



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 JUNE 24, 2015 @ 7:00 PM

Members Present: Michele Restino (Co Chair)
Joe Coan
Joe Collins (*arrived 7:50pm*)
Carol Platenik
Joseph Gallo
Angela Panaccione (Agent)

Members Absent: Roger DeBruyn (Co Chair)
Steve Phifer

Also Present: Joe Ciesla, Apple Road
Debra Post, Notary of the Public
AJ Comerford, 74 Brookfield Road
Jeff Paulin, 50 Chamberlin Mountain Road

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

7:00 PM Administrative Matters: Sign Deed Restriction for Joe Ciesla, Apple Road Estates

Pursuant to the provisions of 314 CMR 9.04(3), of the Water Quality Certification Regulations established at 314 CMR 9.00, a 401 Water Quality Certification is required for the creation of a subdivision of land unless there is a valid, unexpired Final Order of Conditions which contains a condition requiring at least 1:1 replacement for bordering or isolated vegetated wetlands affected by the discharge of dredged or fill material pursuant to 314 CMR 9.03(1)(b), followed by a Certificate of Compliance and a recorded deed restriction limiting the amount of fill for the single and complete project to less than five thousand (5,000) square feet cumulatively of Bordering Vegetated Wetlands, and the discharge is not to an Outstanding Resource Water. Such discharges of dredged or fill material to create the real estate subdivision include, but are not limited to, discharges resulting from the construction of roads, drainage, sidewalks, sewer systems, buildings, septic systems, wells, and accessory structures.

Mr. Ciesla filed the deed restriction on the entire Subdivision shown on a plan entitled, “Definitive Lotting Plan and Index, Apple Estates, Brimfield, MA (Hampden County), dated April 5, 2006, prepared by Waterman Design Associates, Inc., and recorded with Hampden County District Registry of Deeds in Plan Book 350 Plan 69; limiting the amount of dredged and fill material that may be cumulatively discharged on the Subdivision to less than 900 square feet.

Motion made by Joseph Coan to sign the Deed Restriction for Apple Road Estates

Motion Seconded by Carol Platenik

No further discussion – 4-0-0 – Motion Carries (Debra Post was present and notarized the deed for the Commission)

7:05 PM Administrative Matters: Land Donation – 186 Dunhamtown Palmer Road

Motion made by Joseph Coan to sign the Deed, accepting the land at 186 Dunhamtown Palmer Road as Conservation Land

Motion Seconded by Carol Platenik

No further discussion – 4-0-0 – Motion Carries (Debra Post was present and notarized the deed for the Commission)

Carol Platenik will take the Original signed deed to the Board of Selectmen for their signatures

7:10 PM Request for Determination of Applicability (RDA): 74 Brookfield Road – Scott Chase

A Request for Determination (RDA) submitted by Scott Chase, of 74 Brookfield Rd (Map 6 B 4.2) to determine if the work associated with the installation of a patio and walkway is subject to the Wetlands Protection Act.

Michele Restino opened the hearing and landscaper AJ Comerford was present.

A site visit was conducted by the Conservation Agent on Monday June 3, 2015.

The proposed work involves extending the existing Bluestone patio area to allow space for approximately 6-8 people. Stone steps and a stone retaining wall will be used to address the current slope and the new projects grade. 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.

Additionally, another Bluestone patio is proposed for construction in an existing lawned courtyard area. Materials used include pergola/arbor over the entrance of the bluestone patio. Some transplanting of the existing plant material (garden ornamentals) from their current location, to be closer to house so that plantings in the courtyard area match. The project also proposes to connect the bluestone patio to the main drive, the shed and the detached driveway on far right via an irregular bluestone walkway matching the same existing bluestone walk found on the opposite side of the house. The same erosion controls taken from area 1 will be used in area 2.

All work is proposed within an existing landscaped lawn and no impacts to resource areas are proposed. No vegetation removal is required (with the exception of relocating a few garden ornamentals). Additionally, there is very little grading (less than 1-foot change in elevation ion Area 1) associated with said project and the majority of the work will be completed by hand. All work occurs in either the buffer zone, or the Riverfront. The project is exempt under the Riverfront Regulations.

Motion made by Joseph Gallo to close the Public Meeting and to issue a Negative Determination, Box 3 & 5, finding the project as proposed meets the following exemptions: 10.02(2)(b)(2)(a); 10.02(2)(b)(2)(e); and 10.58(6)(b)

Motion seconded by Joseph Coan

No further discussion – vote taken: 4-0-0– Motion Carries

7:15 PM Administrative Matters: Minute Approval – June 10, 2015

Motion by Joseph Gallo to approve the minutes from Wednesday June 10, 2015 as written

Motion Seconded by Carol Platenik

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

7:22 PM Enforcement Order: Little Alum Dam - Town of Brimfield

On June 17, 2015 an unknown violator glued and nailed two 2X4's to the top flashboard of Little Alum Dam, thereby raising the lake level by 4" in violation of the State and Federal Law. Complaints were issued to both the Commission and the Highway Surveyor. Given the violator is unknown and the dam owner & operator Town of Brimfield, the EO will be issued to the Town of Brimfield.

The EO is for correcting the resource area alterations resulting from said activity and returning the resource areas to their original condition. The plan approved is to get replacement flash board for original top board ready to insert when the 2 new and original top boards are removed as a unit. If the water level is up high, or there is too much pressure behind the boards it may not be possible remove the boards and insert the new board effectively. If that is the case, the highway surveyor shall lift up top board with wedge enough to release water slowly then do swap when safe (may take days, weeks). There cannot be a risk flooding downstream with full removal of offending boards unless water is down.

