



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

**BRIMFIELD CONSERVATION COMMISSION  
MEETING MINUTES  
WEDNESDAY MAY 15, 2013 @ 7:00 PM**

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

**Members Absent:** Joe Collins  
Joey Resseguie

**Meeting Opens:** 7:02 PM – Ian Lynch

**7:02 PM Administrative: Approval of Minutes from April 10, 2013**

Motion made by Roger deBruyn to approve the minutes the Minutes from April 10, 2013.  
Motion Seconded by Matt Toth  
No further discussion – 3-0-1(Phifer abstains) – Motion Carries

**7:03 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 Roger deBruyn to continue the hearing until 7:00PM on Wednesday June 26, 2013.  
Motion Seconded by Matt Toth  
No further discussion – 4-0-0 – Motion Carries

**7:06 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 June 26, 2013.  
Motion Seconded by Roger deBruyn  
No further discussion – 4-0-0 – Motion Carries

**7:07 PM Cont. NOI DEP #117-0332: Brimfield Highway Department – Champeaux Road Culvert Replace**

The applicant has requested we continue the hearing while they prepare the relevant documents for a 401 WQC and a possible 404 certification as well. Brimfield Highway has hired Sherman & Frydryk as consultants.

**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 continue the hearing until 7:00 PM on Wednesday June 12, 2013.

Motion Seconded by Roger deBruyn

No further discussion – 4-0-0 – Motion Carries

**7:12 PM NOI DEP #117-0332: ExxonMobil – Palmer Rd Pipeline Maintenance – Ian Lynch Opens**

A site visit was conducted on April 24, 2012 with Matt Toth and Angela Panaccione. At this point it was determined the wetlands were not properly delineated on the proposed plans. Roux associates did not conduct an on the ground assessment of wetlands; they simply used the Mass GIS overlays for the filing. The area of proposed work is not only in the buffer zone as depicted on the plans, but approximately 400 square feet of work occur within the BVW. Panaccione requested they complete Appendix G data sheets and properly delineate the area. This will be submitted with an amended NOI before the review process begins.

Motion made by Roger deBruyn to continue the hearing until 7:00PM on Wednesday May 22, 2013.

Motion Seconded by Matt Toth

No further discussion – 4-0-0 – Motion Carries

**7:22 PM Continued NOI DEP #117-0326: DCR - Dean Pond Beach**

The 401 WQC has been approved with conditions. The 404 Army 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. A draft OOC was prepared by Panaccione for the commissions review.

Motion made by Matt Toth to close the hearing and issue the Order of Conditions as revised.

Motion Seconded by Roger deBruyn

No further discussion – 4-0-0 – Motion Carries

**8:00 PM Request for a Certificate of Compliance (COC) DEP # 117-0014: Joe Trosky, 65 Dearth Hill Rd**

The Commission received a request for a COC from Joe Trosky, of 65 Dearth Hill Rd, for the work regulated by a final Order of Conditions issued to Roger Tetreault and Michael Bergeron, dated October 1987, for property located at 65 Dearth Hill Rd (Assessors Map 18 A 3.3), Brimfield, MA. A site visit was conducted on May 3, 2013 to determine if work was completed in compliance with the above-referenced Order of Conditions.

Given the house no longer exists due to the June 1, 2011 Tornado, it is hereby determined that the work regulated by the Order of Conditions never commenced. The Order of Conditions has expired and is therefore no longer valid. 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. The COC will be for an Invalid Order of Conditions. Please be advised any new re-construction/re-development will require the filing of a new Notice of Intent, even if it is proposed on the same footprint.

Motion made by Roger deBruyn to issue the Certificate of Compliance for an Invalid Order of Conditions.

Motion Seconded by Matt Toth

No further discussion – 4-0-0 – Motion Carries

**8:15 PM Administrative Matters: Comments of Right of First Refusal – Springfield Boys Club**

The Board of Selectmen is requesting comment on the Right of First Refusal for the selling of the Springfield Boys Club property to Soltas. The Commission feels in this time of financial uncertainty, the purchase would be difficult. Given we would like to see the land purchase and maintained as open space, we realize the sale will result in much needed revenue for the town.

**8:33 PM Administrative Matters: Site visit for Restoration Order – John Serrenho, 56 Dean Pond Rd**

John Serrenho contacted the commission and requested a site visit to inspect and sign off of DEP file number 117-0265 and EO. According to Mr. John Serrenho, the wetlands recourse area restoration conditions are now complete

for property location 56 Dean Pond Road, Brimfield, MA Assessors Map / Plat Number 10 F Parcel / Lot Number 10.1

The description of the agreed upon conditions for the recourse area are as follows:

1. Removal of all logs and tops from the recourse area as not to comprise and remaining vegetation.
2. The early spring ruts shall be hand raked and smoothed.
3. Seed inner riparian area with 1 lb. of the New England Road Side Wet Meadow seed mix.
4. Plant in the inner riparian zone, in a random fashion, with the follow trees:
  - a. 10 white pine
  - b. 10 gray birch
  - c. 10 quaking aspen

In addition – the following trees were also planted: 2 each; white pine, gray birch, quaking aspen and 15 blue berry bushes. A site visit is scheduled for 9 AM on Saturday May 25, 2013.

**8:45 PM Administrative Matters: Finance Committee Recommendation & Bylaws Committee**

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 filings tripled, 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 May 16, 2013. Roger deBruyn plan to attend. The Commission will ask for a set rate of 15/hrs a week at \$15.75; totaling \$12,285. The commission is also willing to decrease the expense account in exchange for salary.

The commission also discussed the Bylaw Committee meeting an a course of action to present the Bylaws at Town meeting. No written recommendation has been supplied to the Commission yet from the Bylaw Committee, though Angela did speak with Nick Powers, Chair, and he informed he the committee did not approve the bylaw. Angela did express concerns over the general process the bylaw committee used and questioned their standard for review.

**Meeting adjourned 9:25 PM –**

Motion made by Steve Phifer to adjourn at 9:25 PM

Motion was seconded by Matt Toth

No further discussion – 4-0-0 – Motion Carries

Sincerely Submitted  
Angela Panaccione, BCC Administrator