



# TOWN OF BRIMFIELD

## CONSERVATION COMMISSION

Salisbury Annex Building, 2<sup>nd</sup> Floor  
23 Main Street  
Brimfield, Massachusetts 01010

Roger deBruyn (Co-Chair)  
Michele Restino (Co-Chair)  
Joseph Collins  
Joseph Coan  
Steve Phifer

Agent: Angela Panaccione

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

### MEETING MINUTES WEDNESDAY APRIL 8, 2015 @ 7:00 PM

**Members Present:** Roger DeBruyn (Co Chair)  
Michele Restino (Co Chair)  
Joe Coan  
Angela Panaccione (Agent)

**Members Absent:** Joe Collins  
Steve Phifer

**Also Present:** Keith Terry, Sherman & Frydryk  
Anthony Belcher, 14-18 March Hill Road

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

#### **8:06 PM Notice of Intent DEP # 117-0351 : 14/18 Marsh Hill Road (Map 3B 2.4C) – 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. Anthony Belcher & Keith Terry were present.

Mr. Belcher plans to officially change the property lines with the Planning Board.

DEP issued a file number with the following comments:

This project has resulted in the recent alteration of approximately 1,500 Square feet of Bordering Vegetated Wetland (BVW), according to clearing depicted on the site plan. Work proposed under this Notice of Intent includes a permanent limit of clearing approximately 4 feet from the boundary of BVW, which the Department understands is a swamp dominated by trees. The plan also proposes construction of a retaining wall in close proximity to the boundary of BVW. These activities will have a high likelihood of resulting in an additional alteration of BVW. The Conservation Commission should review the project under 310 CMR 10. 53(1), and based on that review, require additional information, which may include the following:

1. Revision of the project design and site plans to locate all proposed structures farther from the BVW boundary, and relocation of the proposed limit of work as far as practicable from the BVW boundary. The final plan should provide for natural vegetation in the Buffer Zone between the BVW boundary and the proposed structures, such as retaining wall and driveway.
2. Design and construction information demonstrating that construction of the retaining wall will not result in any impacts to the BVW. This should include documentation that the retaining wall will not impede flow of surface water or groundwater to the BVW, or otherwise alter hydrology within the BVW.

3. A discussion of how trees in the BVW will not be removed during construction and in perpetuity, despite their very close proximity to the proposed dwelling.

The Commission discussed DEP comments with the applicant and the engineer.

The project as proposed adds a significant amount of fill to the property, resulting in a significant alteration of the property. An alternative site plan should be considered, either by shortening the home or repositioning it to limit the amount of disturbance. It is a policy of the Commissions to leave a 25-foot vegetated buffer between the edge of the BVW and the limit of work. The Commission would like to see an alternative site plan proposed incorporating the 25-foot undisturbed buffer.

The commission also discussed the construction of the retaining wall. The wall will essentially be constructed in groundwater. The applicant informed the Commission the wall will have weep holes to allow water to pass through. deBruyn inquired about the stability of footings because the work will occur in ground water, and the applicant will provide additional information on this. The agent stated a dewatering plan would also be required for work is in ground water. The commission discussed requiring borings at site of wall to see soils and the current level of ground water. If the water table is only a few inched down, the proposed retaining wall has 4-foot footing, so a significant portion of the wall will be in the ground water.

Restino stated the work to construct the retaining wall, as proposed does not protect the interests of act.

By May 6, 2015 the Commission is requiring the following information:

1. Revised site plan increasing the distance between the BVW and the limit of work (as close to a 25-foot no disturb area as possible)
2. A dewatering plan for the retaining wall installation
3. A detailed narrative describing how the BVW will be protected in perpetuity
4. Narrative of how the retaining wall will not impede the flow of groundwater
5. A qualified erosion and sediment control specialist to monitor the work and oversee construction
6. Planning board approval of the revised lot configuration.

Motion made by Roger deBruyn to continue the hearing until 7:00 PM on Wednesday May 13, 2015

Motion Seconded by Joe Coan

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

---

**8:56 PM      Notice of Intent DEP #117-0352: All Town Roads (Road ROW) – Brimfield Highway Dept.**

Notice of Intent (NOI) submitted by Zach Lemieux c/o Brimfield Highway Department for work on all town owned roads in Brimfield MA (Road ROW). Work will include, but not be limited to: Maintenance and repair of existing roadways, vegetation removal, sediment removal and replacing/repairing existing drainage structures.

NHESP did have issued with the plan as proposed and have not issued an approval as of yet. The Agent is working with Lemieux and NHESP to provide the necessary information to continue the review.

