



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

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

MEETING MINUTES WEDNESDAY SEPTEMBER 10, 2014 @ 7:00 PM

Members Present: Michele Restino (Co-Chair)
Joe Collins (arrive 7:30pm)
Matt Toth
Steve Phifer
Angela Panaccione (Agent)

Members Absent: Roger deBruyn (Co-Chair)

Also Present: Keith Terry, Sherman & Frydryk
Judy Sessler, 66 John Haley Road
Mark Farrell, Green Hill Engineering
Jacques Mathieu, 35 Main Street

Meeting Opens: 7:05 PM – Michele Restino (Co-Chair)

7:07 PM Public Inquiry: Steve Phifer c/o Brimfield Highway Department

Steve Phifer inquired on behalf of Zach Lemieux, Brimfield Highway Department if the Commission could hold a special meeting to review an RDA submitted for work on St. Clair Road. The Agent informed Mr. Phifer the soonest a meeting could be held due to advertising deadlines was October 1, 2014. Other members could not attend that date, so lack of quorum was quite possible. The Commission decided to wait and hold the meeting at its next regularly scheduled meeting on October 15, 2014. The Agent will schedule it for 7pm and send the legal advertisement out Friday.

7:15 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.

Michele Restino opened the public hearing and Keith Terry, of Sherman & Frydryk attend as representatives for Mr. Belcher. The Commission has yet to receive a DEP file number or an approved septic plan from the BOH. The site also has an outstanding violation on it from June 2013. The outstanding violation will need to be addressed before an Order of Conditions is issued. Also, the DEP will not issue a file number until the Commission lifts the EO on site.

Michele Restino conducted a site visit with the engineer and their wetlands consultant and requested 3 flags (Flag 4, 5 and 10) be moved. Terry presented a revised site plan, with flag location revisions as well as changes to the location of the proposed work. The limit of work is now closer to the wetlands than previously proposed. Currently, there is a 5-foot buffer to the wetlands for the lawn and retaining wall. The applicant has also not supplied the Commission with engineering plans for the retaining wall, as previously requested. Phifer inquired if the retaining wall would have weep holes, and Terry responded he did not know.

Phifer also raised a concern about if there would be an oil tank in the basement. He recommended a double walled tank due to proximity to wetlands. His concern is with possible tank leaks and the proximity to the wetlands.

The other outstanding issue with the plans is 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 discussed what still was outstanding with the Enforcement Order. The area has naturally revegetated but the brush piles still need to be removed from the buffer zone, which essentially means they have to be removed from the property. Once complete, Mr. Belcher is to notify the Commission who will conduct a follow up inspection. Once the piles are removed the Commission will lift the Enforcement Order.

The applicant's representative has requested a continuance until the next scheduled meeting.

Motion made by Matt Toth to continue the hearing until 7:45 PM on Wednesday October 15, 2014

Motion Seconded by Joe Collins

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

7:40 PM Violation: 219 Warren Road, Springfield Motorcycle Club – Illegal Replacement 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. A request was made by Representative Brian Waz, of Minute Men Engineering to continue the violation discussion until Wednesday November 12, 2014.

Michele Restino & Roger deBruyn conducted a site visit on Saturday September 6, 2014 and agreed the site has naturally revegetated. Their recommendations are to redistribute additional rip rap to stabilize the area and to cut off 7-rings of the culvert.

Motion made by Matt Toth to continue the discussion on the Enforcement Order, until 7:00 PM on November 12, 2014.

Motion Seconded by Steve Phifer

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

7:42 PM Notice of Intent (NOI): 75 Haynes Hill Road (Map 13F Lot 1) – Thomas & Jane Gately

Notice of Intent (NOI) submitted by Greenhill Engineering c/o Thomas & Jane Gately, for work at 75 Haynes Hill Road (Assessors Map 13 F 1). Specifically, the work includes the construction of a horse paddock & riding rink with associated site clearing and grading within the buffer zone of a bordering vegetated wetland; resource areas regulated under M.G.L. Chapter 131, §40. Michele Restino opened the public hearing and Mark Farrell, of Greenhill Engineering attend as representatives for the Gately's. The Commission has yet to receive a DEP file number.

The work proposed is to construct a barn and riding ring on the Gately's property. The barn will be located in a non-jurisdictional area. The riding ring will be 66' X 135' and located approximately 40-feet from the edge of the BVW. The plan also incorporates the clearing of pasture land 110-feet from the edge of the BVW.

Michele Restino will conduct a site visit with Mark Farrell on September 19, 2014 to verify the delineations. Restino also recommended the plans be revised to incorporate a drainage swale at the edge of the riding ring, closest to the BVW, to prevent the area from draining onto the abutting town property/wetland area. Mark Farrell will revise the drawings and add the swale.

