



TOWN OF BRIMFIELD	Salisbury Annex Bld.
CONSERVATION COMMISSION	23 Main Street
COMMONWEALTH OF MASSACHUSETTS	Brimfield, MA 01010

**BRIMFIELD CONSERVATION COMMISSION  
MEETING THURSDAY 11/29/2012 @ 7:00 PM**

**Members Present:** Ian Lynch, Matt Toth, Roger deBruyn, Joe Collins, Steve Phiffer

**Also Present:** Mark Stinson, Mass Department of Environmental Protection (DEP)

**Meeting Opens:** 7:16 PM – Ian Lynch

**7:16 PM Public Inquiry: Wes Lucier – Sportsman Club Route 20/Palmer Rd**

Wes Lucier attended the meeting tonight to address the commission about two separate issues:

- 1) Removal of an old foundation, and sequential filling of the hole on his property on Old Palmer Road as a safety precaution. The land is currently in Title 5 for recreation and this old foundation is a safety hazard for anyone accessing the land. Wes measured the area himself and determined it was well out of the 200-foot Riverfront protection zone and not near any other resource areas.
- 2) Potentially constructing a sportsman’s club on Route 20/Palmer Road (by Trans). John Prensol will serve as his rep on this. The three acre lot is Riverfront and also has wetlands on site. The project is outside the 100-foot riparian zone, but within the 200-foot zone Riverfront Zone. He was advised to submit an NOI for the project.

**7:33 PM New NOI & Previous Violation: Dave Mayo – 10 Shaw Road**

An Enforcement Order was issued to Mr. Mayo on June 12, 2012. The EO was to immediately cease and desist from any further activity, and appear before the Conservation Commission on Tuesday June 26, 2012. At this time Mr. Mayo informed the BCC that he has stabilized the site and removed the rocks and stream crossings. He will be completing a Notice of Intent (NOI) that is in compliance with the WPA and its regulations and will submit it to BCC no later than Wednesday, July 11, 2012. This NOI will evaluate the options Mr. Mayo has for constructing a path for river access and a potential dock on the lake. Failure to submit a completed NOI would require full restoration of the site.

A site visit was conducted on Saturday July 7, 2012 at 9:00 AM at 10 Shaw Road to determine the extent of site restoration. It was determined there is still fill in the wetlands and Mr. Mayo just covered it with brush and planted grass over the gravel he previously laid at the site. It appeared Mr. Mayo was just attempting to hide the path. The area appears to have over 1,500-2,000 square feet of wetlands alterations that needs to be addressed and restored. BCC is requesting a NOI addressing the alterations and proposes wetland replication on a 1:1 scale. The fill still in place needs to be fully removed, not just hid from plain site. Additionally, any provision for “foot traffic only” could be incorporated into the plan, but not at a width of over 2.5 feet.

On Tuesday September 11, 2012 the BCC determined Mr. Mayo was still in violation of the WPA and in violation of the enforcement order. The area is better than it was but it is not restored to its natural state. There is still fill in the wetlands and the grades do not match. BCC will require evidence of soil samples and a restoration plan in writing. Any work completed without an approved restoration plan is technically not valid.

The NOI, dated November 15, 2012 is for the construction of a path to Little Alum Pond. The path will be approximately 6-feet wide and approximately 680-feet long, with 440-feet in a resource area. The total amount of wetlands to be filled will be 2,650 square feet; with 2868 square feet of proposed restoration. Soils will be replaced with a high organic matter mixture (50% soil/50% leaf mulch compost). Plant species identified for the replication area include: Red Maple, High Brush Blueberry, Sweet Pepper Brush, and Northern Arrow-wood. A

6-foot wide foot bridge is proposed for an intermittent stream crossing. The bridge will be constructed of pressure treated wood and sit on 12”X12” concrete blocks to allow for the uninterrupted flow of the stream.

Mr. Farrell delineated the wetlands, identified the areas still containing fill, determined the area of alteration, and determined the areas for replication. No appendix G data sheet was included to show how exactly Mr. Farrell delineated the wetlands. Farrell stated he delineated the wetlands by looking at the vegetation and soils. Currently the land is mostly red maple swamps with no standing water.

**Issues Include:**

- 1) No NHESP determination
- 2) DEP #
- 3) NOI is for split properties and requires the signature of the abutting property owner Peter Manzies
- 4) NOI was also supposed to be for the restoration of the property and removal of fill, with a 2-foot path if any. Currently, the project is aiming to increase the wetlands alterations by 3-fold.
- 5) An alternatives analysis must be completed addressing:
  - Proposed Project (6-foot path)
  - Decrease width of path to 2.5-feet as previously discussed in Meetings
  - Change location of path to avoid wetlands
  - Bog Bridges or raised structure paths in wetlands (height depends on vegetation mix; 1-2 feet)
  - A no action alternative (do nothing and restore site to natural conditions; remove all fill).

