



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

**BRIMFIELD CONSERVATION COMMISSION
MEETING MINUTES (As Amended 3/37/2013)
WEDNESDAY February 27, 2013 @ 7:00 PM**

Members Present: Ian Lynch (Chair)
Matt Toth
Roger deBruyn
Steve Phifer
Joe Collins (arrive 7:45PM)
Angela Panaccione (Administrator)

Members Absent: Joey Resseguie

Public Present: Robert Zirkowski, Abutter Haynes Hill Rd
Tom Gately, Abutter Hayned Hill Rd
Michael & Mary Serrenho, Abutter Dean Pond
Thomas Obrien, Rocky Mountain Wood Co.
Leslie Duthie, Monson Conservation Commission

Meeting Opens: 7:00 PM – Ian Lynch

7:00 PM NOI: Brimfield Highway Department– Haynes Hill Road Reconstruction

Zach Lemieux, Brimfield Highway Department Superintendent, attended tonight's meeting with representative Don Frydryk, of Sherman & Frydryk Land Surveying to present an NOI for the full depth road reconstruction of Haynes Hill Road. On February 22, 2013 the BCC received an NOI from the Brimfield Highway Department for the proposed full depth reconstruction of 2,950-feet of Haynes Hill Rd, including paving, culvert replacement and improved stormwater management systems. Project is buffer zone only and standard road repair. The project will involve approximately 170,200- square feet of disturbance, with 61,500-square feet of disturbance in the buffer zone.

The current drainage on Haynes Hill is open earth channels, vegetative/riprap swales and cross culverts. The earth channels and vegetative/riprap swales convey runoff to an existing closed drainage system. The runoff at the bottom of the hill has been accumulating and ponding, especially in times of heavy rain. This provides a safety hazard for resident of the road, and also for traveling on Wales Rd/Rt19 as well.

The proposed project will reconstruct the existing closed drainage system with a main storm drain line and 16 deep-sump hooded drop inlets staggered along the length of the road, to improve sediment discharge prior to discharge. The proposed outlet will discharge to the existing swales the road. The project also proposes to pave, reshape and finish with riprap the existing swales.

A site visit was conducted at 4 PM on Wednesday February 27, 2013. Since the project is proposed as a redevelopment project, under standard 7 of the stormwater policy it is required to meet the stormwater standards to the maximum extent possible. The administrator did not believe this project accomplishes that. The rip-rap swales proposed to not contribute to a TSS credit. Increasing the amount of impervious surfaces will also decrease natural ability of the ground to absorb the water. Panaccione recommends vegetative swales instead. The riprap will only channel the water and will not allow proper infiltration. Using vegetative swale or filter strip instead of riprap is preferential because: will slow runoff velocities, trap sediment, promote infiltration, thereby

reducing runoff volumes, low maintenance requirements and can mimic natural hydrology. Vegetative swales are also ideal for residential settings and to treat runoff from roads and can be used as part of runoff conveyance system in combination with other BMPs. Additionally, there is little or no entrapment hazard for amphibians or other small creatures. The administrator explained how in residential settings, they are useful in pre-treating sheet flow from driveways. They provide effective pretreatment, especially when combined with bioretention areas and stream buffers. Vegetated filter strips may be used as a stand-alone practice for redevelopments, only where other practices are not feasible. Vegetated filter strips can be designed to fit within the open space and rights of way that are available along roads and highways.

Don Frydryk responded that the option was considered, but considering the slope of the road is greater than 6%, vegetative swales would not be a proper BMP to put in place.

The other concern that arose was the proximity of the work to the BVW at the location of the headwall at the top of Haynes Hill, by the horse-shoe. The work proposed could very well result in impacts to the BVW. Frydryk assured the commission the work would occur to the edge of the BVW, but would not cross it.