Motion made by Roger deBruyn to continue the hearing until 7:00 PM on Wednesday April 22, 2015

Motion Seconded by Joe Coan

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

---

**8:58 PM      Administrative Matters: Minute Approval – March 25, 2015**

Motion by Roger deBruyn to approve the minutes from Wednesday March 25, 2015

Motion Seconded by Joe Coan

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

**9:00 PM Request for Certificate of Compliance DEP # 117-0321: 44 Brookfield Road – Jack Keough**

Mark Farrell submitted a request for a Certificate of Compliance for the work regulated by a final Order of Conditions issued to Jack Keough, dated July 24, 2014, for property located at 44 Brookfield Road (Assessors Map 6 C 4), Brimfield, MA. The project was for the upgrading of an existing septic system. The Commission previously viewed the property in 2012 under the same request, but denied the COC due to lack of vegetation cover. A site visit was conducted on April 1, 2015 and the area by the system is now completely vegetated.

Motion made by Roger deBruyn to issue the Certificate of Compliance for a Complete Certification of the Order of Conditions

Motion Seconded by Joe Coan

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

**Other Projects, Monitoring, Enforcements and Violations**

---

1. Letter about Drainage on St. Clair Road: The Commission received a letter expressing concerns about the drainage off 46 St. Clair Road. The Commission has previously addressed violations at this site and has approved a restoration plan which was completed last spring. The Commission will independently conduct site visits and will discuss this matter further at the next meeting.

2. Site Plan Review: 258 Little Alum Road – Alice Willis: Alice Willis submitted to the Commission the required site plan of record for alteration to her property located at 258 Little Alum Road.

Motion made by Roger deBruyn to lift the Enforcement Order issued to 258 Little Alum Road

Motion Seconded by Joe Coan

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

3. Request for COC DEP #117-0190: Virgil Van Gerven inquired about the issuance of a Certificate of Compliance for 74 Brookfield Road. The project was for the construction of a single family home. The Agent supplied Van Gerven with Form 8A and will conduct a site visit Monday April 13, 2015 at 10:30am.
4. Lake Sherman Beavers: The Agent will meet beaver specialist Malcom Speicher Monday April 13, 2015 at 11am to address the beaver issue at Lake Sherman. There have been several complaints by many lake residents over the past few months about the flooding of their property. The Agent will discuss options for mitigation with the wildlife control specialist.
5. Land Donation – 186 Dunhamtown Palmer Road: Russel Cable contact the Commission about a possible land donation off Dunhamtown Palmer Road. The parcel is 1.7 acres that is on the Quaboag River. The Agent and Chair Restino conducted a site visit of the property Friday April 3, 2015. The property is currently under an Administrative Consent order from MassDEP for the unauthorized placement of fill in the BVW. Previous owner Trevor Woodward was required to remove the fill and restore the damaged BVW. It appears all work was completed, but there is now a minor invasive problem on site.

Motion made by Joe Coan to accept the donation of land pending calcification from MassDEP about the requirements under the Administrative Consent Order

Motion Seconded by Roger deBruyn

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

6. EO – Chamberlin Mountain Road: Table until next meeting
7. New Members: Carol Platenik and Joseph Gallo expressed interest in being appointed to the Conservation Commission. They have both sent letters to the selectmen requesting appointment.

Motion made by Roger deBruyn to send a letter to the Board of Selectmen requesting the appointment of Carol Platenik and Joseph Gallo to the Conservation Commission

Motion Seconded by Joe Coan

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

8. Possible Violation – Brimfield Collision (Assessors Map 15 A 4): The Agent and Chair Restino conducted a site visit of the property Friday April 3, 2015. There is a significant amount of lumber on site being stored within the BVW and buffer zone, and it appears tree removal is also occurring within the BVW as well. The Agent will issue an Enforcement Order requiring site restoration.
9. Possible Violation – Palmer Road (Assessors Map 9 B 11): The Agent and Chair Restino conducted a site visit of the property Friday April 3, 2015. It was concluded there is no violation on site.
10. Possible Violation – 66 Five Bridge Road (Assessors Map 15 D 3): The Agent and Chair Restino conducted a site visit of the property Friday April 3, 2015. There is a piece of logging equipment in the BVW and extremely close to the bank. The Agent will send a letter informing the property owner of the possible violation and request their attendance at the next commission meeting.
11. Possible Violation – Washington Road: The Agent and Chair Restino conducted a site visit of the property Friday April 3, 2015. They spoke with the property owners, Palmer Paving, about the location of the gravel pit and its proximity to the River. It was concluded there is no violation on site.

**Meeting adjourned 9:40 PM –**

Motion made by Roger deBruyn to adjourn 9:40 PM

Motion was seconded by Joe Coan

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

Sincerely Submitted

Angela Panaccione, Conservation Agent