



City of Westfield Municipal Conservation Commission

JANUARY 24, 2023 AT 6:30PM
WESTFIELD CONSERVATION COMMISSION
MEETING MINUTES

RECEIVED

APR 3 2023

WESTFIELD CITY CLERK

Conservation Commission members in attendance: Chairman David Doe (DD), Vice Chairman James Murphy (JM), Carl Grobe (CG), Robert Florek (RF), Lauren DiCarlo (LD), Alex Fagnand (AF) and Thomas Sharp (TS). Also, in attendance: Anna Meassick, Conservation Coordinator and Christina Ramos, Conservation Clerk

1. CALL TO ORDER

Chairman Doe calls the meeting to order at 6:30 PM and takes attendance. All Commissioners are present.

2. OPEN PARTICIPATION

Chairman Doe asks if any members of the public who would like to address the Commission concerning items not on the agenda. Seeing none, he moves onto item 3, Public Meetings.

3. PUBLIC MEETINGS (RDAs)

- A. 0 Medeiros Way – Jay Virgillio
Proposal: Review and confirmation of delineation

Coordinator Meassick explains she hasn't received any update since the site visit and last meeting. She explains they will need to resubmit a new delineation plan because it doesn't give the 200ft riverfront area, if the Commission rules the stream as perennial.

Commissioner Sharp motions to continue to February 14, 2023. Commissioner Fagnand Seconds. RF-yes, CG-yes, TS-yes, JM-yes, AF-yes, LD-yes, DD-yes.

The motion passes.

- B. 1090 Southampton Road – Pioneer Valley Fiberglass Pools & Spa, LLC
Proposal: Construction of prefabricated steel building within Buffer Zone

Chairman Doe reads the legal language.

Ryan Nelson from RLA is present as the representative.

Mr. Nelson explains there is a current Order of Conditions for construction of pool showroom building, storage building, associated gravel and paved parking areas. All the buildings are constructed or near completion. The applicant would like to construct an additional building, made of prefabricated steel and located within the limit of work of the current Order, it will be located on the existing gravel area within the buffer zone, but outside the 50-foot buffer zone.

Coordinator Meassick recommends doing a site visit.

Commissioner Sharp agrees with Coordinator Meassick about doing a site visit, stating it would be nice to see the project progress.

Vice Chairman Murphy questions if they would amend the current Order or would it be new Order.

Commissioner Sharp asked why it would not be a new Notice of Intent.

Coordinator Meassick explains that it's on existing gravel area and an RDA. Its outside the 50ft and inside the limit of work. The only reason they are filing is because it's within our jurisdiction.

Vice Chairman Murphy asked if they could add it to the Order.

Mr. Nelson explains that the majority of the work is complete and the applicant should be requesting a certificate of compliance soon. Work on the additional building would continue after the certificate is issued which is the reason for the separate application.

Commissioner Grobe asks what the size of the building.

Mr. Nelson explains it would be 1400 SQFT on a concrete pad.

Vice Chairman Murphy motions to continue to February 14, 2023 to allow a site visit. Commissioner Fagnand Seconds. RF-yes, CG-yes, TS-yes, JM-yes, AF-yes, LD-yes, DD-yes.

The motion passes.

C. 175 Falcon Drive – Westfield Barnes Regional Airport
Proposal: Review and confirmation of delineation

Chairman Doe reads the legal language.

Josh McEnany from Gulf South Research Corporation is present as the representative.

Mr. McEnany makes a correction to the language for record, that this plan isn't for Westfield Barnes airport but for the 104th Air National Guard, located at the airport. He was called out to do their wetland delineations just do a baseline information part of Environmental Impact Statement. Nothing has changed since previous delineation in 2014. Renovations are getting done to a few buildings roughly a ½ mile away from wetlands.

Chairman Doe ask where they should meet for the site visit.

Mr. McEnany gives the address of 175 Falcon Drive, they will just need to know who is attending for gate entrance and security proposes.

Vice Chairman Murphy asked if the wetland area is flagged.

Mr. McEnany answers yes, it's been flagged.

Chairman Doe ask if its near Pond Brook.

Mr. McEnany answers no.

Commissioner Fagnand motions to continue to February 14, 2023 to allow a site visit.
Commissioner Florek Seconds. RF=yes, CG=yes, TS=yes, JM=yes, AF=yes, LD=yes, DD=yes.

