



TOWN OF BRIMFIELD

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

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

Agent: Angela Panaccione

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CONSERVATION COMMISSION

MEETING MINUTES

WEDNESDAY MARCH 12, 2014 @ 7:00 PM

Members Present: Ian Lynch (Chair)
Roger deBruyn
Matt Toth
Michele Restino
Steve Phifer
Joe Collins (*arrived 7:20*)
Angela Panaccione (Agent)

Members Absent: -----

Also Present: Alana Chain, SH SolarNE 2/Soltas
Wesley Flis, Whitman & Bingham
Joe LaFreniere, SH SolarNE 2/Soltas (Project Manager)

Meeting Opens: 7:05 PM – Ian Lynch (Chair)

7:08 PM Cont. NOI DEP # 117-0325: 10 Shaw Road (Map 5 A-B Lot 15.1) – Dave Mayo

Ian Lynch opened the public hearing. No representatives or members of the public were present. 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 Matt Toth to continue the hearing until 7:00PM on Wednesday May 14, 2014.

Motion Seconded by Michele Restino

No further discussion – 5-0-0 – Motion Carries

7:10 PM Cont. NOI DEP #117-0334: 229 Palmer Rd (Map 10E Lot 11) – ExxonMobil

Ian Lynch opened the public hearing on the Notice of Intent (NOI) submitted by Roux Associates, Inc., c/o EXXONMOBIL Pipeline Company for the work at 229 Palmer Rd (Assessors Map 10E Lot 11), pertaining to the preventative maintenance activities for the ExxonMobil pipeline. Specifically, the work includes raising the stream bed by approximately 3-feet to reestablish cover over the currently exposed pipeline. No representatives or members of the public were present.

DEP has issues with the project as proposed and are requiring an alternative analysis exploring the option of installing a culvert under the pipeline to maintain current stream flow.

Motion made by Matt Toth to continue the hearing until 7:00PM on Wednesday April 9, 2014.

Motion Seconded by Michele Restino
No further discussion – 5-0-0 – Motion Carries

7:12 PM Amendment to NOI DEP # 117-0338: 145 Sturbridge Road (Map 14A Lot 21.3) – SH Solar

Ian Lynch reopened the public hearing on the request to Amend the current Order of Conditions issued to SH Solar NE2, for the proposed Solar Array located at 145 Sturbridge Road. Currently there are several areas of non-compliance at the site, including: the heavily sedimented unnamed intermittent stream on the property, damages to several areas of the silt fence and straw wattles (erosion and sediment controls) on site, and the presence of excessive amounts of blasting debris in the buffer zone. Heavily silted runoff is also exiting the property onto Old Sturbridge Road. Mitigation measures are in place at the end of the access road to trap sediment. The applicant is also street sweeping Old Sturbridge Road at the end of each day.

The upper wetlands have been flagged for review and the Agent conducted a site visit on Saturday March 8, 2014 with Joe LaFreniere and Chuck Caron. The delineations were confirmed and the project is approximately 238-feet away from the flagged edge of the BVW. The limit of work does not go past the top of the slope. To mitigate against any potential runoff or erosion down the hill, the Agent recommended increased erosion controls along the top of the hill and the addition of bark mulch on the slopes as well.

Wesley Flis, of Whitman & Bingham spoke with Mass DOT about cleaning the blocked culvert under Route 20 and Mass DOT stated they would be cleaning the culvert within the next two months.

The Commission also discussed the excess sediment coming off the access road, onto Old Sturbridge Road. Panaccione inquired if they had an anti-tracking pad at the end of the road to prevent the transfer of sediment from the equipment to the road. Joe LaFreniere stated they did, but it's worn out. He will replace it as soon as possible. Panaccione also asked LaFreniere if the blasting debris had been removed from the buffer zone yet, and he stated it has not due to the weather.

The Commission discussed a recent complaint issued by Shirley Lapierre about sediment getting into her pond on her property. There is currently an issue over who actually owns the land in question. The applicants will investigate this further and deal with Ms. Lapierre. The Agent informed the applicants that if sediment laden water is exiting the site and causing damages to an abutters property, it constitutes a violation of the Order of Conditions.

Motion made by Michele Restino to approve the amendment, close the hearing and issue the amended Order of Conditions

Motion Seconded by Matt Toth

No further discussion – 6-0-0 – Motion Carries

7:30 PM Administrative Matters: Land Donation from Solar Company/Pilot

The Commission discussed accepting 25 acres from the Solar Company as part of the town pilot. If the land goes directly to conservation, there will not be a town meeting vote needed. The land would go strictly to open space and recreation and would be undeveloped. The Agent is in discussion with the Selectmen and abutting property owners to acquire additional land behind their houses as well. This would increase the amount of open space present, provide access for hiking and biking and alleviate neighbors concerns about future development behind them and the damages to resource areas present. The neighbors have also expressed interest in placing their land into Conservation Restrictions (CR) if the town secured the land behind their property. This would protect an additional 10 acres from development.

Steve Phifer did not agree with the Commission accepting the land. He stated the land should go to a Land Trust.

Motion made by Matt Toth to accept the land donation for SH Solar NE2/Soltas, as Conservation Land under the care and custody of the Conservation Commission, as described in the letter from the Board of Selectmen (Assessors Map/Lot 14A 21 & 21.3 and 6D 11) and as shown as "Land to be Conveyed to the Town of Brimfield" per the site plan entitled Proposed Solar Panel Array/ Proposed Site Development Plan # 31-D-11 Including (Sheets 1-11); prepared by Whitman & Bingham, dated 2/25/2014.

Motion Seconded by Michele Restino

No further discussion – 5-1-0 – Motion Carries

7:55 PM Administrative Matters: Minute Approval

Motion by Michele Restino to approve the minutes from Wednesday February 26, 2014

Motion Seconded by Matt Toth

No further discussion – 5-0-1 – Motion Carries

8:58 PM Enforcement Order/Violation: 14-18 Marsh Hill Road

BCC received a complaint from Joey Resseguie about unauthorized land clearing and the presence of a run down trailer in the buffer zone of the wetlands next door to his home at 20 Marsh Hill Road.

Panaccione conducted a site visits and came to the same conclusion that unauthorized clearing had occurred in the BVW of an intermittent stream, and more trees appeared to be marked for removal. Panaccione took picture of the clearing supplied them to the commission for review. The Commission previously issued an Enforcement order, on June 18, 2013, to the property owner, issuing a cease and desists on the land clearing and requesting the owner and/or representative to attend a meeting. The property owners did contact the commission last August and stated their intent to file a Notice of Intent with the Commission. No filing has been received yet.

Motion by Matt Toth send a new Enforcement Order requesting a completed NOI and their attendance at the Commission meeting on Wednesday April 23, 2014 at 7:00 PM to discuss the proposed work further

Motion Seconded by Joe Collins

No further discussion – vote taken –6-0-0- Motion Carries

8:15 PM Administrative Matters: Sign Payable – UMASS \$50.00

Motion made by Matt Toth to sign the payable voucher to UMASS in the total amount of \$50.00, for the payment of the fee for Angela Panaccione to participate in the Keystone Project April 3-April 6, 2014.

Motion Seconded by Michele Restino

No further discussion – 6-0-0 – Motion Carries

Meeting adjourned 8:20 PM –

Motion made by Steve Phifer to adjourn at 8:20 PM

Motion was seconded by Matt Toth

No further discussion – 6-0-0 – Motion Carries

Sincerely Submitted

Angela Panaccione, Conservation Agent