



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

**BRIMFIELD CONSERVATION COMMISSION
MEETING MINUTES
WEDNESDAY March 27, 2013 @ 7:00 PM**

Members Present: Ian Lynch (Chair)
Matt Toth
Roger deBruyn
Joe Collins
Steve Phifer
Angela Panaccione (Administrator)

Members Absent: Joey Resseguie

Public Present: Carmine Angeloni (DCR Service Forester)
Patrick Cumingham (BCC Intern)
Michael & Mary Serrenho, (44 Dean Pond Rd)
John Serrenho Jr. (56 Dean Pond Rd)
Joaquin Serrenho (44 Dean Pond Rd)
James Serrenho (5 Lewis Rd, Springfield)
Thomas Obrien (Rocky Mountain Wood Co.)
Connor Berry (The Republican)
Dan Nitzsche (GZA)
Seth Taylor (GZA)
Nat Arai (GZA)

Meeting Opens: 7:03 PM – Ian Lynch

7:05 PM Cont. NOI DEP #117-0327: Brimfield Highway Department– Haynes Hill Road Reconstruction

The Commission discussed and reviewed the draft special conditions for the Haynes Hill Road reconstruction project.

Motion made by Roger deBruyn to close the hearing and issue the Order of Conditions

Motion Seconded by Matt Toth

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

7:20 PM Public Inquiry: Little Alum Lake Drawdown Schedule and Permitting

The Commission received a request for information on the annual drawdown of Little Alum Lake. The last permit was issued in 2004, and has since expired. Little Alum Lake Society is in charge of scheduling and completing the drawdown. The Administrator will look in the files for any monitoring reports submitted or information received pertaining to the scheduling of the drawdown. Matt Toth will email the commission the contact information for the Lake Society. There is a possibility the Lake Society will have to renew their permit and may be currently operating on an expired permit.

7:30 PM EO/Violation: 56 Dean Pond Road – John Serrenho

John Serrenho and his Representative, Mark Farrell, attended the meeting tonight to present the draft Resource Area Restoration Plan (RARP) submitted to the commission as required by the issued EO. The plan is for replacing the lost replicated wetlands and stabilizing the stream bank and riverfront areas. Plantings of primary

colonizers such as arrowwood will occur along the stream, in the riparian zone. The commission recommended the planting replicate what is already there in the undisturbed areas across the street. The ruts will be hand raked and smoothed over. No heavy equipment will operate in the Riverfront Area (RA).

Mark Farrell has already flagged the resource areas (bank, BVW & RA). Farrell will also re-evaluate the previous replication areas and add more planting to them if necessary. The area will be monitored for invasive species as well. If any invasive colonize the area the property owner will remove them immediately. The administrator supplied John Serrenho with *A Guide to Invasive Plants in Massachusetts* for a reference manual.

A motion was made by Roger deBruyn to extend the deadline of the completion of site restoration, per the issued EO, from April 23, 2013 to May 15, 2013.

Motion Seconded by Matt Toth

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

A motion was made by Roger deBruyn to accept the RARP.

Motion Seconded by Matt Toth

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

The applicant will notify the commission upon completion of the RARP for a site inspection and approval of work.

7:50 PM Numerous Possible FCP Violations (FCP # 043-5316-11) on Assessors Map – Mike Serrenho

Property owner Mike Serrenho, and Tom O'Brien from Rocky Mountain attended the meeting tonight to address concerns they have about the recommended restoration initiatives developed by BCC, Mass Fish & Wildlife and DCR. BCC has been working with DCR and FWS to develop conditions for the site mitigation/restoration. FWS additionally supplied their own recommendations for a restoration, focusing primarily on Foskett Mill and the riparian zone.

Mike Serrenho submitted a letter to the commission detailing his position and concerns. He expressed concerns over past minutes, specifically dealing with grammatical errors, minor word placement and the correct spelling of his last name. The minutes were adjusted per his concerns. He also wanted the issue of the EO at 56 Dean Pond separated from the numerous possible violations on the FCP parcel. The commission informed Mr. Serrenho the parcels were addressed together because the EO at 56 Dean Pond was a direct result of a violation of the FCP (harvesting outside of the plan boundaries).

Mike Serrenho also wanted clarification over the requirements and recommendations submitted by the commission to DCR. Carmine Angeloni clarified that the process was to collaborate with the commission to do a final inspection/final report of what should be incorporated into the final plan. The email in question was addressed to him, from the conservation commission, and was notes about the site visit and what was discussed so far. The commission informed Mr. Serrenho that DCR will maintain jurisdiction in the matter and all final decisions are up to DCR. DCR cannot finalize the project without the commission's recommendations for stabilization. A site visit will occur Thursday March 28, 2013 at 10am with DCR and Jen Fish at the site.

