



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

**BRIMFIELD CONSERVATION COMMISSION  
MEETING MINUTES  
WEDNESDAY APRIL 10, 2013 @ 7:00 PM**

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

**Members Absent:** Steve Phifer  
Joey Resseguie

**Public Present:** Zach Lemieux (Brimfield Highway Department)  
Romulus Portwood Jr. (68 Champeaux Rd)  
Robert Appleton (48 Champeaux Rd)  
Nancy Reid (65 Champeaux Rd)

**Meeting Opens:** 7:20 PM – Ian Lynch

**7:20 PM Administrative: Approval of Minutes from March 27, 2013**

Motion made by Matt Toth to approve the minutes the Minutes from March 27, 2013.  
Motion Seconded by Roger deBruyn  
No further discussion – vote taken – 4 yes 0 no 0 abstain – Motion Carries

**7:20 PM 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.

Motion made by Matt Toth to continue the hearing until 7:00PM on Wednesday May 8, 2013.  
Motion Seconded by Roger deBruyn  
No further discussion – vote taken – 4 yes 0 no 0 abstain – Motion Carries

**7:22 PM NOI DEP #117-0332: Brimfield Highway Department – Champeaux Road Culvert Replace**

Zach Lemieux, Brimfield Highway Department Surveyor, attended tonight's meeting to discuss a Notice of Intent for the proposed reconstruction of Champeaux Rd, with the replacement of four (4) culverts. Two culverts are in jurisdictional streams and are required to meet stream crossing standards. The Commission received comments from DEP with the file number stating that if the first two culvert replacements could not meet the current stream crossing standards, the project would be required to go through a 401 WQC review. Lemieux did not see the difference between this project and the East Hill project. The administrator informed him on east hill he was not working in a resource area, just the buffer zone. Additionally, no jurisdictional stream crossings were proposed. The commission recommended using an open-bottom culvert, an arched culvert or an elliptical culvert opposed to the standard corrugated metal pipe. It was recommended the highway department hire a professional engineer to complete the 401 WQC, and Lemieux stated he would contact Sherman & Frydryk about the work.

Nancy Reid, of 65 Champeaux Rd, supplied the commission with photos of a drainage issue between utility poles 18-19, that was not addressed in the plan. The area is wet year round, and it is a result groundwater seepage and runoff from the hill above. Lemieux stated he could incorporate a catch basin and vegetative swales in the area to

redirect the flow of water. The administrator informed Lemieux that if the catch basin and swales direct the water directly into a resource area, the plan would become subject to stormwater standards. Romulus Portwood Jr., of 68 Champeaux Rd also expressed concerns about the drainage problem occurring from the cell phone road, and the impacts to a potential vernal pool nearby. Currently the water pools at the end of the cell road, and in the winter ices over and creates a safety issue. Lemieux stated he could address the problem there by incorporating deeper swales to channel the water.

Lemieux stated he wished to complete the work now, while the pond is re-filling from winter drawdown and the stream flow is barely existent. If the lake fills and the flows go back to normal, he would be required to pump the water around the area during culvert replacement. He inquired about if the work was done when the stream was dry, if the 401 WQC would even apply. Lemieux stated he did not see how the plan was discharging dredged material into the water. He will contact DEP for further instruction.

**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 Joe Collins to continue the hearing until April 24, 2013 at 7PM

Motion Seconded by Matt Toth

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

**8:30 PM RDA: Department of Conservation and Recreation (DCR) - Dearth Hill Road Parking Lot**

On March 13, 2013 the BCC received an RDA from DCR for the installation of 1 (one) steel gates at the entrance of Stage Road and the reconstruction of an existing parking lot on Dearth Hill Rd. The gravel parking lot is located on the easterly side of Dearth Hill Rd, before Dearth Pond. The site will be cleared of debris and fallen trees within the footprint of the old parking lot. The surface will receive 6" of processed gravel, grading and compacting of the placed material. Guard rails will be installed along the perimeter of the parking lot. All work is within the buffer zone, but out of the 50-foot zone. Erosions controls will be installed in two separate lines. One row will be placed at the edge of the parking lot bordering Dearth Hill Rd, and along the 50-foot buffer zone line to serve as a limit of work. The secondary back up erosion controls will be installed across the street, on the other side of the road, at the edge of the buffer zone. Due to the slope of the land and the drainage patterns of Dearth Hill, no wetland impacts are anticipated or expected.

