



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, September 3rd, 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.
Peter Izyk
Nicholas Zeo
Dorothy Lawrence
Brenda Cole
Angela Panaccione, Conservation Agent
Sarah Fortune, Conservation Assistant

Members Absent: Mike Swiatek
David Cotter

Also Present: Keith Davies, Chicopee 4 Rivers Watershed Council; 100 Beaver Road Ware, MA
Ryan McNutt, Town Manager; 4417 Main Street, Palmer, MA 01069
Patricia Bedard; 166 Peterson Road, Palmer, MA 01069
Tim Bedard; 166 Peterson Road, Palmer, MA 01069
Doug Hutcheson, DCR Service Forester; 40 Cold Storage Drive, Amherst, MA 01002

1. **Call to Order:** 6:31 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 Lake Seasonal Cottages ENF**

The PCC received the Environmental Notification Form (ENF) for the Forest Lake Seasonal Cottages project pertaining to environmental impacts resulting from the development. The public comment period on the ENF begins on September 11, 2019 and ends on October 1, 2019 with a decision rendered by MEPA no later than October 11, 2019.

4. **Approval of Minutes:**

- a. **5/21/2019**

Motion made by Dorothy Lawrence to table the approval of minutes from 5/21/2019 until 9/17/2019 at 6:30 PM
Motion seconded by Nick Zeo
No further discussion – 5-0-0 – Motion carries

- b. **8/20/2019**

Motion made by Brenda Cole to approve the minutes from 8/20/2019 as amended
Motion seconded by Dorothy Lawrence

No further discussion – 5-0-0 – Motion carries

c. 8/29/2019

Motion made by Dorothy Lawrence to approve the minutes from 8/29/2019 as written

Motion seconded by Nick Zeo

No further discussion – 5-0-0 – Motion carries

5. Approval of Payables

a. SWCA: \$917.00

Motion made by Dorothy Lawrence to approve the payable to SWCA for \$917.00 from the outside consultant account

Motion seconded by Peter Izyk

No further discussion – 5-0-0 – Motion carries

b. Mileage: \$324.22

Motion made by Dorothy Lawrence to approve the mileage for \$324.22 from the ordinance account

Motion seconded by Brenda Cole

No further discussion – 5-0-0 – Motion carries

6. Violations & Enforcement

a. Hillside Drive

The Agent reported that one (1) tree approximately 4-inches diameter at breast height (DBH) was cut down by a small farm pond and that she doesn't believe that any impacts to resource areas occurred as a result of the tree removal.

7. New/Old Business

a. Palmer Cultural Council Grant endorsement: John Roots "Attracting Birds, Butterflies, Bees and Other Beneficials"

The PCC received a request from John Roots of the Palmer Cultural Council to write a letter of support to obtain a grant for a presentation on attracting beneficial pollinators.

Motion made by Brenda Cole to approve the mileage for \$324.22 from the ordinance account

Motion seconded by Nick Zeo

No further discussion – 4-0-1 – Motion carries (Donald Blais, Jr. abstained)

b. Keith Davies, C4R: Ware River Blue Trail

Keith Davies of the Chicopee 4 Rivers Watershed Council (C4R) was present to discuss the development of a blue trail along portions of the Ware River in Palmer. The C4R received a recreational trails grant from the state to develop the blue trail and anticipates that formal contract signing will occur later this month. The blue trail will be located from the waste-water treatment plant in Ware and will extend to Bennett Street in Palmer. Keith would like to work with the PCC to identify how best to formalize access/portage at Bennett Street while still

keeping the area rustic. Volunteer time in the field will constitute the match for grant. The anticipated project timeline will consist of designing the trail and other preparation work through the winter of 2019, site work in the spring and 'construction' of the trail in the summer of 2020. The Agent expressed her interest in having the Bennett Street parcel placed in the care and custody of the PCC, which will make development of the blue trail and access easier.

c. 2019 Source to Sea clean-up: 9/28/2019 from 9 AM to 12 PM

The Agent reminded the PCC that sign-up for the Source to Sea Clean-up begins at 8:30 AM on Saturday, 9/28/2019.

d. FY 2019 Annual Report

The FY 2019 Annual Report has now been submitted.

e. 604(b) Grant

There was no update on this agenda item.

f. FEMA Grant

There was no update on this agenda item.

g. Wood Bank Grant

There was no update on this agenda item.

h. Eagle Scout Project at First Street, site visit on 8/27/2019

The workday at First Street for this project is scheduled on November 9, 2019 if the project gets approved.

i. LAND Grant official opening ceremonies on 10/26/2019

The Agent suggested to postpone the official opening ceremonies until Spring 2020 due to the amount of projects to manage and other deadlines to be met prior to the end of 2019.

j. MACC Fall Conference on 10/19/2019

Registration is now open for the MACC Fall Conference.

k. Office Closed: Tuesday, 9/10/2019

The office will be closed on Tuesday, 9/10/2019 so that the Agent can attend an EPA Merit Award Ceremony in Boston.

