



# 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  
Joseph Gallo  
Carol Platenik  
Steve Phifer

Agent: Angela Panaccione

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### MEETING MINUTES WEDNESDAY MAY 13, 2015 @ 6:00 PM

**Members Present:** Roger DeBruyn, Co Chair (arrived 6:15)  
Michele Restino, Co Chair  
Joe Coan  
Carol Platenik  
Joseph Gallo  
Angela Panaccione (Agent)

**Members Absent:** Joe Collins  
Steve Phifer

**Also Present:** Virgil Van Gerven, 74 Brookfield Road  
Matthew Brigham, 96 Apple Road  
Mark Farrell, Greenhill Engineering  
Gail Mahoney, 70 Champeaux Road  
Maria Thompson, Brimfield Agricultural Commission  
Keith Terry, Sherman & Frydryk  
Anthony Belcher, 14-18 March Hill Road  
Siona Patisteas, Vanasse Hangen Brustlin, Inc  
Robert Sullivan, Brimfield Town Clerk  
Nicholas Powers, Brimfield Bylaw Committee  
David Stanley, Brimfield Bylaw Committee  
Mitch Frazier, Brimfield Bylaw Committee

**Meeting Opens:** 6:10 PM – Michele Restino (Co Chair)

#### **6:11 PM Request for Certificate of Compliance DEP # 117-0190: 74 Brookfield Road – Van Gerven**

Mark Farrell submitted a request for a Certificate of Compliance for the work regulated by a final Order of Conditions issued to Virgil Van Gerven, dated January 28, 2002, for property located at 74 Brookfield Road (Assessors Map 6B 4.2), Brimfield, MA. The project was for the construction of a single family home with associated septic, well, drive. A site visit was conducted on April 13, 2015. The as built structure differs from the original proposed home, but it is farther away from resource areas than originally proposed.

Motion made by Joe Coan to issue the Certificate of Compliance for a Complete Certification of the Order of Conditions DEP # 117-0190

Motion Seconded by Joseph Gallo

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

**6:15 PM Request for Certificate of Compliance DEP # 117-0260: 96 Apple Road – Matt Brigham**

Brian Waterman submitted a request for a Certificate of Compliance for the work regulated by a final Order of Conditions issued to Joe Ciesla, dated May 9, 2006, for property located at 96 Apple Road (Assessors Map 4 E 2.2), Brimfield, MA. The project was for the construction of a single family home with associated septic, well, drive. A site visit was conducted on May 4, 2015. The as built structures are in compliance with the approved plans and document, though the limit of work approved was encroached on by the lawn. Additionally, condition 16 was never met which required a permanent limit of work marked by native vegetation planted every 40-feet. To compensate for the site plan deviation, the property owner Matt Brigham installed yellow markers on site to demarcate a permanent wetland boundary.

Motion made by Joseph Gallo to issue the Certificate of Compliance for a Complete Certification of the Order of Conditions DEP # 117-0260, with the perpetual condition 16) Homeowner shall maintain a permanent wetland boundary, marked on site by yellow bounds, in which no work shall commence past said boundary

Motion Seconded by Carol Platenik

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

**6:20 PM Request for Certificate of Compliance DEP # 117-0265: 56 Dean Pond Road – Serrenho**

Mark Farrell submitted a request for a Certificate of Compliance for the work regulated by a final Order of Conditions issued to John & Kim Serrenho, dated July 11, 2006, for property located at 56 Dean Pond Road (Assessors Map 10 F 10.1), Brimfield, MA. The project was for the construction of a single family home with a crossing of Fosket Mill Brook. The Commission previously viewed the property in 2012 under the same request, but denied the COC due to the lack of an as built plan. A site visit was conducted on April 24, 2015.

