



TOWN OF BRIMFIELD

CONSERVATION COMMISSION

Salisbury Annex Building, 2nd Floor
23 Main Street
Brimfield, Massachusetts 01010

Roger deBruyn (Co-Chair)
Michele Restino (Co-Chair)
Joe Collins
Matt Toth
Steve Phifer

Agent: Angela Panaccione

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MEETING MINUTES

WEDNESDAY DECEMBER 10, 2014 @ 7:00 PM

Members Present: Roger DeBruyn (Co Chair)
Michele Restino (Co Chair)
Matt Toth
Angela Panaccione (Agent)

Members Absent: Steve Phifer
Joe Collins

Also Present: Dave Niemiec, Springfield Motorcycle Club
Anthony Belcher, 18 Marsh Hill Road
Michael Lion, Bertin Engineering
Anna Ozolins, 7 Cubles Drive
Devleena Ghosh-Brower, Tighe & Bond
Mark Farrell, Greenhill Engineering
Michaelene Kelly, 156 East Hill Road
Jeff Paulin, 50 Chamberlin Mountain Road

Meeting Opens: 7:01PM – Roger deBruyn (Co Chair)

7:01 PM Administrative Matters: Sign Payable – MACC; Environmental Handbook \$45.00

Motion made by Michele Restino to sign the payable voucher for MACC in the total amount of \$45.00, for the payment of three copies of the new digital Environmental Handbook for Conservation Commissioners.

Motion Seconded by Matt Toth

No further discussion – 3-0-0 – Motion Carries

7:02 PM Administrative Matters: Sign Payable – Angela Panaccione; Mileage \$28.64

Motion made by Michele Restino to sign the payable voucher for Angela Panaccione in the total amount of \$28.64, for the reimbursement for mileage to attend the MSMCP Brown Bag Lunch presentation on the Conservation Assessment and Prioritization System (CAPS) on Wednesday July 23, 2014 at the Belchertown Town Hall, in Belchertown, MA

Motion Seconded by Matt Toth

No further discussion – 3-0-0 – Motion Carries

7:04 PM Administrative Matters: Sign Payable – Angela Panaccione; Mileage \$73.04

Motion made by Michele Restino to sign the payable voucher for Angela Panaccione in the total amount of \$73.04, for the reimbursement for mileage to attend the MSMCP Brown Bag Lunch on Resources Offered by MACC on Wednesday December 17, 2014 at the MACC Headquarters, in Belmont, MA

Motion Seconded by Matt Toth

No further discussion – 3-0-0 – Motion Carries

7:05 PM Administrative Matters: Minute Approval – September 10, 2014

Motion by Roger deBruyn to approve the minutes from Wednesday September 10, 2014

Motion Seconded by Matt Toth

No further discussion – 3-0-0 – Motion Carries

7:06 PM Administrative Matters: Minute Approval – October 15, 2014

Motion by Matt Toth to approve the minutes from Wednesday October 15, 2014

Motion Seconded by Roger deBruyn

No further discussion – 3-0-0 – Motion Carries

7:07 PM Notice of Intent DEP #117-0345: 44 First Street (Map 5C Lot6 A42) - James Lacey

Notice of Intent (NOI) submitted by Matthew Lacroix c/o James Lacey, for work at 44 First Street (Map 5C Lot A42), pertaining to the construction of a new retaining wall in the buffer zone to Little Alum Lake. Roger deBruyn re-opened the public hearing and no public or representatives were present.

NHESP approval was received.

Motion made by Matt Toth to close the Public Hearing and issue the Order of Conditions

Motion Seconded by Roger deBruyn

No further discussion – 3-0-0 – Motion Carries

7:09 PM Violation: 219 Warren Road, Springfield Motorcycle Club – Illegal Stream Crossing

Violation at Violation at 219 Warren Road (Map 2 Lot E-10), resulting in disturbances to an un-named intermittent stream, its associated Bank and Bordering Vegetated Wetland (BVW) from improper culvert installation; resulting in soil disturbance, stream instability, and changes to the natural hydrologic regime throughout the property. The 24” plastic culvert does not meet the current stream crossing standards. The outlet is perched, resulting in a tail water scour pool and downstream sedimentation. Dave Niemiec of the Springfield Motorcycle Club attended the meeting to discuss the violation.