The Agent will sign the building permit for the new barn given it is outside any area subject to jurisdiction.

Motion made by Steve Phifer to continue the hearing until 8:00 PM on Wednesday October 15, 2014

Motion Seconded by Matt Toth

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

7:55 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. Michele Restino opened the public hearing and Mark Farrell, of Greenhill Engineering attend as representatives for Mr. Blake. The Commission has yet to receive a DEP file number or NHESP approval.

The filing is a result of a violation investigation conducted earlier this year by the Commission for an un-permitted beach. The Commission required the filing of an NOI for said beach and advised Mr. Blake to also incorporate any additional on site work (including the dock) he may desire to do.

The dock will be slightly larger than the existing dock, and is proposed to be 4' X 18'. The dock will most likely be wooden and either on piers or removable. Restino instructed Mark Farrell to bring the dock specifics to the next meeting, including what material the dock will be made of and whether it will be stationary or removable.

The agent also noted the NOI had the project listed as buffer zone only and requested Mr. Farrell amend the notice to properly calculate the impacts to jurisdictional areas the dock will result in (Bank & LUW)

Motion made by Steve Phifer to continue the hearing until 8:15 PM on Wednesday October 15, 2014

Motion Seconded by Joe Collins

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

8:05 PM Request for Determination of Applicability (RDA): Warren Road – Mike 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. Michele Restino re-opened the public meeting and no representatives were present. A request was made by Michael Koprowski to continue the meeting until Wednesday October 15, 2014 in order to allow time for the area to be re-delineated and the plans to be amended.

Motion made by Steve Phifer to continue the hearing until 7:30 PM on Wednesday October 15, 2014

Motion Seconded by Matt Toth

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

8:10 PM Administrative Matters: Minute Approval – August 27, 2014

Motion by Matt Toth to approve the minutes from Wednesday August 27, 2014

Motion Seconded by Joe Collins

No further discussion – 3-0-1 (Steve Phifer abstains) – Motion Carries

8:12 PM Request for a Certificate of Compliance DEP # 117-0302: Robert & Flavia Kenevan, 31 7th Street

The Commission received a request for a COC from Robert & Flavia Kenevan, of 3112 Sylvia Blvd, Tacoma WA, for the work regulated by a final Order of Conditions issued to Robert & Flavia Kenevan, dated November 24, 2009, for property located at 31 Seventh Street (Assessors Map 5A B12), Brimfield, MA. A site visit was conducted on September 3, 2014 to determine if work was completed in compliance with the above-referenced Order of Conditions.

Math Toth recused himself from all discussion because the applicant is his son.

No work was completed and the Commission determined that the work regulated by the Order of Conditions never commenced. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions. The COC will be for an Invalid Order of Conditions and any new re-construction/re-development will require the filing of a new Notice of Intent, even if it is proposed on the same footprint.

Motion made by Joe Collins to issue the Certificate of Compliance for an Invalid Order of Conditions.

Motion Seconded by Steve Phifer

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

8:15 PM Enforcement Order: 50 Chamberlin Mountain Road – Jeff Paulin

The Agent conducted a site visit on On July 27, 2014 and again on July 30, 2014 @ 3:00pm with Rick Hawk, 175 East Hill Road. Mr. Hawk is requesting Conservation Commission assistance with a violation on an abutting property. Mr. Paulin has brought fill in to fix Chamberlin Mountain Road, and over the past several rain events, the fill has all washed out into the wetlands.

During the site visit the Agent observed runoff coming off of Chamberlin Mountain Road was transporting sediment directly into two (2) Bordering Vegetated Wetlands BVW. As a result the two (2) Bordering Vegetated Wetland (BVW) have been disturbed from driveway fill, soil disturbance, and changes to the natural hydrologic regime by directly observed runoff from the road. The Agent photographed the sedimentation into the BVW.

At the previous Commission meeting the Commission instructed the Agent to give this violation over to MassDEP, as they have dealt with it in the past. Mass DEP replied the violation was no longer in their hands and the Commission must re-initiate enforcement action before the department will get involved again.

