



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

**BRIMFIELD CONSERVATION COMMISSION
MEETING MINUTES
WEDNESDAY February 13, 2013 @ 7:00 PM**

Members Present: Ian Lynch (Chair), Matt Toth, Roger deBruyn, Steve Phiffer, Angela Panaccione (Administrator)

Members Absent: Joe Collins, Joey Resseguie

Meeting Opens: 7:00 PM – Ian Lynch

7:00 PM Administrative Matters: DCR Dean Pond NOI DEP #117-0326

BCC received revised materials submitted as an addendum to the Dean Pond Notice of Intent referenced above. Threshold for a 401 WQC is 100 cubic yards and/or 5,000 sq. ft. See 314 CMR 9.04(1). This new NOI proposes over double the original NOI application amount of 4,920 sq. ft/99 cubic yard; increasing resource area alterations to 10,000 sq. ft/350 cubic yards. Nothing else changed with the plans, except increasing the resource area alteration and paying the correct fee.

Administrator sent a letter to the applicant stating the following: After a site visit on February 4, 2013 with Brimfield and Monson Con Com, and Mass division of Fish and Wildlife it was agreed upon that we are lacking information at this time to continue with the review process. As previously suggested, an alternative of a coffer dam should be addressed in the NOI as well. Due to the proposed timing of the drawdown and the potential downstream impacts to Fosket Mill, a coffer dam alternative would eliminate the negative impacts to the watershed and the fisheries downstream. Mass wildlife agreed that the coffee dam alternative would all but eliminate any negative effects to the fisheries downstream. It would also limit the work area, limit the erosion and eliminate the need to alter the flow of the stream.

The response was: The additional cost associated with installation of a coffer dam would push the total project cost beyond what is available in the MA-DCR project budget. DCR believes that the proposed drawdown approach provides sufficient protections for pond and downstream habitat in conformance with MassDEP and DFW guidelines. Rich Hartley will provide follow-up consultation upon request.

Copies of the original NOI, the amended NOI, and an additional amendment to the NOI addressing the alternative of a coffer dam were distributed at the meeting to the commissioners.

A hearing will occur in Monson on Wednesday February 20, 2013. Angela was going to post it as a joint hearing, but since only Ian and she are attending there was no need. BCC will hold its own hearing on Wednesday February 27, 2013 at 8:00 PM to discuss the proposal.

7:10 PM Administrative Matters : Review and Comment on Route 20/Palmer Road Proposed FCP

On January 26, 2013 BCC received a proposed FCP for a new parcel purchased by Mr. Caron (Map 11 A-10), directly behind the potential violation parcel (Map 11 A-9). The parcel (Map 11 A-10) is land locked and requires used of the front piece (Map 11 A-9) for access. A landing is also proposed on the front parcel as well (Map 11 A-9). BCC supplied comments to DCR about the plan and access. According to 2006 delineations of Parcel 11 A-9, the proposed landing appears to be in a wetland and no stream crossing is identified either. DCR has denied the FCP twice now.

BCC also sent DCR a copy of the Administrative order on file for no work at all in parcel 11 A-9, along with the delineations and comments provided by Sherman and Frydryk in 2006. The commission requested the FCP be permanently denied on the grounds that access would violate the Administrative Order issued by Brimfield BOS in 2006.

7:20 PM Possible FCP Violation (FCP # 043-5316-11): Dean Pond Road – Mike & John Serrehno as Property owners Mike and John Serrehno, along with FCP preparer and Licensed Timber Harvester Scott Gerrish and representatives from Rocky Mountain attended the meeting tonight to address the possible violation complaints issued by BCC to Carmine Angeloni, service Forester, Department of Conservation and Recreation (DCR) after additional site visits on February 4 and 6, 2013 with Mass Fish and Wildlife Service (FWS); after the logging operation was complete.

On February 4, 2013 a site visit occurred with BCC, Richard Hartley (MA FWS), the states expert of CFR, Dave Blazer (MA FWS) to discuss the Dean Pond drawdown and to view the damages to Fosket Mill Brook caused by FCP # 043-5316-11. It was determined the cut is not in compliance with MGL Ch 132 and is in direct violation of the issued FCP. Additionally, the cut has not been conducted using BMP required by the Forrest Cutting Best Management Practices manual. The commission believes it is apparent the work done was well above and beyond the work permitted. Given the CFR status of Fosket Mill, immediate site stabilization is recommended by BCC and FWS. FWS also recommended installing erosion controls immediately along the entire stretch of Fosket Mill in the cleared zone to prevent erosion and sediments from further getting into the stream. Furthermore, FWS has also agreed to come back out with a stream restoration specialist to walk the river and develop a mitigation plan to restore the degraded area.

The violation complaints and responses are as follows:

1. Live trees were cut from the top of bank, and even below the MAHWM of Fosket Mill. This has been document through photos and was affirmed today, February 4, 2013 with a site visit with Mass Fish and Wildlife Services.

Response: Live tree's were not cut, it just looked to be that way since the stumps we put back in place to stabilize the slope. Also, due to the blow down smaller live trees sometimes got in the way of the skidders. The never intended to take the live trees, they are professionals, we don't cut live tree on purpose. During the beginning of the sut it was hard to even see the stream, let alone leave a filter strip.

