



TOWN OF BRIMFIELD

Ian Lynch, Chair
Roger deBruyn
Joe Collins
Matt Toth
Steve Phifer

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CONSERVATION COMMISSION

MEETING MINUTES WEDNESDAY JANUARY 8, 2014 @ 7:00 PM

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

Members Absent: Steve Phifer

Also Present: Ed Neal, Lawyer to Chris Batista
Michele Restino, interested new member

Meeting Opens: 7:05 PM – Ian Lynch

7:05 PM Enforcement Order: 150 Haynes Hill Road – Chris Batista

Lawyer Ed Neal attended tonight's meeting on behalf of Chris Batista to discuss the violation at 150 Haynes Hill Road. Currently all but one vehicle has been removed. The remaining piece of equipment is solely on Mr. Batista property and will be removed when weather and ground conditions allow. Even though during portion of the winter the ground has frozen, it has not been a deep frost as evidenced by the disturbance created within the buffer zone with the removal of the two lighter pieces of equipment and the attempt to remove the 40,000 lb. excavator. While the representation has been made that removal will take place this spring, removal is totally dependent on ground conditions.

The area in question is at the bottom of a slope heavily covered with topsoil. As such, percolation is slow, the water ends up at the bottom of the slope and remains for weeks, making ground conditions in the subject area more difficult than would be normally present, contributing to the difficulty of removal. Therefore, it was requested that the Commission allow Batista time for removal to a later time when ground conditions allow. The Commission obliged.

The Commission discussed the best approach to get the last piece out. Roger deBruyn suggested that it may need to be cut up and cabled out piece by piece. The problem with this could be the discharge of any remaining oil or gas from the hydraulic lines. Neal agreed that most likely it will have to be disassembled, and there are ways to drain the lines without causing a spill into the BVW.

The issue of access also arose, as Ms. Stanton is no longer allowing access now that the equipment is off her property. Ed Neal with contact the Stanton's and explain the site restoration is contingent upon access through the right of way.

Currently the EO has a deadline of December 27th for equipment removal and January 8th for a draft restoration plan. Ed Neal requested an extension for both deadlines. He agreed to have a draft restoration plan to the Commission by the next meeting scheduled for January 22, 2014.

Motion made by Matt Toth to extend the deadline for the draft restoration plan, including a narrative on equipment removal and site restoration by January 22, 2014.

Motion Seconded by Joe Collins

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

7:35 PM Request for Determination (RDA): 65 Cubles Drive (Assessors Map 6A Lot A-18) – James White

Ian Lynch opened the public meeting at the request of James C White to determine if the work associated with the reconstruction of a single family residence, with associated septic system, well and other site repairs is subject to the Wetlands Protection Act, M.G.L. Chapter 131, §40. Limited work associated with the site redevelopment will occur within the buffer zone of Lake Sherman and its associated resource areas.

The Commission reviewed the site plan and discussed construction with Mr. White. BOH has approved both the septic and well. The Commission's main concern was with the location of the well and the ability of equipment to access the well site. The well is currently located at the bottom of a steep slope, 25-feet from Lake Sherman. Mr. White stated he had access from the neighbors to the well, without the need of taking any equipment down the slope. The Commission was also concerned with the location of the dewatering and containment areas for well drillings and slurry. The Commission identified on the site plans the area ideal for dewatering and containment to ensure nothing is discharged into the Lake.

Motion by Matt Toth to make a negative determination that the work described in the Request is within the Buffer Zone, as defined by the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent subject to the conditions stated in the determination.

Motion Seconded by Joe Collins

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

8:05 PM Possible Violation: 6 St Clair Road – Ronald & Michele Cox

Pursuant to a site inspection conducted on January 8, 2014, by the Conservation Agent it was observed from both Route 20 and St. Clair Road, that a green dumpster full of trash has fallen from the driveway/ledge above into the stream below. The commission discussed the violation and instructed the Agent sent a letter informing the Cox's of the possible violation and requesting their attendance at the January 22 meeting. The Commission also requested Mr. Cox develop a plan of action to remove the dumpster and clean up the area without causing any further damages to resource areas.

Motion by Matt Toth to send a letter to the property owner requesting their attendance at the next meeting to discuss the situation at hand.

Motion Seconded by Joe Collins

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

8:30 PM Administrative Matters: Interview New Interested Member – Michele Restino

The Commission interviewed Michele Restino for a position of the Commission. Restino is currently the Conservation Agent for Taunton, MA and has been for the past 9 years. She desires to get more involved in town. She currently serves as Vice-Chair on the Open Space and recreation Plan Committee and has a passion for the environment. She is very familiar with the Wetlands Protection act and its Regulations and is very interested in helping with the passage of the proposed wetlands bylaws.

Motion made by Roger deBruyn to send a letter to the Board of Selectmen recommending the appointment of Michele Restino to the Commission.

Motion Seconded by Matt Toth

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

Motion made by Matt Toth to make Michele Restino an Associate Member until the selectmen appoint her

Motion Seconded by Joe Collins

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

8:45 PM Administrative Matters: Hopkins Request

Ian Lynch informed the Commission that Mr. Hopkins, of 65 Palmer Road requested permission to remove trees from his property. Lynch informed Hopkins he must submit a formal request to the Commission.

Currently Hopkins had three open Orders of Conditions on his Property, as well as an open Enforcement Order from the Commission and an Administrative Consent Order from MassDEP which he is not currently in compliance with.

8:55 PM Administrative Matters: Board of Selectmen Inquiry on Agent Hours and Mileage

The Commission received an inquiry from the Board of Selectmen in regards to the Agent's hours and the mileage reimbursement request. Specifically, the concerns were with the Agent working 25 hours some weeks and 15 others. The other concern was with the mileage reimbursement request for site visits. The Selectmen were curious as to why the Agent has to go to the same site several times and some sites several times a day.

Roger deBruyn stated he feels the hours are more than justified and the Commission has requested an increase in hours over the past several years. The work is more than the position requires.

In regards to site visits there are pre-meeting visits, pre-activity visits, monitoring and compliance checks, and visits after work is completed. Also, with the Exxon Project on Hastings Lane there were several complications with the stream diversion including faulty pumps, erosion issues and the exposure of over 50 fish which needed to be relocated downstream after the water was diverted.

Ian Lynch stated he feels the mileage reimbursement is a very good use of expense funds. He stated he will speak with the selectmen about their concerns.

Motion by Roger deBruyn to request the Selectmen attend a Conservation Commission meeting if they have any question

Motion Seconded by Matt Toth

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

Meeting adjourned 9:00 PM –

Motion made by Matt Toth to adjourn at 9:00 PM

Motion was seconded by Roger deBruyn

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

Sincerely Submitted

Angela Panaccione, Conservation Agent