



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

**BRIMFIELD CONSERVATION COMMISSION
MEETING MINUTES
WEDNESDAY JUNE 12, 2013 @ 7:00 PM**

Members Present: Roger deBruyn (Acting Chair)
Joey Resseguie
Matt Toth
Joe Collins
Angela Panaccione (Administrator)

Members Absent: Ian Lynch (Chair)
Steve Phifer

Meeting Opens: 8:00 PM – Roger deBruyn

8:00 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 26, 2013.

Motion Seconded by Roger deBruyn

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

8:01 PM RDA: Regina & David Ryan – 12 Third Street – Roger deBruyn Opens

At the beginning of the meeting Roger deBruyn publicly disclosed he was friends with the applicant. The commission determined Roger could remain impartial in the discussion and it would not constitute a conflict of interest; Roger could participate in the proceedings.

This filing is the result of a notice of possible violation for work without a permit. The Ryan’s received BOH approval for a replacement septic tank, but not Con Com approval. The BOH did state the applicant needed Con Com approval. The violation was noticed due to the extensive excavation on steep slopes and the dewatering of the septic hole down Third Street. Pictures were taken and supplied by the Administrator, showing the flow of sediment laden water from the site, down the road, and directly into a catch basin that drained to Little Alum. No erosion or sedimentation controls were present on site. The Administrator spoke with the applicants and the contractor, and erosion controls were immediately installed.

The property is also within priority habitat, but exempt from MESA filing due to the septic being an upgrade. The Administrator originally requested a NOI, but the engineer inquired about an RDA due to the time frame for permitting an NOI versus an RDA. The engineer also requested an Emergency Certification for the work, but the Administrator denied the request stating it was not a direct threat to public health and safety. If the house was lived in (it is a summer cottage), that would be a different story because lack of a septic would classify the house as uninhabitable.

Matt Toth expressed concerns with the applicant filing an RDA, opposed to an NOI due to the steep slopes, dewatering and the presence of priority habitat on site. All other septic filings from the lake have been NOI, and this project has more resource area impacts than ones the commission has previously conditioned. He did agree work must be completed as soon as possible, and the area stabilized.

Due to the steep slopes, the commission requested hydro-seeding, opposed to regular conservation mix plantings. Due to the recent heavy rains, erosion and sedimentation is extremely noticeable down the slope, and erosion controls should be monitored constantly.

Approved Plans and Documents:

1. Request for Determination of Applicability – 12 Third Street; prepared by Seth Lajoie and Associates; dated June 10, 2013
2. U.S.G.S. Locus Map, dated 6/10/2013
3. Conservation Site-Plan; prepared by Seth Lajoie and Associates; dated June 10, 2013

Motion by Joe Collins to close the meeting and issue a Negative Determination 3 with conditions:

1. Siltation barriers shall be installed according to the “Conservation Site-Plan;” prepared by Seth Lajoie and Associates; dated June 10, 2013 and shall remain in place until all disturbed areas are revegetated and stabilized.
2. When feasible, work will be scheduled during times when the ground water table and/or surface water level may be low (i.e., seasonal fluctuations and/or when an adequate amount of time has passed following significant precipitation).
3. The staging area and all dewatering activities will be located in the area defined in “Conservation Site-Plan;” prepared by Seth Lajoie and Associates; dated June 10, 2013. Dewatering activities shall be conducted as shown on the approved plans and shall be monitored daily to ensure that sediment-laden water is appropriately settled prior to discharge toward the wetland resource areas.
4. Water will be drawn using a portable pump, and final discharge of free water from the construction sites shall occur into a temporary “sedimentation basin” (squared off area constructed of straw wattles lined with a filter fabric material) within an upland area at least 50 feet from the boundary of any BVW.
5. The pumping rate will be monitored to ensure that pumped contents do not overflow the containment area, as well as to prevent and minimize erosion during the conveyance of contents over the drainage area.
6. These conditions specifically prohibit the discharge of water into, upon, across or over Bordering Vegetated Wetland (BVW), Bank and open waters of Little Alum Pond.
7. Excavated and stockpiled material shall be located at the furthest possible distance from all resource areas to prevent erosion into wetland areas. Material removed from the site shall not be deposited in any resource area under the jurisdiction of the Wetlands Protection Act. All disturbed areas shall be stabilized before siltation barriers are removed.
8. The applicant shall immediately control or correct any erosion problems that occur at the site and shall immediately notify the Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary.
9. All disturbed areas shall be graded and hydro-seeded or covered with erosion control blankets as soon as possible, but no longer than five (5) days of final grading. Hydro-seeding or installation of erosion control blankets shall be completed within 48 hours of spreading loam. Areas that cannot be permanently stabilized within 5 days of disturbance shall be stabilized by temporary measures acceptable to the Commission.
10. The areas of construction shall remain in a stable condition at the close of each construction day. Erosion control measures shall be inspected at this time, and maintained or reinforced as necessary. All such devices shall be inspected, cleaned or replaced during construction and shall remain in place until stabilization of all areas that may impact resource areas is permanent. These devices shall also be inspected to assure that the maximum control has been provided. Any entrapped silt shall be removed to an area outside the buffer zone and resource areas, and maintained or reinforced as necessary.
11. Upon completion of the project, the applicant shall submit a statement from the project engineer that all work has been completed in conformance with the approved plans and this Determination of Applicability.
12. The contractor shall be provided a copy of this Determination, and the Conservation Commission shall be notified of the name, address, phone number, and the contact person of the contractor.