The gate proposed on Stage Rd is located at the edge of the 100-foot wetland buffer, and is needed in order to control unauthorized access to the fire road within the Brimfield State Forest. A site plan of the gate installation has been submitted, along with a plan for the gate construction. The work at the gate location will take part of a day and disturbance to the wetland buffer zone 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 sites are not in NHESP priority habitat and/or estimated habitat and no wetland resource area impacts are expected. Erosion controls will be installed according to plans submitted, prior to work, will be inspected by BCC and will stay in place until work is complete and approval is given.

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. 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.

**Approved Plans and Documents:**

“Request for Determination of Applicability –Parking Lot Reconstruction: Brimfield State Forest”; prepared by Rich Brazeau, dated 3/13/13  
“Parking Lot Site 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 Matt Toth to issue a Negative Determination 3 with conditions: Follow erosion controls as submitted in plans.

Motion seconded by Roger deBruyn

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

**8:45 PM Continued NOI DEP #117-0326: DCR - Dean Pond Beach**

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The Applicant requested a continuation while 401 WQC is reviewed. The 404 Arms Corps dredging permit was denied. The applicant will now conduct the alternative option presented in the NOI of wet dredging supplied in the NOI. The work area has been decreased from 100 X 100 feet to 70 X 70 feet.

Motion made by Matt Toth to continue the hearing until 7:30 PM on Wednesday April 10, 2013.

Motion Seconded by Roger deBruyn

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

**8:55 PM Continued NOI DEP #117-0328: Shannon Carty – 82 First Street**

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NHESP determination was received and no proposed take was determined. 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 Klasek (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.

All work will occur on the same foot print of the existing cottage. The stairs and porch will be replaced as per the approved plans. The work is occurring approximately 15-feet from Little Alum Pond. Erosion controls will be installed according to the proposed work and will serve as the limit of work.

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

Motion Seconded by Roger deBruyn

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

Motion made by Matt Toth to close the hearing.

Motion Seconded by Roger deBruyn

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

**9:45 PM Administrative Matters: Finance Committee Recommendation**

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The Commission discussed the proposed finance committee recommendation for no increase in hours. The commission is the only board denied their request because Finance Committee does not see the need for an increase in hours. The commission has seen a steady increase in filings; triple the amount in 2012 vs 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 7 new NOI’s and 6 new RDA’s in three months, with an average of two new filings 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 sent a letter to Fin Com requesting to appeal their decision and discuss the matter further and is scheduled to appear before the committee at 7:15 PM on Thursday April 18, 2013. Matt Toth and Roger deBruyn plan to attend.

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

**9:15 PM Administrative Matters: Possible Violation – 137 Holland Rd (Unauthorized Land Clearing)**

The Brimfield Assessors filed a complaint with the Commission in regards to land clearing occurring at and around 137 Holland Rd. The Administrator conducted a site visit with property owner Harry Rogers, and determined the channel in question was not an intermittent stream, but an agricultural drainage ditch. Under 310 CMR 10.04 (Agriculture) normal maintenance work in land in agriculture is exempt from wetlands regulations. Given the clearing is not occurring in a resource area, and stumps have been left in place the commission determined the cleared was not jurisdictional. The Commission reviewed the GIS overlays of the area and determined the location of the clearing was not in a resource area or the buffer zone. The commission also reviewed and discussed agricultural exemptions under the WPA. The applicant did supply evidence to the commission that the land was registered as a farm “River View Farms” and it was an active farming operation. deBruyn stated that the farm must turn a profit and have an active operation to be exempt from the WPA. He did not feel the farm had been active in years and was unaware of any profits being made from the agriculture.

**9:33 PM Administrative Matters: Request for Delineations and Notice of Possible Violations**

The Brimfield Board of Health (BOH) inquired with the Commission about wetland resource areas located at 65 Holland Rd. The BOH requested a copy of any filing or site plan delineating the wetlands on site. The Administrator supplied BOH with a site plan of the property, completed by Seth Lajoie in 10/2011. The issue at hand is the location of three (3) horses on site and the pen surrounding them. The commission reviewed the GIS overlays of the area and determined the location of the horse pen is in the buffer zone, if not in a resource area. A concern arose over the flood plain in the area as well, and whether the pen was a violation to flood plain regulations. The administrator will investigate the violation further.

The commission did note that the NHESP priority habitat is now present in the area. This is a recent addition since last year when the site plan review occurred. It appeared the new 2013 Bio Map significantly expanded both estimated and priority habitats in Brimfield.

**Meeting adjourned 10:00 PM –**

Motion made by Matt Toth to adjourn at 10:00 PM

Motion was seconded by Roger deBruyn

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

Sincerely Submitted

Angela Panaccione, BCC Administrator