

TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, September 22nd, 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.
Peter Izyk
David Cotter
Nicholas Zeo
Brenda Cole
Mike Swiatek

Members Absent: Dorothy Lawrence

Also Present: Angela Panaccione, Conservation Agent
Sarah Fortune, Conservation Assistant
Jackie Firsty, Bluewave Solar; 111 Huntington Ave, Suite 650, Boston, MA 02119
Kevin McGarry, Fuss & O'Neil; 1550 Main Street, Suite 400, Springfield, MA 01103
Sam Walker, Massachusetts Electric Company d/b/a National Grid; 40 Sylvan Road, Waltham, MA 02451
Steve Mack, Foresight Land Services, Inc.; 1496 West Housatonic Street, Pittsfield, MA 01201
Drew Pierson, Bluewave Solar; Bluewave Solar; 111 Huntington Ave, Suite 650, Boston, MA 02119

1. Call to Order: 6:32 PM – Donald Blais, Jr. (Chair)

- a. Roll call attendance:
 - i. **Donald Blais, Jr. – present**
 - ii. **Dorothy Lawrence – absent**
 - iii. **Peter Izyk – present**
 - iv. **David Cotter – present**
 - v. **Nicholas Zeo – present**
 - vi. **Brenda Cole – present**
 - vii. **Mike Swiatek – present**

2. Review Mail /Phone Messages

- a. National Grid Notice of Utility Line Maintenance

The PCC received notification from National Grid regarding utility line maintenance, specifically pertaining to the replacement of utility poles 87, 111, and 112 on Boston Road. The work to replace the utility poles is an exempt maintenance activity within the 2020 maintenance year.

- b. C4R Fall River News

The bacteria sampling program sponsored by the Chicopee 4 Rivers Watershed Council (C4R) is now complete. The Connecticut River Conservancy (CRC) is sponsoring a remote Source 2 Sea cleanup throughout the entire month of September that will allow for river cleanup activities to occur in lieu of COVID-19, and the Swift River Greenbelt Conservation Area off First Street in Bondsville is listed as one of the river cleanup locations for folks to participate in the event in a remote capacity.

c. MACC Fall Conference sign-ups

The MACC Fall Conference will occur from 10/17/2020 to 10/24/2020 and will be held virtually due to the COVID-19 pandemic. Registration is now available for all PCC members who wish to attend.

d. 401 Water Quality Certification: Route 20/East Park Street Bridge

The 401 Water Quality Certification was issued on 9/22/2020 for repairs to the bridge on Route 20/East Park Street over the Quaboag River. Work to repair the bridge and bridge abutments is anticipated to commence in the near future.

3. Approval of Minutes

a. 6/2/2020

Motion made by Brenda Cole to approve the minutes from 6/2/2020 as amended

Motion seconded by Peter Izyk

No further discussion

Role call vote: Donald Blais, Jr. – aye; Peter Izyk – aye; David Cotter – aye; Nicholas Zeo – aye; Brenda Cole – aye; Mike Swiatek – aye

Vote was Unanimous – Motion carries

b. 8/18/2020

Motion made by Brenda Cole to approve the meeting minutes from 8/18/2020 as amended

Motion seconded by Mike Swiatek

No further discussion

Role call vote: Donald Blais, Jr. – aye; Peter Izyk – aye; David Cotter – aye; Nicholas Zeo – aye; Brenda Cole – aye; Mike Swiatek - abstain

Vote was Unanimous – Motion carries

4. Requests for Certificates of Compliance

a. DEP # 256-0341: National Grid – X176 Line Work

The PCC performed an inspection on 9/22/2020 to inspect for compliance with the Order of Conditions issued to National Grid for work along the X176 utility line and found that the site was in compliance.

Motion made by Dave Cotter to issue a full Certificate of Compliance with ongoing Special Condition #33 for DEP # 256-0341 to National Grid for X176 line work

Motion seconded by Nick Zeo

No further discussion

Role call vote: Donald Blais, Jr. – aye; Peter Izyk – aye; David Cotter – aye; Nicholas Zeo – aye; Brenda Cole – aye; Mike Swiatek - abstain

Vote was Unanimous – Motion carries

5. Project Monitoring

a. DEP # 256-0345: MA DOT Mongo Pond Dam Repairs

The Agent performed an inspection with MA DOT on 9/15/2020 and reviewed the erosion sediment controls, work and staging areas, dewatering areas, and overall construction sequence for the repairs to the Mongo Pond Dam. The Agent expressed her concern about the access road that will be constructed and utilized in order to conduct the repairs to the dam, so she will perform a subsequent site visit before the access road is constructed to review her concerns with the contractor. The Agent reported that the Construction General Permit has not yet been issued by the Army Corps of Engineers, but that work will commence upon the issuance of that permit; she is hopefully that the work will commence soon because of the threat of hypothermia to the divers that are required to perform work on the dam/water control structure.