The Commission determined all work required and conducted under the Resource Area Restoration Plan (RARP) has been satisfactorily completed by the required deadline and all work performed has brought the site into compliance with the Wetlands Protection Act. The Commission voted unanimously to lift the current Enforcement Order.

The Commission also determined, with the proposed mitigation measure of cutting back the culvert 7-rings to remove the perched outlet, the current culvert will meet the stream crossing standards to the maximum extent practicable.

Motion made by Matt Toth to lift the Enforcement Order

Motion Seconded by Roger deBruyn

No further discussion – 3-0-0 – Motion Carries

7:15pm Notice of Intent DEP # 117-03480: 53 Apple Road (Map 4D Lot 3) - Solar MA Series XX

Notice of Intent (NOI) submitted by Bertin Engineering c/o Solar MA Project Management LLC, Series XX, for work at 53 Apple Road (Assessors Map 4D Lot 3), pertaining to the construction of 0.66 MW ground mounted Solar Array. Specifically the work will include roadway construction and the clearing of approximately 5 acres of land. Portions of the proposed work lie within resource areas and/or buffer zones regulated under M.G.L. Chapter 131, §40. Roger deBruyn opened the public hearing and Michael Loin, of Bertin Engineering was present as a representative for the property owner's Paul and Carol Porra.

The stormwater was re-designed using LIDs and the plan was sent to New England Environmental (NEE), DEP and Brimfield. A further revised plan was submitted dated 11/3/2014 with a change in the location of the proposed access road per planning board requirements. All other aspects of the plans remain the same.

NHESP had no comments on the proposed plan since all work is occurring outside of priority habitat.

Motion made by Matt Toth to close the Public Hearing and issue the Order of Conditions with special conditions

Motion Seconded by Roger deBruyn

No further discussion – 3-0-0 – Motion Carries

7:26 PM Administrative Matters: Land Donation from Solar Company/Pilot

The Commission accepted the land donation from Soltas c/o Andrew Worden and signed the deed for the 28 acres. The land will be held as conservation land.

Motion made by Matt Toth to sign the Quitclaim Deed, for the land off Old Sturbridge Road in Brimfield depicted as "Parcel A 28.572 ± Acres" on a plan entitled: "Lot Division Plan of Land in Brimfield, MA prepared for Andrew B. Worden (Owner)", dated May 16, 2014, and prepared by Roger Woods & Co.

Motion Seconded by Michele Restino

No further discussion – 3-0-0 – Motion Carries

7:30 Request for Determination (RDA): Warren Road (Map 2D Lot 4.8) – Michael Koprowski

Request for Determination (RDA) submitted by Michael Koprowski, for work at Warren Road (Map 2D Lot 4.8) to determine if the work associated with the construction of a driveway in the buffer zone to a Bordering Vegetated Wetland is subject to the Wetlands Protection Act. Roger deBruyn opened the public meeting and no public or representatives were present.

The Applicant Mike Koprowski has request the meeting be continued until revised plans are mad with new driveway location and update wetlands delineations.

Motion made by Matt Toth to continue the hearing until 7:00 PM on Wednesday January 14, 2015

Motion Seconded by Roger deBruyn

No further discussion – 3-0-0 – Motion Carries

7:33 Request for Determination (RDA): Five Bridge Road (Road ROW) – National Grid

Request for Determination (RDA) submitted by MassElectric, for work on Five Bridge Road (Road ROW) to determine if the work associated with the construction of a driveway in the buffer zone to a Bordering Vegetated Wetland is subject to the Wetlands Protection Act. Roger deBruyn opened the public meeting and no public or representatives were present.

