



# 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 MARCH 30, 2016 @ 7:00 PM

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

**Members Absent:** Joseph Gallo  
Steve Phifer

**Also Present:** Brian Caron, 160 Palmer Road  
Wesley Flis, Whitman & Bingham  
Don Lepora, True Green Capital  
Zach Cutting, Distributed Asset Solutions

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

#### **7:02 PM Administrative Matters: Minute Approval – Wednesday March 9, 2016**

**Motion made by Roger deBruyn to table the minutes from Wednesday March 9, 2016**

**Motion Seconded by Carol Platenik**

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

#### **7:04 PM Public Inquiry: Brian Caron – Proposed Solar Array, 160 Palmer Road**

Brian Caron, of 160 Palmer Road attended tonight meeting to discuss a proposed solar array with the Commission. The Commission reviewed the plans, and noted they are the same plans submitted back in 2013 by Greenhill Engineering c/o SE Solarane 2, LLC. The project was withdrawn by the applicant due to several concerns by the Commission, including the accuracy of the wetlands delineated on site. An email dated September 2, 2014, from Kirt Mayland to the Commission, stated the applicant's intent to withdraw the NOI; and dually stated Mr. Caron has no authority to take over the application or use any of the plans previously submitted under SE Solarane 2, LLC.

Based on the 2013 email the Commission legally cannot not accept the current plan Mr. Caron proposed this evening.

Mr. Caron stated he intends to make many changes to the current plan, including decreasing the size of the proposed array to avoid all resource area and buffer zone impacts. He also intends to use the existing road to access the upland portion of the site. Currently, the road has a culvert dating back to 1914.

Chairman Restino recommended Mr. Caron retain an engineer to develop new site plans with Mr. Caron's plans on them. The Commission cannot approve a plan "in theory", that will not alter wetlands until the wetlands are confirmed and all applicable statutes are addressed. Restino also stated any new commercial development also requires a stormwater report and stormwater infrastructure suitable to the proposed development.

The Agent and Chairman Michele Restino recommended the applicant first file an ANRAD with the Commission, to confirm all resource area on the property. Once the delineations are confirmed, Mr. Caron could then consult an engineer to design an array that avoids all resource area and buffer zone impacts.

**7:25 PM Request for a Partial Certificate of Compliance DEP #117-0338: True Green Capital**

Josh Ensling, of True Green Capital submitted a request for a partial Certificate of Compliance (COC) for the work regulated by a final Order of Conditions DEP #117-0338, issued to SH SolarNE2, dated 3/14/2014, for property located at 145 Sturbridge Road (Assessors Map 14 A 12 & 21.3 and Map 6 D 11), Brimfield, MA. The project was for the construction of a 6 MW Solar Array with associated access road and drainage. The partial release is only for the area of the array, within the fenced area. The access road and areas along the access road are not part of the request.

Wesley Flis, of Whitman & Bingham, Don Lepora, of True Green Capital, Bryan Guay, of Distributed Asset Solutions and Todd King, of Environment & Stormwater Solutions, LLC were also present at tonight meeting.

The Commission reviewed the Order of Conditions with the Applicant and their representatives and provided a list of conditions that still need to be met even for a partial release. To resolve any confusion with the requirements the Applicant provided the Commission with a spread sheet of all current conditions, the compliance status of the specific condition, the plan to achieve compliance with said condition, and the timeframe for compliance. The Commission then proceeded to go through each condition individually with the Applicant to achieve consensus of all parties on what still needs to be done to achieve full compliance with the Order.

A major unresolved issue is the release from the 401 Water Quality Certification, which was never completed. The Applicant has been in contact with Mass DEP regarding this and is planning a site visit sometime Monday with David Foulis, of Mass DEP. The Agent will attend this site visit and update the Commission accordingly.

The Commission stated it would be difficult to issue even a partial Certificate of Compliance with so many outstanding issues on site. True Green Capital stated repeatedly they are only requesting a release from the arrays themselves and the land within the existing fence line. True Green also stated it may be difficult to do any remediation work outside of their lease limits, since they do not own that property. Technically True Green does not own any of the land; it is all still retained by Andrew Worden. True Green is only leasing the area within the fence.

The Commission they request it may be beneficial if the property owner would attend a future meeting and True Green stated they would contact him about it.

**Motion made by Joe Coan to continue the discussion until April 27, 2016 (with an update via email by the April 13<sup>th</sup> meeting).**

**Motion Seconded by Carol Platenik**

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

**7:30 PM Administrative Matters: Other Projects, Monitoring, Enforcements and Violations**

1. Request for Town Council Assistance: The Commission discussed The Conservation Commission is requesting Town Counsel assistance to address compliance issues at the Solar Array located at 145 Sturbridge Road. The Commission strongly believes the Town needs assistance from Town Counsel to

address the many issues currently present on site. This development has been occurring for over three years and the site is anywhere from stable.

Additionally, this matter of non-compliance is not only an issue for the Conservation Commission, but also for the Planning Board, Building Department, Assessors and the Selectmen. We believe it would be beneficial to all departments if Town Council could review all outstanding permits and work with the town boards to develop a final plan that achieves compliance with all departments.

The Commission would like to discuss this request with you further, as there are several outstanding cross jurisdictional issues impacting the ability of the Commission to make any final recommendations on the site.

