



TOWN OF BRIMFIELD

CONSERVATION COMMISSION

Salisbury Annex Building, 2nd 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

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

MEETING MINUTES WEDNESDAY AUGUST 26, 2015 @ 7:00 PM

Members Present: Roger DeBruyn (Co Chair)
Michele Restino (Co Chair)
Joe Collins
Carol Platenik
Angela Panaccione (Agent)

Members Absent: Joseph Gallo
Joe Coan
Steve Phifer

Also Present: No Public Present

Meeting Opens: 7:40 PM – Michele Restino (Co Chair)

7:40 PM Administrative Matters: Minute Approval – July 22, 2015

Motion by Roger deBruyn to approve the minutes from Wednesday July 22, 2015 as written
Motion Seconded by Carol Platenik
No further discussion – 3-0-1 (Michele Restino abstains) – Motion Carries

7:41 PM Administrative Matters: Sign Payable – Quill \$49.93

Motion made by Roger deBruyn to sign the payable voucher to Quill in the total amount of \$49.93, for the payment of office supplies
Motion Seconded by Carol Platenik
No further discussion – 4-0-0 – Motion Carries

7:42 PM Administrative Matters: Sign Payable – Worcester County Conservation District \$100.00

Motion made by Carol Platenik to sign the payable voucher to the Worcester County Conservation District in the total amount of \$100.00, for the Agent to attend the First Annual Mass Soils Conference, on Thursday September 17, 2015, from 9:00am-4:00pm in Rutland, MA
Motion Seconded by Joseph Collins
No further discussion – 4-0-0 – Motion Carries

7:43 PM Administrative Matters: Sign Payable – Angela Panaccione \$227.00

Motion made by Carol Platenik to sign the payable voucher for Angela Panaccione in the total amount of \$227.00 for the payment of mileage for site visits & travel to trainings (409mi) from July 1, 2015 – August 27, 2015.
Motion Seconded by Roger deBruyn
No further discussion – 4-0-0 – Motion Carries

7:43 PM Administrative Matters: Sign Payable – Hampden County Registry of Deeds \$100.00

Motion made by Joseph Collins to sign the payable voucher to the Hampden County Registry of Deeds in the total amount of \$100.00, for the recording of the deed for the new conservation land located at 186 Dunhamtown Palmer Rd

Motion Seconded by Roger deBruyn

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

7:44 PM Request for Determination: 67 Cubles Drive (Map 6 A 18) – Bernard Shea; 6’ wide path

A Request for Determination (RDA) submitted by Bernard Shea, of 67 Cubles Drive (Assessors Map 6 A 18) to determine if the work associated with the installation of a walkway is subject to the Wetlands Protection Act.

Michele Restino opened the public meeting and no public was present. The applicant was not present either.

The Agent conducted a site visit on July 6, 2015 and recommended the applicant file an RDA for the work due to the steep slopes down to Lake Sherman. The work entails a 6-foot wide, 40-foot long path from the driveway to the basement. No work is to occur within 50-feet of Lake Sherman.

Joe Collins inquired if the work is exempt under the minor activity exemption. The agent stated it is not exempt because it does not meet the requirement of 310 CMR 10.02(2)(b)(2)(a): Unpaved pedestrian walkways less than 30 inches wide for private use and less than three feet wide for public access on conservation property; the path is over 30 inches wide.

Erosion & sediment controls will be installed at the top of the slope, at the edge of the basement. The work will be completed by the septic system installers sometime in September. The fill excavated from the septic tank area will be used to provide a shallow grade to the path.

Motion made by Roger deBruyn to close the public meeting and issue a Negative (3) Determination; finding the work described in the Request is within the Buffer Zone, as defined by the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent subject to the following conditions: All erosion control measures will be taken to protect the resource, including: straw waddles, silt fencing and not stock piling any bulk materials in this area over night. Areas disturbed as a result of completing the project will be graded and seeded. Straw will be used to help hold area until seed can germinate.