As originally discussed and document, any path shall not exceed 2.5-feet. Mr. Farrell proposed a 6-foot path. Additionally, Mr. Mayo and Mr. Farrell were instructed several times to develop a plan that would avoid, minimize and mitigate against any alterations to the wetlands; which this current plans fails to do. Mr. Mayo claims the fill and path have always been there and the path is a “game trail” to the water. He feels installing “bog bridges” will impact the migration of the animals.

A motion was made by Joe Collins at 8:14 PM to continue the hearing until 7:30PM on Wednesday December 12, 2012.

Motion Seconded by Roger deBruyn

No further discussion – vote taken – 5 yes 0 no 0 abstain – Motion Carries

A site visit will be needed in the near future. Upon revisions of the plans, Mr. Farrell will be instructed to stake the areas of the path and the area of the replication for the commission to view.

**8:15 PM Violation: John Serrheno – 56 Dean Pond Road**

John Serrheno Jr. attended tonight’s meeting, with Tom of Rocky Mountain Wood Company, by request of the BCC to address an Enforcement Order (EO) issued by Angela Panaccione on Monday November 19, 2012. The EO was for unauthorized land clearing in a river front, outside of the boundaries of the approved Forrest Cutting Plan (FCP) issued by DCR. On November 5, 2012, Conservation Commission Administrator Angela Panaccione conducted a site investigation at 56 Dean Pond Road, Brimfield, MA which revealed the following:

- Land clearing outside of the boundaries of FCP File # 043-5316-11, issued 6/24/11 for tornado damage cleanup.
- Approximatley 2 acres of forest recently cleared.
- Fresh piles of slash, stumps and wood were abundantly present throughout the property.
- Within the 2 acres it was clear that wetlands, including but not limited to, River front, bank, an intermitten stream, Bordering Vegetated Wetland, Land Under Water and Bordering Land Subject to flooding had been significantly disturbed from direct vegetation cutting and removal, soil disturbance, compaction and rutting, and changes to the natural hydrologic regime from heavy equipment moving throughout the property.
- It is evident Fosket Mill Brook, a designated cold water stream, is under threat of further damage from erosion, direct evaporation due to the loss of cover and exposure to the sun.
- Additionally the work also impairs the capacity of the riverfront area to provide wildlife habitat.

Mr. Serrenho stated his case and did not disagree with our finding. He is aware that he cut outside the boundaries and drove through this section of the property to access the road. The cutting plan did place a landing on this property for the removal of wood, but that was something we should have conditioned.

The property has a valid OOC issued, which will not expire until 2014 due to the permit extension act. Mr. Serrenho was advised to retain Mark Farrell, the original representative. Additionally, a COC was never issued for the work due to problems with the bridge/stream crossing.

A motion was made by Joe Collins at 8:43 PM to ratify the EO issued by Angela Panaccione on November 19, 2012; with the following date changes:

- 1) Hire Consultant: From 11/29 to 12/12
- 2) Draft RARP: From 12/28 to 1/9/13
- 3) All work Completed: From 3/28 to 4/23

Motion Seconded by Steve Phiffer

No further discussion – vote taken – 5 yes 0 no 0 abstain – Motion Carries

### **9:05 PM NOI Ammendment & Violation: Richard Cayer - 59/61 Haynes Hill Road**

Mr. Cayer attended tonight's meeting with representative Glenn Krevosky, form EBT consultants to present amendments to two NOI's, DEP # 117-0237 & DEP # 117-0240. Chris Rabbitt, of 57 Haynes Hill Road, attended as an abutter. Mr. Cayer is still in violation of the WPA and the proposed amendments and sequential OOC will full rectify the issues on site. Wetlands restoration is complete; will the exception of restoring the cobbles at 3A & BVW. Additionally, the illegal crossing still needs to be removed and replaced with a legal crossing.

On Thursday November 15, 2012 Mr. Krevosky delivered a request to amend the NOI/OOC with a decrease in wetlands alterations, along with other changes outlines below.