Pole replacements are proposed along Brookfield Road, East Hill Road and Five Bridge Road. Proposed work along Brookfield Road and East Hill Road consists of the replacement of 23 existing utility distribution poles within the same footprint. Pole replacement and new poles and anchors are proposed for 55 poles along Five Bridges Road. Portions of the proposed work along Five Bridges Road will occur within a Bordering Vegetated Wetland (BVW), Bordering Land Subject to Flooding (BLSF), the 200-foot Riverfront Area and the 100-foot buffer zone to BVW. The installation of new poles 62-84 & 57-84 along Five Bridge Road are not occurring within existing footprint and are located within the BVW. Work will be conducted from paved areas and take less than a day. Selective vegetation removal is required. The proposed new poles and anchors will not adversely affect wetland resource areas.

The work of Brookfield Road and East Hill Road is exempt and portion of the proposed work on Five Bridge Road is exempt under 310 CMR 10.02(2)(a)(2): “activities conducted to maintain, repair or replace, but not substantially enlarge an existing lawfully located structure used in the service of people to provide electric services.”

Motion made by Matt Toth to close the public meeting and issue a Negative Determination 2, 3 & 5
Motion Seconded by Roger deBruyn
No further discussion – 3-0-0 – Motion Carries

7:45 PM Notice of Intent: 14/18 Marsh Hill Road (Map 5 A-B Lot 15.1) – Anthony Belcher

Notice of Intent (NOI) submitted by Sherman & Frydryk c/o Anthony Belcher & Steven Orloff, for work at 18 Marsh Hill Road (Assessors Map 3B Lot 2.4C), pertaining to the construction of a single family home. Specifically the work will include the construction of a single family house with associated private well and sanitary sewage disposal system. The work will include approximately 15,670 square feet of disturbance to the buffer zone of a Bordering Vegetated Wetland. Anthony Belcher was present

The outstanding issue with the plans is the location of the property line. Mr. Belcher does not want to officially change the property lines with the Planning Board if the Commission will not approve the plans, but the Commission will not approve the plans until the property lines are changed. It was recommended that if Mr. Belcher desires to have the plans approved, the property lines must be changes, approved and recorded at the registry of deeds.

The Commission also discussed the Enforcement Order. The area has naturally revegetated and the brush piles have been removed from the BVW, but are still located within the buffer zone. Michele Restino stated the work is sufficient and she recommended the Enforcement Order be lifted.

The Commission also conducted a site visit on November 8, 2014 with the applicant’s representative Keith Terry to review the proposed location of the retaining wall. There will be three (3) walls total: an 8’ wall around septic system; 9’ wall behind septic wall and around house; and an additional northwest wall. The walls will be poured with reinforced steel (#5 rebar). The rear wall will be constructed, then the fill will be added to the site, then the other two (2) walls will be constructed.

A DEP file number has still not been issued.

Motion made by Matt Toth to lift the current Enforcement Order
Motion Seconded by Roger deBruyn
No further discussion – 3-0-0 – Motion Carries

Motion made by Matt Toth to continue the hearing until 7:15 PM on Wednesday January 14, 2015
Motion Seconded by Roger deBruyn

No further discussion – 3-0-0 – Motion Carries

Angela Panaccione will send a letter to Mr. Belcher & Mass DEP stating the EO has been lifted

7:57 PM Public Inquiry: Anna Ozolins – 7 Cubles Drive

Anna Ozolins attended tonight's meeting to request assistance from the Commission in the cleaning up of Lake Sherman. Currently there is a milfoil outbreak in the Lake and she is requesting town funds be used to clean the lake. She supplied the Commission with a copy of a 2009 Town Meeting vote to allocate funding to clean the lake. She also supplied the report by Lycott Environmental on the status of the lakes in town. Ozolins also informed the Commission she would be attending the Selectmen meeting on Tuesday January 13th the request funds from the Thames River account to help with the costs of treatment.

