



# City of Westfield, Massachusetts

Municipal Conservation Commission

January 26, 2021  
REMOTE MEETING MINUTES

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FEB 10 2021

WESTFIELD CITY CLERK

Conservation Commission members in attendance: Chairman David Doe (DD), Vice Chairman James Murphy (JM), Thomas Sharp (TS), Carl Grobe (CG), Alex Fagnand (AF), Cliff Laraway (CL) and Robert Florek (RF). Also in attendance: Meredith Borenstein, Conservation Coordinator and Colleen Fegan-Nunez, Administrative Assistant.

Chairman Doe reads: *Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the City of Westfield Conservation Commission will be conducted via remote participation. Specific information can be found on the City of Westfield website at [www.cityofwestfield.org](http://www.cityofwestfield.org). For this meeting, members of the public who wish to listen to the meeting may do so by tuning into Channel 15 or online at [westfieldtv.org](http://westfieldtv.org). No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the City's website an audio recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.*

## 1. CALL TO ORDER/ROLL CALL

Chairman Doe calls the meeting to order at 6:32 pm. He takes attendance. All Commissioners are present.

## 2. OPEN PARTICIPATION-There is none at this time.

## 3. PUBLIC HEARINGS

**Chairman Doe recuses himself and leaves the meeting at 6:34 PM. Vice Chairman Murphy acts as Chairman.**

- A. 231 East Main Street (28R-10) and 0 South Meadow Road (28R-6)-Brixmor SPE, LLC  
c/o Reuben Twersky-DEP File #333-792  
Construction of a retail store (Aldi's Market) and associated site improvements within the 100-year Floodplain  
Mr. Robert Levesque of R. Levesque and Associates Inc., Mr. Reuben Twersky and Atty. Rich Skypek are present representing Brixmor SPE, LLC.  
Mr. Michael Chelminski of Stantec is present representing the City of Westfield Conservation Commission.

Mr. Chelminski states that Stantec has submitted a revised peer review letter today (1/26/2021), based on the comments from the Commission during the meeting of January 12<sup>th</sup>. The first item updated was regarding the General Performance standard #1 for Bordering Land Subject to Flooding, which states that the "Compensatory Storage area shall have an unrestricted hydraulic connection to the same waterway or waterbody." DEP has provided guidance saying that an observational determination satisfies this standard and modeling is not necessarily needed; Therefore, Stantec has updated their memo. Mr. Chelminski explains that the second item is that while the building would increase localized floodwaters velocity, the entire area is predicted to be under 8-9 feet of water and the land is largely developed. As such, he recommends using past precedence to decide whether to issue this permit. Coordinator Borenstein states that she expected an updated compensatory storage plan as was requested and discussed on 1/12/2021. Mr. Levesque addresses the questions about the comp storage area. Mr. Twersky explains that they are under a time constraint. Ms. Ruth Aborjally asks for a second exit to East Main Street from Mainline Drive. Mr. Twersky states that a second exit is being considered. Commissioner Sharp asks if Mr. Twersky has addressed his question of deeding this property to the City of Westfield in the future. Atty. Sypek states that the applicant isn't in control of the land yet, so he cannot make any representations or obligations on the land at this time.

Commissioner Sharp motions to continue until February 9, 2021 at 7:30 PM and is seconded by Commissioner Grobe. CG-Yes, TS-Yes, CL-Yes, RF-Yes, JM-Yes, Commissioner Fagnand abstains.  
The motion passes.

**Chairman Doe returns to the meeting at 7:25 PM.**

- B. 459 Russell Road (34R-4)-Tekoa Country Club-DEP File #333-800  
Bank restoration along the Westfield River.  
Mr. Robert Levesque of R. Levesque and Assoc. Inc. is present representing Tekoa Country Club.

Mr. Levesque states that DEP was not happy with the plan and that Natural Heritage had some questions about rare muscels in the river. Mr. Levesque requests a continuance until our next meeting.

Commissioner Sharp motions to continue until February 9, 2021 at 7:30 PM and is seconded by Commissioner Grobe. JM-Yes, RF-Yes, AF-Yes, TS-Yes, CL-Yes, DD-Yes  
The motion passes.

**Vice Chairman Murphy motions to take 6A out of order and is seconded by Commissioner Fagnand. JM-Yes, CG-Yes, RF-Yes, AF-Yes, TS-Yes, CL-Yes, DD-Yes  
The motion passes.**

## 6. DISCUSSION

- A. 301 East Main Street-DEP File #333-738  
Request to reissue the original Order of Conditions.

Coordinator Borenstein states that this is no longer an issue, so nothing needs to be done for this discussion at this time.

- B. 301 East Main Street-DEP File #333-738  
Request for Certificate of Compliance.