8. Review Mail /Phone Messages

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

The PCC received a request to lift the Enforcement Order issued to the property owners of 166 Peterson Road for conducting timber harvesting activities in wetlands during a rainstorm on Wednesday, August 28, 2019 due to recent amendments to the FCP. DCR Service Forester Doug Hutcheson was present to discuss the amendments to the FCP, which consisted of extending the wetland boundary to the southern property bound and increasing the width of filter strips 2 and 3 to 150-feet in which no harvesting is permitted to occur; Doug believes that little harvesting will occur on the steep slopes but the area is well beyond the 150-foot filter strip. The FCP was also amended to eliminate two (2) stream crossings and (1) wetland crossing by accessing stand 3N through the abutting property, owned by the Baltazar's.

The PCC expressed their concerns about lifting the Enforcement Order due to previous timber harvesting activities in the rain, the large log placed in King's Brook to support the stream crossing, and the rutting observed on the southern portion of the property at the boundary between 166 Peterson Road and conservation land. Doug informed the PCC that timber harvesting can occur in the rain if done properly and that DCR does not regulate "rutting" unless it results in sedimentation of wetland resource areas. Doug also stated that it is legal to place logs in streams to support crossings as long as the flow of the stream is not impeded.

The Agent requested the opportunity to schedule a site visit with the PCC, but Doug maintained that it is ultimately the property owner's decision to allow the PCC on site. The Agent replied that nowhere in the Forest Cutting Practices Act, Memorandum of Understanding, or BMP manual is it stated that the property owner has the authority to prevent a Conservation Commission from conducting site inspections. Doug believes that there will be no wetland violations occurring in the interim, but that no wetland violations would be found until a site visit was conducted.

Nick Zeo asked if the property owners still intend to enter the property into the Chapter 61 program. Doug replied that the Chapter 61 status of this property hasn't been finalized due to the pending sale of a portion of the parcel to the PCC.

The Agent asked for an explanation to the discrepancy between the information on the abutter notification which stated that the harvest was not to commence until 9/5/2019 yet activity was already occurring in the end of August. She also asked for an explanation as to why DCR didn't issue a stop work order. Doug replied that the logger improperly notified the PCC and that it is ultimately the property owner's responsibility to stop work. The Agent requested the opportunity to verify the parcel bounds at the intersection of the Bedard property and conservation land without harvesting activities occurring. Nick Zeo stated that the FCP appears to have been amended to address the PCC's concerns.

Nick Zeo suggested that the Town Manager be invited to a site visit to the parcel. The Agent asked property owner Patricia Bedard if she would be amenable to a site visit with herself, the PCC, the Town Manager, and Doug. Patricia replied that she is hesitant to allow the PCC on site and would like the Lizak's present if an inspection were to occur although the stream crossing is located on her property on not the Lizak parcel. Patricia proceeded to accuse the Agent and the Assistant of trespassing on her property, littering on conservation land, throwing cigarette butts in King's Brook, and drinking alcohol while inspecting parcel bounds on August 28, 2019. The Agent and Assistant refuted these allegations as they are false. Dorothy Lawrence stated that this was not the time nor place to discuss such allegations.

The Agent requested that she be notified when the 3N stand has been properly marked in the field so she can review the wetland delineation and property bounds prior to harvest. Doug will notify the PCC when the area has been marked so that the bounds can be confirmed as soon as possible.

Donald Blais, Jr. asked the PCC and members of the general public if they had any other questions or concerns. No one wished to provide additional comments on the FCP.

