



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 OCTOBER 28, 2015 @ 7:00 PM

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

Members Absent: Joseph Gallo
Steve Phifer
Joe Collins

Also Present: Selectmen Michael Miller, 66 Five Bridge Road
Selectmen Susan Hilker, 80 Palmer Road

Meeting Opens: 7:02 PM – Michele Restino (Co Chair)

7:02 PM Administrative Matters: Minute Approval – September 9, 2015

Motion made by Carol Platenik to approve the minutes from Wednesday September 9, 2015

Motion Seconded by Roger deBruyn

No further discussion – 3-0-1 (Joseph Coan abstains) – Motion Carries

7:03 PM Administrative Matters: Minute Approval – September 23, 2015 & October 14, 2015

Motion made by Joseph Coan to table the approval of the minutes from Wednesday September 23, 2015 & October 14, 2015 until the next meeting scheduled for Wednesday November 18, 2015 at 7:00pm

Motion Seconded by Carol Platenik

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

7:03 PM Administrative Matters: Sign Payable – Stonebridge Press \$161.70

Motion made by Joseph Coan to sign the payable voucher to Stonebridge Press, Inc. in the total amount of \$161.70, for the payment of the two (2) legal adds in the *Southbridge Evening News* for the “Public Hearing on the Proposed 2015 Regulations Governing Fees & Fee Structure”, on 10/9/2015 and 10/16/2015.

Motion Seconded by Carol Platenik

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

7:04 PM Administrative Matters: Sign Payable – Angela Panaccione \$218.67

Motion made by Roger deBruyn to sign the payable voucher for Angela Panaccione in the total amount of \$218.67 for the payment of mileage for site visits & travel to trainings (394 mi) from 8/26/2015 –10/24/2015.

Motion Seconded by Joseph Coan

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

7:08 PM Public Hearing: Brimfield Conservation Proposed 2015 Fee Regulations & Schedule

Michele Restino opened the public hearing on the Proposed 2015 Town of Brimfield Conservation Commission Regulations Governing Fees & Fee Schedule. Any person interested in being heard should appear at the time and place above stated. A copy of the 2015 Town of Brimfield Conservation Commission Regulations Governing Fees & Fee Schedule is available online at the Conservation Commissions website at:
http://www.brimfieldma.org/Pages/BrimfieldMA_Conservation/9.23.15_Brimfield_%20Fees%20ConCom.pdf

Michael Miller and Sue Hilker, both serving on the Brimfield Board of Selectmen, were present. No other public was present.

The Legal advertisement for this Public Hearing on Proposed Regulations ran in the October 9 and October 16, 2015 edition of *The Southbridge Evening News* in accordance with MGL Ch 40 §8C and MGL Ch 40 §22F.

The hearing began with a review of the proposed regulations and the final changes to Section 3.3 Schedule of Administrative Fees; including:

- H. Site visits ~~in connection with Building Permit applications~~ for administrative approvals (Building Permits, Tree Removal Requests, etc.): \$25
- Re-inspection Fee: \$25/visit

Michele Restino opened the public comment session of the hearing.

Selectmen Miller asked why the Conservation Commission needed fees. He stated the Commission has been fine for years without them.

Michele Restino responded the Commission has not been fine

Selectmen Miller asked if less work would occur in the Commission did not have the fees.

Michele Restino responded

Selectmen Miller requested a line by line explanation of each individual fee listed in Section 3.3: Schedule of Administrative Fees.

