



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

**BRIMFIELD CONSERVATION COMMISSION
MEETING MINUTES
WEDNESDAY JULY 24, 2013 @ 7:00 PM**

Members Present: Roger deBruyn
Matt Toth
Steve Phifer
Angela Panaccione (Administrator)

Members Absent: Ian Lynch (Chair)
Joe Collins

Meeting Opens: 7:05 PM – Roger deBruyn (Acting Chair)

7:07 PM Cont. NOI DEP # 117-0325 & Previous Violation: Dave Mayo – 10 Shaw Road

The DEP is still reviewing the case and requested we stay the hearing until further notified. An Administrative Consent Order has been issued against Mr. Mayo and the DEP has supplied a restoration plan to follow. Mr. Mayo is required to hire a professional environmental consultant to complete the DEP issued Restoration of the area. A Fine has also been issued from the DEP.

Motion made by Steve Phifer to continue the hearing until 7:00PM on Wednesday August 28, 2013.

Motion Seconded by Matt Toth

No further discussion – 3-0-0 – Motion Carries

7:31 PM Cont. NOI DEP #117-0329: Brian Caron/SE Solar NE – 170 Palmer Rd; Route 20

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 Matt Toth to continue the hearing until 7:00 PM on Wednesday August 28, 2013.

Motion Seconded by Steve Phifer

No further discussion – 3-0-0 – Motion Carries

7:32 PM Cont. NOI DEP #117-0332: Brimfield Highway Department – Champeaux Road Culvert Replace

The applicant has requested we close the hearing and issue the OOC, without all the permits in place. Brimfield Highway has hired Sherman & Frydryk as consultants to prepare the relevant documents for a 401 WQC and a possible 404 certification as well.

The road work may commence, without disturbance to the first two culverts on the road. Work will be limited from utility pole 5 to the Sturbridge line until the proper permits are in place.

The applicant is required to meet current stream crossing standards for the first two culverts on the Road. Any work in this area will constitute a violation of the WPA and the CWA.

Approved Plans and Documents:

“Notice of Intent – Culvert Replacement and Road Reconstruction: Champeaux Rd”; prepared by Zach Lemieux, dated 4/1/13

“MESA Exemption Letter– Champeaux Rd Culvert Repairs;” prepared by Zach Lemieux, dated 4/1/13

“Mass GIS Map (Wetlands, NHESP and Topographic);” prepared by Zach Lemieux, dated 4/1/13

Motion made by Matt Toth to close the hearing and issue the OOC without the condition for snow disposal.

Motion Seconded by Steve Phifer

No further discussion – 3-0-0 – Motion Carries

7:15 PM: Sign Payable Voucher: MACC \$234.00

Motion made by Steve Phifer to sign the payable voucher to MACC in the total amount of \$234.00, for the payment of MACC yearly dues.

Motion Seconded by Matt Toth

No further discussion – 3-0-0 – Motion Carries

7:20 PM Request for a Certificate of Compliance (COC) DEP # 117-0326: DCR, Dean Pond Beach

The Commission received a request for a COC from Bob Hartzel, of Geosyntac Consultants, for the work regulated by a final Order of Conditions issued to Mass DCR dated May 17, 2013, for property located at Dean Pond (Assessors Map 19 A 2), Brimfield, MA. A site visit was conducted on July 3 and July 8, 2013 to determine if work was completed in compliance with the above-referenced Order of Conditions.

It is hereby determined that the work regulated by the Order of Conditions, DEP # 117-0326 has been satisfactorily completed. Given the request, no future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions. This means if the beach need to be “re-nourished” in the next few years, the applicant must go through the NOI process again.

Motion made by Matt Toth to issue the Certificate of Compliance for a Complete Certification of the Order of Conditions, with the continuing conditions # 38 & #39.