The motion passes.

4. PUBLIC HEARINGS (NOIs)

- A. 1515 Granville Road – West Parish Filters – DEP File #333-808
Proposal: Requests amendment to DEP File #333-808 for a modified access point to control station, which was not originally included in the scope of work

Commissioner Fagnand recuses himself.

Chairman Doe reads the legal language.

Melissa Coady from Tighe and Bond is present as the representative along with Frank Zabaneh from Springfield Water and Sewer Commission.

Ms. Coady explains this is a request to amend the current Order. Within the current footprint of the Order there is a underground control station and only accessible via hatch. It is a safety concern for Springfield Water, they would like to excavate into the area to install a bulk head door. The proposal for the door is within riverfront area and the limit of work (LOW) under an open Order and the work is continuing.

Chairman Doe ask for a plot plan for Ms. Coady to show and point it out the project location.

Ms. Coady explains the erosion controls, excavating the side slope into the drainage control station, near Cook Brook.

Coordinator Meassick asks how much additional square footage will be altered.

Ms. Coady explains about 500sqft will additionally be altered.

Chairman Doe ask if there will be a sidewalk outside the 100ft riverfront area and in between the silt fence.

Ms. Coday explains that there will be no side walk and yes, it is outside the 100 ft.

Vice Chairman Murphy ask how long the project will take and any new erosion control.

Mr. Zabaneh from Springfield Water explains the process should take about 4 months.

Vice Chairman Murphy ask where equipment will be stored.

Ms. Coady explains equipment will be stored in the same location that it currently is under the active Order and within the LOW.

Commissioner Florek ask if they will be hitting ground water.

Ms. Coady explains it will not.

Commissioner Sharp ask if the Coordinator Meassick has seen the site.

Coordinator Meassick explains she has been out there for the project as well as another one brought forward to remove trees 2022.

Commission discuss the bond and if the value should increase given additional work. This is decided against as the erosion controls are in place and the Springfield Water is making sure they are maintained.

Commissioner Grobe motions to close the Public Meeting. Commissioner Sharp Seconds. RF=yes, CG=yes, TS=yes, JM=yes, LD=yes, DD=yes.

The motion passes.

Commissioner Sharp motions to amend the current Order of Conditions to include the modified bulk head entry. Commissioner Grobe Seconds. RF=yes, CG=yes, TS=yes, JM=yes, LD=yes, DD=yes.

The motion passes.

Commissioner Fagnand returns.

Chairman Doe recuses himself.

Commissioner Sharp motions to appoint Vice Chairman Murphy to interim chair. Commissioner Grobe seconds. RF=yes, CG=yes, TS=yes, AF=yes, LD=yes, JM=yes

Motion passes.

- B. 227 East Main Street, 6 & 10 Mainline Drive – Ruth Aborjaily
Proposal: Reuse of existing structures and associated site improvements within bordering land subject to flooding and riverfront area

Vice Chairman Murphy reads the legal language.

Ryan Nelson, from RLA, and Ruth Aborjaily, applicant, are present.

Mr. Nelson explains this site is made up of 3 parcels, 227 East Main Street with an existing building on the frontage, 6 Mainline drive and 10 Mainline drive. The entirety of the site is in the flood zone. The existing building will be reused for office and retail along with the other buildings. The applicant wants to better vehicle access so there is an existing gravel drive they want to make wider, at minimum a curb cut will be 24ft and

propose additional parking areas. The additional paved parking will be outside the riverfront area. They tried to keep the disturbance minimal. Additional disturbance will be a handicap access ramp. Compensatory storage comes from a prior building on 11 Mainline Dr. The ramp displaces approximately 19 cubic yards in the flood zone and provides more than enough compensatory storage. Riverfront area disturbance is 1,390 square feet which is well under the allowed disturbance for work within riverfront.

Commissioners discuss the buildings on the plans and confirm all the buildings are staying and the only thing changing is the driveway expanding and adding a handicap ramp.

Ms. Aborjaily explains the ramp is getting demoed and improved.

Vice Chairman Murphy confirms the paved parking doesn't need compensatory storage because it's at grade.

Mr. Nelson explains there are 4 trees that will be removed but are out of conservation jurisdiction.

Commissioner Grobe asked about the gravel to paved parking and will it need compensatory storage for the materials.