Robert Zietkowski, 26 Haynes Hill Rd, lives at the bottom of the hill and is concerned with the increase in runoff already present and the drainage issues at the bottom of the hill already. He believes the paved swales will increase the velocity of the water coming down the hill, thereby increasing the level of flooding already occurring. Frydryk explained the 16 staggered drop inlets along the course of the road would redirect the storm water at each point to a main line, running under the road. The main line would drain at the bottom of the hill, into a riprap swale, which would eventually discharge into the nearby wetlands. An additional concern arose if the proposed swale would be sufficient to address the increased flows down Haynes Hill.

Tom Gately, 75 Haynes Hill Rd, lives at the top of the hill and was concerned with the impacts to his property, the timing of the project and the anticipated completion date. He was also concerned with restricted access to his home during construction. Lemieux informed him his property would not be impacted, they planned to start as soon as possible and the work was anticipated to be completed by June 30, 2013. Lemieux also stated residents would have continual access to their homes.

There is no DEP # yet for this filing, the hearing will need to be continued. Additionally, Lemieux will inquire with property owners at the bottom of the hill to ask permission to use the adjacent wetland area as an overflow area for the stormwater runoff.

Approved Plans and Documents:

“Notice of Intent – Road Reconstruction: Haynes Hill Road”; prepared by Sherman and Frydryk, dated 2/6/13

“Brimfield Highway Department, Road Reconstruction, Haynes Hill Road (Sheets 1-5)”; prepared by Sherman and Frydryk, dated 2/6/13

“Haynes Hill Road Erosion Control and Details;” prepared by Sherman and Frydryk, dated 2/6/13

“Drainage Report – Road Reconstruction: Haynes Hill Road”; prepared by Sherman and Frydryk, dated 2/8/13

“Operation and Maintenance Plan – Road Reconstruction: Haynes Hill Road”; prepared by Sherman and Frydryk, dated 2/8/13

“Stormwater Pollution Prevention Plan – Road Reconstruction: Haynes Hill Road”; prepared by Sherman and Frydryk, dated 2/8/13

“Checklist for Stormwater Report and Supporting Calculations – Road Reconstruction: Haynes Hill Road”; prepared by Sherman and Frydryk, dated 2/8/13

Motion made by Matt Toth to continue the hearing until Wednesday March 13, 2013 at 7:00 PM

Motion seconded by Roger deBruyn

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

7:33 PM Sign Payable Voucher: Mileage Reimbursement \$133.10

Motion made by Matt Toth to sign the payable voucher for Mileage reimbursement for Angela Panaccione in the amount of \$ 183.95. The payment is for 3 separate trips:

- 1) MACMAPP GIS Training for Conservation Commissioners on 2/26/13 at 100 Cambridge Street, Government Center, in Boston, MA for a total of 137 miles at \$.555/mi = \$76.00.
- 2) MACMAPP GIS Training for Conservation Commissioners on 2/28/13 at 100 Cambridge Street, Government Center, in Boston, MA for a total of 137 miles at \$.555/mi = \$76.00.
- 3) MACC Spring conference on 3/2/13 at Holy Cross University, in Worcester, MA for a total of 57.56 miles at \$.555/mi = \$31.95.

Motion seconded by Roger deBruyn

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

7:35 PM Possible FCP Violation (FCP # 043-5316-11) on Assessors Map and EO/Violation at 56 Dean Pond Road - Serrenho

This will now address both the FCP and the EO. Property owner Mike Serrenho, and Tom O'Brien from Rocky Mountain attended the meeting tonight to update the commission on the site stabilization progress. The crossings are removed, water bars are in place and the site is in the process of being stabilized. 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 is working with DCR to develop conditions for the site mitigation/restoration. FWS has agreed to conduct a site visit to provide recommendations for a restoration, focusing primarily on Foskett Mill and the riparian zone.

Due to John Serrenho and his 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 March 13, 2013.

Motion Seconded by Matt Toth

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

7:50 PM RDA: Department of Conservation and Recreation (DCR) - Dearth Hill Road Gate Installation

On January 16, 2013 the BCC received an RDA from DCR 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. The location chosen for the gates have been placed in locations of Administrators recommendation for limited resource area alterations.

Erosion controls will be installed prior to work, inspected by the Commission 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-foot squared maximum disturbance. No soils will be removed from the site they will be used to stabilize the poles for the gates.