The requirements of the enforcement Order include:

1. Violator shall attend the next Conservation Commission meeting scheduled for Wednesday, October 15, 2014 at 8:30 pm, 23 Main Street, Brimfield, MA
2. Violator shall obtain a legally binding access agreement from Rick & Shelia Hawk, 170 East Hill Road, Brimfield MA (Assessors Map) and Michaelene Kelly, 156 East Hill Road, Brimfield MA (Assessors Map 5 A 7) for all work required for Resource Area Restoration on their property
3. Violator shall nominate to the Commission a qualified wetlands consultant (having at least 5 years experience in wetlands delineation and restoration), no later than October 15, 2014. Such consultant shall be dependent upon approval by the Commission. Approved consultant shall assist and conform with all assessment, removal and restoration procedures as required under this order.
4. A draft wetland Resource Area Restoration Plan (RARP) shall be prepared and submitted by the violator and his consultant (approved in #3) to the Commission no later than November 12, 2014. Such plan shall include:
 - a delineation including extensive on site soil borings and DEP wetlands data sheets;
 - calculations of any and all impacts to such identified resource areas;
 - a detailed volumetric estimate of sediment present on and off site;
 - a detailed sequence of complete removal of all such sediment within the resource areas and within all 100 foot buffer zones; both on your property and on abutting properties as a direct result of the work occurring
 - a scaled site plan (not more than 1"=50') showing all resource areas, impacted resource areas and restoration area(s); both on your property and on abutting properties
 - a detailed narrative restoration plan showing compliance with the General Performance Standards for each identified resource area as detailed in the WPA; and;

- a replanting plan showing the proposed location and quantity of native plantings to revegetate resource areas and within the 100 foot buffer zone of all resource areas (based upon the commission's approval of the delineation).
5. The wetlands consultant shall be on site for all removal and restoration procedures and shall produce written and/or photographic reports to the Commission of each portion of the plan.
 6. Upon acceptance or modification of the RARP, all work conducted under the plan shall be completed no later than January 14, 2015.
 7. Violator shall notify Commission upon restoration, and completion of such restoration shall be inspected and approved of by the Conservation Commission.
 8. All plantings shall be native to the area, viable for at least the first two growing seasons and subsequently replaced if deemed necessary by the Commission.
 9. The Brimfield Conservation Commission and/or its Agent shall have the right to enter the property to inspect work under this order.
 10. The Brimfield Conservation Commission reserves the right to impose additional conditions as needed.

Motion made by Joe Collins to issue the Enforcement Order, dated September 10, 2014

Motion Seconded by Math Toth

No further discussion – 3-0-1 – Motion Carries

8:25 PM Violation: 258 Little Alum Road – Pens, fencing and Pigs in the Wetlands

On July 21, 2014 the Conservation Commission Agent Angela Panaccione conducted a site investigation at 258 Little Alum Road which revealed the following: 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. Based on a visual assessment from the site visit and desktop review of the site using Geographic Information Systems (GIS), the Bordering Vegetated Wetland (BVW) has been altered, but the exact extent of alteration could not be determined.

As previously required by the Commission the Willis's have:

1. The fence has been moved so it no longer crosses the stream and all animals are restricted from using or crossing the brook.
2. The chicken coop and kennel will be moved on Friday to the area discussed at the August 23, 2014 site visit held with the Commission, so they are outside of areas of concern.
3. Animal use has been restricted to the area of their property across the brook from their current housing
4. The hoop house/hog house will be from the jurisdictional areas shortly after Friday
5. They will provide a hand draw site plan to the Commission, by October 15, 2014 detailing the site and the changes proposed. The site plan will include: the brook/stream, all fencing in its new location, the various sheds, chicken coops, chicken houses, and other structures on the property and the goat pen

The Commission will conduct an additional site visit at 9am on Saturday October 11, 2014.

8:30 PM Public Inquiry: Jaques Mathieu (J & J's) – Pens, fencing and Pigs in the Wetlands

Mr. Mathieu attended tonight meeting to discuss the possible restoration of a stream on his property with the Commission. Overtime, sediment from Route 20 has entered the Brook, resulting in changes to the stream configuration. The sedimentation has also resulted in a delta forming in the stream channel and causing the bank to erode on his property. The delta is approximately 30'-35' long and is located between the bridge on Route 20 and the

foot bridge on his property. The resulting erosion has also cause the loss of over 4-feet. Additionally, the area has now been colonized by Purple Loosestrife, an invasive species.

Mr. Mathieu wishes to remove the delta, stop the erosion by reinforcing the bank and remove the invasive species.

Mr. Mathieu was instructed to file a NOI and informed he will probably need to hire an engineer for the restoration work. The land is considered river front and is also located in a designated NHESP priority habitat.

Set Next Meeting Date: Wednesday October 15, 2014 at 7:00pm

Meeting adjourned 9:00 PM –

Motion made by Matt Toth to adjourn 9:00 PM

Motion was seconded by Steve Phifer

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

Sincerely Submitted

Angela Panaccione, Conservation Agent