Mike Serrenho stated all he wants is transparency from the commission, and Angela in particular. Matt Toth stated that commission, and especially Angela have been nothing but transparent during the entire process.

Joe Collins raised concerns over the numerous violations present at the site and whether the FCP was a standard cut to begin with. Carmine Angeloni responded that the FCP was issued for a cleanup, and that made it significantly different from other typical FCP.

Steve Phifer stated that he did not believe the work should have ever occurred as it did around the brook per the FCP regulations, and that erosion controls needed to be put in place in February when the commission originally asked for them.

Tom Obrien pointed out that several other sites around town were cleared in a similar fashion and the commission is doing nothing about those. He informed the commission he had a list of site, and in particular he mentioned clearing work completed by both DCR and the town of Brimfield.

Steve Phifer instructed Tom Obrien to supply the commission with the list and we would investigate further.

Motion was made by Steve Phifer that the Brimfield Conservation Commissions recommendations to DCR that they are to follow the recommendations supplied in the letter from Richard Hartley, Mass Fish & Wildlife Service, for immediate erosion controls all along the western side of the river.

Motion Seconded by Matt Toth

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

Roger deBruyn stated the cut was completed out of the scope of the Best Management Practices, and it was a messy cut. Furthermore, the grant secured to clean up the site was a FSA Emergency Disaster Forest Restoration grant, which pays people to protect the productivity of forested lands. The grant requires reforesting the area damaged, under a forest management plan. The grant is supposed to provide assistance to restore the damaged areas.

Matt Toth made a closing statement that he believed Angela Panaccione acted with integrity throughout the entire process, and the statements in the newspaper article were false. Roger deBruyn agreeded.

8:35 PM Continued NOI DEP #117-0326: DCR - Dean Pond Beach

The Applicant requested a continuation while 401 WQC and 404 Permits are reviewed.

Motion made by Matt Toth to continue the hearing until 7:45 PM on Wednesday April 10, 2013.

Motion Seconded by Joe Collins

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

8:36 PM Continued NOI DEP #117-0328: Shannon Carty – 82 First Street

The Applicant is still waiting on NHESP determination and requested a continuation. This filing is in response to a stop work order issued by the Building Inspector. The deck and front stairs were removed in late November, and upon a site inspection Bill Klansek (Building Inspector) notified the property owner to contact the commission and obtain the appropriate permits. The property owner dug out the porch and left the area exposed. There is an immediate need for erosion controls to be installed. Roger deBruyn supplied the commission with site photos of the area and the exposed soils present. Mark Farrell did inform the commission the owner was not planning on expanding or rebuilding the existing cottage, just the outside deck and access stairs.

Motion made by Steve Phifer to continue the hearing until 8:00 PM on Wednesday April 10, 2013.

Motion Seconded by Matt Toth

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

8:40 PM NOI DEP #117-0329: Brian Caron/SE Solar NE – 170 Palmer Rd; Route 20 – Ian Lynch Opens

The Applicant requested a continuation for one month in order to deal with outstanding issued regarding the proposed use of the property.

Motion made by Steve Phifer to continue the hearing until 8:00 PM on Wednesday April 24, 2013.

Motion Seconded by Matt Toth

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

8:40 PM NOI DEP #117-0330: DCR - Dean Pond Interim Dam Repairs - Ian Lynch Opens

On behalf of the Applicant, the Massachusetts Department of Conservation and Recreation, Office of Dam Safety, GZA Geo Environmental, Inc submitted an NOI requesting a 5 year Order of Conditions to allow for the

rehabilitation and continued maintenance of the Dean Pond Dam. To limit the degree of wetland impact, the proposed work will improve the current dam rating of “Poor” to a level of “Fair”.

The Dam is located within the easterly portion of Brimfield State Forest, in Brimfield, MA. The dam maintains water levels in Dean Pond by impounding flow of the Foskett Mill Stream to provide water-dependent recreational activities. All of the work will occur within the Riverfront Area (310 CMR 10.58) of Foskett Mill Stream and within the Buffer Zones to a Bank (310 CMR 10.54) and Bordering Vegetated Wetland (BVW) resources. No work is proposed within the BVW resource.

Dean Pond Dam is a manmade earthen embankment dam. It is 180 feet at its longest point, between 61 feet and 91 feet wide and 21 feet in height. The grassed dam crest is approximately 10’ wide, with a slope ratio of 2.5:1. Its design included a concrete core wall with earthen works that were integrated into the adjacent bank of the Pond to the west, and to the Stream to the east. A stone spillway was built as part of the dam on its southern end to allow high-water level outflow into the stream.