6. 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 spans the Palmer-Ware Town lines. The PCC will work with the Ware Conservation Commission to do joint enforcement, and will be scheduling a joint site visit in the near future to determine what violations have occurred in Palmer.

7. New/Old Business

a. BSA workday at First Street – 10/3/2020

The PCC has scheduled a work day with BSA Troop 164 on 10/3/2020 from 9 AM to 12 PM to perform maintenance at the Swift River Greenbelt Conservation Area off First Street in Bondsville. The rain date for the work day is scheduled to occur on 10/10/2020 from 9 AM to 12 PM.

b. First Street Vandalism

The PCC was notified of vandalism that occurred at the Swift River Greenbelt Conservation Area off First Street in Bondsville, specifically to the gazebo along the universal access loop trail there. The PCC has also received reports of unauthorized motor vehicle activity at the conservation area and on the trail there as well. The cameras purchased by the PCC to monitor the conservation area in February of 2020 have been offline due to technical difficulties, but the PCC is working to get the cameras up and running again. The PCC discussed their options on how to prevent acts of vandalism in the future, and ways to inform the community of their utter disgust that such an act of vandalism has occurred to town property, one that is such a huge asset to the community. The PCC will continue to work to identify those responsible for the vandalism and to hold them accountable for their actions.

8. Schedule of Public Meetings & Hearings

a. 7:18 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 7:18 PM. The Agent reported that a site visit has been scheduled for the week of 10/6/2020 to review locations where the railroad is in close proximity to wetland resource areas to ensure there are no wetland impacts from upcoming herbicide treatments. The PCC received a request from the applicant to continue the public hearing until 10/20/2020 at 7:00 PM to allow for the Agent to conduct a site visit.

Motion made by Brenda Cole to continue the public meeting for CSX 5 Year VMP (CSX Right-of-Way) to 10/20/2020 at 7:00 PM

Motion seconded by Mike Swiatek

No further discussion

Role call vote: Donald Blais, Jr. – aye; Peter Izyk – aye; David Cotter – aye; Nicholas Zeo – aye; Brenda Cole – aye; Mike Swiatek - aye

Vote was Unanimous –Motion carries

- b. 7:21 PM Request for Determination (RDA) – National Grid: 24 Blanchard St (Map 1 Lot 5):
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 7:18 PM and Sam Walker of National Grid was in attendance to present the proposed project, stating that the project involves the relocation of a midspan utility pole and the relocation of a second utility pole off Blanchard Street. One of the utility poles will be relocated within 10-feet of Bordering Vegetated Wetlands, and the second utility pole will be relocated within the 50-foot No Disturb Zone but in a location that is previously disturbed. The project proposes a total of 8 square-feet of disturbance to relocate the utility poles, and excavated soils will be used to refill excavated hole or will be disposed of off-site.

Donald Blais, Jr. opened the public meeting for comment by the Agent, the PCC and members of the general public. No one wished to comment on the project as proposed at this time.

Motion made by Nick Zeo to close the public meeting for the RDA submitted by National Grid for utility pole relocation at 24 Blanchard Street at 7:25 PM

Motion seconded by Peter Izyk

No further discussion

Role call vote: Donald Blais, Jr. – aye; Peter Izyk – aye; David Cotter – aye; Nicholas Zeo – aye; Brenda Cole – aye; Mike Swiatek - aye

Vote was Unanimous –Motion carries

Motion made by Dave Cotter to make a Negative Determination, Box 3 stating that the work described in the Request is within the Buffer Zone, as defined by the Regulations, but will not alter an area subject to protection under the Act, subject to the standard Special Conditions

Motion seconded by Peter Izyk

No further discussion

Role call vote: Donald Blais, Jr. – aye; Peter Izyk – aye; David Cotter – aye; Nicholas Zeo – aye; Brenda Cole – aye; Mike Swiatek - aye

Vote was Unanimous –Motion carries

Motion made by Brenda Cole to make a Positive Determination, Box 5 stating that the work and/or area described on referenced plan(s) and documents(s) is subject to review and approval by Palmer pursuant to the Palmer Wetlands Protection Ordinance, Chapter 168

