



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 AUGUST 13, 2014 @ 7:00 PM

Members Present: Roger deBruyn (Co-Chair)
Michele Restino (Co-Chair)
Steve Phifer
Matt Toth
Angela Panaccione (Agent)

Members Absent: Joe Collins

Also Present: Anthony Belcher, 4 Willow Street, Worcester MA
Joseph Resseguie, 20 Marsh Hill Road
Katie Resseguie, 20 Marsh Hill Road
Keith Terry, Sherman & Frydryk
Lori Morrill, 45 Seventh Street
Patricia Gelinis, 71 Seventh Street
Brian Willis, 285 Little Alum Road
Alice Willis, 285 Little Alum Road
Pat Roach, 262 Little Alum Road
James Roach, 262 Little Alum Road
Matthew Lacroix,
Roland Blake, Maple Lane Development

Meeting Opens: 7:00 PM – Roger deBruyn (Co-Chair)

7:03 PM Administrative Matters: Sign Payable – MACC \$44.98

Motion made by Michele Restino to sign the payable voucher to the Quill in the total amount of \$44.98, for the payment of office supplies

Motion Seconded by Matt Toth

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

7:03 PM Administrative Matters: Minute Approval – July 23, 2014

Motion by Michele Restino to approve the minutes from Wednesday July 23, 2014 as corrected

Motion Seconded by Matt Toth

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

7:10 PM Administrative Matters: Apple Road Solar Discussion

The Commission discussed the NOI submitted by Bertin Engineering for a proposed 0.66 MW Solar Array at 53 Apple Road. The Agent has been in discussion with the engineers since May in regards to the submission of an ANRAD so she could confirm the delineations before the NOI was received. Bertin stated since it was not a requirement of the regulations, they were going to go forward with just a NOI. The Agent recommended a 3rd party review of the NOI, along with the delineations. Conservation will be requesting a review on: the wetland/resource area line, the stormwater report including calculations/hydrology/ect., and the overall NOI. The Consultant will be

expected to conduct at least 1 site visit, attend at least 1 hearing and supply a written report of their findings.

The Consultants we discussed sending a request for proposal include: New England Environmental, Pioneer Environmental, Tighe & Bond, and Vanasse Hangen Brustlin, Inc

Motion made by Matt Toth to require a 3rd party review on the 53 Apple Road Solar Notice of Intent
Motion Seconded by Steve Phifer
No further discussion – 4-0-0 – Motion Carries

Also the application is incomplete. It is missing BVW data sheets and narrative describing impacts to resource areas. The Agent has requested the documents and will hold off scheduling the hearing until all relevant information is received.

7:20 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.

Roger deBruyn opened the public hearing. Applicant Anthony Belcher was present, as well as his representative Keith Terry of Sherman & Frydryk. Abutters Joseph & Katie Resseguie were present. 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 Agent began the discussion by expressing her concerns with the filing, including:

1. Inaccurate wetlands delineations: The BVW delineations were conducted in November, by a Keith Morris, and appear to be inaccurate. The Agent conducted a site visit with DEP Monday August 4, 2014 to investigate the violations and both she and the DEP representative agreed the line at the back of the property was off by several feet. Michele Restino will conduct a site visit with the consultant to review the flags and determine their accuracy.
2. Outstanding Violation: This filing is a result of two previously issued Enforcement Orders (EO) for the unauthorized land clearing in the BVW and buffer zone. Currently, there are still 4 large brush plies in the wetlands that were supposed to be both reflected on the site plan per the EO and removed in April. They are still in the wetlands and constitute a continuing violation. The Agent instructed the consultant to revise the plans to include the location of the brush piles.
3. Retaining Wall: The site plan currently proposes a 10-foot retaining wall, 5-feet from the edge of the BVW. The Agent did not see how this would not result in an alteration of the BVW and requested an engineered plan for the wall itself.
4. Property Line: The site plan does not accurately reflect the property boundaries. It has the proposed boundary shift, yet to be approved by Planning. The site plan also has the property identified wrong, as well as the abutter information on the plans. The Commission agreed an OOC could not be issued until the correct property line was approved and shown, as well as the parcel identified by the correct map and lot number. As it is now, the site plan has the house on two separate properties (both owned by Belcher).