The proposed work will begin by May and includes improving the current conditions of the Dam and upgrading its rating from “Poor” to “Fair” provided the following remedial repairs are performed:

1. Earthen Embankment Dam Structure

- Reconstruct eroded areas on the upstream face and crest of dam embankment;
- Removal of trees and other woody vegetation including associated root balls, from the upstream and downstream slope; fill the resulting voids with compacted granular fill;
- Removal of a 14” DBH maple tree on eastern slope of dam embankment;
- Removal of two vertical 18” concrete planters located on the crest;
- Loam and seed with native grass mix to establish turf surface;
- 12, 4’x2’x2’ stone boulders will be placed at the toe of the western embankment at two key locations

2. Spillway

- Repointing of deteriorated mortar joints in the stonework;
- Repair of spalled segments of spillway training walls;
- Removal of saplings along northern and southern spillway training walls;
- Removal of all debris collected in spillway and discharge area from dam to cross culvert at Dean Pond Road;

3. Outlet Channel

- Removal of debris from outlet channel to restore typical outflow volumes;
- Repair or Replacement of Operator Stem and Sleeve;
- Repair or Replacement of Sluice Gate/Sleeve;
- Repair of the low level outlet to make it operational, based upon the findings of a video inspection of the outlet pipe and a underwater inspection of the inlet;

4. Southerly Embankment

- Removal of trees (16-24” DBH) on slope south of spillway, 4 trees, 1 stump, and all root balls, fill the resulting voids with compacted granular fill;
- Restoration of original grading of Embankment with loam, seed with native grass mix to establish turf surface.

5. Northerly Embankment

- Removal of all woody vegetation 20 feet beyond northerly end of dam structure;
- Loam and seed with native grass mix to establish turf surface.

Work Area: North

The overall work area in this northern section, is approximately 4,705 ft². This proposed work area includes all work north of the spillway, on and within the dam structure, and the restoration of grade of the western and slope and the dam crest to provide improved strength of the structure and to mitigate various degraded portions of the western embankment created by human foot traffic.

The proposed impacts to Bank (60 LF) are unavoidable and necessary to meet the criteria for the maintenance and operation of the Dam. Approximately 12 linear feet of the Bank will be restored with herbaceous plant species native to Hampden county, such as Soft Rush (*Juncus effuses*) and Canada Rush (*Juncus canadensis*), a count of about 50 each, 100 total. The plantings will provide a similar wildlife habitat value to the impacted Bank due to the regarding and future maintenance needed along the western embankment of the Dam. 48 linear feet of this resource will be lost, 12 stones, measuring 4'x2'x2', will be placed at the toe of two previously eroded portions of the western embankment to prevent future erosion in these areas.

This work will take place up to the water's edge and sediment control measures will be employed to prevent the siltation of the Pond. Saplings along the northern spillway training wall will be removed in order to prevent their active contribution to the degradation of the spillway wall. Once the stumps are removed, the voids will be restored with clean fill and covered with loam. The graded area will be seeded with a native grass mix to establish a manageable turf area.

Debris will be removed from the outlet channel to restore typical outflow volumes. The operator stem and sleeve will be repaired or replaced, as determined by future analysis once the area is under repair; repair or replacement of the sluice gate/sleeve; repair of the low level outlet to make it operational, based upon the findings of a video inspection of the outlet pipe and an underwater inspection of the inlet.

A 14" Maple tree and its root ball will be removed from this area; the hole will be filled with granular fill, loam added, and seeded with native grass seed. The roots of this tree have and could in the future compromise the integrity of the dam structure. The area of work associated with this tree is 314 square feet, which encompasses its entire root ball. Two 18" vertical planters will be removed from the crest of the dam; these planters serve only decorative purposes.

In a memo entitled "**Policy of Trees on Dams**" from the Department of Conservation and Recreation, Office of Dam Safety, it is recommended that dams be free of woody vegetation, with preference for a mix of native grasses, and that a 20 foot buffer zone be established which is free of woody vegetation from the end of the dam structure. This memo can be found at: <http://www.mass.gov/dcr/pe/damSafety/DamSafety-PolicyonTrees.htm>

The proposed work in **WA-N** includes the northern reach of the dam structure and a 20 feet buffer, and is approximately 120 feet in overall length. It is an area roughly 3,650 ft² in size. This stand of trees is a mix of deciduous and coniferous trees. These trees will be removed to stay in compliance with the above stated memo issued by the DCR. The removal of these trees will ensure the integrity of the dam structure moving forward. This area will be loamed and seeded with a mix of native grasses and maintained beyond the extent of this project by mowing at intervals to be determined by the Division of Forest and Parks in the DCR, the Applicant.