2. No filter strip was left; cutting and rutting go directly to top of bank of Fosket Mill.

Response: Yes, they had too. Rocky Mountain never heard of leaving down tree's in the stream for shade (even though it is in the *FCP BMP manual* and in the *Management of Streams in Western Mass Guidance*; and was told to both John Serrehno and Mark Farrell at two separate meetings as a requirement of the restoration work). Again, a lot of the time they could not even find the stream until they were basically on top of it.

3. No BMP (water bar or drip berm) have been installed at the toe of the slope to prevent erosion into Fosket mill. FWS recommends those be installed immediately. No erosion controls or stabilization is present at the stream crossings.

Response: This is done at the end of work not during. The administrator then produced a copy of the *FCP BMP manual* and showed the attendants the sections that recommended these BMP be used both during and after.

4. FCP states "In regards to the buffer Strip, all unaffected trees are being left." Again, live trees were noticeably taken in this area.

Response: All tree's were affected and the same response as in complaint #1.

5. Harvesting in wetlands occurred in wet conditions. This is document through photos and is noticeable on site due to inverted soils and ruts.

Response: They did not work in those conditions, only dry or frozen.

In the end BCC agreed the damage is done, the land is cleared and work has been completed. The crossing need to be removed ASAP and site stabilization is a priority. Opposed to issuing an EO for the FCP and taking over jurisdiction of the restoration, the commission agreed to let restoration occur through the FCP process. BCC will work with DCR and FWS to see complete stream bank and riparian zone restoration of Fosket Mill Brook.

8:10 PM Violation/NOI: 10 Shaw Road – Dave Mayo

The NOI submitted is in response to an EO issued June 12, 2012, and 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.

DEP has taken over the case and requested we stay the hearing until further review.

Motion made by Steve Phifer to continue the hearing until 7:30PM on Wednesday March 13, 2013.

Motion Seconded by Roger deBruyn

No further discussion – vote taken – 4 yes 0 no 0 abstain – Motion Carries

8:12 PM Violation/EO: 56 Dean Pond Road –John Serrehno

Due to Mr. Serrheno’s Representative, Mark Farrell, being absent and unable to present the draft RARP the commission agreed to postpone the discussion until the next meeting plans.

A motion was made by Roger deBruyn to continue the review of the Draft RARP until 7:30 PM on Wednesday February 27, 2013.

Motion Seconded by Matt Toth

No further discussion – vote taken – 4 yes 0 no 0 abstain – Motion Carries

8:15 PM RDA: Dearth Hill Road/State Forest Gate Installation - DCR

Ian Lynch open the meeting at 8:15 PM, quorum was lost at 8:18 PM. Rich Breazue did present the project, though no discussion occurred due to loss of quorum.

The RDA is for the installation of 7 (seven) steel gates and/or boulders in order to control access to several fire roads within the Brimfield State Forest. The work encompasses various locations within Brimfield State Forest (3 on Dearth Hill, 2 on Hollow Rd and 2 on Dean Pond Road).

Wetland areas have been flagged and inspected by the Administrator. No impacts to wetland resource areas is planned or expected; all work is proposed in the buffer zone. A site plan of gate installation has been submitted, along with a plan for gate construction. The sites are not in NHESP priority habitat and/or estimated habitat.

Erosion controls will be installed prior to work inspected by BCC and will stay in place until work is complete and we give approval that they can be removed. The silt fence or silt stock will be installed according to plans submitted; and will be installed at the work site and 20’ past each edge of each gate installation on the wetland side of repair.

The work at each gate location will take part of a day and disturbance will be minimal, 2-feet squared maximum disturbance. No soils will be removed from the site they will be used to stabilize the poles for the gates. The

location chosen for the gates have been placed in locations of Administrators recommendation for limited resource area alterations.

An alternative analysis of other gate locations was also provided for 1 gate proposed in the 200-foot river front are, though after a site visit the distance was measure to be 238-feet, thereby placing it entirely outside of the Riverfront Area.

RDA: Dearth Hill Road/State Forest Fire Road Maintenance - DCR

Rich Breazue did present the project, though no discussion occurred due to loss of quorum. The RDA is for the repair of Stage Road (a fire road) within the Brimfield State Forest. The work encompasses three separate locations along Stage Road. A site plan of where the road will be repaired is included in the RDA. Details of typical road repairs are also included in the filling. DCR will abide by the DEP's *Unpaved Roads BMP Manual*.

Wetland areas have been flagged and inspected by the Administrator. No impacts to wetland resource areas is planned or expected; all work on plans is proposed in the buffer zone. A site plan of gate installation has been submitted, along with a plan for road repair. The sites are not in NHESP priority habitat and/or estimated habitat.

Erosion controls will be installed prior to work, inspected by BCC and will stay in place until work is complete and we give approval that they can be removed. The silt fence or silt stock will be installed according to plans submitted; and will be installed at the work site, at the edge of the road on the wetland side of repair.

Adverse impacts from the work are minimized and that the design specifications are commensurate with the projected use and are compatible with the character of the resource areas. No impacts to the wetlands resource is planned or expected at the repair site. The repair work will be kept to the 10' width of the current roadways.

Meeting adjourned 8:18 PM –

Quorum lost, Steve Phifer left

Sincerely Submitted

Angela Panaccione, BCC Administrator