



TOWN OF BRIMFIELD

CONSERVATION COMMISSION

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Joe Collins
Matt Toth
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MEETING MINUTES WEDNESDAY JUNE 11, 2014 @ 7:00 PM

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

Members Absent: Joe Collins
Steve Phifer

Also Present: Judy Sessler, John Haley Road
Joe LaFreniere, Soltas
Todd King, CESSWI
Chuck Caron, Caron Environmental
Joe & Stan Ciesla, Lourland Rd, Webster, MA
Brian Waterman, Waterman Engineering
Eric Runstrom, Roux Associates, Inc

Meeting Opens: 7:10 PM – Ian Lynch (Chair)

7:10 PM Enforcement Order/Violation DEP # 117-0338: 194 Old Sturbridge Road - Soltas

The Commission discussed the Enforcement Order for 194 Old Sturbridge Road (previously filed under 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 Commission reviewed the current site stabilization reports, biweekly Erosion and Sedimentation reports, and rainfall reports submitted by Todd King, CESSWF.

Charles Caron, of Caron Environmental presented the final stream restoration plan and narrative for the Commission to review. The stream has been impacted by past logging to remove tornado debris and more recently by sedimentation from the construction at the solar site.

The intermittent stream is located west of the solar access road and runs parallel to it. The intermittent stream appears to originate as the outflow from a small vegetated wetland. The stream channel is small, in places less than a foot wide and is only a few inches deep. The stream appears to run primarily following heavy rainfall events and during snowmelt.

For the purpose of this analysis the stream has been divided into four sections. The Upper Reach is the area that has been the most heavily impacted by the past logging and recent sedimentation. The Middle Reach is an area within which none of the tornado debris was removed and is a tangle of downed trees with steep slopes on each

side of the stream. The Lower Reach is a section along which tornado debris was removed, some logging disturbance occurred and grading has occurred in close proximity to (but not in). The “Pond” is a small excavation, likely only 200-300 square feet in size, which an abutter created in the past. Due to its size and lack of wetland vegetation the “Pond” is technically still defined as the Bank of the intermittent stream. Below the “Pond” there is a short section of stream before the flow enters a culvert under Old Sturbridge Road and Route 20.

The Upper Reach of the stream (*Flags A4 to A9*) is the area that will require the most extensive stream restoration work. As a result of the skidding of trees through this area there is a complete lack of vegetation (even of herbaceous vegetation), extreme soil compaction, exposed top and sub-soils, and large amounts of woody debris was driven into the soil. This skidding took place under the previous ownership, and it is our understanding that there was an approved Forest Cutting Plan in place for this activity.

The upper reach was the area most impacted by logging and the recent sedimentation event. The sediments along the Upper Reach vary in depth. The greatest depths are within skidder ruts and behind the erosion control check dams. In most locations the sediments are intermingled with the woody debris and disturbed topsoil that resulted from the logging and skidding in this area. The restoration of this section requires the removal of not only the sediments, but also the underlying soils that have been heavily compacted and/or contain large amounts of woody debris. Removal in the upper reach will be done using an excavator. Once these soils have been removed a small channel will be created (with slight meanders) using crushed stone, and the surrounding areas will be loamed and stabilized with seed, plantings and erosion control matting. Access to this section, for the excavator, is the biggest issue and Chuck Caron will address access in the final draft.

The middle reach of the stream (*Flags A9 to A10*) is covered with a tangled mess of downed trees from the tornado that were not removed. This area will not be touched.

The lower reach of the stream (*Flags A10 to “Pond”*) has only a small amount of sediment and the plan calls for removing the sediments by hand, the seeding of any significant unstable areas and the planting of a vegetative buffer along the eastern edge of the stream.

The pond is a small-manmade excavation located on Shirley Lapierre’s property and has likely acted as a final sediment trap by slowing the stream down. The finest sediments were entrapped in this area and the entire “Pond” bottom appears to be covered with an inch or two of fine sediments. Accordingly, the stream restoration plan calls for the removal of these sediments. The removal will need to occur when the pond is either dry or has been pumped dry. No additional restoration will likely be needed other than the sediment removal. This work will be performed by hand as well.

The easiest access to the upper reach will be to construct a ramp down to the stream, from the access road. When work and restoration is complete, the ramp will be removed the slope will be restored.

The only addition to the final that differs from the previously submitted draft is the anticipated efforts and qualifications for work.