Motion Seconded by Steve Phifer

No further discussion – 3-0-0 – Motion Carries

7:25 PM Enforcement Order: DEP #117-0328: Shannon Carty – 82 First Street, Unauthorized Dock

Sharon Carty attended tonight’s meeting to discuss the EO issued against her property. She informed the Commission she recently received the order, and requested an extension of the Orders deadline of tonight, for a NOI, for the unauthorized dock installation and the new landing to the Lake.

The Commission also discussed the possible installation of a septic system with the Carty’s, due to BOH concern with the composting toilet on site.

Motion made by Matt Toth to extend the NOI deadline of the EO, until Wednesday August 14, 2013.

Motion Seconded by Steve Phifer

No further discussion – 3-0-0 – Motion Carries

7:30 PM RDA: Harry Rogers – 137 Holland Rd, Construct Single Family Home – Roger deBruyn Opens

An RDA was submitted by Mark Farrell c/o Harry Rogers for the construction of a single family home, septic and driveway. Neither the applicant nor the representative was in attendance to present the proposed plans.

The area is located in close proximity to the 100-year flood plain and surrounding BVW. A site visit was conducted on June 17th by the administrator. She determined the commission may not even have jurisdiction in the area proposed for the house, but recommended the applicant submit an RDA due to the close proximity of the BLSF. It was also requested Farrell flag the wetland boundary, the 656 benchmark boundary, the proposed house corners and driveway location for the commission to inspect on their own. The Commission reviewed the filing and determined the area is NOT subject to jurisdiction. The Commission has received also BOH approval of the septic system, stating it did meet Title 5 requirements.

Motion by Matt Toth to close the public meeting

Motion Seconded by Steve Phifer

No further discussion – vote taken –3-0-0- Motion Carries

Motion by Matt Toth to issue a Negative Determination, Box 4

Motion Seconded by Steve Phifer

No further discussion – vote taken –3-0-0- Motion Carries

7:35 PM NOI: Hitchcock Free Academy, 2 Brookfield Rd – Parking Lot Repair and Replacement

The DEP stated today it has yet to receive the filing, and no DEP file # has been issued yet.

Motion by Matt Toth to continue the public hearing until Wednesday August 14, 2013 at 7:30 PM

Motion Seconded by Steve Phifer

No further discussion – 3-0-0 – Motion Carries

7:50 PM Public Inquiry: John Callahan – 4 New Millbrook Rd (well replacement)

John Callahan submitted a letter of inquiry to the Commission in regards to replacing a well on his property. The current well is failing, and the tenants renting the property need potable water. The new well will be in the RFA of Blodget Mill Brook, and the BLSF. Mr. Callahan was inquiring about what would be needed permit wise to complete the project.

The Commission determined a Request for determination should be submitted, with engineered plans for the new well. Resource areas should be clearly identified on the plans for the Commissions review.

8:00 PM NOI DEP #117-0334: 229 Palmer Rd, ExxonMobil (Pipeline Maintenance)

The application was determined to be incomplete and was not accepted by the Commission. Abutters were not properly notified and the property owner's signature was missing from the application as well.

The Public Hearing was never opened.

The hearing will be re-advertised again, and abutters will be properly notified.

Motion made by Matt Toth to continue the hearing until Wednesday August 14, 2013 at 7:00PM.

Motion Seconded by Steve Phifer

No further discussion – 3-0-0 – Motion Carries

8:12 PM NOI DEP #117-0333: 10 Hastings Lane, ExxonMobil (Pipeline Maintenance)

The application was determined to be incomplete and was not accepted by the Commission. Abutters were not properly notified and the property owner's signature was missing from the application as well.

The Public Hearing was never opened.

The hearing will be re-advertised again, and abutters will be properly notified.

Motion made by Matt Toth to continue the hearing until Wednesday August 14, 2013 at 7:00PM.

Motion Seconded by Steve Phifer

No further discussion – 3-0-0 – Motion Carries

Meeting adjourned 9:05 PM –

Motion made by Steve Phifer to adjourn at 9:05 PM

Motion was seconded by Matt Toth

No further discussion – 3-0-0 – Motion Carries

Sincerely Submitted

Angela Panaccione, Conservation Agent