Motion Seconded by Carol Platenik

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

7:50 PM Emergency Permit: Hollow Road – Brimfield Highway Department, Culvert Replacement

Zach Lemieux requested an emergency permit to replace the first culvert on Hollow Road. On Friday July 24, 2015 the Highway department received a call that there was a large sink hole on Hollow Road. Upon arrival, Lemieux noted there was a large sink in half of the road. The Highway Department was able to open the culvert up, get the water back into the pipe and reopen the road. The existing culvert was damaged and in need of replacement. Lemieux stated he intended to replace the culvert within 3-4 weeks and would require an emergency permit for the work. Lemieux proposed to replace the culvert in kind, with a 3-foot pipe; as well as repair the damaged headwalls. The Agent discussed with Lemieux the possibility of upgrading the crossing to a larger culvert or a box culvert in order to meet the stream crossing standards to the maximum extent practicable. Lemieux stated he already purchased the culvert. The Agent said that was fine, as long as Lemieux embedded the replacement culvert to ensure neither the inlet or outlet was perched. Lemieux said he could do that.

The Agent issued the Emergency Permit on August 17, 2015 after a site visit with the condition the culvert be embedded. The culvert was replaced today, August 26, 2015. The Agent will conduct a follow up inspection next week to ensure the work was performed in compliance with the emergency permit.

Motion made by Joe Collins to ratify the Emergency Permit, issued by Angela Panaccione on August 17, 2015
Motion Seconded by Carol Platenik

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

7:50 PM Emergency Permit: Hollow Road – Brimfield Highway Department, Beaver Dam Breach

Zach Lemieux requested an emergency permit for the full breaching of the beaver dam blocking/clogging culvert under Hollow Road, as well as the removal of downed trees contributing to culvert blockage and beaver damming. The Highway department will be performing the work. The Brimfield Board of Health Chairman Richard Costa issued a 10-day emergency permit for the breaching of the beaver dam and declared it a Public Health and Safety emergency due to beaver caused flooding of a public way

The Agent conducted a site visit on August 24, 2015 and drafted the Emergency Permit for the Commission to sign. The Agent stated she did not feel the full breaching of the dam was necessary and she did not see the emergency for the dam to be removed; but since Board of Health issued an emergency permit to breach the dam the commission needs to do the same to condition the breaching properly.

Conditions include:

1. The beaver dam shall be removed in a controlled manner so that there are no downstream impacts.
2. The dam should be breached in the morning to allow water to flow all day.
3. The dam should be lowered by no more than 6" a day, for up to two weeks.
4. Only the minimum necessary work to abate the immediate public health threat is permitted.
5. Tractor or truck mounted excavators may be used to remove debris from the beaver dam, but hand removal is preferred.
6. Staging and work area is to be from Hollow Road ROW

Motion made by Joe Collins to issue the Emergency Permit

Motion Seconded by Carol Platenik

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

8:05 PM Administrative Matters: Other Projects, Monitoring, Enforcements and Violations

1. Lake Sherman Management Plan: The Agent is working with Anna Ozlins, to develop a lake management plan and NOI for Lake Sherman in order to manage nuisance vegetation through the practice of annually drawing-down the Lake and using selective chemical treatments in Lake Sherman. It is the belief of the Town of Brimfield that allowing for an annual drawdown is in the best interest of protecting the multiple interests of recreational home owners, aquatic habitat, flood control, and wetlands.

The objective of the management program is to provide site specific control of high density growth of submersed non-native aquatic plant species, specifically variable watermilfoil (*Myriophyllum heterophyllum*), Eurasian watermilfoil (*Myriophyllum spicatum*), and curlyleaf pondweed (*Potamogeton crispus*) to improve and maintain open water habitat, promote growth of less pervasive native plant species and provide safe recreational access to the lake. Based on the distribution and density of nuisance plant coverage in Sherman Pond it has been concluded the restoration goals of the Town can best be achieved through the integrated management approach that will utilize limited winter drawdown, manual hand-pulling and the prudent use of USEPA/MA DAR registered herbicides.

In order for a drawdown to be effective, the dam at Lake Sherman must also be fixed. Most of the historical dam is still intact. The Agent conducted a site visit to assess the status of the dam, and noted the concrete base and side slots for the flash boards are still intact. Large rocks and sand bags hold the water back where the flash boards historically were placed. The Agent believes the drawdown could occur through the removal of the rocks and sand bags and in the spring new flash boards could be installed to return the dam to its historical construction. One concern is that once the sand bags are removed a major structural issue with the dam could be revealed and then would require permitting to repair the damaged dam.

