



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 OCTOBER 14, 2015 @ 7:00 PM

Members Present: Michele Restino (Co Chair)
Carol Platenik
Joseph Gallo
Joe Coan
Angela Panaccione (Agent)

Members Absent: Roger DeBruyn (Co Chair)
Steve Phifer
Joe Collins

Also Present: Robert Natario, Mass DOT
Nicki Wheeler, Mass DOT

Meeting Opens: 7:00 PM – Michele Restino (Co Chair)

7:00 PM Administrative Matters: Minute Approval – September 9, 2015 & September 23, 2015

Motion made by Joseph Gallo to table the approval of the minutes from Wednesday September 9, 2015 & September 23, 2015 until the next meeting scheduled for Wednesday October 28, 2015 at 7:00pm

Motion Seconded by Carol Platenik

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

7:02 PM Request for Determination: Sturbridge Road (ROW) – Mass DOT; Vegetation Removal

A Request for Determination (RDA) submitted by Massachusetts Department of Transportation (Mass DOT) to determine if the work associated with the milling and resurfacing Route 20/Sturbridge Rd in the Town of Brimfield is subject to the Wetlands Protection Act. Work includes pavement milling; resurfacing with Hot Mix Asphalt (HMA); adjusting, rebuilding and cleaning drainage structures, pipes and paved waterways; installing new hook lock frame and grates; removal and disposal of drainage structure and pipe sediments; repairing/regrading shoulders; placing milling mulch for shoulders and under guardrail; installing/replacing/resetting guardrail; installing/replacing highway signs; installing/replacing/resetting curbing, berm and edging; installing milled rumble strips along shoulders; installing painted and slotted pavement markings and markers; installing traffic controls, installing erosion and sedimentation controls and other related work; roadway side slope safety related tree and brush trimming, clearing & removal; vegetation removal to establish safety sight triangles at intersections and along curves; installing a solar powered driver feedback sign; installing a two lane classification traffic data station.

The project begins east of Holland Road (MM 87.8) and extends easterly approximately 3.5 miles, ending at the Sturbridge Town Line (MM 91.3+/-).

Michele Restino opened the public hearing and Mass DOT representatives Robert Natario and Nicki Wheeler were present. Robert Natario reviewed the proposed plan with the Commission and highlighted all work that could be determined exempt under the WPA. Overall, Mass DOT is requesting a determination as to whether the removal of all the trees/shrubs/vegetation within 15'-25' of the edge of the pavement of Route 20 will have any adverse impact to nearby wetlands resources. No vegetation removal is proposed any closer than 10-feet from the edge of the BVW. All trees are to be cut flush to the ground, and root balls are no to be disturbed. Work will begin March/April 2016.

The Agent conducted a site visit Friday October 9, 2015 at 1:00pm with Timothy Meyer & Nicki Wheeler, of Mass DOT. The only area of concern the Agent identified was a missing wetland complex east of utility pole #35 and the limit of work from the edge of the BVW there. Wheeler updated the site plans to include the wetland area east of utility pole #35. Originally, tree cutting was proposed up to 6 feet from the edge of the wetland areas but Mass DOT also revised the spec to moved vegetation removal further away from wetland resource areas and is now shown on the Revised Plans sheet #14.

The Agent inquired how the wetlands would be identified on the ground for the contractors. Natario stated both the wetland edge and the limit of clearing would be marked in the field using different colored flags.

Motion made by Joseph Gallo 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:

Motion Seconded by Carol Platenik

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

7:21 PM Administrative Matters: Culvert Replacement Rating – Site Visit with Mass DEP

Zach Lemieux, Town of Brimfield Highway Surveyor developed a list of the culverts he believes need to be replaced, and emailed the list to the Commission & Mass DEP for review. The list has nine (9) culverts: six (6) are located in the western part of town, in the Quaboag River Watershed. Of these six (6), four (4) are crossings over Fosket Mill Brook, one (1) crosses Penny Brook and the last one (1) crosses Blodget Mill Brook. All six (6) crossings are of Cold Water Fisheries Resources (CFR's) and BioMap 2 CNL and Core habitats. It will be important to ensure all six (6) of these crossings meet the new stream crossing standards.

The Agent also informed the Commission UMASS Amherst has been doing a study over the past several years on exactly that, and culverts in Brimfield were ranked using the CAPS system. The Agent will email the Commission the link to the CAPS and Critical linkages program out of UMASS.

The Commission, Zach Lemieux and Mark Stinson, MA DEP have scheduled a training November 7, 2015 at 9am on how to assess culverts for Connectivity and how to identify critical culverts for replacement.