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

Phifer stated he does not agree with the closer of the road. He raised a concern that the selectmen only approved two (2) gates, but seven are proposed. Panaccione informed him the two gates approved by BOS are on a town Right-of-way (On Dearth Hill Road); while the other gates and/or boulders are on DCR property and do not require BOS approval.

Approved Plans and Documents:

“Request for Determination of Applicability – Gate Installation: Brimfield State Forest”; prepared by Rich Brazeau, dated 1/12/13

“Gate Installation Site Plan”; prepared by Rich Brazeau, dated 1/12/13

“Gate Installation Plan”; prepared by Rich Brazeau, dated 1/12/13

“Brimfield State Forest Erosion Control and Details;” prepared by Rich Brazeau, dated 1/12/13

Motion by Roger deBruyn to issue a Negative Determination 3 with conditions: Follow erosion controls as submitted in plans.

Motion seconded by Matt Toth

No further discussion – vote taken – 4yes 1 no 0 abstain - Motion Carries

8:03 PM NOI DEP #117-0326: Department of Conservation and Recreation (DCR) - Dean Pond Beach

Tom Flannery, Mass DCR attended tonight’s meeting with representative Bob Hartzel, Geosyntect Inc. to present a NOI for the proposed beach restoration of Dean Pond. BCC received revised materials submitted as an addendum to the Dean Pond Notice of Intent referenced above. The proposed project involves maintenance of the Dean Pond swimming area prior to the planned reopening of the facility for public use in May 2013. The park has been closed for the past 10 years and DCR wishes to re-open the facilities to increase the recreational opportunities to nearby residents. The swimming area has been closed in recent years and has become encroached by growth of Watershield and other floating-leaf plants. To make the area safer for swimmers, vegetation and associated root structures within an approximate 100-foot by 100- foot area (10,000 square feet) will be removed and replaced with screened, washed sand to restore existing grades. The proposed beach maintenance project will take place shortly following ice-off in March or April 2013.

To conduct this “vegetation control project”, the pond level will be briefly lowered by 4.0 feet over the course of approximately 3.5 days to expose the swimming area (see Table 1). The drawdown will be achieved by installing submersible pumps near the pond outlet and discharging to the tiered stone spillway structure. The stone spillway structure will allow provide energy dissipation as the pumped water cascades down the stone steps prior to discharge to Foskett Mill Stream (see photo 2). Once the target drawdown level has been reached, maintenance activities in the swimming area will commence and are anticipated to take a maximum of 2 days. The entire project is anticipated to be completed within a week. Staff will be running and monitoring the pumps at all time.

After the pond level has been lowered, a rubber-tracked skid-steer with low ground pressure (3.5 psi) will be used to remove vegetation and root structures. DCR anticipate that pond sediments will also be removed as part of this process, as necessary to remove the plant root structures and prevent rapid re-growth. The volume of all materials removed will not exceed 350 cubic yards and will be replaced with screened, washed beach sand to maintain existing grades within the swimming area. The material removed from the swimming area will be placed in a temporary stockpile/dewatering area, which will be located in a nearby upland area surrounded on its down gradient side by perimeter control hay bales. After dewatering, the material will be relocated to an upland location within Brimfield State Forest. All excavation occurs in Brimfield.

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 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 Foskett 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 applicant did presented an alternative analysis of: 1) dry dredging with a drawdown, 2) dry dredging with a coffer dam and 3) wet dredging with a turbidity curtain. The dry dredging with the coffer dam was no a viable option because 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. Wet dredging was also ruled out due to

recommendation of FWS. DCR believes that the proposed drawdown approach provides sufficient protections for pond and downstream habitat in conformance with Mass DEP and DFW guidelines.

A joint hearing was held in Monson on Wednesday February 20, 2013 at 7PM. Ian Lynch and Angela Panaccione attended. Several of the issues presented below were discussed. Monson voted to continue their hearing until March 13, 2013 or until 401 and 404 certifications are received. Monson Con Com Chair Leslie Duthie attended tonight's meeting as well and gave the commission a re-cap of Monson's deliberations. Leslie's biggest concern was the work occurring as soon as possible, not waiting until late April or May to conduct the draw down.

