



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

Telephone: (413) 245-4100 x:8
FAX (413) 245-4111

CONSERVATION COMMISSION

MEETING MINUTES

WEDNESDAY APRIL 23, 2014 @ 7:00 PM

Members Present: Ian Lynch (Chair)
Matt Toth
Michele Restino
Roger deBruyn
Angela Panaccione (Agent)

Members Absent: Steve Phifer
Joe Collins

Also Present: James Dick, Roux Associates
Edwin Noga, 229 Palmer Road
Anthony Belcher, 14 Marsh Hill Road

Meeting Opens: 7:00 PM – Ian Lynch (Chair)

7:00 PM Enforcement Order/Violation DEP # 117-0338: 145 Sturbridge Road - Soltas

The Commission discussed the issuance of an Enforcement Order for 145 Sturbridge Road, for the violation of 17 conditions of the Order of Conditions, including conditions 13, 19, 24, 28, 29, 31-34, 37, 45, 54. Specifically, the Commission cited the work occurring at the Solar site has created excessive sedimentation that is now eroding into resource areas protected under the Wetlands Protection Act (WPA).

The Enforcement Order requires the immediate installation of the required stormwater management structures permitted by the Order and the correction of all alterations that have impacted the resource areas, returning the resource areas to their original condition. An Erosion and Sediment Control Specialist is required to be retained by Soltas to monitor all stormwater and erosion issues. The Erosion and Sediment Control Specialist is to provide regular monitoring reports to the commission and is to be on site for any rain event greater than .25 inch, to ensure controls are properly working.

The Commission discussed issuing a stop work order, but decided against it at the current time. If all stormwater basins are not installed by May 14, 2014, the Commission will issue a stop work order.

A site inspection is scheduled for Saturday May 10th at 9am and the Commission also requests they appear at the next meeting on Wednesday May 14th at 8:30 pm to discuss the issue at hand. Failure to appear will result in further action taken by the commission. A restoration plan to correct the damaged stream is also required by May 28th.

Motion made by Michele Restino to issue the Enforcement Order

Motion Seconded by Matt Toth

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

7:05 PM Administrative Matters: Sign Payable – Angela Panaccione \$79.93

Motion made by Matt Toth to sign the payable voucher for Angela Panaccione in the total amount of \$79.93, for the payment of mileage to and from the MAMCP workshop; held on March 26, 2014 at the Johnson Woods in Norton, MA.

Motion Seconded by Michele Restino

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

7:12 PM Enforcement Order/Violation: 14 Marsh Hill Road

Anthony Belcher, property owner, attended tonight's meeting in response to a previously issued Enforcement Order to discuss the violation at 14-18 Marsh Hill Road. Mr. Belcher submitted a draft site plan for a proposed single family home, and informed the Commission he would have a Notice of Intent filed by May 14, 2014. He has hired Sherman & Frydryk for the site plan.

He inquired about what he could currently do at the property. The Commission instructed Mr. Belcher he could begin site restoration by removing brush, debris and wood. Mr. Belcher is not permitted to do anything else. There shall be no ground disturbance and no removal of live vegetation until Mr. Belcher has secured the appropriate permits from Conservation.

7:25 PM Cont. NOI DEP #117-0334: 229 Palmer Rd (Map 10E Lot 11) – ExxonMobil

Ian Lynch re-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. Jim Dick of Roux Associates was present to present revised plans. Abutter Ed Noga was present as well.

The new plan is less intrusive and will result in less flood storage loss and the removal of only two (2) trees maximum.

The initial plans submitted at the time of the NOI filing included reestablishing cover over the pipeline by raising the stream bed above the pipeline, and to install energy dissipation and erosion control measures both upstream and downstream of the pipeline. DEP had issues with the project as proposed and required an alternative analysis exploring the installation of a culvert under the pipeline. Based on a collaborative effort with DEP, the U.S. Army Corp of Engineers (USACE) and the Commission, Roux has since revised the design to consist of an open-bottom, three-sided culvert structure (see Attachment 1 – Figures 2 through 5).