For DEP # 117-237: Haynes Hill Road, Assessors Map 13 Parcel F Lot 2.3 the applicant proposes to:

- 1) Re-establish the roadway berm off of Haynes Hill Road, adjacent to the utility pole northwest of post grade 96, damaged by the logging vehicles to, to keep the roadway storm water runoff on Haynes Hill Road.
- 2) Install a driveway drain drop inlet sealed below ground elevation to prevent the draining of wetlands. The top of the inlet is at the existing ground elevation.
- 3) Shorten the length of the 3 sided bottomless culvert, which reduces the linear feet of bank being covered, from 21.4' to 12' = a reduction of 9.4' bank coverage.
- 4) Decrease the wetland loss from 1,253 SF to 1,232 SF = a 21 SF decrease in wetland loss.
- 5) Place driveway guardrails along steeper gradient driveway slope areas and along the stream crossing.
- 6) The Replication Area remains the same = 2,646 SF.
- 7) Wetland restoration/replication is to be overseen by EBT Environmental Consultants, Inc.

For DEP # 117-240: Haynes Hill Road, Assessors Map 13 Parcel F Lot 2.4 the applicant proposes to:

- 1) Install a driveway drain drop inlet sealed below ground elevation to prevent the draining of wetlands. The top of the inlet is at the existing ground elevation.
- 2) Shorten the length of the 3 sided bottomless culvert, which reduces the linear feet of bank being covered, from 20.6 to 12' = a reduction of 8.6' bank coverage.
- 3) Decrease the wetland loss from 1,252 SF to 1,114 SF = a 138 SF decrease in wetland loss.
- 4) Place driveway guardrails along steeper gradient driveway slope areas and along the stream crossing.
- 5) Restore the wetland between wetland flags 12A and 13A.
- 6) The Replication Area remains the same = 1,359 SF.
- 7) Wetland restoration/replication is to be overseen by EBT Environmental Consultants, Inc.

It will take approximately two weeks to install the new culvert, and complete the restoration. This work is proposed to occur within the next month. Plantings for the replication area will not occur till the spring, and will consist of a wet meadow mix and an assortment of native shrubs. The work will start on lot 3A and all work stated in the NOI

will occur there first. The work in 4A will be left to whomever purchases the property and will only be used as access/entry to the work at 3A. Overall, there is a large decrease in wetlands alterations which is a good thing. The applicant will reduce the amount of fill, but keep the replication areas the same. The replication area for 3A is for the area taken by the driveway. The reason for not installing the drive where the current fill is located is because by making the driveway straight at the crossing will make work safer and easier, and will also allow for the 18' decrease in culvert length.

Issues include:

- 1) Water & Road drainage: sand is coming down the road now from other sources. There was a berm on the road at one point which no longer exists. A new addition to the work proposed is to re-establish the berm to decrease run-off and erosion down the road.
- 2) EO still open: There is still fill in the wetlands and at the crossing that needs to be removed. Additionally, the illegal crossing needs to be removed and a legal crossing installed. The EO will not be lifted until these conditions are met.
- 3) Needs to be a specific time lime for the crossing and the replication

Abutter Chris Rabbit stated all his concerns were addressed and he has no issue with the work.

The amended OOC will have the replication and restoration requirement included with specific dates for completion. Restoration and the crossing will occur together, within the next month, and the replication will occur in the spring. The two area replicated will be completed simultaneously and will be monitored for two growing seasons. The construction sequence will be as follows: 1) Restore wetlands and fix crossing, 2) pull rocks and unpermitted fill, 3) replicate entire wetlands. Angela will collaborate with EBT to draft the special conditions. Additionally, Angela will work with Mark Stinson to e-file the amended OOC's.

A motion was made by Steve Phiffer at 10:32 PM to close the hearings for lot 2.3 (DEP # 117-0237) & Lot 2.4 (DEP# 117-0240)

Motion Seconded by Matt Toth

No further discussion – vote taken – 5 yes 0 no 0 abstain – Motion Carries

**10:35 PM Public Inquiry: Mark Farrell/Soltas Corp – Solar Array Proposal for Springfield Boy's Club**

Mark Farrell attended tonight's meeting to submit a Request for Determination of Applicability (RDA) for work proposed at 145 Sturbridge Road; the Springfield Boy's Club Property. The RDA is for the installation of a solar array at 145 Sturbridge Road, the Springfield Boy's Club parcel. Solar panels themselves are pretty benign, but issues arise in regard to their placement and the increase in impervious surfaces they produce. Most panels are installed at a slant. During periods of rain the run-off from the panels will increase erosion at the base and could produce point-source pollution to nearby wetlands and streams. A condition for added vegetation and maintenance should be incorporated into the RDA to offset these issues. Additionally, the land should be monitored for invasive as well, especially when clearing and installing a road.

**Meeting adjourned 11:13 PM –**

Motion made by Matt Toth to adjourn at 11:13 PM

Motion was seconded by Joe Collins

No further discussion – vote taken – 4 yes 0 no 0 abstain (Phiffer already left)

Motion Carries

Sincerely Submitted

Angela Panaccione, BCC Administrator