Motion made by Joseph Gallo to issue the Certificate of Compliance for a Complete Certification of the Order of Conditions DEP # 117-0265

Motion Seconded by Carol Platenik

No further discussion – 5-0-0 – Motion Carries

**6:27 PM Request for Certificate of Compliance DEP # 117-0204: Hollow Road – ExxonMobil**

Roux Associates submitted a request for a Certificate of Compliance for the work regulated by a final Order of Conditions issued to ExxonMobil Pipeline Corporation, dated July 28, 2003, for property located at east side of Hollow Road (Assessors Map 13 A 2), Brimfield, MA. The project was for maintenance and repair of the petroleum pipeline. A site visit was conducted on May 1, 2015 and the area of work is completely vegetated.

Motion made by Roger deBruyn to issue the Certificate of Compliance for a Complete Certification of the Order of Conditions DEP # 117-0204

Motion Seconded by Joe Coan

No further discussion – 5-0-0 – Motion Carries

**6:29 PM Request for Certificate of Compliance DEP # 117-0225: 12 Hollow Road – ExxonMobil**

Roux Associates submitted a request for a Certificate of Compliance for the work regulated by a final Order of Conditions issued to ExxonMobil Pipeline Corporation, dated September 13, 2004, for property located at 12 Hollow Road (Assessors Map 11 B 3), Brimfield, MA. The project was for maintenance and repair of the petroleum pipeline. A site visit was conducted on May 1, 2015 and the area of work is completely vegetated.

Motion made by Roger deBruyn to issue the Certificate of Compliance for a Complete Certification of the Order of Conditions DEP # 117-0225

Motion Seconded by Joe Coan

No further discussion – 5-0-0 – Motion Carries

**6:30 PM Request for Certificate of Compliance DEP # 117-0228: Monson Road – ExxonMobil**

Roux Associates submitted a request for a Certificate of Compliance for the work regulated by a final Order of Conditions issued to ExxonMobil Pipeline Corporation, dated September 27, 2004, for property located at west side of Monson Road (Utility ROW), Brimfield, MA. The project was for maintenance and repair of the petroleum pipeline. A site visit was conducted on May 1, 2015 and the area of work is completely vegetated.

Motion made by Roger deBruyn to issue the Certificate of Compliance for a Complete Certification of the Order of Conditions DEP # 117-0228

Motion Seconded by Joe Coan

No further discussion – 5-0-0 – Motion Carries

**6:31 PM Request for Certificate of Compliance DEP # 117-0229: Wales Road – ExxonMobil**

Roux Associates submitted a request for a Certificate of Compliance for the work regulated by a final Order of Conditions issued to ExxonMobil Pipeline Corporation, dated September 27, 2004, for property located at west side of Wales Road (Assessors Map 13 B Lots 3 &4 ), Brimfield, MA. The project was for maintenance and repair of the petroleum pipeline. A site visit was conducted on May 1, 2015 and the area of work is completely vegetated.

Motion made by Roger deBruyn to issue the Certificate of Compliance for a Complete Certification of the Order of Conditions DEP # 117-0229

Motion Seconded by Joe Coan

No further discussion – 5-0-0 – Motion Carries

**6:32 PM Request for Certificate of Compliance DEP # 117-0315: Palmer Road – ExxonMobil**

Roux Associates submitted a request for a Certificate of Compliance for the work regulated by a final Order of Conditions issued to ExxonMobil Pipeline Corporation, dated December 14, 2011, for property located at Palmer Road (Assessors Map 13 A 2), Brimfield, MA. The project was for maintenance and repair of the petroleum pipeline. A site visit was conducted on May 1, 2015 and the area of work is completely vegetated.

Motion made by Roger deBruyn to issue the Certificate of Compliance for a Complete Certification of the Order of Conditions DEP # 117-0315

Motion Seconded by Joe Coan

No further discussion – 5-0-0 – Motion Carries

**6:34 PM Request for Certificate of Compliance DEP # 117-0332: 92 Palmer Road – ExxonMobil**

Roux Associates submitted a request for a Certificate of Compliance for the work regulated by a final Order of Conditions issued to ExxonMobil Pipeline Corporation, dated June 12, 2012, for property located at 92 Palmer Road (Assessors Map 13 A 4), Brimfield, MA. The project was for maintenance and repair of the petroleum pipeline. A site visit was conducted on May 1, 2015 and the area of work is completely vegetated.