Overall, about 150 plantings will be made in the restoration area. Chuck Caron and Todd King will monitor the restoration. Chuck will send monitoring reports after each phase is completed. All work is anticipated to be completed by July 15th and the applicants will attend the July 23, 2014 meeting at 7pm to present the site restoration. A site visit will occur with the Commission before July 23rd, the date contingent upon completion of the restoration. Joe will contact Angela to schedule the site visit when work is complete.

Any field changes to the accepted restoration plan must be approved by both Charles Caron and the Conservation Agent.

Motions made by Matt Toth to accept the final revised stream restoration plan as presented by Charles Caron
Motion Seconded by Michele Restino
No further discussion – 4-0-0 – Motion Carries

7:25 PM Enforcement Order (EO): 14 Marsh Hill Road (Map 3B Lot C 2.5) – Anthony Belcher

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 August 1, 2014. Sherman & Frydryk have completed the site plan and NOI documents; they are just waiting for payment in order to submit the paperwork. The Agent spoke with Don Frydryk this afternoon in regards to the current situation, and Mr. Frydryk confirmed everything is all set and will be submitted upon the applicants' payments of fees.

Mr. Belcher did inform the Commission he intends to progress with the permitting, but has been unable to meet the Commissions deadlines due to financial constraints and the fact the co-owner of the property is currently in jail for the next 6 years.

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.

The Agent will send a letter/email to Mr. Belcher stating the Commission has approved site access for the removal of brush and debris.

Motion made by Michele Restino to extend the deadline for the required Notice of Intent until August 1, 2014
Motion Seconded by Matt Toth
No further discussion – 4-0-0 – Motion Carries

John Rahkonen will report to the Conservation Commission after each phase has been completed.

7:47 PM Notice of Intent (NOI) DEP #117-0341: Apple Road (Map 4E Lot 2) – Joe Ciesla

Ian Lynch re-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 will alter 875 square feet of Bordering Vegetated Wetland and 19,850 square feet of the Riverfront of a perennial stream. Joe and Stan Ciesla were present, as well as their representative Brian Waterman.

Brian Waterman presented the revised NOI to the Commission. This filing is a re-filing from 2006 since the original permit DEP # 117-0276 has expired. The location of the crossing has been changes to an area resulting in less wetlands impacts and less of a slope. Brian has re-flagged and survey located the stream. He also supplied a build-out of the entire subdivision as part of the application, required by comments from both the Agent and DEP. Riverfront is present in lots 1,2,3,4 &5. Total Riverfront alterations for this project are 19,850 square feet. Overall the subdivision will have 15 lots, and protect 17acres of open space.

DEP is requiring a deed restriction for the crossing, and the entire property to limit the total wetlands alterations to fewer than 5,000 square feet in order to protect the land in perpetuity once the individual lots are sold off in the future. Waterman spoke with DEP about limiting the area covered by the Deed restriction to the 900 square feet proposed by the application, and DEP said that was fine. DEP does require an entity to hold the deed restriction and the applicant requested it be the Conservation Commission. The Commission would be the grantor of the deed restriction. Judy Sessler requested anything having to do with the deed restriction be forwarded to the Assessor's office as well.

Waterman will have a draft deed restriction for June 25th hearing with the wetlands alterations limited at 900-square feet and listing the Commission as the grantor. The Board of Selectmen will also have to sign the deed restriction before it will officially be accepted.

The revised fees for a Category 3C filing was submitted, totaling \$787.50

The Agent conducted an initial inspection on Friday June 6, 2014 at 9am with Brian Waterman to confirm the delineations present on site. Wetlands flags 60-73, 86-99 and 233-258 were confirmed on this visit and will be the only flags confirmed by the Order of Conditions. The Agent will include a finding of fact stating only the above mentioned flags were confirmed. The Agent also confirmed the MAHWL flag A-E.

The Commission will conduct an additional site inspection on Saturday June 21, 2014 at 9am with Brian Waterman to view the proposed work area on site. Waterman will have the location of the proposed crossing, stormwater structures and replication area staked out.

