



TOWN OF PALMER

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CONSERVATION COMMISSION

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FY 2022 Annual Report

Office Hours: Monday 9:00 am – 4:30 pm, Tuesday - Thursday 9:00 am – 3:00 pm or by Appointment

Inspections: Monday - Thursday 8:00 am - 12:00 pm, Friday by Appointment only

Meetings: 1st and 3rd Tuesday of every month, unless otherwise posted

Conservation Commission Introduction

The Palmer Conservation Commission (The Commission) administers the Massachusetts Wetlands Protection Act (WPA) (M.G.L. Chapter 131 Section 40) and associated regulations (310 CMR 10.00). The Commission also reviews all Forest Cutting Plans within the town, all septic system plans within the jurisdiction of the WPA and any project within areas of protected rare/endangered species and/or priority habitat governed by the National Heritage Endangered Species Program (NHESP), a division of the Massachusetts Fisheries & Wildlife.

Accordingly, any proposed activity that may remove, fill, dredge or alter a wetland resource area is subject to the Commission's approval. Wetlands that are subject to protection under the act include any area within 100 feet of a swamp, marsh, forested wetland, vernal pool, pond, intermittent stream, and the 100-year flood zone. The Commission also has jurisdiction within 200 feet of any stream that flows year-round, unless the stream is designated as a densely developed area. In this case, the jurisdiction is from the mean annual high water mark 25 feet out. It should be noted that wetlands may not be wet all year round and low areas that flood in the spring may be considered wetlands as well.

Additionally, the first powers given to Conservation Commissions in the Conservation Commission Act (MGL Chapter 40 § 8C) focused on "promotion and development of natural resources...and protection of watershed resources." Under these powers Commissions undertake planning, acquiring and managing open space, and encouraging and monitoring conservation and agricultural preservation restrictions.

In an effort to better manage over 800 acres of Conservation Land, the Palmer Conservation Commission has established the Land Management Subcommittee to carry out a dedicated program of land management throughout its protected areas.

The Role of the Conservation Commission

The Conservation Commission regulates permit activities that may alter wetlands or their buffer zones in protected areas. Regulated activities include, but are not limited to, dumping leaves, brush, grass, debris, cutting trees or shrubs, reconstructing lawns, building or constructing any type of structures or a septic system, grading, excavating, or filling, changing storm water discharge, polluting wetlands or streams, creating any impervious surface (paving a driveway). Activities within protected area may require a permit, for more information on any given project please consult our Wetlands Protection Brochure available in the Conservation Commission Office.

Role of the Land Management Subcommittee (LMS)

The Land Management Subcommittee will be a standing committee of the Conservation Commission and will carry out a dedicated program of land management including the relevant recommendations in the Palmer 2014 Open Space and Recreation Plan. The Committee will also increase the focus, effort and resources dedicated to Palmer's conservation lands.

The mission of the Land Management Subcommittee is to preserve, maintain and enhance the quality of life for the citizens of Palmer by developing and maintaining Open Space and Recreation opportunities for residents. The LMS works with the community to target and preserve lands and ecosystems within Palmer for public benefit. These areas provide a healthy environment for wildlife and plants and areas for passive or active recreational use by the public. Areas of high natural, scenic and/or recreational value are priorities for the Committee. In order to assure the protection of valued land, we assist in the creation of trails for passive recreation, community gardens, playing fields, beaches and playgrounds.

This year the subcommittee has provide opportunities for the public to appreciate and enjoy Palmer's preserved natural areas, parks, playgrounds and fields, farms and water resources through a limited number of field trips, river clean-ups and hikes.

Members of the Conservation Commission

The Conservation Commission consists of Palmer residents that share a passion for protecting the wetland resources of the town. Commissioners are appointed by the Town Manager for a three-year term. The Commissioners and their Agent are continuously educating themselves through training programs, seminars and conferences sponsored by the Massachusetts Department of Environmental Protection (DEP) and the Massachusetts Association of Conservation Commissions (MACC) in order to stay current with constantly evolving rules and regulations, updated scientific data and best management practices.

The following Conservation Commission Members served in Fiscal Year 2021: Mr. Donald Blais Jr (Chair), Ms. Dorothy Lawrence (Vice Chair), Mr. David Cotter, Mr. Peter Izyk, Mr. Nicholas Zeo, Ms. Brenda Cole, and Mr. Mike Swiatek. Mr. Swiatek submitted his resignation during FY 2021, and was replaced by Mr. Lucas McDiarmid; the Commission would like to thank Mr. Swiatek for contribution to the Commission's work, and would like to welcome Mr. McDiarmid to the board. There are currently no vacancies on the Commission, but any residents interested in engaging with the Commission are encouraged to attend a meeting and consider serving as an Associate Member.