Zach Lemieux, Highway Department provided what little history on the dam he could find. The Agent also tried to contact Robert Hanna, previous Highway Surveyor, about the dam and the drawdown's he used to perform but has not heard back from him yet.

2. Anonymous Complaint of Alleged Ongoing Violations at 65 Palmer Road: The Agent received a complaint from Mass DEP in regards to 65 Palmer Road. The Agent informed the department the Commission will not handle the complaint and DEP should investigate it themselves. She supplied DEP with the information she had on file and stressed the fact that since 2010 the Commission has been requesting DEP assistance on this property for repeated violations of the WPA.
3. Request for an Extension Permit DEP # 117-0292: Scott Tetreault; Sturbridge Road: The Commission received a request from Scott Tetreault to extend the OOC for DEP # 117-0292. It was previously extended in 2012 for 3 years.

Tetreault has never commenced work because he received a notice of possible violation and a potential Superseding Order of Conditions from DEP. No ruling was ever made by DEP. If there is a superseding order of conditions from DEP, the Commission cannot grant an extension, DEP must. According to DEP records, the file is still open for them as the Department requested additional information in 2010 that was never received. No extension can be granted because there may not even be a valid Order of Conditions for the property.

Motion by Roger deBruyn to deny the request for an extension to OOC DEP # 117-0292 based on a lack of information needed to proceed

Motion Seconded by Joe Collins

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

4. Site Visits with DEP Monday 8/24/2015: The Agent attended site visits with Mass DEP staff on Monday August 24, 2015. The site visits were to check compliance on past Orders of Conditions. Site Visits were on Dearth Hill Rd, Haynes Hill Road, Marsh Hill Road and Apple Road. Two violation were also inspected during the visits, on Haynes Hill Road and Marsh Hill Road.
5. Schedule Solar Site Visit: Saturday 9/12/2015 at 9 am
6. Possible Violation - 27 Hollow Road: The Commission received a complaint about Ron Weston installing a road through the wetlands on Hollow Road. The Agent conducted a site visit and noted a path was mowed through the wetlands, but no gravel or fill was placed in the BVW. The Agent is assuming the path was mowed for either farm access or to get a boat into the pond in order to remove lots of debris left from the tornado. The Agent will speak with Ron Weston next week and add the matter to the Agenda for 9/9/15 to be discussed further. If Weston is not intending to add fill to the area, the commission is okay with the mowed access way to his fields and the pond.
7. EO 562: On March 31, 2015 the Baker Administration announced Executive Order 562 (EO) (To Reduce Unnecessary Regulatory Burden). This EO requires all government agencies to review all regulations (CMRs) and demonstrate that each one 1. Has a clearly identified need best addressed by the agency; 2.

Cost of the regulation don't exceed the benefits; 3. Regulation doesn't exceed federal requirements or duplicate efforts; 4. There are no less restrictive alternatives; 5. The regs don't adversely affect MA competitiveness; 6. The agency has an established process and schedule for measuring the regulation's effectiveness; and 7, the regulation is time-limited or had a regular review. Each agency has to prepare a business/competitiveness impact statement for each regulation. Any regulation not meeting those standards will sunset on March 31, 2016. The EO also requires that the Secretary of Administration and Finance (SAF) will establish a process for accepting public comment. SAF has just announced the creation of the on-line portal to accept and solicit public comment regarding all MA laws. The portal can be found at <http://www.mass.gov/anf/a-clearer-code-regulatory-reform.html> The Commissioners will view the portal on their own and will discuss it at the next meeting scheduled for September 9, 2015.

8. Discuss establishing fees under MGL C40 S22F: The Agent will draft a policy for establishing administrative fees under C40 S 22F. Roger deBruyn stated this may be a good opportunity for the Commission to do what we have wanted to do for years, without requiring a town meeting vote. The Agent supplied the Commission with Granby's administrative fee policy as a template and she will tailor it to meet Brimfield's needs. Agent will add the matter to the Agenda for 9/9/15 to be discussed further.

Next Meeting Date: Wednesday September 9, 2015 at 7:00pm

Meeting adjourned 8:45 PM –

Motion made by Roger deBruyn to adjourn 8:45 PM

Motion was seconded by Joseph Collins

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

Sincerely Submitted

Angela Panaccione, Conservation Agent