Coordinator Borenstein states that there were some minor changes made to the outside of an existing building and no comp storage was required for the minor improvements. Mr. Levesque reiterates that there were minor improvements for a tenant. Coordinator Borenstein states that no as built is necessary.

Commissioner Grobe motions to approve the Certificate of Complinace and is second by Commissioner Fagnand. JM-Yes, CG-Yes, RF-Yes, AF-Yes, TS-Yes, CL-Yes, DD-Yes  
The motion passes.

**Commissioner Fagnand motions to resume to normal order and is seconded by Commissioner Grobe. JM-Yes, CG-Yes, AF-Yes, TS-Yes, RF-Yes, CL-Yes.  
The motion passes.**

- C. 301-303 East Main Street (28R-11) and 0 Little River Road (116-23)-ABASK, LLC c/o Ronald Abdow-DEP File #333-801  
Construction of a drive-through facility located within the 100-year Floodplain.  
Mr. Robert Levesque and Mr. LaPointe are present representing ABASK, LLC.

Coordinator Borenstein states that after a site visit she noticed that where the Compensatory Storage area is proposed, there is a steep slope which the base of it will be removed. Mr. Levesque states that the top of the towpath will be taken out and vegetation will be allowed to grow again. He states that the construction company doing this project is experienced in doing this type of work and is willing to meet with the Coordinator as often as necessary. Chairman Doe asks if this is an unrestricted hydraulic connection to the building site. Mr. Levesque shows the topographical map of the area as proof of connection. Chairman Doe then asks if the Coordinator is satisfied with the stabilization plan after the slope has been cut. Coordinator Borenstein states that she is concerned about the slope being destabilized. Mr. LaPointe states that the site is dry gravel. Coordinator Borenstein states that the plans should be stamped with an engineer's stamp.

Vice Chairman Murphy motions to close the Public Hearing and is seconded by Commissioner Grobe. JM-Yes, CG-Yes, RF-Yes, AF-Yes, TS-Yes, CL-Yes, DD-Yes  
The motion passes.

The Commission decides on a \$5000.00 Bond.

Commissioner Grobe motions to accept the Order of Conditions as written and is seconded by Commissioner Fagnand. JM-Yes, CG-Yes, TS-Yes, AF-Yes, RF-Yes, CL-Yes, DD-Yes  
The motion passes

- D. 109 North Road (67R-60-1-A)-Yevgeniy Yunikov-Local Ordinance Only  
Construction of a single family home in the 100-foot Buffer Zone to Isolated Wetlands. Mr. Mark Reed and Ms. Lisa Narkiewicz of Heritage Surveys are present representing Mr. Yunikov.

Chairman Doe reads the legal language. Mr. Reed states that the driveway will be in the outer 100-foot Buffer Zone but that the house will be over fifty feet away from the edge of the wetlands. Chairman Doe requests a site visit.

Commissioner Sharp motions to continue until February 9, 2021 at 7:30 PM and is seconded by Commissioner Grobe. JM-Yes, CG-Yes, TS-Yes, AF-Yes, RF-Yes, CL-Yes, DD-Yes  
The motion passes.

4. PUBLIC MEETINGS-There are none at this time.

#### 5. ENFORCEMENT

- A. 0 South Broad Street (25-1)-Sullivan Westfield Properties Group, LLC  
Sedimentation from gravel parking lot into adjacent Wetland Resource Areas.

Coordinator Borenstein presents Mr. Jeff Bibeau of Tighe and Bond as the representative for creating the restoration plan for this property. She requests that the Commission approve of him.

Commissioner Grobe motions to accept Mr. Jeff Bibeau as the representative and is seconded by Vice Chairman Murphy. JM-Yes, CG-Yes, CL-Yes, RF-Yes, TS-Yes  
The motion passes.

6. DISCUSSION-Already discussed out of order.

#### 7. OTHER ITEMS

- A. Minutes of January 12, 2021.

Commissioner Sharp states that he would like the minutes to reflect that Vice Chairman Murphy has taken over and acts as Chairman when Chairman Doe recuses himself and also to reflect that Mr. Rich Sypek and Mr. Ruben Twersky were present for 231 East Main Street Hearing.

Commissioner Grobe motions to approve the minutes of January 12, 2021 after the additions are made and is seconded by Vice Chairman Murphy. JM-Yes, CG-Yes, RF-Yes, AF-Yes, TS-Yes, CL-Yes, DD-Yes  
The motion passes.

The Commission discusses ways to streamline the meetings. They decide that site visits prior to the meeting will help with the discussions.

7. MOTION TO ADJOURN

Commissioner Fagnand motions to adjourn at 9:10 PM and is seconded by Commissioner Grobe. JM-Yes, CG-Yes, RF-Yes, AF-Yes, TS-Yes, CL-Yes  
The motion passes.

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A true record, Attest:  
Colleen Fegan-Nunez  
Westfield Conservation Administrative Assistant

APPROVED