Mrs. Sarah Fortune, a former Commissioner who has served as Conservation Assistant since September 2019 and was appointed as Interim Conservation Agent upon the resignation of Ms. Angela Panaccione in FY 2021, was officially appointed as the permanent Conservation Agent in FY 2022. Mrs. Fortune performs routine and complex professional, administrative and technical duties such as updating and informing the Commission of changes in Federal and State environmental protection regulations, as appropriate. Mrs. Fortune reviews all wetland permit applications and analyzes submitted information and site plans for compliance with the requirements of Wetlands Protection Act, the Rivers Protection Act, the Town of Palmer's Wetlands Protection Ordinance and associated federal, state, and local regulations. She processes all wetland permit filings for proper and timely action associated with Commission business to ensure compliance with legally mandated deadlines. Mrs. Fortune additionally: advises applicants on wetlands applications for various projects by providing consolation services as needed; coordinates correspondence with all applicants, engineers, attorneys, consultants, etc.; and

conducts thorough site inspections to ensure that proposed projects do not threaten environmental and conservation values and interests. Finally, Mrs. Fortune investigates complaints of wetland violations, coordinates and monitors potential violations and recommends appropriate action needed for site remediation.

Members of the Land Management Subcommittee (LMS)

The LMS is made up of Palmer residents that share a passion for protecting open space and recreational areas of the town. Subcommittee members are appointed by the Conservation Commission directly and the subcommittee will have up to seven members with two-year overlapping terms and will be appointed solely by the Conservation Commission. Present members of the Land Management Committee are Sarah Fortune, David Cotter, Peter Izyk, Howard Fife, Lisl Donaldson, and Sheri Jyringi.

The LMS will operate under the direction of the Conservation Commission and will communicate with them frequently on matters of work plans, priorities, funding, volunteers and maintenance. The LMS will prepare an annual plan for the Commission and assist the Commission in developing funding sources, as needed, for maintenance or desired improvements to conservation lands.

Table 1: Total Fillings for the Conservation Commission per Category/ Per Year

PERMITS	TOTAL FY 2022	TOTAL FY 2021	TOTAL FY 2020	TOTAL FY 2019	TOTAL FY 2018	TOTAL FY 2017
Determination of Applicability	7	11	7	9	10	12
Order of Conditions & Amended OOC	5	6	5	13	11	8
Order of Resource Area Delineation	1	1	1	3	4	3
Extensions of Orders of Conditions	2	1	1	3	1	0
Enforcement Orders/Cease & Desist Letters (violations)	6	0	9	22	12	9
Emergency Certifications	6	1	5	17	9	4
Certifications of Compliance	5	5	6	6	7	8
Site Visits	503	592	513	679	509	444

In addition to the total filings issued in FY 2022 as listed in the above table, the Commission also reviewed and issued 10 Administrative Approval Requests, commented on 8 Forest Cutting Plans, and reviewed 51 Site Visit for Building Permit Requests.

Important Issues and Accomplishments of FY 2022

Over FY 2021 the Commission participated in several important conservation outreach and education projects, including:

- **Administered 604(b) Grant for Forest Lake:** The Commission will administer the 604(b) grant received from the Department of Environmental Protection (DEP) to develop a Watershed-Based Management Plan for Forest Lake. The purpose of the Massachusetts Watershed-Based Plan is to organize information about Massachusetts' watersheds, and present it in a format that will enhance the development and implementation of projects that will restore water quality and beneficial uses in the Commonwealth. Forest Lake is an impaired waterbody listed under Category 4C on the Massachusetts 303(d) List of Integrated Waters for non-native (invasive) aquatic plants, and past studies and photographic records demonstrate that nonpoint source pollution, delivering sediment and nutrients to the lake, is the primary pollutant of the lake. The Watershed-Based Plan will include an assessment of nonpoint pollution sources. The plan will include recommendations for management measures at the watershed scale and smaller scales and will highlight opportunities to improve water quality and restore recreational uses of Forest Lake by identifying specific sources of pollution, especially non-point sources of stormwater discharge. The final watershed management plan produced will be implemented to protect the long-term health of the Forest Lake by reducing or removing pollutants, so Forest Lake can meet current water quality standards.

The Commission requested and was awarded a one (1) year extension of the grant contract in FY 2022 which will now extend through June of 2023; COVID-19, significant drought conditions, and municipal staff changes hindered the town's ability to complete required tasks within the project timeline in FY 2022. The Commission anticipates the successful completion of the 604(b) grant in FY 2023.

