



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

Telephone: (413) 245-4100 x:8
FAX (413) 245-4111

MEETING MINUTES WEDNESDAY JANUARY 13, 2016 @ 7:00 PM

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

Members Absent: Joe Collins
Joseph Gallo
Steve Phifer

Also Present: Josh, True Green Capital

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

7:00 PM Request for Certificate of Compliance DEP #117-0338: True Green, 185 Sturbridge Rd

True Green Capital request a partial COC for the Solar Array located at 145 Sturbridge Road. 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.

The Commission reviewed the Order of Conditions with the Applicant and provided a list of conditions that still need to be met even for a partial release.

The commission scheduled a site visit for Friday January 29, 2016 at 1:30pm to review the “As-Built” in the field.

8:00 PM Notice of Intent: Lake Sherman Aquatic Control (Map 6 B 3) – Town of Brimfield

The Town of Brimfield submitted a Notice of Intent for the management of Lake Sherman. The goal is to control nuisance plant growth utilizing treatment with USEPA/State registered aquatic herbicides and algaecides and annual winter draw down. The proposed work will occur in resource areas regulated under M.G.L. Chapter 131, §40. Project location: Lake Sherman (Assessors Map 6 B 3).

Michele Restino re-opened the public hearing and no public was present. The applicant was not present either.

There is a DEP file number and NHESP issued their determination as well, stating the project as proposed will not constitute a take of an endangered species.

Motion made by Joe Coan to close the Public Hearing and approve the project as an Ecological Restoration Limited Project under 310 CMR 10.53(4)

Motion Seconded by Carol Platenik

No further discussion – 3-0-1 (Roger deBruyn Abstains) – Motion Carries

8:05 PM Request for Determination: 30 Third Street (MAP 5C A 27) – Andre St. Laurent

A Request for Determination (RDA) submitted by Andre St Laurent c/o Julian Chu, of Cambridge, MA to determine if the work associated with the replacement of a deck and stairs to Little Alum Pond is subject to the MA Wetlands Protection Act. The project location is 30 Third Street, Brimfield, MA 01010 (Assessors Map 5C A 27).

Michele Restino opened the public meeting and no public was present. The applicant was not present either.

The Agent conducted a site visit on July 6, 2015 and recommended the applicant file an RDA for the work due to the proximity of the work to Little Alum Pond. The work entails the removal of a large concrete stone step from the bank of Little Alum Pond and replacing it with five (5) Tech-Block steps going from the bank to where the original stone step was removed. The work will include the excavation of a 6' X 6' area, to a depth of 2' and will occur in the buffer zone and on the bank of Little Alum Pond. Work will occur only during the period of Lake Drawdown, from 12/1 to 4/1.

The applicant also proposes to replace the three (3) footings under the existing deck, which is an exempt minor activity under 310 CMR 10.02(2)(b)2.e: the conversion of lawn to uses accessory to residential structures such as decks, ...provided the activity, including material staging and stockpiling is located more than 50 feet from the mean annual high-water line within the Riverfront Area, Bank or from Bordering Vegetated Wetland, whichever is farther, and erosion and sedimentation controls are implemented during construction.

Motion made by Roger deBruyn to close the public meeting and issue a Negative (2 & 3) Determination; finding the work described in the Request is within a resource area and the Buffer Zone, as defined by the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent subject to the following conditions:

Motion Seconded by Carol Platenik

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

8:18 PM Request for Certificate of Compliance DEP # 117-0333: 10 Hastings Lane – ExxonMobil

Roux Associates submitted a request for a Certificate of Compliance for the work regulated by a final Order of Conditions issued to ExxonMobil Pipeline Corporation, dated August 14, 2013, for property located at 10 Hastings Lane (Assessors Map 9 C 21), Brimfield, MA. The project was for the armoring of the pipeline with a system of articulating concrete revetment mats. This project included a 140-SF replication area, which the Agent has inspected quarterly over the past two years. A final site visit was conducted on November 24, 2015.

Motion made by Roger deBruyn to issue the Certificate of Compliance for a Complete Certification of the Order of Conditions DEP # 117-0333

Motion Seconded by Joe Coan

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

8:20 PM Request for Certificate of Compliance DEP # 117-0334: 229 Palmer Road – ExxonMobil

Roux Associates submitted a request for a Certificate of Compliance for the work regulated by a final Order of Conditions issued to ExxonMobil Pipeline Corporation, dated May 14, 2014, for property located at 229 Palmer Road (Assessors Map 10 E 11), Brimfield, MA. The project was encasement of the petroleum pipeline with a concrete “bridge”. This encasement was designed to meet the stream crossing standards. A site visit was conducted on November 24, 2015 and the area of work is completely vegetated.

Motion made by Roger deBruyn to issue the Certificate of Compliance for a Complete Certification of the Order of Conditions DEP # 117-0334, with ongoing conditions # 35-37.

Motion Seconded by Carol Platenik

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

8:25 PM Request for Certificate of Compliance DEP # 117-0342: 0 Palmer Road – ExxonMobil

Roux Associates submitted a request for a Certificate of Compliance for the work regulated by a final Order of Conditions issued to ExxonMobil Pipeline Corporation, dated June 11, 2014, for property located at 0 Palmer Road (Assessors Map 13 A 2.2), Brimfield, MA. The project was for maintenance and repair of the petroleum pipeline. A site visit was conducted on November 24, 2015. The Agent noted the area in which work previously occurred under the OOC was recently disturbed by the Town of Brimfield Highway Department during an emergency culvert replacement.

Motion made by Roger deBruyn to issue the Certificate of Compliance for a Complete Certification of the Order of Conditions DEP # 117-0342, with ongoing conditions # 36-38.