Joseph Gallo request it be noted to the record that he believes the Commission should be working with the highway department, to develop a presentation to the town to request additional funds for the Highway department using the costs associated with replacing these stream crossings. He believe the Commission has experts and engineers who should spec out the costs of all the culverts to be replaced.

Michele Restino adamantly disagreed with Gallo, and stated repeatedly that is not the job of the Conservation Commission to help highway in that respect. Our job is to review the Highway Departments road projects to ensure resource areas in Brimfield are protected, not design projects for the Highway Department or investigate the costs associated with replacing stream crossings.

7:40 PM Request for Certificate of Compliance DEP # 117-0010: Mill Lane Rd – Donald Moriarty

The Commission reviewed a request for a Certificate of Compliance for the work regulated by a final Order of Conditions DEP #117-0010, issued to Donald Moriarty, dated July 8, 1985 for property located at Mill Lane Road (Assessors Map 13 A Lots 10-12), Brimfield, MA. The project was for the dredging and vegetation management of Mill Pond & Mill Brook. A site visit was conducted October 5, 2015.

Motion made by Joseph Coan to issue a Complete Certificate of Compliance for the Order of Conditions DEP # 117-0010, finding the project was completed in compliance with the approved conditions, plans and documents.

Motion Seconded by Carol Platenik

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

7:40 PM Request for Certificate of Compliance DEP # 117-0133: 30 Mill Lane Rd – Donald Moriarty

The Commission reviewed a request for a Certificate of Compliance for the work regulated by a final Order of Conditions DEP #117-0133, issued to Donald Moriarty, dated June 28, 1994 for property located at 30 Mill Lane Road (Assessors Map 13 A 22), Brimfield, MA. The project was for the dredging and vegetation management of Mill Pond & Mill Brook. A site visit was conducted October 5, 2015.

Motion made by Joseph Coan to issue a Complete Certificate of Compliance for the Order of Conditions DEP # 117-0133, finding the project was completed in compliance with the approved conditions, plans and documents.

Motion Seconded by Carol Platenik

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

7:40 PM Request for Certificate of Compliance DEP # 117-0199: 41 Palmer Rd – Donald Moriarty

The Commission reviewed a request for a Certificate of Compliance for the work regulated by a final Order of Conditions DEP #117-0199, issued to Donald Moriarty, dated February 16, 2003 for property located at 41 Palmer Road (Assessors Map 13 A Lot 12), Brimfield, MA. The project was for the dredging and vegetation management of Mill Pond & Mill Brook. A site visit was conducted October 5, 2015.

Motion made by Joseph Coan to issue a Complete Certificate of Compliance for the Order of Conditions DEP # 117-0199, finding the project was completed in compliance with the approved conditions, plans and documents.

Motion Seconded by Carol Platenik

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

7:45 PM Administrative Matters: Other Projects, Monitoring, Enforcements and Violations

1. **Heart of the Mart Vegetation Management:** The Commission received notification of ongoing vegetation maintenance of Mill Pond & Mill Brook, as required by the ongoing conditions for DEP #117-0199
2. **Discuss Solar Site Visit:** A site visit was conducted by Michele Restino & the Agent Angela Panaccione on Saturday 9/12/2015 at 9 am, to the Solar Array located at 145 Old Sturbridge Rd (DEP File #117-0338) . There are new owners of the Solar Array (not the land the arrays are on) and they request a site visit to determine compliance with the open order of conditions. Restino & Panaccione walked the site, identified area of non compliance with the new owners, addressed mitigation measures still required under the OOC and the EO, and discussed a timetable for completion. Overall, it appears the new owners are incredibly cooperative.

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 a fee of \$25 for “Re-inspections”.

The Agent has scheduled a public hearing on the policy for Wednesday October 28, 2015 at 7pm. The legal advertisement for the hearing will run in the *Southbridge Evening News* on Friday October 9, 2015 and Friday October 16, 2015. The agent has also posted the text of the fee policy on the Commissions webpage and on the Town Meeting Calendar for 10/28. She also sent the policy to the Finance Committee and the Board of Selectmen, and invited them to the public hearing as well.

4. 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 October 28, 2015.

Next Meeting Date: Wednesday October 28, 2015 at 7:00pm

Schedule November Meeting: One meeting on November 18, 2015 at 7pm

Meeting adjourned 8:30 PM –

Motion made by Joseph Gallo to adjourn 8:30 PM

Motion was seconded by Joe Coan

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

Sincerely Submitted

Angela Panaccione, Conservation Agent