Motion made by Nick Zeo to lift the Enforcement Order for 166 Peterson Road pending a good faith site visit with the PCC to look at the area with the wetlands and stream crossing

Motion seconded by Peter Izyk

No further discussion – 5-0-0 – Motion carries

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

The Agent asked Doug Hutcheson if he has had the opportunity to review the proposed alternate access to the Lizak parcel off Old Warren Road to avoid multiple stream crossings and other potential wetland impacts. Doug informed the PCC that he walked the alternate proposed access prior to the meeting and has safety concerns relatively to log trucks exiting and entering off of Old Warren Road. The Agent suggested using McMaster's Road through conservation land onto Route 67 for access, but Doug and the logger believe that the steep slopes might pose a safety concern for slow-moving log trucks. Doug informed the PCC that there are additional reasons other than safety as to why they are reluctant to use an alternate access for the harvest, such as the landowner's desires, and that FCPs are required to avoid wetland impacts only when it is feasible to do so. The Lizak FCP can be approved and utilize the proposed access through the Bedard property without using Old Warren Road for access.

The Agent expressed her concerns about this FCP designated as "long-term forest management" when the plan proposes to harvest all but 4 to 12 trees per acre across the 67-acre parcel. Doug explained that harvest method selected for the Lizak parcel is a 'seed tree' harvest to promote the long-term goal of forest regeneration by retaining trees of good reproductive quality to serve as the seed source. These seed trees will be retained based on growth vigor, growth form, and a full crown, all of which are indicators of good reproductive quality. Doug informed the PCC that he is responsible to ensure that the seed trees retained are of sufficient reproductive quality for long-term regeneration as opposed to high-grading, or leaving only poor quality trees on the site. Trees with poor growth form, poor vigor and poor crown formation cannot be selected and retained as seed trees, but he will notify the PCC if he becomes aware that the harvest has deviated from a seed tree to a high-grade. A 15-foot no-cut buffer strip will be maintained along the bank of King's Brook on the parcel to prevent impacts to the stream. The wetland delineation has also been expanded in the area of the stream crossing almost to the toe of the slope, approximately 50-feet. There is a 100-foot filter strip on the slope and a 50-foot filter strip on the stream itself. Doug will return to the property to observe for additional indicators of hydrology on both sides of the White Trail and will provide the PCC with a draft copy of the revised forest stand and boundary map as soon as possible. The eastern, southern, and northern parcel bounds have been marked in the field but he has not yet reviewed the area without 'no trespassing' signs to confirm the accuracy of the parcel bounds.

Doug wanted the PCC to be aware that harvesting is likely to begin on 9/5/19 while amendments to the FCP are in process because there is a great deal of area to harvest within the interior of the parcel, away from the bounds. The Agent requested that harvesting not occur in the area where the parcel bounds have not been confirmed so that no encroachment onto conservation land occurs. Doug was amenable to leaving a buffer along the parcel bounds until the PCC has been able to verify them. Donald Blais, Jr. expressed his concern about this and would prefer that harvesting be stopped until the FCP amendments are finalized.

Doug wanted to review the list of tasks he has with respect to this FCP, which are: to check MassGIS Oliver DEP Wetlands layer along the southern parcel bound to observe for additional hydrologic features; to send the Agent a draft forest stand and boundary map for comments; to assess alternate access 2 through the gravel pit off of Old Warren Road with the property owners and loggers; to revise the FCP as discussed by changing the cutting standards and using the correct citation from the Forest Cutting Practices Act, to revise some of the language on page 3 of the FCP; to clarify with the logger about use of the White Trail, which would require an additional plan amendment; and to write in a 15-foot no cut filter in the southern portion of the property by King's Brook.

c. Abutter Notice FCP Baltazar

Doug Hutcheson informed the PCC that he only just received the FCP for the Baltazar property. The PCC has not received this FCP but has received the abutter notification dated August 20, 2019 which states that

harvesting is scheduled to begin “on or about” October 15, 2019. The Agent asked if this proposed harvest is as extensive as the harvests on the Bedard and Lizak parcels but Doug could not provide an answer as he has not yet reviewed the FCP.

9. Set Next Meeting Date: The next meeting of the Palmer Conservation Commission is scheduled to occur on Tuesday, September 17th, 2019 at 6:30 PM.

10. Meeting Adjourned: 8:40 PM

Motion made by Dorothy Lawrence to adjourn at 8:40 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

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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: Baltazar	Review Mail/Phone Messages	Retained in 2019 Forest Cutting Plans file in office
4.	Meeting Minutes: 8/20/2019, 8/29/2019	Approval of Minutes	Retained in 2019 minute binder in office
5.	Enforcement Order: 166 Peterson Road	Violations & Enforcement	Retained in Enforcement file for 166 Peterson Road
6.	FY 2019 Annual Report	New/Old Business	Retained in file for FY 2019 Annual Report