Work Area South

Total work area for this area will be approximately 2,838 ft². The work in this area will include the spillway. Work on the north and south training walls will be performed with protective sandbags to redirect water around the workers temporarily in order to allow for the continuation of typical flow rates downstream to maintain flow in Foskett Mill Stream. Work on the training walls in the spillway will include the repointing of deteriorated mortar joints in the stonework; the repair of spalled segments of the spillway training walls; and the removal of all debris collected in the spillway and discharge area from dam to the cross-culvert at Dean Pond Road.

Saplings and shrubs along the southern training wall will be removed to prevent further deterioration of the wall by root action exposing pockets to freeze thaw damage. This woody vegetation includes several saplings along the training wall, three pines trees (24", 18" and 12"), one maple tree (16") and one 24" stump. This area will encompass approximately 1,025 ft² of the total work area described above which includes areas around the tree associated with the root ball removal.

The southern embankment will be restored to original grade specifications, loamed and seeded with native grass seed to encourage a stable embankment for the southern end of the dam structure. This will be an integral part of the dam structure.

deBruyn raised concerns over the large amount of land clearing that is proposed and the probability of increased erosion at the site from tree removal. The area has already suffered from significant cumulative damages and new projects should not degrade the area further.

The project will not require a drawdown and no alteration to stream flow are proposed. The water will be diverted during dam repair and a turbidity curtain will be used to prevent downstream impacts. Again, the base flow of Foskett Mill will go unchanged. Additionally, the project proposes 60-foot alteration to bank, thereby triggering a wildlife habitat analysis. DeBruyn recommended DCR send NOI to Fish & Game for review. GZA stated that would not be required, because even though the NOI proposes to alter 60-feet of bank, only 12-feet will be permanently altered.

Phifer raised concerns about access to the trails and other recreational activities at Dean Pond being impaired by the dam repair work. GZA assured the commission the project and work involved would have no impact on the recreation activities at the site. Phifer also requested the construction path up the dam face be left in place as a new trail head from the parking lot.

Conditions discussed by the commission, to be included in the OOC are as follows:

1. The applicant will submit an emergency action plan to the commission to be implemented in the event of dam failure during repair.
2. The applicant will submit a revised site plan detailing proposed trail access and new trail-head location. A portion of the crushed stone of the stabilized construction access road will remain in place as a path at the completion of construction to provide a more durable, erosion-resistant surface for pedestrians to access the top of the dam, the pond, and the hiking trail from the parking area. The construction-phase width will be reduced from 10 feet to 5 feet and the grass will be restored on either side of it. The surface of the path will be flush with the surface of the grass to eliminate a tripping hazard and for ease of maintenance mowing.
3. At no point should dam repair interfere with recreational activities occurring at Dean Pond.
4. The base flow to Foskett Mill shall not be altered. The stream diversion shall be conducted in a manner that will not result in any change in flow to Foskett Mill. Also monitor for evidence of any fish kill and have plan in place to address problem if arises.
5. A wildlife habitat analysis per 310 CMR 10.60 shall be submitted before work begins.
6. Due to the extensive land clearing involved, all stump removal and excavation shall be contained in the areas defined on the plans and conducted in a fashion to minimize the degree of site disturbance. The resulting barren area will be immediately stabilized and monitored for any signs of erosion.
7. The new earthen embankment shall be re-vegetated with native grasses and the area shall be monitored for new growth and re-vegetation of hazardous species. The excavated and cleared areas shall be also be monitored for invasive species. The applicant/ DCR shall remove any invasive plant species that try to grow in the area.

Motion made by Matt Toth to close the hearing and issue the Orders of Conditions.

Motion Seconded by Joe Collins

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

9:45 PM Administrative Matters: Finance Committee Recommendation

The Commission discussed the proposed finance committee recommendation for no increase in hours. The commission is the only board denied their request because Fin Com does not see the need for an increase in hours.

BCC has had double the fillings and violations since last year and triple since 2010 and the Administrator is already not accounting for all the hours worked as is. Not only have filing's triples, so have violation in town. Furthermore, since January 1 of this year the commission has already received 6 new NOI's in three months, with an average of one new NOI per meeting. The permit requests are also for major projects dealing with stormwater management, dam repairs, solar projects and beach replacements.

The commission believes all work being completed is within the scope, jurisdiction and requirements of the WPA. The commission will send a letter to Fin Com requesting to appeal their decision and discuss the matter further.

The administrator also sent a letter to the town accountant requesting a copy of all transaction in the wetlands account since 2008.

Meeting adjourned 9:53 PM –

Motion made by Steve Phifer to adjourn at 9:53 PM

Motion was seconded by Joe Collins

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

Sincerely Submitted

Angela Panaccione, BCC Administrator