This design was selected as an alternative to reduce potential impacts to upstream and downstream resource areas including Bordering Vegetated Wetlands (BVW) and banks, as well as associated tree canopy environmental and ecological functions. In addition, the revised design construction is planned to occur in its entirety within the Mobil Pipe Line easement. DEP has reviewed the revised design and has determined that it conforms with the Waterways Crossing requirements at General Condition 21 in the Programmatic General Permit pursuant to 314 CMR 9.031(c).

The new culvert design will consist of a pre-fabricated three-sided concrete structure approximately 12 feet in length by 12 feet in width. In order to install the structure, the banks in the immediate vicinity of the pipeline will be excavated, and the pipeline will be reinforced (wrapping or casing). Additionally, material from the channel bottom beneath the pipeline will be removed to allow for placement of the structure. Excavated material will be placed on poly-sheeting or matting within the Mobil Pipe Line easement. Note that concrete footings may either be pre-fabricated or cast prior to the placement of the structure. Once the footings are set, the structure will be positioned beneath the pipeline from the downstream side of the channel. Approximately 2 feet high concrete walls will then be cast along the top of the upstream and downstream sides of the structure to support backfilling of the pipeline over the structure. Recycled tire mats (or equivalent) will support the pipeline over the structure and the remainder will be backfilled using a gravel fill. Geotextile fabric will be placed above and below the backfill material, and a concrete articulating revetment mat approximately 12 feet in length and 8 feet in width will be used to cover the backfill. The revetment mat will be secured to the concrete walls with metal ties and eye-hooks (or equivalent) and anchor trenched

approximately 2 feet into the bank. The revetment mat will allow for drainage of surface water or precipitation through the top of the structure, which then drains through weep holes in the roof of the culvert.

Following construction of the structure, the banks and channel bottom will be re-graded using existing excavated materials. The upstream and downstream cut banks will then be reinforced with rip-rap immediately adjacent to the structure along with coir fabric and live willow staking. Coir fabric will also be placed along the bank areas above the revetment mat and seeded with a grass mixture (or equivalent).

Construction activities are anticipated to be performed during summer months (from July 1- August 31 due to Fish & Wildlife recommendations) when the intermittent stream channel is characteristically dry. Panaccione stated she has seen the stream flow year round and inquired about a dewatering plan if necessary. Dick stated he would submit a dewatering plan to be implemented in the event there is potential flow within the channel.

In an email correspondence, dated 4/8/2014 David Foulis, Mass DEP, stated if the new plan with the culvert design was submitted under a revised Notice of Intent for Wetlands File Number 117-0334, and the Brimfield Conservation Commission issued an approval Order of Conditions conditioning this plan, then DEP would conclude this project fully complied with the intent of 314 CMR 9.03(1)(c); that the Order of Conditions would serve as a Water Quality Certification. ExxonMobil would not need to file for and obtain an individual Water Quality Certification as a result.

Michele Restino expressed concerns over the loss of flood storage being 33% which seems fairly significant.

Ian Lynch open the hearing to public comments. Mr. Edwin Noga had two concerns: 1) how the project would affect his property and the plan to mitigate damages; 2) about a monitoring and maintenance plan for the project.

Dick informed Mr. Noga rubber matting will be utilized in areas of heavy equipment, in order to prevent potential property damage to paved areas during construction activities. Access to the work area is proposed via the driveways of the 229 and 231 Palmer Road residences, though all work is within Exxon's right of way. The structure will be inspected twice annually consistent with the schedule outlined in ExxonMobil's Integrity Management Plan. At a minimum, the inspection will include checking the structure for cracks, settling, and debris blockage; monitoring the integrity and effectiveness of bank stabilization controls; and monitoring the survivability of live staking and seeded areas. A report summarizing the findings will be submitted to the Commission annually.