Michele Restino told Ozolins there are grants out there for projects like this, but most require a Lake Association to apply and the Lake to have a management plan of file with the state. The Lake Association would first need to draft a management plan for the lake, submit it to the Town and DEP for approval then they could seek grant funding to clean the lake. The management plan should cover the history of the lake, current state of the lake and any problems associated with and the future plan to keep the lake clean. The plan should also address past, present and future uses of the lake for recreational purposes.

Panaccione also informed Ozolins a NOI would be needed for chemical treatment of the lake to remove the milfoil. Either Lycott Environmental or Aquatic Control Inc could perform both the treatment and the permitting needed for Commission approval.

8:26 PM Notice of Intent: 119 Little Alum Road (Map 5B Lot B-14) – Roland Blake/Maple Lane

Notice of Intent (NOI) submitted by Greenhill Engineering c/o Maple Lane Development Corp, for work at 119 Little Alum Road (Assessors Map/Lot 5 B B14). Specifically, the work includes the construction of a 500 square foot beach and the reconstruction of an existing dock. The proposed work occur within the buffer zone and resource areas of Little Alum Pond; regulated under M.G.L. Chapter 131, §40. Mark Farrell was present.

This work includes construction of a 500' beach and the reconstruction of an existing dock. The dock will be 5-foot X 18' feet and be approximately in the same footprint as the current dock. NHESP has approved the project. DEP is requiring a Ch.91 permit for the dock. The Commission discussed the Ch.91 permit with Mark Farrell.

Mark Farrell requested a continuance so he could work on the Ch. 91 permit and revise the current plans. Farrell will also supply the calculations of disturbance to bank and LUW the Dock will have.

Motion made by Matt Toth to continue the hearing until 7:30 PM on Wednesday January 14, 2015

Motion Seconded by Roger deBruyn

No further discussion – 3-0-0 – Motion Carries

8:49 Enforcement Order (EO): 258 Little Alum Road (Map 4E Lot 4.1) - Brian & Alice Willis

An un-named intermittent stream and its associated Bordering Vegetated Wetland (10.55) (BVW) have been disturbed from the addition of buildings/pens, fencing and farm animals; resulting in soil disturbance, stream instability, possible decreases in water quality and changes to the natural hydrologic regime throughout the property. A site visit occurred on November 8, 2014 at 9am. Alice Willis was not present though she did inform the Commission she will bring the site plan to the next commission meeting in January.

Motion made by Matt Toth to continue the hearing until 8:00 PM on Wednesday January 14, 2015

Motion Seconded by Roger deBruyn

No further discussion – 3-0-0 – Motion Carries

8:50 Enforcement Order (EO): 50 Chamberlin Mountain Road (Map 5A Lot 14)-Jeffrey Paulin

Violation to the WPA resulting in disturbances to 2 BVWs from a direct discharge of sediment runoff. Jeffrey Paulin and Michaelene Kelly were present.

A site visit occurred November 8 at 10:30am with Mr. Paulin and Rick Hawk. Straw wattles were added the road shoulder to prevent further sediment from entering the wetlands. Roger deBruyn felt the wattles were sufficient from preventing the problem from getting worse.

The Agent recommended the sediment be removed from the BVW and the areas be restored. Roger deBruyn felt it should be left until the spring to decide.

In a letter by DEP dated 6/7/13 it stated that the culverts were stable and that the work was in substantial compliance. This letter was from DEP and stated the department felt the issued had been resolved based on a report filed by Mr. Paulin's consultant, DBA Burke Engineering Services dated April 29, 2013.

The Commission needs to further review the file, including the violations from 2006-2013.

Michele Restino agreed the sediment should be removed from the BVW as soon as possible. She stated there is a seed bank present under the sediment that will regenerate if the sediment is removed. She also felt the sediment removal would help the situation. If left in place, it will just continue to accumulate and soon there will be no wetland left.

Mr. Paulin stated he needed to re-grade the road before snowfall and request permission from the Commission to do so.