Motion made by Roger deBruyn to issue the Certificate of Compliance for a Complete Certification of the Order of Conditions DEP # 117-0332

Motion Seconded by Joe Coan

No further discussion – 5-0-0 – Motion Carries

**6:35 PM Emergency Permit: 71 Palmer Road – Thomas Faxon, Dealers Choice**

A complaint was filed with Mass DEP about the possible breaching of a beaver dam at 71 Palmer Road. Upon Investigation the Agent determined no dam was breached. The owner was pumping water from flooded

area, over grand trunk trail, to BVW associated with Charles Brook. The culvert under the grand trunk trail is the original culvert from the 1930 and had collapsed/failed; both the inlet and outlet are under a several feet of water. Due to the culvert blockage the owner has significant flooding on his property, up to 4 feet in some locations. This water comes from a stream that runs under rt 20 and normally drains through the culvert into Charles Brook & Mill Pond. Board of Health Chairman Richard Coats declared it a Public Health and Safety emergency due to the significant flooding & potential for well contamination (flooding to well). Michele Restino issued the Emergency Permit on April 28, 2015 after a site visit.

Motion made by Roger deBruyn to ratify the Emergency Permit, issued by Michele Restino on April 28, 2015  
Motion Seconded by Carol Platenik  
No further discussion – 5-0-0 – Motion Carries

**6:40 PM Land Donation: 186 Dunhamtown Palmer Road – Russell Cable**

Russell Cable contacted 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.

The Agent spoke with Mass DEP and Heather Commee, of Pioneer Environmental about the status of the site and what would be required in terms of invasive removal and monitoring if the town acquired the parcel. Bush Honeysuckle, fragmities and purple loosestrife are the invasive on site and will need to be removed from the restoration area only, and monitored over the next three years. They can all be removed by hand and monitored. The planting of speckled alder in the restoration area will mitigate against the recolonization of fragmities and loosestrife by shading out the shade intolerant species. Sarah Brodeur, past Conservation Intern is willing to perform the hand removal of the invasive. The yearly monitoring will require site photos and a brief narrative of plants removed sent to DEP.

Motion made by Roger deBruyn to accept the donation of land with the conditions of invasive monitoring and removal  
Motion Seconded by Joe Coan  
No further discussion – 5-0-0 – Motion Carries

**7:03 PM Notice of Intent DEP #117-0353: 70 Champeaux Rd (Map 15 B 1.1) – Gail Mahoney**

Notice of Intent (NOI) submitted by Greenhill Engineering c/o Gail Mahoney, of Sturbridge MA; pertaining to the construction of a single family home. Specifically, the work includes the construction of a single family house, with associated septic system, well and driveway. The proposed work is in the buffer zone of a Bordering Vegetated Wetland; resource areas regulated under M.G.L. Chapter 131, §40.

Michele Restino opened the public meeting and representative Mark Farrell, of Greenhill Engineering was present; as well as property owner Gail Mahoney.

A site visit occurred Friday May 8, 2015. Conservation Agent Angela Panaccione was present along with property owner Gail Mahoney and Mark Farrell. The location of the house, driveway, well and septic were staked out. The Agent walked the wetlands lines and noticed some flags were off (further from the edge of BVW). Given the error added protection to the line, it was agreed to leave them as is. Farrell did state he flagged the line in January, under two feet of snow so it was an approximate line but a liberal line..

The Commission discussed including a condition to require all perimeter drains to drain to tap rock prior to discharge.

Motion made by Joseph Gallo to close the public hearing and issue the Order of Conditions  
Motion Seconded by Roger deBruyn  
No further discussion – 5-0-0 – Motion Carries

**7:10 PM Joint Hearing with Bylaw Committee on Proposed Wetlands Protection Bylaw**

Michele Restino & Robert Sullivan opened the public hearing and Bylaw Committee members Nicholas Powers, David Stanley, and Mitch Frazier were present; as well as Brimfield Town Clerk Robert Sullivan and Chair of the Agricultural Commission Maria Thompson.

