position for the Conservation Department in FY 2022. Filing fee funds collected from wetlands permit applications can be used by the PCC for the administration and enforcement of the Wetlands Protection Act and Regulations. 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 Dorothy Lawrence to request authorization to use funds generated from permit filing fees to cover the costs of a part-time Administrative Assistant for the remainder of FY 2022

Motion seconded by Nick Zeo

No further discussion

Motion Caries 6-0-0

11. Set Next Meeting Date

- a. The next meeting of the PCC is scheduled to occur on Tuesday, August 17, 2021 at 6:30 PM.

12. Meeting Adjourned: 7:45 PM

Motion made by Dorothy Lawrence to adjourn at 7:45 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

Meeting Documents

Tuesday, August 3rd, 2021 – 6:30 PM
LOCATION: VIRTUAL VIA ZOOM

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

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: 6/15/2021	Approval of Minutes	Retained in 2021 minutes binder
	Meeting Minutes: 7/20/2021, 4/6/2021 Executive Session, 7/20/2021 Executive Session	Approval of Minutes	Approval tabled until 8/17/2021 at 6:30 PM
2.	Ratify Emergency Certification: DPW, Rondeau Road Repairs	Signing of Documents	Retained in file for Emergency Certification, DPW/Rondeau Road
3.	Request for Determination of Applicability: 29 Cedar Hill Street	Schedule of Public Hearing & Hearings	Retained in file for 29 Cedar Hill Street
4.	Determination of Applicability: 29 Cedar Hill Street	Schedule of Public Hearing & Hearings	Retained in file for 29 Cedar Hill Street
5.	Notice of Intent: 42 Mason Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0355
6.	DEP file comments: 42 Mason Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0355
7.	Site plans: 42 Mason Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0355
8.	Order of Conditions, Findings of Facts & Approved Plans & Documents: 42 Mason Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0355
9.	Site plans: 260 Breckenridge Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0354
10.	DEP # 256-0332: L12 Breckenridge solar – review & approve proposed substitution plantings	Violations & Enforcement	Retained in file for DEP # 256-0332