



# 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 JUNE 10, 2015 @ 7:00 PM

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

**Members Absent:** Roger DeBruyn (Co Chair)  
Steve Phifer

**Also Present:** Zach Lemieux, Brimfield Highway Department  
Scott Tetreault, 135 Greenwich Plains Rd, Ware MA

**Meeting Opens:** 7:22 PM – Michele Restino (Co Chair)

#### **7:22 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 hearing and Zach Lemieux was present.

NHESP has determined, under file number 15-34209 & 13-32643, that this project, as currently proposed, will not result in a prohibited “take” of state-listed rare species.

The wording of the NOI and OOC was changed from town owned roads, to all town road so private roads could be included. Lemieux can maintain private roads with the permission of the board of selectmen, but can only do temporary repairs.

The Commission discussed with Lemieux the procedures for grading and maintaining dirt roads.

The Commission also discussed the used of Chapter 90 funds for private road maintenance.

Motion made by Joseph Gallo to close the hearing and issue the Order of Conditions with special conditions, for all roads in town, for five years

Motion Seconded by Joe Collins

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

**8:02 PM Request for an Extension Permit DEP # 117-0292: Scott Tetreault; Sturbridge Road**

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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.

Motion made by Joseph Gallo to contact DEP about the Superseding Order of Conditions

Motion Seconded by Joe Collins

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

**8:25 PM Request for Determination of Applicability (RDA): CSX Railroad (Railroad ROW) – CSX**

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A Request for a Determination of Applicability, submitted by CSX Railroad for the confirmation and verification of resource area delineations which have been delineated along the CSX Railroad Right-of-way. The proposed work involves the application of herbicides to control “target vegetation” along CSX Railroad Right-of-way (ROW).

Michele Restino opened the hearing and no public was present.

A site visit was conducted by the Conservation Agent on Monday May 18, 2015. Per the visit the wetland sheets were revised on May 18, 2015.

The proposed work involves the application of herbicides to control “target vegetation” along state CSX Railroad Right-of-way in accordance with the Rights of Way Management regulations (333 CMR 11 .00) and the CSX’s Vegetation Management Plan (VMP) and Yearly Operational Plan (YOP). Herbicides will be applied in areas where undesirable vegetation causes an unsafe condition, or impedes railroad maintenance operations. Applicators will hold a valid pesticide certification/license from the Department of Agricultural Resources (DAR) and will adhere to the operational guidelines as set forth in the VMP and the YOP.

The spraying will occur only within the 10-foot CSX Railroad Right-of-way. The spraying will be done by a machine sprayer on a rail cart. The machine is set at a certain height and regulated by a computer. CSX uses markers to identify spray zones and no spray zones. CSX is not allowed to spray within 10-feet of open waters or wetlands or in any public well head zone. Spraying will also not occur in wind or rainy conditions, and should take approximately 1 day.

Motion made by Joseph Gallo to close the Public Meeting and to issue a Positive Determination, Box 2(a), with the condition the boundaries confirmed by this determination are strictly for the application of herbicides to control "target vegetation" and shall not apply to any project other than CSX’s Vegetation Management Plan (VMP) and Yearly Operational Plan (YOP).

Motion seconded by Joseph Coan

No further discussion – vote taken: 5-0-0– Motion Carries

**8:28 PM Administrative Matters: Minute Approval – May 13, 2015**

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Motion by Joe Coan to approve the minutes from Wednesday May 13, 2015 as written

Motion Seconded by Carol Platenik

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

**8:29 PM Administrative Matters: Minute Approval – May 27, 2015**

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Motion by Joe Coan to approve the minutes from Wednesday May 27, 2015 as written  
Motion Seconded by Joe Collins  
No further discussion – 4-0-1 – Motion Carries (Carol Platenik abstains)

**8:23 PM Administrative Matters: Mail**

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1. National Grid: The Commission received a notification of National Grid performing electrical distribution line maintenance along a section of Brookfield Road, near the intersection with Devils Lane. The work is exempt under 310 CMR 10.02(2)(a)(2).
2. Joseph Resseguie: The Commission received a copy of a request for department action on DEP File #117-0351; 14 Marsh Hill Road