The Agent provided a description of each fee and additionally supplied Selectmen Miller with the Wetlands Protection Act Permit Applications for each of the type of permit the fees covered; including:

- WPA Form 1: Request for Determination of Applicability (3.3.A \$50 and may include one site visit)
- WPA Form 3: Notice of Intent (3.3.C No additional fee, only MassDEP fee)
- WPA Form 3A: Notice of Intent for an Ecological Restoration Project (3.3.C No additional fee, only MassDEP fee)
- WPA Form 4: Abbreviated Notice of Intent (3.3.B No additional fee, only MassDEP fee)
- WPA Form 4B: Order of Resource Area Delineation (3.3.F \$1/linear foot)
- WPA Form 7: Extension Permit for Orders of Conditions (3.3.E \$50)
- WPA Form 8A: Request for Certificate of Compliance (3.3.G \$50 includes one site visit)
- WPA Form 9: Enforcement Order (3.3.K \$150)
- WPA Emergency Certification Form (3.3.J \$50)
- NOI Required Stormwater Report (3.3.L \$250)

Sue Hilker recommended the Commission include the fee schedule and adoption history in this year's Annual Report, if the fees are accepted by the Selectmen.

Motion made by Joseph Coan to continue the Public Hearing on the proposed 2015 Fees until the next meeting scheduled for Wednesday November 18, 2015 at 7:00pm

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. Site Visit w/ Mark Stinson, DEP 11/7/2015 at 9am: The Agent will cancel this training and reschedule with Mark Stinson.
2. Request for Certificate of Compliance DEP #117-0201: Amy Gerrish contact the Agent about a COC for James Gerrish, for property located at 49 Seventh Street (Map 5A B 2). The Agent supplied Gerrish with WPA Form 8A.
3. Little Alum Drawdown: Zach Lemieux, Brimfield Highway Department will begin the annual drawdown of Little Alum Lake on Monday November 2, 2016.
4. Violation Dunhamtown Brimfield Rd: The Commission received a complaint from MassDEP about the road work that occurred on Dunhamtown Brimfield Road this past spring. The Agent & Chair Restino conducted a site visit to determine compliance with the RDA issued 10/15/2014. It appeared work occurred beyond the scope of the approved permit, including the substantial expansion of the stormwater infrastructure on site including the addition of 16 drop inlet catch basins and 3,100-linear feet of perforated piping along the road shoulder directing stormwater to a point source.

The 10/14/15 determination permitted the following work: adjusting and rebuilding drainage structures (catch basins, pipes, drop inlets, etc.); removal and disposal of drainage structure and pipe sediments; rebuilding/ resurfacing driveway aprons; repairing shoulders; installing/replacing berm and edging; safety tree trimming, clearing & removal; installing erosion controls and other related work. All work was limited to the roadway & immediate shoulders and/or previously altered areas and no additional fill could be added.

Joe Coan will investigate the possible violation on Dunhamtown Brimfield Road further and the Commission will continue its discussion at the November 18, 2015 meeting.

5. Violation 8 Third Street: Regina Ryan, 12 Third Street informed the Conservation Commission of a violation of the MA Wetlands Protection Act (WPA), MA Endangered Species Act (MESA) and the MA Public Waterfronts Act (Ch. 91) at 8 Third Street (Map 5C A 16). On October 11, 2015 at approximately 2pm Ryan's trail camera captured the owners installing a "submerged dock" into Little Alum Lake. Ryan submitted the photos to the Commission and request the Commission require the removal of the unpermitted structure which has caused direct impacts to the land under water and the fisheries habitat the lake supports. The Agent mailed a letter instructing the property owners to immediately remove the submerged dock from Little Alum and cease and desist from any further activity in protected resource areas. The Agent also requested the owners contact the Conservation Commission upon removal of the dock and request an inspection to ensure compliance.
6. Summary & Information from MACC Fall Conference: The Agent discussed the MACC Fall Conference of Wetlands Replication and supplied to the Commission handouts and other educational materials she acquired at the conference.
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 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 November 18, 2015 at 7pm

Office Closed: Monday November 16, 2015

Meeting adjourned 9:34 PM –

Motion made by Joseph Coan to adjourn 9:34 PM

Motion was seconded by Roger deBruyn

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

Sincerely Submitted

Angela Panaccione, Conservation Agent