Motion seconded by Dave Cotter

No further discussion

Role call vote: Donald Blais, Jr. – aye; Peter Izyk – aye; David Cotter – aye; Nicholas Zeo – aye; Brenda Cole – aye; Mike Swiatek - aye

Vote was Unanimous –Motion carries

- c. 7:34 PM Request for Determination (RDA) –Mint Cultivation Facilities, LLC: 25 Ware Street (Map 73-57): The applicant is requesting a determination to see if the work associated with renovation and exterior site work at the Thorndike Mills Factory Outlet is subject to the MA Wetlands Protection Act and the Town of Palmer Wetlands Protection Ordinance. Work has been proposed within 100-feet of Bordering Vegetated Wetlands.

Donald Blais, Jr. opened the public meeting at 7:34 PM, and Steve Mack of Foresight Land Services, LLC was in attendance to present the project to the PCC. The project involves the installation of a dumpster enclosure within the 100-foot buffer zone to Bordering Vegetated Wetlands and re-striping of existing paved parking areas. Demolition dumpsters will be staged on the existing paved parking areas. Erosion sediment controls will be installed between the parking area and adjacent wetlands to prevent alteration of these areas during the renovation of the existing building on the site.

The Agent requested that the dumpster enclosures, for demolition and for permanent use by the property owner, have secondary containment to prevent contact with rain water, which could result in an illicit discharge to wetland resource areas. Steve Mack was amenable to this request, and stated that a line of erosion sediment controls could be placed along the back side of the construction dumpster for enhanced protection of adjacent wetlands, but that there won't be any hazardous material placed in those dumpsters during the demolition and renovation process.

Donald Blais, Jr. opened the public hearing to questions or comments by the PCC and by the general public. No one wished to comment on the project at this time.

Motion made by Nick Zeo to close the public meeting for the RDA submitted by Foresight, LLC for the installation of a dumpster enclosure, exterior renovations and re-striping of existing paved parking areas at 25 Ware Street at 7:40 PM

Motion seconded by Peter Izyk

No further discussion

Role call vote: Donald Blais, Jr. – aye; Peter Izyk – aye; David Cotter – aye; Nicholas Zeo – aye; Brenda Cole – aye; Mike Swiatek - aye

Vote was Unanimous –Motion carries

Motion made by Brenda Cole to make a Negative Determination, Box 3 stating that the work described in the Request is within the Buffer Zone, as defined by the Regulations, but will not alter an area subject to protection under the Act, subject to the standard Special Conditions

Motion seconded by Nick Zeo

No further discussion

Role call vote: Donald Blais, Jr. – aye; Peter Izyk – aye; David Cotter – aye; Nicholas Zeo – aye; Brenda Cole – aye; Mike Swiatek - aye

Vote was Unanimous –Motion carries

- d. 7:50 PM Notice of Intent (NOI) – BWS Dumplin Brook, LLC: 3090 Palmer Street (Map 29 Lot 1): The applicant has submitted a Notice of Intent to see if the work associated with the installation of a large scale solar array is subject to the MA Wetlands Protection Act and the Town of Palmer Wetlands Protection Ordinance.

Donald Blais, Jr. opened the public hearing at 7:50 PM and Kevin McGarry of Fuss & O’Neil was in attendance to discuss the project with the PCC. Kevin asked the PCC if he could present on the project although MassDEP has not issued a file number with comments. The Agent stated that it would be ideal to wait to present on the project until DEP has issued the file number, which is standard PCC procedure, but also because the Natural Heritage and Endangered Species Program (NHESP) has not made a determination on whether or not the project will constitute a take of rare species or their habitats; this information is critical, and could result in changes to the Notice of Intent or site plans, so it would be in everyone’s best interest to wait until those documents have been furnished. Kevin McGarry proceeded to request a continuance of the public hearing until 10/6/2020 at 7:00 PM.

Motion made by Nick Zeo to continue the public hearing for the Notice of Intent submitted for large-scale solar development at 3090 Palmer Street to 10/6/2020 at 7:00 PM

Motion seconded by Peter Izyk

No further discussion

Role call vote: Donald Blais, Jr. – aye; Peter Izyk – aye; David Cotter – aye; Nicholas Zeo – aye; Brenda Cole – aye; Mike Swiatek - aye

Vote was Unanimous –Motion carries

- e. 7:57 PM Request for Determination (RDA) – BWS Dumplin Brook, LLC: L22 Sykes Street (Map 18 Lot 22) & L28 Mt Dumpin Street (Map 18 Lot 28): The applicant is requesting a determination to see if the work associated with the installation of a large scale solar array is subject to the MA Wetlands Protection Act and the Town of Palmer Wetlands Protection Ordinance.