**8:35 PM Administrative Matters: Sign Payable – Quill \$106.67**

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Motion made by Carol Platenik to sign the payable voucher to the Quill in the total amount of \$106.67, for the purchase of office supplies  
Motion Seconded by Joseph Gallo  
No further discussion – 5-0-0 – Motion Carries

**8:38 PM Administrative Matters: Sign Payable – Colonial Copy \$40.00**

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Motion made by Joseph Gallo to sign the payable voucher to the Colonial Copy in the total amount of \$40.00, for the purchase of new business cards for the Agent  
Motion Seconded by Carol Platenik  
No further discussion – 5-0-0 – Motion Carries

**8:40 PM Request for a Certificate of Compliance (COC) DEP # 117-0276: Joe Ciesla, Apple Rd**

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The Commission received a request for a COC from Joe Ciesla for the work regulated by a final Order of Conditions DEP #117-0276, dated 12/28/2006, for property located on Apple Rd (Assessors Map 4 A 2), Brimfield, MA. A site visit was conducted on June 5, 2015 to confirm no work occurred under the Order.

The Order of Conditions has expired and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions. The COC will be for an Invalid Order of Conditions.

Motion made by Joseph Gallo to issue the Certificate of Compliance for an Invalid Order of Conditions.  
Motion Seconded by Carol Platenik  
No further discussion – 5-0-0 – Motion Carries

**8:42 PM Request for a Certificate of Compliance (COC) DEP # 117-0284: Joe Ciesla, Apple Rd**

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The Commission received a request for a COC from Joe Ciesla for the work regulated by a final Order of Conditions DEP #117-084. It is unclear whether the OOC was ever issued.

The Order of Conditions has expired and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions. The COC will be for an Invalid Order of Conditions.

Motion made by Joe Coan to issue the Certificate of Compliance for an Invalid Order of Conditions.  
Motion Seconded by Joseph Collins

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

**9:03 PM Request for a Certificate of Compliance (COC) DEP # 117-0173: Tom Faxon, Gov. Fairbanks Rd**

The Commission received a request for a COC from Lori Faxon for the work regulated by a final Order of Conditions DEP #117-0173, dated 8/10/1998, for property located on Gov. Fairbanks Road (Assessors Map 4 C Parcel 4 Lot 14), Brimfield, MA. A site visit was conducted on June 10, 2015 to confirm no work occurred under the Order.

The Order of Conditions has expired and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions. The COC will be for an Invalid Order of Conditions.

Motion made by Joe Coan to issue the Certificate of Compliance for an Invalid Order of Conditions.

Motion Seconded by Joseph Collins

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

**9:03 PM Request for a Certificate of Compliance (COC) DEP # 117-0057: Tom Faxon, Gov. Fairbanks Rd**

The Commission received a request for a COC from Lori Faxon for the work regulated by a final Order of Conditions DEP #117-0057, dated 8/10/1998, for the construction of Gov. Fairbanks Road (Road ROW), Brimfield, MA. The Order of Conditions requires an as built, which was request by the Agent. No as built has been submitted yet.

Motion made by Joseph Gallo continue the Request for a Certificate of Compliance until an as built is received

Motion Seconded by Joseph Collins

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

**9:15 PM Administrative Matters: Other Projects, Monitoring, Enforcements and Violations**

1. EO – Chamberlin Mountain Road: The Commission will conduct a site visits on Friday June 12, 2015 at 1:30pm. The Agent will send a letter to Mr. Paulin requesting his attendance at the next meeting, scheduled for June 24, 2015 at 7pm
2. Land Donation – 186 Dunhamtown Palmer Road: The Commission will present the land donation to the Board of Selectmen at their Thursday June 11, 2015 meeting.

**Meeting adjourned 9:27 PM –**

Motion made by Joe Collins to adjourn 9:27 PM

Motion was seconded by Joseph Gallo

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

Sincerely Submitted

Angela Panaccione, Conservation Agent