



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

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MEETING MINUTES WEDNESDAY SEPTEMBER 9, 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: Sally Wilson, 2 Adams Drive
Ernest Mathieu, Septic System Designer

Meeting Opens: 7:10 PM – Michele Restino (Co Chair)

7:10 PM Notice of Intent DEP #117-0355: 2 Adams Drive (Map 6 B Lot A2) – Sally Wilson

The Commission reviewed a Notice of Intent (NOI) submitted by Sally Wilson, of 2 Adams Drive for the replacement of a septic system. Specifically, the work includes the removal of existing system and the installation of a new 1500 gallon holding tank and 1000 gallon pump chamber. The proposed work is in the buffer zone, 54 feet from the edge of a Bordering Vegetated Wetland; resource areas regulated under M.G.L. Chapter 131, §40.

Michele Restino opened the public hearing and property owner Sally Wilson, and Septic System designer Ernest Mathieu was present.

All work will occur within a pre-existing lawn and the Erosion and sediment controls will be install 54-feet from the edge of the BVW, marking the approved limit of work as shown of the site plan entitled Septic System Plan Prepared for Sally Wilson: 2 Adams Drive, Brimfield, MA 01010; Stamped & Signed by Ernest J. Mathieu; dated 2/2/2015; Scale: 1"=30'. The system received Title 5 approval from the Board of Health on June 2, 2015.

Motion made by Roger deBruyn to close the hearing and issue the Order of Conditions with special conditions, for DEP #117-0355: 2 Adams Drive

Motion Seconded by Joe Collins

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

7:15 PM Administrative Matters: Minute Approval – August 26, 2015

Motion by Carol Platenik to approve the minutes from Wednesday August 26, 2015 as written

Motion Seconded by Joe Collins

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

7:18 PM Administrative Matters: Other Projects, Monitoring, Enforcements and Violations

1. Possible Violation - 27 Hollow Road: The Commission received a complaint about Ron Weston installing a road through the wetlands on Hollow Road. On August 31, 2015 Conservation Agent Angela Panaccione met with Mr. Weston on site to discuss allegations of WPA violations. A recent access road was mowed through bordering vegetated wetlands (BVW) and 2 trees were removed on the shore of a small farm pond. The purpose of the alterations was to access the pond by boat in order to remove all large debris still remaining from the June 1, 2011 tornado. Additionally, the road on the side of the pond existed prior to the tornado, and was being restored for farm access. Mr. Weston stated he would not be adding fill to the farm road, but would maintain it through mowing.

Motion made by Roger deBruyn that there is no violation of the Wetlands Protection Act at 27 Hollow Road, Brimfield, MA (Map 18 B Lots 20, 20.1, 21&21.3); also know as Hollow Brook Farms. The property meets the definition of Land in Agriculture Use under 310 CMR 10.04(Agriculture)(a)(1-3) and the work performed qualifies as normal maintenance of land in agricultural use under 310 CMR 10.04(Agriculture)(b)(3): the repair or replacement of existing access roads and livestock crossings and 310 CMR 10.04(Agriculture)(b)(5)(a-d): the management of existing field edges, limited to within 100 feet from the land in production, including the following practices: mowing; burning; brush cutting; and removing trees.

Motion Seconded by Joe Collins

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

2. Hollow Rd Culvert Replacement: On September 2, 2015 Conservation Chairs Michele Restino & Roger deBruyn, as well as Conservation Agent Angela Panaccione met with Highway Surveyor Zach Lemieux on site at Hollow Road to discuss the culvert replacement and beaver dam removal that occurred in the prior week. The emergency permits issued to the Town of Brimfield Highway Department required the replacement culvert to be embedded, as to not result in a perched system. Additionally, the removal of the beaver dam was to take place over the course of two weeks as to prevent any downstream flooding or sediment transport. The culvert installed had a significant perch at the outlet, resulting in a tail water scour pool and the beaver dam was removed in one day.

The Agent had recommended requiring the Highway Department to remove the improperly installed culvert and replace it with a culvert that was embedded. Lemieux responded that was not feasible due to the cost associated with replacing the culvert again, as removal of the culvert would damage the pipe and require a new culvert to be purchased. It was determined Lemieux would add rocks to the perched outlet to prevent the perch and resulting scour pool. The Agent conducted a follow up site visit Wednesday September 9, 2015 and documented the outlet. Large rocks were added to the outlet to create a gradual flow of water, thereby eliminating the perched system and scour pool; and further allowing for wildlife passage through the culvert. Pictures of the corrected system were supplied to the Commission for review.

The Commission did agree the lines of communication between the Highway Department and the Conservation Department should be more open and transparent. When performing the culvert replacement Lemieux should have contacted the Agent immediately when it was realized the culvert could not be properly embedded. The Agent would have went to the site and worked with Lemieux to correct the problem or determine a way to install the culvert without a perch. Michele Restino stated she would write a letter to the highway department summarizing the Commission's findings for the culvert replacement and request more open communication to occur between the departments.

Motion made by Roger deBruyn for Michele Restino to send a letter to Zach Lemieux requesting open communication between departments on any issues pertaining to the WPA

Motion Seconded by Joe Collins

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

3. Discuss establishing fees under MGL C40 S22F: The Agent drafted a policy for establishing administrative fees under C40 S 22F. The Commission reviewed and discussed the policy. The Agent will add sections on: **Exemptions** – Municipal projects where the Town of Brimfield or any other government agency is the Applicant are exempt from the fees; and **Deposits** – All fee's received shall be deposited into the Town of Brimfield General Fund

The Agent will add the item to the Agenda for 9/23/15 to be discussed further. The Agent will schedule a public hearing on the policy for Wednesday October 24, 2015 at 7pm. The agent will also send the policy to the Finance Committee and the Board of Selectmen, and invite them to the public hearing as well.

4. Schedule Solar Site Visit: Saturday 9/12/2015 at 9 am
5. Dearth Hill Pond Dam Maintenance: The Department of Conservation & Recreation (DCR) contact the Commission in regards to dam maintenance occurring on Dearth Hill Road. The Agent & Chair Restino conducted a site visit on Wednesday September 2, 2015. DCR is conducting a dam safety review of the two dams on Dearth Hill Rd, one at Dearth Pond and the second at Woodman Pond. Currently the proposal is to hand remove vegetation growing in and around the dam. The Commission determined no filing was needed for hand removal of the vegetation, but if the scope of the project changes or equipment is required DCR will have to at least file an RDA for the work.
6. 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 regulation 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 Mass Society of Municipal Conservation Professionals (MSMCP) has developed sample comments for Commissioners to use as a draft template. Comments should be kept short, concise and positive; and tie into economic issues and emphasize the collaborative efforts of the Department of Environmental Protection (DEP) with stakeholder groups for any regulatory revisions. MSMCP will send different sample comments out monthly and has requested Commissions keep EO562 as a rolling agenda item month to month.

The Agent will add EO 562 to the Agenda monthly and the Commission will again discuss it at the next meeting scheduled for September 23, 2015.

Next Meeting Date: Wednesday September 23, 2015 at 7:00pm

Meeting adjourned 8:11 PM –

Motion made by Joseph Collins to adjourn 8:11 PM

Motion was seconded by Roger deBruyn

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

Sincerely Submitted

Angela Panaccione, Conservation Agent