Judy Sessler commented everything discussed should be documented on paper, to provide a paper trail for future reference. Roger deBruyn instructed Roux Associates to submit a revised completed Notice of Intent, with a narrative of work and resource area impacts. Dick said he would also include a water diversion plan as Panaccione had previously requested.

Motion made by Michele Restino to continue the hearing until 8:00PM on Wednesday May 14, 2014.

Motion Seconded by Matt Toth

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

8:07 PM Notice of Intent (NOI): Apple Road (Map 4E Lot 2) – Joe Ciesla

Ian Lynch opened the public hearing on the Notice of Intent (NOI) submitted by Waterman Design Associates, Inc c/o Joe Ciesla for the work off Apple Road (Assessors Map 4E Lot 2), pertaining to the crossing of a perennial stream for access to the rear of Lot 3 for future house construction. Specifically, the work includes the construction of a 12-foot drive and the installation of a 12' wide X 2.5' high X 28' long open-bottom box culvert. The proposed work alter 875 square feet of Bordering Vegetated Wetland and 19,850 square feet of the Riverfront of a perennial stream. No representatives or members of the public were present.

DEP has issues with the project as proposed and have flagged it for additional review.

The Applicant has requested a site visit, but the Commission denied the request until all relevant and missing information is provided and the filing is complete.

Motion made by Michele Restino to continue the hearing until 7:40PM on Wednesday May 14, 2014.

Motion Seconded by Matt Toth

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

8:15 PM Administrative Matters: Minute Approval

Motion by Matt Toth to approve the minutes from Wednesday March 26, 2014

Motion Seconded by Michele Restino

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

8:28 PM Enforcement Order (EO): 46 St Clair Road (Map 11A Lot 2) – John Rahkonen

In response to two complaints reviewed Monday April 14, 2014, during a period of heavy rain, the Agent conducted a site visit and observed a steady stream of heavily silted water exiting the construction site at 46 St Clair road, and traveling north on St Clair road, resulting in approximately 250-square feet of disturbance to the Riverfront Area, Bordering Vegetated Wetlands (BVW) and bank resource areas Penny Brook (Assessors Map 11 A 2.5), concluding the work occurring at 46 St Clair Road has altered an area subject to protection.

The Agent supplied pictures and Commissioners said they would try to drive by the property during the next rain event. The resource area damages are at 68 St. Clair Road (Assessors Map 11 A 2.5), owner by a George Demos. As part of the Order, the Commission is requiring the violator to obtain a legally binding access agreement from George Demos, 68 St. Clair Road (Assessors Map 11 A 2.5) for all work required for Resource Area Restoration on his property.

The order also requires Mr. Rahkonen cease and desist from any further activity, and appear before the Conservation Commission at its Wednesday May 14, 2014 meeting, at 8:40 pm to explain plans for restoring both properties in order to come into compliance with the Act.

Motion made by Michele Restino to issue the Enforcement Order

Motion Seconded by Matt Toth

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

8:53 PM Administrative Matters: Land Donation/Windmill Restoration

The Friends of the Windmill received a \$50,000 grant from the state to restore the windmill, but the grant cannot go to the non-profit it must go to the town. The Friends group was requesting the Commission accept the windmill parcel so it becomes town property, since it is too late to place a warrant article for the town to accept the land.

Money from the grant would cover long term monitoring and maintenance and the Historical Commission, as well as friends of the Windmill would assume monitoring and maintenance responsibilities with the town. The town may only be required to seasonally mow the grass on the parcel.

Motion made by Michele Restino that the Conservation Commission will accept the windmill land contingent upon the acceptance of a Memorandum of Understanding between the Conservation Commission, Board of Selectmen, Historical Commission and the Friends of the Windmill detailing the town's responsibilities with maintenance and upkeep.

Motion Seconded by Matt Toth

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

Meeting adjourned 9:10 PM –

Motion made by Matt Toth to adjourn 9:10 PM

Motion was seconded by Michele Restino

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

Sincerely Submitted

Angela Panaccione, Conservation Agent