Motion made by Matt Toth to continue the hearing until 8:00 PM on Wednesday June 25, 2014

Motion Seconded by Michele Restino

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

8:12 PM NOI DEP #117-0342: 0 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 0 Palmer Rd (Assessors Map 10E Lot 11), pertaining to the preventative maintenance activities for the ExxonMobil pipeline. Specifically, the proposed maintenance will include trenching to a depth of 6-feet and an area up to 15-feet in length and 10 feet in width to install/repair casing leads as part of preventative maintenance of a petroleum pipeline. The proposed work alter at the most 25 square feet of a Bordering Vegetated Wetland to Charles Brooke, and its Buffer zone; resource areas regulated under M.G.L. Chapter 131, §40. Eric Runstrom, of Roux Associates was present to present site plans to the Commission.

The Agent, Michele Restino and Eric Roustrom from Roux Associates conducted a site inspection today, June 11, 2014 at 5pm to review the proposed work. No issues were present at this time.

The work area is a small area off Hollow Road. The area will be excavated to inspect the pipeline casing. The applicant does not anticipate needing to dig in the BVW, but included the estimated amount of 25 square feet to be safe if the casing is further down than expected. If BVW is disturbed, the soils will be stockpiled and any plants targeted for removal will be set aside for replanting. The BVW will be replace in kind, in the dame day.

All excavated materials will be stored outside the BVW, in the area identified during the site visit (along the shoulder of Hollow Road). Possible dewatering may be necessary.

The work is anticipated to commence in October or November and will take approximately one day. Erosion and sediment controls will be installed prior to work and inspected by the Agent.

The DEP did state in its file number issuance letter that this project proposes a discharge of dredged or fill material into “Waters of the United States” potentially subject to the federal Clean Water Act. Per the Massachusetts General Permit (MAGP) issued under the federal Clean Water Act, the applicant may be required to notify the US Army Corps of Engineers, New England District of this project proposal, using “Appendix C”, as found within the MAGP. Eric stated they would submit an Appendix C to ACOE and the Agent included the requirement in the conditions as well.

Judy Sessler inquired about the road closure procedures for Hollow Road, given the work is proposed for the shoulder of the road.

Motion made by Roger deBruyn to close the Public Hearing

Motion Seconded by Michele Restino

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

Motion made by Matt Toth to issue the Order of Conditions, with previously discussed conditions

Motion Seconded by Michele Restino

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

8:30 PM Administrative Matters: Sign Payable – Angela Panaccione \$6.49

Motion made by Michele Restino to sign the payable voucher to Angela Panaccione in the total amount of \$6.49, for the payment of a certified mailing.

Motion Seconded by Roger deBruyn

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

8:35 PM Administrative Matters: Minute Approval

Motion by Michele Restino to approve the minutes from Wednesday May 28, 2014

Motion Seconded by Matt Toth

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

8:40 PM Administrative Matters: Violation Updates

1. Enforcement Order: 150 Haynes Hill Road, Chris Batista – Equipment Removal: Christopher Batista will attend the meeting on June 25, 2014 at 8:30 PM to discuss the violation.
2. Possible Violation: 219 Warren Road, Springfield Motorcycle Club – Illegal Replacement Stream Crossing: A request from the Massachusetts Department of Environmental Protection (DEP) was given to the Commission in early may to investigate a possible wetlands violation at 219 Warren Road (Assessors Map 2 E-10), Springfield Motorcycle Club. The Agent conducted a site visit May 5, 2014 and noted that a replacement culvert had been installed at the end of the access road, as well as crushed stone for stabilization. The replacement culvert was never permitted and has not been installed to meet current stream crossing standards. The culvert is perched at the outlet, and the outflow of the stream does not match the inflow of the stream; leading the DEP and the Agent to determine the culvert was not sized or installed appropriately. Furthermore, the crushed stone used to stabilize the side slopes constitutes a fill of Bordering Vegetated Wetland (BVW). The Commission instructed the Agent to send a notice of a possible violation and request the violator attend the next meeting to explain the work that has been conducted so far, and their future plans for the property so that the Commission can prescribe the appropriate corrective actions. A representative will attend the meeting on June 25, 2014 at 8:00 PM to discuss the violation.

8:55 PM Administrative Matters: Comp Time & Payroll

The Commission discussed the new Comp Time procedures developed by the BOS on June 3, 2014. The Agent has a total of 103 comp hours from this fiscal year and will use them during FY 15. The Commission will make a formal acceptance of this at the next meeting.

Meeting adjourned 9:00 PM –

Motion made by Matt Toth to adjourn 9:00 PM

Motion was seconded by Michele Restino

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

Sincerely Submitted

Angela Panaccione, Conservation Agent