**Motion made by Joe Collins to send a letter to the Select Board requesting Town Council Assistance with the request for a partial Certificate of Compliance**

**Motion was seconded by Joe Coan**

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

2. Enforcement Order (EO) DEP #117-0353 – Gail Mahoney, 70 Champeaux Road: The Commission discussed the status of the current Enforcement Order for 70 Champeaux Road. The Agent conducted a site inspection earlier today and documented the majority of the sediment has been removed from the buffer zone and the resource areas. Additionally, the retaining wall has been constructed and seed has been spread to stabilize the area with vegetation. There is still a small area of the BVW that contains sediment, but it is localized and isolated. The Applicant agreed with Mark Farrell, it would be wise to wait until the area dried up before removing the sediment by hand. Given the current sediment is a very fine sandy silt; any attempt to remove it while water is present in the area could result in the transfer of the sediment to other areas of the BVW. The area is currently contained with straw wattles and Cori logs to prevent any possible future spread. The agent will continue to monitor the site, especially during periods of heavy rain until the last of the sediment is removed.
3. Little Alum Dam – Zach Lemieux, Highway Surveyor: water level 30” or 33”: The Commission discussed the dam height of Little Alum Dam at the request of Highway surveyor Zach Lemieux. Lemieux was contacted by the Lake Association with the request of lowering the dam height, because the new flashboards made the current crest higher than average. Lemieux stated he felt the boards were the same and at the level they should be at, but requested further guidance from the Commission. The Commission decided if Lemieux felt the boards are the same then he should not do anything. The last thing we want to do is drop the lake level now when it's supposed to be at its highest this time of year.
4. Letter of Support – LGV Water quality monitoring MET grant: The Commission discussed the request from the Last Green Valley for a letter of support for their effort to expand their volunteer water quality monitoring effort in the Town of Brimfield. The project includes an effort to locate undocumented cold water fisheries through habitat assessments with temperature loggers and modified bioassessments, and LGV will report on the outcomes of those studies to the Brimfield Conservation Commission.

Especially after the June 1, 2011 Tornado Brimfield has been noticing the effects of climate change on the water temperatures in many streams in the area, and monitoring them has become an area of critical concern for the Commission. CFRs are particularly sensitive habitats and any changes in land and water use can reduce the ability of these waters to support trout and other kinds of coldwater fish. This is especially true in the CFR in Brimfield that lost most of their tree cover from the tornado, and also the poor unsupervised salvage logging that occurred soon after. We have also been working to identify culverts on CFR designated streams that, in fact, stop the CFR designation due to perched outlets, small size or improper installation.

The Agent sent a letter of support stating the Commissions willingness to monitoring site location, participating in land owner outreach and education, and possibly assists with coordinating local volunteers as well. The Brimfield Conservation Commission is also willing to invite Jean Pillo, TLGV's

Volunteer Water Quality Monitoring Coordinator, to a meeting to overview the project and also share our local knowledge of potential streams that may be candidates for assessment. Our 2015 Open Space and Recreation Plan update also has a section on CFR's and their importance to both the Quinebaug and Quaboag River Watersheds. Brimfield contains many vital headwater streams that provide a major role in ecosystem resiliency especially with changing weather patterns.

The Agent also informed the Commission the Chicopee 4 Rivers watershed council will be performing the same studies in the Quaboag this spring and Fosket Mill, Penny Brook, Bottle Brook and Turkey Brook will all be monitored weekly by the Agent and other local volunteers.

5. Salamander Crossing Signs – Salamander deaths: Dale Labonte, of Dunhamtown Brimfield Road informed the Agent of a high amount of spotted salamander deaths the first week of May, during the annual migration. Labonte herself counted eight (8) dead spotted salamanders off Dunhamtown Brimfield Road. The Agent conducted a site visit, and began the process for certifying the vernal pool on the corner of Dunhamtown Rd & Rt. 19. The Commission discussed possible road closure next spring and definitely purchasing salamander crossing signs. The Agent will discuss with the highway department and the Select Board about the possible closure of the Dunhamtown Rd cutoff. The Agent will also look into purchasing Salamander crossing signs for the intersection and possible other high volume crossing sites along Dunhamtown Road.
6. Request for Site Plan Review – Brewery: The Commission discussed Site Plan Review for 41 Sturbridge Road, Brewery. The Conservation Commission requires permitting for this project. Building and/or clearing is proposed within the Conservation Commission's Jurisdiction. Please have the applicant contact the Conservation Office to file a Notice of Intent (NOI).

According to our maps at least a portion of this parcel falls within the jurisdiction of the Mass. Wetlands Protection Act (310CMR 10.00). Specifically, Parcel 14A A 20 has the following regulated resources associated with it: 1) 200-foot Riverfront Area of Mill Brook, and 2) In Designated Priority Habitat 1228 for a state listed endangered species

Any grading, clearing, vegetation removal within 100 feet of wetlands or 200 feet of a year-round flowing stream requires review and approval by the Commission.

7. Mass DOT Ditch Cleaning – Route 20: Mass DOT The Commission discussed the request to include drainage and ditch cleaning into the current determination issued by the Commission for work on Route 20. The Agent will request a site plan from DOT detailing the proposed areas for drainage and ditch maintenance.
8. Discuss FY 17 Town Meeting Warrant Articles: The Commission discussed the FY17 warrant articles for land protection, land management and the revised wetlands bylaw.

**Next Meeting Date:** Wednesday April 13, 2016 at 7pm

**Meeting adjourned 9:05 PM –**

Motion made by Joe Coan to adjourn 9:05 PM  
Motion was seconded by Joe Collins  
No further discussion – 5-0-0 – Motion Carries

Sincerely Submitted  
Angela Panaccione, Conservation Agent