Copies of the proposed bylaws were distributed to attendees. Angela Panaccione and Michele Restino gave a brief overview of the bylaw and opened the meeting for questions.

Nick Powers asked what was different in the bylaw than the MA WPA.

Angela Panaccione stated Section 8.0 was the real change, adding a \$50/application fee for filings. Also the additions of Sections 10.0 & 11.0 are additions to allow the Commission the ability to enforce wetlands violations. The proposed bylaw is significantly shorter than previous version presented at town meeting. The goal of the new bylaw was to present the necessities in a simple way that was easy to understand. The revised bylaw has been altered to meet all the comments previously raised throughout the years at various town meeting and hearings.

Maria Thompson inquired about the implications the bylaw would have on the Agricultural community and the Agent stated all agricultural exemptions currently within the WPA would still apply under the bylaw. The bylaw would not restrict agriculture.

**7:38 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.

Michele Restino re-opened the public meeting and no public was present.

The applicant has request a continuance until NHESP has made its determination.

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 – 5-0-0 – Motion Carries

**7:40 PM Notice of Intent DEP #117-0354: Dunhamtown Brimfield Rd (Map 7 A 22.5) – NEP**

Notice of Intent (NOI) submitted by VHB c/o New England Power Company d/b/a National Grid (NEP), for the relocation of structure 63 on the W175 Line in Brimfield, Massachusetts. The existing wooden structure will be relocated approximately 120-feet east of its present location. Work will occur within the Bordering Vegetated Wetland and 200-foot Riverfront Area of Taylor Brook as regulated under the Wetlands Protection Act.

Michele Restino re-opened the public meeting and representative Siona Patisteas, of Vanasse Hangen Brustlin, Inc was present.

Patisteas presented the Project to the Commission. New England Power Company (NEP) is proposing to relocate an existing overhead electrical utility line structure on the W175 transmission line within an existing right-of-way

(ROW) between Dunhamtown Brimfield Road and Warren Road (Route 19) in Brimfield, Massachusetts. Structure 63 is currently located in a bordering vegetated wetland (BVW) and the 200-foot Riverfront Area (RFA) of Taylor Brook. The structure will be relocated approximately 120-feet to the east of its current location to an upland portion of RFA. To offset the alterations in wetland resource areas and buffer zones associated with the relocated structure, restoration is proposed at the location of the existing structure.

The structure relocation project site is along the existing, maintained W175 overhead electrical utility line ROW. The work area encompasses existing structure 63 and the relocation site approximately 120-feet to the east. The existing structure is located approximately 40-feet east of Dunhamtown Brimfield Road and the replacement structure will be located approximately 160-feet east of Dunhamtown Brimfield Road. This portion of the ROW corridor is primarily located within residential, agricultural, and forested lands.

Two wetland community types were identified in the vicinity of structure 63. The flagged extent of wetland WA-28 is on the eastern side of Dunhamtown Brimfield Road and includes a section of wetland which directly borders Taylor Brook. No work is proposed in this wetland. Wetland WA- 28 is split by a farm access road running eastward off of Dunhamtown Brimfield Road. The wetland drains through a culvert under the access road and directly to Taylor Brook. On the north side of the access road, wetland WA-28 additionally drains through a culvert passing underneath the roadway and into wetland WA-29 on the eastern side of Dunhamtown Brimfield Road. The delineated extents of wetland WA-29 directly border Taylor Brook.

All resource area impacts are temporary and swamp mats proposed for use will only be used if absolutely necessary. VHB consultants will be on site during the relocation and will serve as the environmental monitor for the project. Progress reports will be submitted to the Commission during work.