Several Issues present in the project were discussed and include:

1. Time of year: According to the *Eutrophication and Aquatic Plant Management in Massachusetts: Final Generic Environmental Impact Report* (GEIR) and the supplemental *DEP Guidance for Aquatic Plant Management in Lakes and Ponds*; this is a project you complete in November or December (in the winter); not in March or April during the rainy season.
2. Rate and level of Drawdown: Not in compliance with guidance under the GEIR or Aquatic Plan. This project proposes to draw down the pond in four days.
3. Abutter & Cumulative effects on Foskett Mill: The only listed abutter to Dean Pond is Serrenho and the parcel is the large 144-acre plot with the current FCP. Originally the project was determined to not have a significant effect on Foskett Mill, but after I spoke with DEP and informed Fish & Game about the possible violations on the abutting property they will be conducting a site visit. Erosion and sedimentation is already present downstream due to the FCP and other factors. A project of this nature, at this time of year could pose serious problems; especially if the banks of Foskett Mill are not stabilized prior to the drawdown. Additionally, the base flow rate of water discharge may need to be lowered and the time frame increased.
4. Dewatered Soils: They are removing 350 cubic feet of soils and then dumping them in an "upland location" in the Brimfield State Forest. The soils will be used for "other projects". Where are they storing the soils? How will the soils be contained?

Bob Hartzel stated that the previously mentioned guidance documents only apply to yearly draw downs, not the temporary short-term draw down proposed here.

Special Conditions discussed by the commission included:

1. Conduct a test pump prior to commencement of draw down. Have staff both up and down stream monitoring for an increase in turbidity, and any damming or flooding that may occur.
2. Have a downstream erosion monitor at all times during the proposed draw down to monitor erosion and sedimentation, and to ensure the stream does not blow out
3. Develop a protocol to handle any failing of equipment in the Riverfront Area (RA). This will include a bullet-proof containment plan for anything operating off fuel (gas powered generators, etc.) Also, if the pumps are to be run off a gas powered generator, the generator itself should be in a secondary containment to prevent any leakage into the watershed.
4. Set the pumping rate to a lower level than proposed in the NOI
5. Have DCR supply a monitoring and maintenance plan for the drawdown, with strict deadlines and protocols for handling increases in erosion, turbidity or faulty equipment.

John and Mary Serrenho, 44 Dean Pond Rd, attended as abutters and are concerned with the down trees in Foskett Mill, on DCR property, and the potential for pooling. Mr. Serrenho asked DCR if they walked the stream below the dam and were aware of the current conditions present. DCR replied they have not. They are also concerned with the increase in pollution in the area once the Park is open and a decrease in water quality from new pollutants (sun block, oils, trash, etc) entering the system that is already damaged. DCR replied the facilities will be fully staffed and should result in a cleaner environment, since staff will be picking up garbage and debris and keeping the recreational area clean for tourists.

DCR is currently waiting on both a 401 water quality certification from Mass DEP and a 404 Dredging permit from Army Corps. The hearing will be continued until these permits are received to ensure there are no

discrepancies between permit conditions. The major issue that still arises is if the project keeps getting pushed back they may lose funding (by June 30, 2013) and the park will not be re-opened.

Motion by Matt Toth continue the hearing until Wednesday March 13, 2013 at 8:00 PM.

Motion seconded by Roger deBruyn

No further discussion – vote taken – 4yes 1 no 0 abstain - Motion Carries

9:00 PM: Administrative Matters: Forest Legacy Program Status

The Commission reviews and discussed the request a Letter of Support for the proposed Heritage Corridor Forest Legacy Area. Designation as a legacy area has no regulatory aspect whatsoever, it only enables the organization to apply for funding that neighboring legacy areas are already tapping into.