- **Awarded a FEMA Hazard Mitigation Grant for the Route 181 Culvert Replacement Project:** The Town was awarded a Hazard Mitigation Grant from FEMA for the Route 181 Culvert Replacement Project in FY 2022. The grant is part of FEMA's Hazard Mitigation Grant Program (HMGP), which provides funds to assist state and local governments, federally-recognized tribes, and certain non-profit organizations to implement long-term, all-hazards critical mitigation measures to reduce the risk of loss of life and property from future disasters. The Town submitted the application in 2018 to seek grant funds to increase the culvert size and improve stormwater infrastructure. The undersized crossing currently results in frequent clogging, flooding, ponding upstream, reduction in water quality, increased flow velocity, and scouring at the outlet and downstream. This project will also upgrade the stream crossing to meet the Massachusetts Stream Crossing Standards and address stormwater quality and flow control. The total grant award was in the amount of \$389,486.00 and will fund construction costs and oversight for the project. Previous grant awards (2018 DER Culvert Replacement Grant and 2020 MVP Action Grant) count as match toward the town's required 25% contribution to the cost of the project, resulting in an overall cost to the Town of \$66,495.25 for the entire project, which is valued at approximately \$500,000.00. Construction is anticipated to occur in

July of 2023 (FY 2024) and will occur over the course of one (1) weekend, in which Route 181 will be closed to traffic to allow for construction.

- **2022 Earth Day River & Town Wide Cleanup:** The Conservation Commission hosted the 3rd annual Earth Day River Cleanup at Laviolette Field in Three Rivers on Saturday, April 23, 2022 from 9 AM to 12 PM. This year's Earth Day event was expanded to include a town wide cleanup in addition to a river cleanup, in which residents were encouraged to pick up trash in their neighborhood or at any location of their choosing in town. A total of 57 volunteers attended the cleanup and helped remove a significant amount of trash including items such as tires, nip bottles and cigarette butts. The trash collected during the event filled a 30-yard dumpster. Partner organizations included the Chicopee 4 Rivers Watershed Council (C4R), Boy Scout Troop 164, Palmer Girl Scout Troop, and the Journal Register.
- **2014 Open Space and Recreation Plan Update:** The Commission began working with the Open Space Advisory Committee to update 2014 Open Space and Recreation Plan (OSRP) in FY 2021. The OSRP is an important component of the Town's initiative to preserve and protect its open space lands and recreational resources. The plan provides both an inventory of open space and recreational lands and a set of recommendations to preserve and enhance these valuable assets. The OSRP presents goals and objectives towards preserving and improving the open space and recreational opportunities, as identified by the citizens of Palmer; these goals and objectives are outlined in a Seven-Year Action Plan that the town will use to actualize said goals and objectives. The OSRP is valid for a seven (7) year period and during which time the Town is eligible to compete for funds through the Division of Conservation Services for land acquisition, maintenance and improvement of parks, playgrounds, conservation areas and other open spaces. The OSRP update was submitted to the Department of Conservation Services (DCS) in December 2021 and received conditional approval in March of 2022; the OSRP will be revised and submitted to DCS for final approval in FY 2023.
- **"It's Clean":** This is the 5th year that the Conservation Commission has partnered with Chicopee 4 Rivers Watershed Council to perform regular water quality checks on our community's rivers. Bacteria sampling locations for FY 2021 included: the Swift River at First Street, the Ware River at State Street, the Quaboag River at Laviolette Field, Route 32, and Route 20.
- **Public Outreach & Education:** The Conservation Commission's customary public outreach and education efforts were severely hindered due to the COVID-19 pandemic in FY 2021. The Commission is looking forward to resuming their standard education and outreach programs in FY 2022.

Important Permits Issued during FY 2022

Over the 2022 Fiscal Year the Commission has been extremely busy administering and enforcing the Wetlands Protection Act (WPA) and the Palmer Wetlands Protection Ordinance (PWO), and reviewing various large-scale developments for compliance, such as:

- **Forest Lake Wildlife Management Area (WMA) Boat Launch & Parking Lot (DEP # 256-0360):** The Commission issued an Order of Conditions for a project proposed by the MA Office of Fishing & Boating Access consists of redevelopment and improvements to enhance public access for recreational shore-fishing, boating, and paddling on the existing Forest Lake Wildlife Management Area (WMA) owned by the Commonwealth of Massachusetts, Department of Fish & Game, located along the eastern shoreline off River Street Extension (Assessor's Map 37-6).