The Commission is requiring the Consultant to update the site plan to accurately reflect the issues discussed above. The hearing will be continued until all requested information is received.

Roger deBruyn opened the hearing to public comment at 7:45 PM. Abutter Joseph Resseguie, 20 Marsh Hill Road, expressed his concerns with the wetness of the property and how during each rain event all the runoff from his property and Marsh hill drains onto this lot. He also expressed concerns about the wildlife use of the site and its overall buildability.

Motion made by Steve Phifer to continue the hearing until 7:30 PM on Wednesday August 27, 2014

Motion Seconded by Matt Toth

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

7:45 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 August 27, 2014.

Motion made by Steve Phifer to continue the discussion on the Enforcement Order, until 7:15 PM on August 27, 2014

Motion Seconded by Michele Restino

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

7:50 PM Public Inquiry: Lori Morrill & Patricia Gelinis – Seventh Street Drainage Issues

Request for Determination (RDA) submitted by the Seventh Street Association to determine if the work associated with the drainage repairs to Seventh Street (ROW) is subject to the Wetlands Protection Act. Related work includes, as necessary, adjusting and rebuilding drainage structures (catch basins, culverts, drop inlets, etc.); removal and disposal of drainage structure and pipe sediments; repairing shoulders; safety tree trimming, clearing & removal; installing erosion controls and other related work.

Roger deBruyn opened the public meeting and Lori Morrill and Patricia Gelinis attended as representatives for the Seventh Street Association. Matt Toth (27 Seventh Street) recused himself as a member of the Seventh Street Association and as a direct abutter to the work area.

The Seventh Street Association intends to hire Bill Cantel to complete drainage work, including culvert replacement within the road ROW of Seventh Street. Seventh Street is a private road, and is therefore not maintained by the town. Upon viewing the GIS overlays and conducting a site visit, the Agent confirmed none of the work would occur in an area subject to protection under the WPA or the buffer zone. The closest culvert outlet is over 150-feet from Little Alum. The culverts targeted for replacement are purely drainage and all work will occur within the Seventh Street roadway, the immediate road shoulders, and/or previously altered areas. The total length of the work area is .5 +/- miles between house # 28-34. This section of Seventh Street consists of mixed (low density residential & forested) land uses.

Motion made by Michele Restino to issue a Negative Determination, Box 4; finding the work is not within an area subject to protection or the buffer zone and will not alter an area subject to protection, therefore no NOI is required

Motion seconded by Steve Phifer

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

8:05 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.

Property owners Brian & Alice Willis attended the hearing to dispute the violation. The Willis’s argued they are agriculturally exempt under the WPA and can have pigs & goats in the wetlands. The Agent cited the regulations and

attempted to explain how the exemption did not apply to them. The Willis are not a commercial farming operation, therefore the exemption does not apply to them.

deBruyn explained the negative impacts livestock have on wetlands and streams if allowed to freely roam in them. The animals graze wetland vegetation, compact the soils from travel and degrade the water quality. Even if the Willis were to be considered an exempt farming operation, the exemption does not permit livestock to be housed in the wetlands. The agricultural exemption applies only to agricultural work, not livestock homing. The Agent informed the Willis's she would send the document "Farming in Wetlands"

The Agents main concerns are with the presence of fencing, pens and the animals themselves in the wetlands & brook. This directly decreases the wetlands ability to function and can result in over nitrification of the brook. To resolve the violation, the Willis must move all the animals, fencing and structures outside of the BVW, and preferably 25-feet from the edge of the BVW and re-vegetate the disturbed areas.