Mr. Nelson explains that materials will be removed off site.

Commissioner Sharp ask about plantings.

Mr. Nelson explains foundation plantings will be installed.

Commissioner Fagnand ask if the frontage sign will remain.

Ms. Aborjaily answer yes it will stay.

Commissioner Sharp motions to continue to February 14, 2023 to obtain a DEP file number. Commissioner Fagnand seconds. RF-yes, CG-yes, TS-yes, JM-yes, AF-yes, LD-yes.

The motion passes.

Chairman Doe returns.

Commissioner Grobe motions to reappoint Chairman Doe as Chair. Commissioner Sharp seconds. RF-yes, CG-yes, TS-yes, JM-yes, AF-yes, LD-yes.

The motion passes.

5. ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION (ANRADs)

- A. 121 Medeiros Way and 0 Timberswamp Road – DEP File #333-823
Proposal: Review and confirmation of delineation

Ryan Nelson from RLA is present as the representative.

Mr. Nelson explains the applicant/owner is requesting the determination of wetland boundaries and part of the perennial stream that runs through the properties. There was a site visit in October to review the surveyed location. Mean annual high water delineation has not changed, but the bordering vegetated wetland flags have. Beavers were removed during legal season.

Coordinator Meassick explains she received an email that the dams were breached which they would have needed a permit from the Commission and they didn't. She recommends a site visit to review the damages and taking item 6D out of order.

Commissioner Fagnand motions to continue to February 14, 2023 to allow a site visit. Vice chairman Murphy Seconds. RF=yes, CG=yes, TS=yes, JM=yes, AF=yes, LD=yes, DD=yes.

The motion passes.

Commissioner Sharp motions to take item 6D out of order. Vice chairman Murphy Seconds. RF=yes, CG=yes, TS=yes, JM=yes, AF=yes, LD=yes, DD=yes.

The motion passes.

6. ENFORCEMENT ORDERS

- D. 121 Medeiros Way and 0 Timberswamp Rd – Sovereign Builders

Violation: Breach of dam without permit

Coordinator Meassick explains the timeline of events. The delineations were done in July, a site visit in October, requested extension from October through January, the drought season ended in December, and beavers were removed during trapping season and the dam was breached in January. She explains that she received an email that the water levels where to "normal condition" and beavers were removed during legal season. She recommends issuing an Enforcement order to cease and desists, require attendance at the next meeting to Sovereign Builders and Urban Wildlife to get an idea of what happened.

Commissioner Sharp motions to issue Enforcement Order with the before mentioned requirements. Commissioner Grobe seconds. RF=yes, CG=yes, TS=yes, JM=yes, AF=yes, LD=yes, DD=yes.

The motion passes.

Commissioner Fagnand motions to return to regular order. Commissioner DiCarlo seconds. RF-yes, CG-yes, TS-yes, JM-yes, AF-yes, LD-yes, DD-yes.

The motion passes.

6. ENFORCEMENT ORDERS

A. 44 Delancey Street

Violation: Parking of tractor-trailers in flood zone and debris in riverfront area

Ryan Nelson from RLA is present as the representative.

Mr. Nelson explains he worked with the property owners to come up with a restoration plan for both areas under the Enforcement Order as requested. The area within riverfront area will be cleaned of all debris, smooth and seeded with wetland seed mix. Proposing red maple trees and dogwood plantings as a shrub layer. Same for the other dirt area near the gas line.

Chairman Doe asks how close can they get to the gas line.

Mr. Nelson is unsure he will have to coordinate with gas and electric.

Commissioner Sharp ask if the tractor trailers are outside the 100ft buffer. He was under the impression the owners were going to move the trailers 200ft outside of riverfront area.

Coordinator Meassick explains that they don't have to improve already degraded area and the Commission cannot require them to do so. They have presented an evacuation plan, and the tractor trailers are constantly moving in and out of the parking lot.

Commissioner Fagnand explains that they have complied with what was asked of them under the Enforcement Order.

Commissioner Grobe motions to approve the restoration and evacuation plan. Vice Chairman Murphy seconds. CG-yes, RF- yes, TS-yes, JM-yes, AF-yes, LD-yes, DD-yes.

The motion passes.