Leslie Duthie, Monson Conservation Chair, gave a brief explanation and background to the request. The Forest Legacy Program provides grant funding to protect privately owned forests through the voluntary donation or sale of Conservation Restrictions (CR) and, in some cases, fee simple interests (full ownership). Each CR will be owner dependant and will not restrict the land from development. The private owner will still own the land and be able to do logging and/or cut out house lots. Forest protection projects that are located within designated FLAs and meet Forest Legacy grant criteria are eligible to receive funds that cover up to 75% of project costs. Successful applications for this program result from collaborative efforts between land trusts, local governments, and state agencies to combine many parcels across a landscape that total thousands of acres. Forest Legacy grants proposed for fiscal year 2013 range in funding from \$1,000,000 to \$5,045,000.

Designation of the new FLA will create opportunities for significant forest protection in our region and will allow collaboration with neighboring partners in existing Forest Legacy Areas. The proposed Heritage Corridor FLA includes 421,110 acres, as illustrated on the enclosed map. Ecosystems in this region contain watersheds for drinking water; rare, threatened, and endangered species habitat; working forests; recreational opportunities; and scenic values associated with forested and rural character. The proposed FLA will also link together three other FLA areas together.

Motion by Matt Toth to a Letter of Support for the proposed Heritage Corridor Forest Legacy Area

Motion seconded by Roger deBruyn

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

9:30 PM RDA: Department of Conservation and Recreation (DCR) - State Forest Road Maintenance

On January 16, 2013 the BCC received an RDA from DCR 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 filing. DCR will abide by the DEP's *Unpaved Roads BMP Manual*.

Rich Breazue did present the project on Tuesday February 13, 2013, though no discussion occurred due to loss of quorum. Wetland areas have been flagged and inspected by the administrator. Pictures were presented of the various wetlands bordering the road because a site visit is not possible at this time. The location is very remote and requires a hike. Also, with current snow cover a site visit would be pointless and take hours. The road is not plowed past headquarters and would require trekking several miles in feet of snow. Adverse impacts from the work are minimized and 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.

A major issue with the current filing discussed by the commission was the perennial stream at the second maintenance location not depicted on plans. The pictures clearly depicted flowing water crossing the road at an area proposed for maintenance. This would classify work in a resource area and warrant a positive determination.

Approved Plans and Documents:

“Request for Determination of Applicability –Fire Road Repair: Brimfield State Forest”; prepared by Rich Brazeau, dated 1/12/13

“Fire Road Repair Site Plan”; prepared by Rich Brazeau, dated 1/12/13

“Typical Road/Trail Repair Cross-Section”; prepared by Rich Brazeau, dated 1/12/13

“Brimfield State Forest Erosion Control and Details;” prepared by Rich Brazeau, dated 1/12/13

Motion by Joe Collins to issue a Positive Determination, Box 2

Motion seconded by Steve Phifer

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

9:45 PM Administrative Matters: Budget Offset

The Commission reviews and discussed the proposal for the finance committee for an increase in hours. The commission also discussed the lack of funding for Angela to continue out the year. The Wetlands fund is in the deficit due to bad filling by the former clerk (Rita) and the treasurer. There are several missing chunk of time sheets for Rita and we have only received three (3) deposit slips from NOI’s from the treasurer, from the 18 I have submitted since I began. Time span is from 2008-2012. The BCC intern is currently going through all the payroll and expense records in the office to see where the discrepancy arises in the WPA funds.

Another issue is the BCC has had double the fillings and violations since last year, 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.

Motion made by Roger deBruyn to offset the WPA funds and the Administrator salary with the expense fund

Motion seconded by Matt Toth

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

9:50 PM Administrative Matters: Bylaws

The commission reviewed and discussed the non-zoning wetlands bylaws. Comments were received back by Town Council and the administrator revised the Bylaws to address them.

Motion made by Matt Toth to accept the revised Bylaws and resend it to the Selectboard and Bylaw Committee for review

Motion seconded by Roger deBruyn

No further discussion – vote taken – 3yes 2 no 0 abstain – Motion Carries

Meeting adjourned 10:18 PM –

Quorum lost, Steve Phifer left

Sincerely Submitted

Angela Panaccione, BCC Administrator