The project proposes to redevelop a portion of the property that was a former house site with an existing driveway and parking area to accommodate off-street access to shore-fishing and boating including reclaiming and resurfacing a stretch of existing bituminous driveway and parking area; construction of a new boat access driveway and turnaround area; installation of a new precast concrete boat ramp, and stormwater management provisions along with other miscellaneous site work. The proposed project relocates the existing public boat access to Forest Lake away from the beach frontage and provides appropriate off-street parking for improved public safety. Upon relocation of the 'temporary' cartop access ramp, the beach frontage to be restored to match existing conditions in that area. The proposed boat ramp will be located over 200-feet away from the historical swim beach area with sufficient off-street parking so that vehicles with boat trailers or cartop boats will no longer back directly off River Street, or park informally along the road shoulder, or beach frontage. Ultimately, the project separates boaters from swimmers during launching and retrieving of watercraft and provides increased off-street parking to support the mixed recreational use of the lake and WMA property.

- **BWC Dumplin Brook, LLC (Bluewave Solar) Ground-Mounted Solar Array (DEP # 256-0356):** The Commission issued an Order of Resource Area Delineation for an Abbreviated Notice of Resource Area Delineation (ANRAD) submitted on behalf of BWC Dumplin Brook, LLC to confirm the delineation of suspected bordering vegetated wetlands (BVW) and isolated vegetated wetlands (IVW) located at or associated with L22 Sykes Street and L28 & L29 Mt Dumplin Road in Palmer, MA. The properties are identified by the Palmer Tax Assessor as Plat 18, Lot 22 and Plat 18, Lot 28 & Lot 29 respectively. 2,483 additional linear feet of BVW and 402 linear feet of IVW have been delineated as part of this application. The ANRAD application is for the confirmation of resource area boundaries only; there is no work proposed as a component of the ANRAD application. The newly confirmed resource area boundaries will be used to modify a site plan for the construction of a large-scale ground-mounted solar array at the aforementioned properties, which has been permitted under a Determination of Applicability issued by the Commission in FY 2022. The project as proposed will be constructed entirely outside of jurisdictional wetland resource areas or their buffer zones.

Goals/Activities for FY 2023

- **Expand trail system & update trail maps at the Midura Conservation Area:** The Commission plans to expand the existing trail system at the Midura Conservation Area as part of their effort to update the trail map for the property. There are numerous, unmarked/unmapped existing trails throughout the conservation area, many of which have historical significance, such as the former American Bell Telephone Line (now known as AT&T) which is no longer in service, but the utility poles are still on the property.
- **Source to Sea Cleanup:** The Commission will organize the annual Source to Sea Cleanup in partnership with the Connecticut River Conservancy on Saturday, September 24th, 2022. The Commission has been partnering with the Connecticut River Conservancy to host this event since 2016, mobilizing volunteers to solve the trash problem affecting our rivers. The Commission also intends to combine the Source to Sea Cleanup with another town wide cleanup,

similar to the Earth Day River and Town Wide Cleanup they organized for Earth Day in FY 2021.

- **Workdays with BSA Troop 164 at Swift River Greenbelt Conservation Area:** The Commission organizes regular workdays with local Boy Scout Troop 164 at the Swift River Greenbelt Conservation Area and the Universal Access Loop Trail off First Street in Bondsville to perform routine maintenance such as spreading mulch to prevent the growth of Poison ivy, picking up trash, and removing tires from the Swift River. The Commission held one (1) workday with BSA at the Swift River Greenbelt Conservation Area in FY 2022, and looks forward to organizing more workdays with them in FY 2023.
- **Compost Bin & Rain Barrel Program:** The Conservation Commission plans to organize a community compost bin and rain barrel program to provide residents of Palmer and Belchertown with the opportunity to purchase a compost bin or rain barrel at a discounted price. The Commission will partner with the Town of Belchertown on this program in FY 2023.
- **Routine Monitoring of the Swift River Greenbelt Conservation Area:** The Commission has been performing routine inspections of the Swift River Greenbelt Conservation Area in response to several acts of vandalism that have resulted in damage to the Universally Accessible Loop Trail, parking lot and gazebo in Bondsville. The Commission has observed a decrease in vandalism as a result of conducting routine monitoring and inspections at the conservation area.

The Conservation Commission continuously aims to expand its capacity and efficacy by engaging Associate Members, interns or other interested volunteers for projects such as water quality monitoring, river clean-ups and trail maintenance. Anyone interested should contact the Conservation Commission at conservation@townofpalmer.com.

The Conservation Commission would also like to take this opportunity to thank our interns for all their hard work and effort this year! The Conservation Commission would also like to thank the Town of Palmer residents for their support over the year.

Respectfully Submitted,
Sarah A. Fortune, Conservation Agent
Palmer Conservation Commission