Motion Seconded by Joe Coan

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

8:30 PM Administrative Matters: Right of First Refusal – Sutcliffe Rd (Map 10 B 5)

The Brimfield Conservation Commission is in receipt of a Notice of Intent for the sale of 0 Sutcliffe Rd/Old Palmer Road (Map 10 B 5). The property is currently under Chapter 61 for long term sustainable forest management. The Agent conducted a site visit and conducted a desktop review of the Mass GIS resource area associated with the Parcel.

The Agent informed the Commission the property contains several resource areas protected under the MA Wetlands Protection Act, including: Riverfront Area, Bank, Land Under Water, Bordering Land Subject to Flooding, Bordering Vegetated Wetlands and Priority Habitat. Additionally, the property contains several invasive species (brush honey suckle, oriental bittersweet, multiflora rose) and construction of the three SFH will require review and permitting from the Commission before any land clearing or disturbances begin.

The Commission discussed the proposal and recommend the remaining 12.68 acres retained in Chapter 61 to also have a Conservation Restriction (CR) recorded against it, to permanently protect the area as Open Space. The 12.68 acres remaining in Chapter 61 contains Foskett Mill Brook, a cold water fisheries resource and a designated priority habitat for state listed endangered species. Foskett Mill Brook and the wetlands surrounding it also provide important functions and values that are critical for fisheries and wildlife protection, storm damage prevention and water quality.

Motion made by Joe Coan to not exercise our Right of First Refusal at this time given the proposed intent of the parcels removed from Chapter 61 and the retention of 12.68 Acres in Chapter 61

Motion Seconded by Carol Platenik

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

8:32 PM Administrative Matters: Sign Payable – Angela Panaccione \$227.00

Motion made by Joe Coan to sign the payable voucher for Angela Panaccione in the total amount of \$227.00, for the payment of mileage for site visits from October 28, 2015 – December 30, 2015.

Motion Seconded by Carol Platenik

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

8:35 PM Administrative Matters: Minute Approval – December 9, 2015

Motion made by Joe Coan to approve the minutes from Wednesday December 9, 2015

Motion Seconded by Carol Platenik

No further discussion – 3-0-1 (Roger deBruyn abstains) – Motion Carries

8:36 PM Administrative Matters: Minute Approval – November 18, 2015

Motion made by Carol Platenik to approve the minutes from Wednesday November 18, 2015

Motion Seconded by Joe Coan

No further discussion – – 3-0-1 (Roger deBruyn abstains) – Motion Carries

8:37 PM Administrative Matters: Minute Approval – October 28, 2015

Motion made by Joe Coan to approve the minutes from Wednesday October 28, 2015

Motion Seconded by Carol Platenik

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

8:38 PM Administrative Matters: Minute Approval – September 23, 2015

Motion made by Roger deBruyn to approve the minutes from Wednesday September 23, 2015

Motion Seconded by Joe Coan

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

8:40 PM Administrative Matters: Other Projects, Monitoring, Enforcements and Violations

1. Chapter 61 Presentation: Tuesday, January 26, 2015 from 6:30 - 7:30 pm, at the Palmer Public Library Community Room, 1445 North Main Street. The event is sponsored by Opacum Land Trust, Mass-Conn Sustainable Forestry Project, & the Palmer Conservation Commission
2. Opacum Land Trust Conservation Partnership Program (CPP) Grant Award – Thompson Forested Parcel: Ed Hood, Executive Director of Opacum Land Trust, notified the Commission Opacum Land Trust has been awarded a grant from EEOA of \$83,500 towards the purchase of the Thomas Forested parcel, IF they can raise the rest of the money for the purchase. Opacum Land Trust would be the owner, and they are committed to making this a publicly accessible conservation area that will become a great hiking, birding, hunting and overall outdoor destination in town, plus providing another access point into Brimfield State Forest.
3. Mill Pond Dam Maintenance – Brimfield Highway Department: On December 22, 2015 Brimfield Highway Surveyor Zach Lemieux contacted the Commission in regards to a Dam Safety Order from DCR Office of Dam Safety. The Town hired Fuss and O’Neill to complete the required Inspection and Report. Part of the recommendations that need to be undertaken on a regular yearly basis to improve the safety, maintenance, and operation of the dam include:
 - Remove debris from the spillway and discharge areas
 - Remove trees, woody vegetation and other unwanted vegetation from the dam crest, upstream and downstream slopes, masonry walls, and within 20 feet of the dam in all directions.
 - Mow and maintain a healthy cover of grass with a height of 3 to 12 inches.
 - Remove burrowing animals and repairing borrows in the dam embankment.
 - Stabilize erosion troughs on downstream slopes on both sides of the bridge and install riprap.
 - Fill the low areas behind the headwalls with loam and seeded in the spring.

Lemieux stated he would be starting to remove the brush and woody vegetation in the next few weeks with the help from the Brimfield Boy Scouts. The Boy Scouts will be earning their Conservation Badge as well as performing Community Service to the Town of Brimfield.

The Agent contacted the Highway Department and explained some of the work proposed will require a permit from the Commission before it can begin and offered to assist Lemieux in the Process. She also obtained a copy of the Fuss and O'Neill report for the Commission to review.

4. Letter from Don Moriarty: The Chair read a letter from Don Moriarty, thanking the Commission and specifically the Agent for all the hard work and effort they are doing for the town; and specifically for assistance with obtaining Certificated of Compliance for projects dating back to the 1980's.

Next Meeting Date: Wednesday January 27, 2016 at 7pm

Meeting adjourned 9:39 PM –

Motion made by Joe Coan to adjourn 9:39 PM
Motion was seconded by Carol Platenik
No further discussion – 4-0-0 – Motion Carries

Sincerely Submitted
Angela Panaccione, Conservation Agent