Donald Blais, Jr. opened the public hearing at 7:57 PM and Jackie Firsty of Bluewave Solar and Kevin McGarry of Fuss & O’Neil were in discuss the proposed project with the PCC, stating that the proposed solar development has been designed outside of jurisdictional wetland resource areas and their associated 100-foot buffer zone. He added that the project has also been designed to comply with MassDEP’s Solar Policy. The Assistant requested that the applicant provide the stormwater management report to the PCC for review because the project narrative states that Low Impact Design (LID) stormwater management will be implemented on site, and that pre- and post-development flows have been mitigated, but the PCC can’t verify these claims without the opportunity to review the stormwater management report. The Agent informed him that the PCC has a policy that stormwater management reports are based off of the NOAA 14 atlas, which has the most up-to-date rainfall data and will ensure that the stormwater management system is appropriately sized. The Agent also informed him that the Palmer Wetlands Protection Ordinance requires that there is no change in pre- and post-development flows, and that the applicant is required to demonstrate that the project is in compliance with this aspect of the PWPO. Kevin McGarry stated that the stormwater management report has been approved by the Planning Board, but that he will

provide a copy of it to the PCC for review. The Agent additionally expressed her concern about the proposed swales along the access road not being adequately sized. Kevin stated that these will be grass swales, but that the project proposes additional temporary stormwater management such as diversion ditches and sediment traps for use during construction. A detention basin will be utilized during construction and will be maintained on site as a permanent stormwater management structure. Permanent infiltration basins are proposed within the array to break up sheet flow generated by the solar panels. Two (2) additional detention basins are proposed at the end of the access road that will be constructed to a depth of 5-feet and connected by a culvert. Stone drainage connections have been proposed along the access road to allow water to dissipate and weep, rather than proposing a new point-source discharge to adjacent wetlands. An outlet control structure and level spreader have also been proposed along the access road. Water bars will be installed after the site has been cleared and grubbed but before the access road is constructed. The Agent informed him that the access road and all temporary stormwater management measures will have to be constructed prior to clearing and grubbing of the site.

Kevin proceeded to review the project phasing, stating that phase 1 will involve overall site preparation, including clearing and grubbing for the installation of the gravel access road, with temporary stormwater BMPs installed along the road as it is constructed through the site. Phase 2 will include the installation of all temporary stormwater management structures such as temporary diversions, sediment traps and basins. Phase 3 will involve construction of the solar array itself. Phase 4 will include final site cleanup and restoration in which all disturbed areas and temporary stormwater structures will be restored and stabilized with loam and seed; this phase will also include general vegetation management. All construction phases include the installation and maintenance of erosion sediment controls to delineate the limits of work, delineate the limits of tree clearing/grubbing, and to protect wetlands from sedimentation during the construction process.

The Assistant continued to ask for clarification on shade management because it appears that shade management activities could encroach into the 100-foot buffer zone. Selective clearing of trees for shade management purposes is proposed, in which trees are selective removed from the area around the array to prevent shading of the panels. Kevin stated that there is more selective clearing proposed on the southern side of the array compared to the north side, but that he will provide a narrative to clarify the proposed selective clearing.

The Agent informed the applicant that the PCC could issue a Negative Determination for the project under the Wetlands Protection Act, but that the PCC might require that they file a Notice of Intent locally under the Palmer Wetlands Protection Ordinance (PWO) especially in consideration of the stormwater policy that requires that there is no net change in stormwater flows resulting from the development; in this situation, the Notice of Intent isn't submitted or reviewed to DEP but rather only to the PCC, which would allow for more extensive conditions to be developed for the project to ensure there are no unauthorized alterations to wetland resource areas. Drew Pierson asked how he will if the PCC will require a local Notice of Intent filing; the Agent informed him that it is hard to know at this point without the stormwater management report and without information on the shade management areas. Drew Pierson argued that the stormwater management plan has been approved by the Planning Board, but the Agent maintained that Planning Board approval does not guarantee that the stormwater report complies with the no net change policy stipulated in the PWO. A

local Notice of Intent filing under the PWO ensures that all interests of the WPA area protected.

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

The applicant requested a continuance of the public meeting until 10/6/2020 at 7:00 PM.