B. 65 Butternut Road

Violation: Dumping of fill, depositing soil, excavation, and disturbance of vegetation

Owner Andrey Kmasun is present.

Mr. Kmasun explains that he was filling to make the land even for his children to play on. He was unaware of the rules or restriction for the wetland. When he heard from the Conservation department he stopped work and would like to ask what he needs to do to be able to continue.

Coordinator Meassick explains she was receiving numerous complaints and went to the neighborhood where she saw where the fill was being brought in and then issued the Enforcement Order. She recommends a delineation plan because when she was out she noticed wetland vegetation.

Commission discuss the location and if it might be near the Little River and if they should wait until spring for a delineation. They would like to look at the site to be able determine if there is a violation of an unmarked wetland.

Abutter, Ron Gagnon 33 Butternut Rd explains that there were trucks coming in and out the road, he is an abutter and were dumping every hour to two hours. He explains the trucks coming in and out have caused some damage to the road. Gives permission to the Commission to walk his property when they do the site visit.

Abutter, Pete Weston 44 Butternut Rd explains his concern about the use of the property, very hard of hearing so wasn't sure what was said by the home owner.

Commissioner Sharp ask about how many trucks were heard going down the street.

The Neighbors guess about 15 truck total from December to January.

Vice Chairman Murphy motions to continue to February 14, 2023 to allow a site visit and allow recommendations for company to do the delineation. Commissioner seconds. CG-yes, RF-yes, TS-yes, JM-yes, AF-yes, LD-yes, DD-yes.

The motion passes.

C. 55 Egleston Road
Violation: Clearing of trees within river front area

Owner Stephen Paiva is present.

Coordinator Meassick explains she received numerous complaints of tree cutting and clearing along Arm Brook. She drove by and saw the clearing. Mr. Paiva contacted our office saying they had one tree fall on his shed so the tree removal company recommended taking other trees down that could be hazardous.

Mr. Paiva explains a tree almost took his life by falling while he was working on his truck. He had a tree company come out and look at the damage and they suggested he cut more trees around his house to prevent further damage to his property.

Chairman Doe explains the Commission's jurisdiction to Mr. Paiva.

Commissioner Sharp motions to continue to February 14, 2023 to allow a site visit. Vice Chairman Murphy Seconds. RF-yes, CG-yes, TS-yes, JM-yes, AF-yes, LD-yes, DD-yes.

The motion passes.

7. COMMISSION DISCUSSION

- A. Request for Extension: 95 New Broadway – Barry Fedora - DEP File #333-762
Permit: reestablishment of dwelling

Chairman Doe explains the request is to be extended for 3 years, ask if any objections, see none.

Vice Chairman Murphy motions to extend Order of Conditions for 3 years.
Commissioner Florek seconds. RF-yes, CG-yes, TS-yes, JM-yes, AF-yes, LD-yes, DD-yes.

The motion passes.

- B. Regulations & Procedures Q&A

- a. Tree Policy

The Commission discuss the current tree policy draft that was approved by the legal department and decide to keep it on the agenda until the February 14, 2023 meeting.

- b. Technology for Commission and Department

Ordered Department iPad with cellular for the field using NOI revolving funds, iPads for the whole Commission does not appear to be an ideal purchase.

- C. Review and approval of January 10, 2023 Minutes

Commissioner Fagnand makes a motion to approve the January 10, 2023 minutes.
Commissioner Florek Seconds. RF-yes, CG-yes, TS-yes, JM-yes, AF-yes, LD-abstain, DD-yes.

The motion passes.

- D. Review of any additional administrative items

- a. Budget time ☺ is there anything the Commission needs?

Vice Chairman Murphy ask for some updated safety vest and PPE.

- b. The Commission congratulates Commissioner Fagnand on his term as a Conservation Commissioner.

Commissioner Sharp motions to relieve Commissioner Fagnand of his service with the Conservation Commission. Vice Chairman Murphy seconds. RF-yes, CG-yes, TS-yes, JM-yes, LD-yes, DD-yes.

The motion passes.

9. MOTION TO ADJOURN

Vice Chairman Murphy motions to adjourn the meeting at 8:27pm. Commissioner Florek seconds. RF-yes, CG-yes, TS-yes, JM-yes, AF-yes, LD-yes, DD-yes.

The motion passes.

A true record, Attest:

Conservation Clerk Christina Ramos

Approved