The Commission will conduct a site visit at 9am on Saturday August 23, 2014

The Willis's will return to discuss the violation further at the next Conservation Commission meeting, scheduled for 8:15pm on Wednesday August 27, 2014

8:35 PM Notice of Intent: 44 First Street (Map 5C Lot A 42) – 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 opened the public hearing. Representative Matthew Lacroix was present on behalf of the applicants. No members of the public or abutters were present. The Commission has yet to receive a DEP file number or a letter from NHESP, since the proposed work is within priority habitat.

The project is to re-construct retaining wall 5-feet from the bank of Little Alum, across the property boundary for a length of 36-feet. Rip-rap will be added on the lawn, above the wall to serve as a filtering system. The wall will also have weep holes for drainage. Currently the wall is only loose rock. The applicant will re-use the existing stones, and add mortar for stabilization. All work will be completed by hand.

Motion made by Steve Phifer to continue the hearing until 7:45 PM on Wednesday August 27, 2014

Motion Seconded by Matt Toth

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

8:50 PM Violation: 119 Little Alum Road, Roland Blake – Unpermitted Beach

Violation at Violation at 219 Warren Road (Map 5B Lot B14), resulting in the construction of an unpermitted beach in the buffer zone and Bank of Little Alum Lake. The violator has added beach sand to approximately 500 SF of the buffer zone, to the MAHWL of Little Alum without receiving the proper permits. It appears approximately 12-feet of bank were disturbed in the process. The area is also listed as priority habitat under NHESP.

Roland Blake attended the meeting in response to a violation letter, issued by the Commission on July 23, 2014 requiring a NOI, to dispute the need for a filing. Restino explained to Blake everyone who wishes to fix a previously existing beach must file a NOI for beach nourishment. Blake felt the cost of the filing was too much, deBruyn stated it is required by the state. Blake stated he wishes to fix the existing dock as well. It was recommended he include the dock request in the filing as well. The Agent instructed Blake to contact Greenhill Engineering, the firm who submitted the original NOI for the septic in 2006. This would be the best choice, since the firm has all site plans on file and could easily produce a new NOI for the beach and dock.

Motion made by Steve Phifer to require the submission of a Notice of Intent by August 27, 2014 or the Commission will issue an Enforcement Order for the violation

Motion Seconded by Michele Restino

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

9:05 PM Site Visit Reports

1. 56 Dean Pond Road – John Serrenho; Request for a COC: The Commission conducted a site visit on Saturday 8/2/2014 @ 9am. Agent Angela Panaccione, Chair Michele Restino and Matt Toth were present. Restino is requiring an as built for the replication area and the crossing, before a COC can be issued.
2. 145 Sturbridge Road – Solar; Stream Restoration: The Commission conducted a site visit on Saturday 8/2/2014 @ 9am. Agent Angela Panaccione, Chair Michele Restino and Matt Toth were present. The restoration is complete and was constructed according to the plans. The new channel and plantings are holding up nicely. The Commission will continue to monitor the area over the next to years.
3. 150 Haynes Hill Road – Chris Batista; Equipment in Wetlands: The Agent conducted a site visit on Monday 8/5/2014 @ 9am with Tim McKenna, Mass DEP. DEP will take over this violation.
4. 18 Marsh Hill Road – Anthony Belcher; Previous Violation: The Agent conducted a site visit on Monday 8/5/2014 @ 9:30am with Tim McKenna, Mass DEP. Both the Agent & DEP agreed there are still numerous violations on site that need to be addressed. Additionally, the BVW flagging appears to be off by several (over 10-feet) in some locations. DEP will review and advise the Commission on how to proceed.
5. Chamberlin Mountain Road – Jeff Paulin; Violation Investigation: The Agent conducted a site visit on Wednesday 7/30/2014 @ 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. The Agent photographed the sedimentation into the BVW. The Commission instructed to give this violation over to MassDEP, as they have dealt with it in the past.

Meeting adjourned 9:30 PM –

Motion made by Steve Phifer to adjourn 9:30 PM

Motion was seconded by Michele Restino

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

Sincerely Submitted

Angela Panaccione, Conservation Agent