Motion made by Brenda Cole to continue the public meeting for the Request for Determination of Applicability submitted for large-scale solar development at L22 Sykes Street and L28 Mount Dumplin Street to 10/6/2020 at 7:00 PM

Motion seconded by Nick Zeo

No further discussion

Role call vote: Donald Blais, Jr. – aye; Peter Izyk – aye; David Cotter – aye; Nicholas Zeo – aye; Brenda Cole – aye; Mike Swiatek - aye

Vote was Unanimous –Motion carries

9. New/Old Business

a. PMFN Request to use First Street

The PCC received a request from the Palmer Monson Family Network (PMFN) to use the Swift River Greenbelt Conservation Area to collect leaves and acorns for a project. The Agent gave the PMFN the approval to use the conservation area for these activities.

b. Culvert failure at Midura Conservation Area

The Agent and Assistant conducted an inspection of a culvert on King’s Brook in the Midura Conservation Area that is currently failing. The culvert is located at the bottom of a ravine at the base of two (2) hills on a National Grid easement for utility line maintenance. Dave Cotter reported that this culvert has significantly degraded in the 2-years that has passed since the baseline documentation for the Turnpike parcel acquisition occurred. Access to the culvert is very difficult so replacing or removing it upon failure would be difficult. The PCC will continue to monitor the culvert failure.

c. COVID-19 Informational Video

There are informational videos regarding COVID-19 available to view on the Town of Palmer website.

d. 604(b) Grant

The Agent reported that she has applied for an extension for the 604(b) grant due to the COVID-19 pandemic which resulted in budget cuts to the Health Department that interfered with review and inspections of septic systems around Forest Lake.

e. Master Plan Update

There will be a public hearing for the Master Plan update on 9/24/2020. This is the third public forum that has occurred for the Master Plan update.

f. 2020 Bac-T Sampling Dates

The last bacteria sampling event occurred on 9/15/2020 which concludes the 2020 bacteria sampling season. The Agent will share the results of the sample analysis when they become available.

10. Set Next Meeting Date

- a. The next meeting of the PCC is scheduled to occur on Tuesday, October 6th, 2020 at 6:30 PM.

11. Meeting Adjourned: 9:20 PM

Motion made by Nick Zeo to adjourn at 9:20 PM

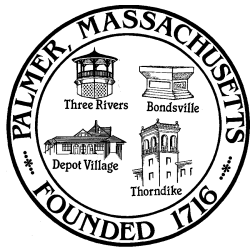
Motion was seconded by Dave Cotter

No further discussion

Role call vote: Donald Blais, Jr. – 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, September 22nd, 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, 8/18/2020	Approval of Minutes	Retained in 2020 agenda & minutes binder in office
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): National Grid – 24 Blanchard Street	Schedule of Public Hearings & Meetings	Retained in RDA file for National Grid – 24 Blanchard Street
6.	Site Plans: National Grid – 24 Blanchard Street	Schedule of Public Hearings & Meetings	Retained in RDA file for National Grid – 24 Blanchard Street
7.	Determination of Applicability (DOA): National Grid – 24 Blanchard Street	Schedule of Public Hearings & Meetings	Retained in RDA file for National Grid – 24 Blanchard Street
8.	Request for Determination of Applicability (RDA): Mint Cultivation – 25 Ware Street	Schedule of Public Hearings & Meetings	Retained in RDA file for National Grid – 25 Ware Street
9.	Site Plans: Mint Cultivation – 25 Ware Street	Schedule of Public Hearings & Meetings	Retained in RDA file for National Grid – 25 Ware Street
10.	Determination of Applicability (DOA): Mint Cultivation – 25 Ware Street	Schedule of Public Hearings & Meetings	Retained in RDA file for National Grid – 25 Ware Street
11.	Request for Determination of Applicability (RDA): Bluewave Solar – L22 Sykes Street & L28 Mt. Dumplin Street	Schedule of Public Hearings & Meetings	Retained in RDA file for Bluewave Solar
12.	Site Plans: Bluewave Solar – L22 Sykes Street & L28 Mt. Dumplin Street	Schedule of Public Hearings & Meetings	Retained in RDA file for Bluewave Solar

13.	Notice of Intent: Bluewave solar – 3090 Palmer Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0350
14.	Site plans: Bluewave solar – 3090 Palmer Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0350
15.	Stormwater Management Report: Bluewave solar – 3090 Palmer Street	Schedule of Public Hearings & Meetings	Retained in file for DEP # 256-0350