Motion seconded by Matt Toth

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

8:15 PM RDA: Peter and Margaret Dowling – 13 Adams Street – Roger deBruyn Opens

A site visit occurred today, June 12, 2013 with the applicants, Administrator Angela Panaccione and BCC member Matt Toth. All trees to be removed were marked. A total of 13 trees are to be removed, with one in a resource area. The single tree present in the wetlands is dead, and a safety threat. This tree will be removed by a licensed contractor. All other trees will be removed by hand. No stumps are to be removed from site. The Administrator also noticed leaves were being dumped in the resource areas, and instructed the applicant to remove the leaves and dump them in an upland portion of his property.

Approved Plans and Documents:

1. Request for Determination of Applicability – 13 Adams Street, dated 5/11/2013
2. Site Photos

Motion by Matt Toth to close the meeting and issue a Negative Determination 3 with conditions:

1. All logging/chipping equipment is to remain on Adams Road, or outside of the identified buffer zone
2. No storing of slash, debris or logs is permitted in resource area or buffer zone
3. All chipping to occur in area identified during the June 12, 2013 site visit
4. No stumps are to be removed. Stumps may be cut as low as possible and ground down
5. All work to occur when ground is either frozen or dry
6. Siltation barriers shall be installed along the edge of the identified Bordering Vegetative Wetlands (BVW) and shall remain in place until all trees are removed and work is complete.
7. The one (1) tree identified in the BVW shall be removed using a licensed contractor.
8. The contractor shall be provided a copy of this Determination, and the Conservation Commission shall be notified of the name, address, phone number, and the contact person of the contractor.

Motion seconded by Joe Collins

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

8:20 PM OOC Extension DEP # 117-0265: John Serrenho, 56 Dean Pond Rd

John Serrenho contacted the commission and requested a site visit to inspect and sign off on DEP # 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.

A site visit was conducted at 9 AM on Saturday May 25, 2013. All logs and tops were removed from the recourse area as not to comprise and remaining vegetation. The ruts were hand raked and smoothed, none were noticeable. The inner riparian area was beginning to be re-established with white pine, gray birch, quaking aspen, and blue berry bushes. At this point it was determined all work required and conducted under the Resource Area Restoration Plan (RARP) has been satisfactorily completed by the required deadline.

At the site visit the commission recommended Mr. Serrenho extend his current order of in order to meet the final requirement of the previously issued Enforcement Order (dated November 19, 2013), and to ensure all restoration and replication areas on site are allowed two full growing seasons to re-establish. After the completion of the two growing seasons, the Conservation Commission will again visit the site to evaluate the restoration and replication. Should the restoration and replication area fail to achieve the standard of 75% vegetation within the two growing seasons, the Conservation Commission will require additional contingency measures and a Certificate of Compliance will not be issued until regulatory compliance is achieved.

Additionally, the commission requested that Mr. Serrenho continue to monitor and control any invasive species that may develop. *A Guide to Invasive Plants in Massachusetts*, was provided for further information on the species to watch for. If any of the invasive species listed in the guide are found growing in restoration and replication areas, Mr. Serrenho will notify the commission and take measures to eliminate them as soon as possible.

Motion by Matt Toth to extended the above-referenced Order of Conditions (DEP # 117-0265) for 18 months, valid until November 30, 2014.

Motion seconded by Roger deBruyn

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

8:44 PM COC DEP #117-0324: 9 Fifth Street – Clyde Thompson, House Addition

Clyde Thompson submitted a requested a COC, for DEP # 117-0324: Fifth, on May 7, 2012. A site visit was conducted on Saturday May 25, 2013 at 9:30 AM. Administrator Angela Panaccione was present along with BCC members Roger deBruyn, Matt Toth and Steve Phiffer. The site visit was for a request for a Certificate of Compliance (COC) for work completed in compliance with the previously issued OOC for a home addition. The area was stabilized nicely and no erosion was occurring on site.

Motion made by Matt Toth at to sign the COC for DEP # 117-0256, for a Complete Certification

Motion Seconded by Roger deBruyn

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

Meeting adjourned 9:05 PM –

Motion made by Roger deBruyn to adjourn at 9:05 PM

Motion was seconded by Matt Toth

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

Sincerely Submitted

Angela Panaccione, BCC Administrator