Motion made by Roger deBruyn to lift the cease and desist section from the current Enforcement Order and allow work to commence. Mr. Paulin is allowed to re-grade the road, remove sediment from the bottom of the road near culvert 1 and restore/replace straw wattles to prevent further sediment from entering wetland resource areas.

Motion Seconded by Matt Toth

No further discussion – 3-0-0 – Motion Carries

The Commissioners will independently conduct site visit in the upcoming months to monitor the siltation into the wetlands and will discuss restoration measures in the spring.

Motion made by Michele Restino to continue the discussion until 7:00 PM on Wednesday April 8, 2015

Motion Seconded by Roger deBruyn

No further discussion – 3-0-0 – Motion Carries

Angela Panaccione will send a letter to Mr. Paulin stating the status of the Enforcement Order and granting permission to re-grade the road.

10:05 PM Administrative Matters: Other Projects, Monitoring, Enforcements and Violations

1. ZBA Letter regarding Apple Road Solar: The Commission reviewed and discussed a letter from Brimfield ZBA to the Building Inspector regarding the zoning of the Apple Rd Solar facility. In the letter ZBA requested no building permit be issued due to the proposed commercial solar array being located in an area zoned rural residential.

2. John Fields – Permitting questions: The Agent meet with Mr. Fields and reviewed the file on the property in question
3. Little Alum Draw Down: The drawdown began 11/1/2014. No boards have been put back in as of yet. Under the Order of Conditions the lake must reach maximum drawdown level by December 1, and then it should begin to re-fill. The Agent will monitor the lake level and speak with the Zach Lemieux about putting the boards back in. The Commission will revisit the issue in January and see if any progress has occurred. This is the second year the permit is not being followed by the Highway department.
4. Highway Bundle NOI: Zach Lemieux, Brimfield Highway Superintendant submitted a draft bundle NOI for highway work. The Agent will review other towns bundle highway NOI and meet with Zach to go over it. Under the revised regulations (October 24, 2014) several portions of the proposed NOI are not needed.
5. Possible Violation: Brimfield Collision: The Commission received a report of a possible violation at Brimfield Collision, located on Route 20 heading toward Sturbridge. It was reported clearing is occurring within the BVW and stream area. The Commissioners will independently investigate and the issue will be readdressed at the January meeting.
6. Discuss/Schedule Meeting Dates: The Commission discussed meeting dates for 2015. The Commission will continue to meet the second and fourth Wednesday of every month. The Commission will again work on the bylaw during the slow time in January and February
7. New DEP Wetlands Regulations: The Agent attended a workshop on the new regulations and discussed them with the Commission.
8. New Computer: The Commission agreed to send a second letter to the Board of Selectmen and the IT committee requesting a new computer. Pat Burke did fix some of the problems with the office computer, but there are still issues with going on line, especially the edep efile site.
9. DEP # 117-0333: Hastings Lane – Exxon Mobil issues with mating/Site Visit Report: Some of the components on one of the mats at the Hastings Lane location has been crumbling over the last couple of months. Photos were supplied. Exxon has been working with Submar, the manufacturer, to repair / replace those portions of the mat. A site visit occurred Friday, December 5, 2015. The work approved by the Agent on site included cutting out and replacing the defected portions of the mat (all work will be performed above the water line) and replacing those portions with portions from a new mat. The new components will be strapped to the existing mat (similar to how all the mats are connected). That portion of the mat system will be accessed through Mr. Denning's property – no work or access will be performed in the stream itself. Exxon has also coordinated this effort with Mr. Denning. All work is within the scope of the previously issued Order of Conditions for DEP # 117-0333
10. DEP # 117-0347: Gately – Pre-activity Visit & ESC Questions: The Agent conducted a pre-activity meeting and approved work to begin on the riding rink.

Meeting adjourned 10:25 PM –

Motion made by Matt Toth to adjourn 10:25 PM

Motion was seconded by Roger deBruyn

No further discussion – 3-0-0 – Motion Carries

Sincerely Submitted

Angela Panaccione, Conservation Agent