Motion made by Joe Coan to ratify the Enforcement Order, dated June 17, 2015

Motion Seconded by Carol Platenik

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

Motion made by Joe Coan to lift the Enforcement Order, dated June 17, 2015; finding the work required to restore the damaged done to the dam has been completed

Motion Seconded by Carol Platenik

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

7:25 PM Enforcement Order: 50 Chamberlin Mountain Road – Jeff Paulin

Mr. Paulin attended tonight meeting at the request of the Commission to discuss the violation occurring at 50 Chamberlin Mountain Road. A site visit was conducted on Friday June 12, 2015 at 1:30pm by the Agent, Michele Restino and Joseph Gallo.

Currently, the wetlands are recovering naturally from the damages that occurred last fall as a result of siltation runoff into the BVW. There is still a lot of erosion on site and a lack of control of the water draining down the road from Chamberlin Mountain. There are currently straw wattles and straw bales at the crossings to protect the BVW from further sedimentation.

The Commission agreed a permanent solution needs to be developed to manage the stormwater coming off of Chamberlin Mountain Road. Joe Gallo recommended using a different grade of gravel (1"-1½" stone), and adding a crown to the road with a drainage swale on each side.

Mr. Paulin informed the Commission logging is still occurring on site under a valid Forest Cutting Plan.

Motion made by Joseph Gallo to allow the previously discussed road improvements when the logging is complete

Motion Seconded by Joe Coan

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

The Commission will revisit this discussion at their July 22, 2014 meeting. Jeff Paulin will contact the Agent when the road improvements have been completed.

7:35 PM Emergency Permit: 71 Palmer Road – Thomas Faxon, Breaching of a Beaver Dam

The Brimfield Board of Health Chairman Richard Coats issued a 10-day emergency permit for the breaching of a beaver dam and declared it a Public Health and Safety emergency due to the significant flooding &

potential for well contamination (flooding to well with fecal contaminates from the beavers). Angela Panaccione issued the Emergency Permit on June 15, 2015 after a site visit.

Malcom Speicher, Beaver Specialist will perform the work.

The work approved under the emergency permit includes only the partial breaching of the beaver dam causing significant ponding on the property. The dam will be lowered by 6" a day, for two weeks. Downstream is Mill Pond, which is low for this time of year. No downstream impacts will result from partial breaching.

Special Conditions for the partial breach include:

- 1) The beaver dams shall be removed in a controlled manner so that there are no downstream impacts.
- 2) The dams should be breached in the morning to allow water to flow all day.
- 3) Only the minimum necessary work to abate the immediate public health threat is permitted.
- 4) Tractor or truck mounted excavators may be used to remove debris from the beaver dam, but hand removal is preferred.

Motion made by Joe Coan to ratify the Emergency Permit, issued by the Agent on June 15, 2015

Motion Seconded by Carol Platenik

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

7:42 PM Emergency Permit: Dix Hill Road – Town of Brimfield, Emergency Road Repair

A beaver dam upstream of Dix Hill broke, washing out approximately 50-feet of roadway. The public agency to perform work and ordering the work to be performed is the Town of Brimfield, Highway Department. The highway department will clean up all the asphalt, add gravel, repaired the head wall that got knocked over and clean all the debris in front/inside of culvert. The culvert itself was not damaged and is not in need of repair/replacement at this time. Dix Hill will also be repaved in the near future.

Motion made by Joe Coan to ratify the Emergency Permit, issued by the Agent on June 19, 2015

Motion Seconded by Joseph Gallo

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

7:45 PM Request for Certificate of Compliance (COC) DEP # 117-0221: Derek Rushlow, Warren Rd

The Commission received a request for a COC from Derek Rushlow for the work regulated by a final Order of Conditions DEP #117-0221, issued to Rob Fijol, dated 4/26/2004, for property located at Lot 2 Warren Road (Assessors Map 12 A 6.2). A site visit was conducted on June 22, 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 DEP # 117-0221, for an Invalid Order of Conditions.

Motion Seconded by Carol Platenik

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

7:48 PM Request for Certificate of Compliance (COC) DEP # 117-0242: Derek Rushlow, Warren Rd

The Commission received a request for a COC from Derek Rushlow for the work regulated by a final Order of Conditions DEP #117-0242, issued to Rob Fijol, dated 4/25/2005, for property located at Lot 3 Warren Road (Assessors Map 12 A 6). A site visit was conducted on June 22, 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 DEP # 117-0242, for an Invalid Order of Conditions.

Motion Seconded by Carol Platenik

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

7:50 PM 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.

Motion made by Joseph Gallo to issue a one-year extension permit if DEP has not responded by 7/22/15

Motion Seconded by Joe Collins

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

7:58 PM Administrative Matters: Sign Payable – Quill \$99.99

Motion made by Carol Platenik to sign the payable voucher to the Quill in the total amount of \$99.99, for the purchase of a filing cabinet

Motion Seconded by Joseph Gallo

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

8:00 PM Administrative Matters: Sign Payable – Angela Panaccione \$143.19

Motion made by Joe Collins to sign the payable voucher for Angela Panaccione in the total amount of \$143.19, for the payment of mileage for site visits from May 27, 2015 – June 25, 2015.

Motion Seconded by Carol Platenik

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

Meeting adjourned 8:05 PM –

Motion made by Joseph Gallo to adjourn 8:05 PM

Motion was seconded by Joseph Collins

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

Sincerely Submitted

Angela Panaccione, Conservation Agent