



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 MARCH 9, 2016 @ 7:00 PM

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

Members Absent: Joe Coan
Joseph Gallo
Steve Phifer

Also Present: Mark Lavigne, 72 Champeaux Road
Jenna Elmore (representing Gail Mahoney), 70 Champeaux Road
Josh Ensling, True Green Capital
Wesley Flis, Whitman & Bingham
Don Lepora, True Green Capital
Bryan Guay, Distributed Asset Solutions
Todd King, Environment & Stormwater Solutions, LLC.

Meeting Opens: 7:10 PM – Michele Restino (Co Chair)

7:11 PM Administrative Matters: Minute Approval – Wednesday February 10, 2016

Motion made by Roger deBruyn to approve the minutes from Wednesday February 10, 2016
Motion Seconded by Carol Platenik
No further discussion – 4-0-0 – Motion Carries

7:15 PM Request for Minor Modification of Project DEP #117-0305: Quinebaug Cove Maintenance

Michael Lennon, of SOLitude Lake Management submitted a request for minor modification to the existing Order of Conditions for DEP #117-0305, requesting approval for the use of Clipper (flumioxazin) to target nuisance growth of fanwort.

Since 2000, SOLitude Lake Management (formerly Aquatic Control Technology) has managed nuisance and nonnative plants in the Beach Cove portion of East Brimfield Lake. The primary objective of this management program has been control of nuisance and non-native aquatic plant species to preserve and maintain open-water habitat and provide safe recreational access to the lake for the Quinebaug Cove Campground. Non-native variable watermilfoil (*Myriophyllum heterophyllum*) has been the primary nuisance species and focus of management since the start of the program in 2000. In recent years growth of non-native fanwort (*Cabomba caroliniana*) has become established. Expansion of fanwort has been rapid and as of 2015 it was the most dominant species in Beach Cove. The Reward (diquat) herbicide that has been used historically to control

variable watermilfoil is not active on fanwort. Fanwort is an aggressive, potentially canopy forming, invasive species that will continue to inundate the cove area if left unmanaged.

The Commission reviewed the original NOI and OOC, and discussed the impacts of fanwort in a lake. The Commission also discussed the cross jurisdiction of permitting required for work in the lake. It is Army Corps property and is also state listed priority habitat through NHESP. The Commission inquired if SOLitude has received approval from them as well, the Agent stated she did not know but would follow up with the other agencies.

Motion made by Joe Collins to conditionally approve the minor modification of DEP # 117-0305, pending DEP, DCR, NHESP & Army Corps approval

Motion Seconded by Roger deBruyn

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

7:23 PM Request for Certificate of Compliance DEP #117-0304: 14 Sutcliff Rd – Clayton Thomas

Maureen, of Bacon Wilson Law submitted a request for a Certificate of Compliance for invalid/incomplete Order of Conditions issued to Clayton Thomas, dated 3/25/2015, for property located at 14 Sutcliff Road (Assessors Map 5B B 14&15), Brimfield, MA. The project was the bank stabilization of Foskett Mill Stream. A final site visit was conducted today, March 25, 2016 by the Conservation Agent.

Motion made by Roger deBruyn to issue the Certificate of Compliance for a Invalid/Incomplete Order of Conditions DEP # 117-0304

Motion Seconded by Carol Platenik

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

7:25 PM Enforcement Order (EO) DEP #117-0353: 70 Champeaux Rd – Gail Mahoney

On Monday March 7, 2016 at approximately 11:00am Conservation Commission Agent Angela Panaccione conducted a site investigation in regards to a recently filed Request for a Certificate of Compliance (COC) and observed the site was not stable. She contacted the applicant for the COC (Mark Farrell, of Greenhill Engineering) and informed him the COC could not be issued due to existing site conditions. She requested erosion and sediment controls be installed immediately and she would follow up on Wednesday.

On Wednesday March 9, 2016 at approximately 12:00pm the Conservation Commission Agent Angela Panaccione conducted a follow up site investigation (pictures provided to the Commission) which revealed the following:

1. No erosion or sediment controls present in the area of concern, (or they could be present, just buried under fill for the SFH).
2. The construction area is not stable and surface runoff from exposed soils is resulting in direct erosion off site and is directly transporting sediment into a Bordering Vegetated Wetlands (BVW) and its associated buffer zone.
3. The Bordering Vegetated Wetland (BVW) and its associated buffer zone has been disturbed from driveway fill, soil disturbance, and changes to the natural hydrologic regime by directly observed sediment laden runoff from construction.
4. Perimeter drain directly discharges to buffer zone of the BVW, without the required trap rock/sediment catch.
5. Sediment accumulation in wetlands on abutting property, 72 Champeaux Rd owned by Mark Lavigne, was also document by the Agent.

The property owner Gail Mahoney was present on site and discussed the situation with the Agent. The Agent requested her attendance at tonight's meeting, which Mahoney was unavailable to attend, but stated she would send her contractor Jenna Elmore as her representative. The Agent also contact Mark Lavigne and requested

his attendance as well since Lavigne also has an open order of conditions for his SFH construction as well and the erosion from this site could impact his project.

Jenna Elmore and Mark Lavigne were present at tonight hearing. They were both in agreement the site needed to be stabilized as soon as possible. Lavigne offered to perform the work himself, sine a majority of it is on his property. He is a licensed contractor and landscaper. They also stated they would retain Mark Farrell, of Greenhill Engineering, to develop a restoration plan per the requirement of the Commission.

Lavigne required how soon he could begin the restoration, and the Commission stated as soon as Mr. Farrell provided a plan the Commission approved. Given the Commission doesn't meet again until March 30, 2016 it was agreed the restoration could begin contingent upon the Agents approval of the restoration plan.

Motion made by Roger deBruyn to issue the Enforcement Order for 70 Champeaux Road DEP # 117-0353, requiring site stabilization and restoration

Motion Seconded by Carol Platenik

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

Motion made by Roger deBruyn to approve Mark Farrell, of Greenhill Engineering, as consultant for 70 Champeaux Road DEP # 117-0353

Motion Seconded by Carol Platenik

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

7:56 PM Request for Certificate of Compliance DEP #117-0338: True Green, 185 Sturbridge Rd

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 Commission proceeded to go through each condition individually with the Applicant to determine 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.

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 Collins to continue the discussion until March 30, 2016.

Motion Seconded by Carol Platenik

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

Next Meeting Date: Wednesday March 30, 2016 at 7pm

Meeting adjourned 9:56 PM –

Motion made by Joe Collins to adjourn 9:56 PM

Motion was seconded by Carol Platenik

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

Sincerely Submitted

Angela Panaccione, Conservation Agent