Motion made by Joseph Gallo to accept the project as a limited project under 310 CMR 10.53((3)(d)

Motion Seconded by Roger deBruyn

No further discussion – 5-0-0 – Motion Carries

Motion made by Joseph Gallo to close the public hearing and issue the Order of Conditions

Motion Seconded by Roger deBruyn

No further discussion – 5-0-0 – Motion Carries

**7:50 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.

Terry provided a revised site plan (dated 4/28/2015) and accompanying narrative to address the Commissions & DEP concerns. Revisions include:

1. Revised site plan increasing the distance between the BVW and the limit of work from 4-feet to 8-feet, increased the distance from the edge of the wall to the BVW from 26-feet to 34-feet, reduced the size of the foundation and decreased the length of retaining wall B by 8-feet
2. A dewatering plan for the retaining wall installation
3. A detailed narrative describing how the BVW will be protected in perpetuity through the use of permanent markers and specific conditions in the Order
4. Narrative of how the retaining wall will not impede the flow of groundwater
5. A condition to require a qualified erosion and sediment control specialist to monitor the work and oversee construction, especially of the three (3) retaining walls

6. Planning board approval of the revised lot reconfiguration.

Motion made by Joseph Gallo to close the public hearing and issue the Order of Conditions

Motion Seconded by Roger deBruyn

No further discussion – 5-0-0 – 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 – 5-0-0 – Motion Carries

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

Motion by Roger deBruyn to approve the minutes from Wednesday April 8, 2015 as written

Motion Seconded by Joe Coan

No further discussion – 5-0-0 – Motion Carries

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

1. Tax Title Property – Sixth Street/Little Alum Lake:

A parcel on Sixth Street has recently been taken by the town through tax title.

Motion made by Joe Gallo to send a letter to the Board of Selectmen requesting the transfer of this parcel to the Conservation Commission

Motion Seconded by Roger deBruyn

No further discussion – 5-0-0 – Motion Carries

2. EO – Chamberlin Mountain Road: Table Commission will conduct independent site visits
3. Possible Violation – Brimfield Collision (Assessors Map 15 A 4): The Agent has been meeting with property owner Greg Riley and has determined there is no violation on site. Upon inspection of the property the Agent discovered several hemlock trees are severely infected with both hemlock elongated scale disease and hemlock wooly adelgid. She authorized the removal of the nine (9) almost dead hemlock trees as a matter of safety given their close proximity to the business.

Motion made by Joseph Gallo to revoke the Enforcement Order

Motion Seconded by Joe Coan

No further discussion – 5-0-0 – Motion Carries

4. Possible Violation – 66 Five Bridge Road (Assessors Map 15 D 3): Upon further investigation it was concluded there is no violation at this property. The piece of equipment in the wetlands and on the stream bank is on the property of the Army Corps of Engineers. The Agent will send a letter to the property owners explaining the mistake and apologizing for the error.
5. Possible Violation – 11 Brookfield Road: The Commission received a complaint from the Brimfield Board of Health, that Mr. Hopkins is withdrawing water from his property located at 11 Brookfield Road,

and diverting into a holding tank to transport off site. The Agent conducted a site visit on May 13, 2015 at 3:07pm. She observed a man named Josh pumping water out of East Brook and into a holding tank in the back of a pickup truck, to transport to 65 Palmer Rd. Upon speaking with James Hopkins, via the telephone he stated he would not cease and desist activity. He stated he was withdrawing no more than 2,000 gallons per day during the flea market. She informed him he was in violation of Town Bylaws and the Wetlands Protection Act. Mr. Hopkins still refused to cooperate.

The Agent requested Brimfield Police fine Grand Trunk Holding Company under Town of Brimfield General Bylaw Chapter 4, Section 3.3: Limitation on Diversion Except as hereinafter allowed water shall not be drawn or diverted from any river or stream; and Town of Brimfield General Bylaw Chapter 4, Section 3.5 - Violations and Enforcement: The fine for violation of this bylaw by individuals is not less than \$20 nor more than \$100 per day; by corporations not less than \$300 per day. Each day constitutes a separate violation.

**Meeting adjourned 9:05 PM –**

Motion made by Roger deBruyn to adjourn 9:05 PM

Motion was seconded by Joe Coan

No further discussion – 5-0-0 – Motion Carries

Sincerely Submitted  
Angela Panaccione, Conservation Agent