



# City of Westfield, Massachusetts

Municipal Conservation Commission

February 8, 2022

## REMOTE MEETING MINUTES



Conservation Commission members in attendance: Chairman David Doe (DD), Vice Chairman Jim Murphy (JM), Thomas Sharp (TS), Carl Grobe (CG), Cliff Laraway (CL) and Robert Florek (RF). Also in attendance: Colleen Fegan-Nunez, Clerk.

Chairman Doe reads: *Pursuant to Chapter 20 of the Acts of 2021, certain Covid-19 measures as they relate to M.G.L. c. 30A, §20, the Open Meeting Law, were extended that had been adopted during the State of Emergency. 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 Channel 12 or online at [westfieldtv.org](http://westfieldtv.org) or online at [Youtube.com](https://www.youtube.com) - Westfield Community Programming Channel. 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 6:30 PM and takes attendance. Commissioner Fagnand is absent.

### 2. OPEN PARTICIPATION

Chairman Doe asks if there are any audience members that would like to address anything not on the agenda. No one unmutes.

### 3. PUBLIC HEARINGS

#### A. 45 Stuart Place (147-38)-DEP File #333-812-City of Westfield Department of Public Works

Replacement of the existing pump station infrastructure and milling and overlay of existing paved driveway.

Ms. Megan Woytik of Tighe and Bond is present representing the DPW.

Commissioner Grobe went on a site visit. He asks where snow will be stored and what type of ice-melt will be used. Ms. Woytik states that snow will be stored the same as it

has been in the past and only sand will be used. Chairman Doe verifies that the building will be in the same footprint.

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

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

- B. 70 Turnpike Industrial Road (49R-8, 49R-3, 55R-6)-Local Ordinance Only (LOO)-James Hardie Building Products, Inc/Carlos Ortiz  
Building addition, expansion of the paved parking area and truck access/loading areas within the Buffer Zone to an upgradient intermittent stream.  
Mr. John Tomaszewski of R. Levesque Associates Inc. and Mr. Carlos Ortiz are present representing James Hardie Building Products, Inc.

Chairman Doe reads the legal language. Mr. Tomaszewski explains the project which consists of building an addition and expansion of the paved parking area and truck access/loading areas within the Buffer Zone to an upgradient intermittent stream. Chairman Doe questions where the access road appears to encroach on the 50-foot Buffer Zone. Mr. Tomaszewski states that the road follows the existing access road. Commissioner Grobe asks how much impervious surface will be added with the addition of the spur line for the railroad. Mr. Tomaszewski states that this will only be a little bit added into the 100-foot Buffer Zone. He will have the exact number at the next meeting. The Commission requests a site walk. Commissioner Grobe asks for the amount of fill being brought in to the site. Chairman Doe asks if there are any questions from the audience. No one unmutes.

Commissioner Grobe motions to continue the Public Hearing until February 22, 2022 at 6:30 PM and is seconded by Commissioner Florek. JM-Yes, TS-Yes, CG-Yes, RF-Yes, CL-Yes, DD-Yes  
The motion passes.

#### 4. PUBLIC MEETINGS

- A. 84 Otter Point Road (280-2)-Vincent Cross  
Installation of a temporary mobile home with no ground disturbance.  
Mr. Vincent Cross is present.

Chairman Doe reads the legal language. Commissioner Grobe states that he went on a site visit. He states that the area is already disturbed and that it will be 75-feet away from the water. He states that there will be no ground disturbance. Chairman Doe asks if there are any questions from the audience. No one unmutes.

Commissioner Grobe motions to close the Public Meeting and is seconded by Commissioner Laraway. JM-Yes, TS-Yes, CG-Yes, RF-Yes, CL-Yes, DD-Yes  
The motion passes.

Vice Chairman Murphy motions:

1. Negative 3 with conditions:
  - a. There shall be no ground disturbance.
  - b. There will be no removal of trees.
  - c. Conservation office shall be notified when installation is complete.
  - d. Conservation office shall be notified when mobile home is removed.

and is seconded by Commissioner Florek. JM-Yes, CG-Yes, RF-Yes, TS-Yes, CL-Yes, DD-Yes  
The motion passes.

## 5. ENFORCEMENT

- A. 224-226 Russellville Road (62R-27-1)-William and Kristine Sheldon/Done Right Homes, LLC-DEP File #333-769  
Potential Violation  
Mr. William Sheldon is present.

Clerk Nunez states that this should have been removed from the agenda. She states that the DPW has begun work using the Emergency Certification that the Commission issued at the last meeting. Chairman Doe explains the photos.

- B. 300 Union Street (35R-22)-Custom Railing Metal Fabricators  
Violation.

Clerk Nunez states that Mr. Cote contacted her and stated that the consultant was a no show. She states that she will contact the consultant to see what is going on.

- C. 277 Russellville Road (62R-12)-Justin and Candice Curran  
Potential Violation.

Commissioner Sharp visited the site. He states that he was able to speak to the home owner and walk the property. The property owner is cleaning up an area near the resource area that has garbage and junk piled in the Buffer Zone.

Commissioner Sharp motions to rescind the Cease and Desist Order and send a letter inform the land owner that any work within 200-feet of the stream he should notify the Commission and is seconded by Commissioner Grobe. JM-Yes, TS-Yes, CG-Yes, RF-Yes, CL-Yes, DD-Yes  
The motion passes.

## 6. DISCUSSION

- A. 224-226 Russellville Road (62R-27-1) -DEP File #333-769-William and Kristine Sheldon/Done Right Homes, LLC  
Request for Certificate of Compliance.

Clerk Nunez spoke to the City Solicitor and it was determined that the COC should be issued so that the applicant can get their bond money back.

Vice Chairman Murphy motions to approve the Certificate of Compliance and is seconded by Commissioner Grobe. TS-Yes, JM-Yes, CG-Yes, RF-Yes, CL-Yes, DD-Yes  
The motion passes.

- B. 396 Prospect Street Ext.(39R-20)-DEP File #333-706-Eugene Kurtz  
Request for Certificate of Compliance.

Clerk Nunez states that there are as built plans for the septic system but the garage was never built.

Commissioner Sharp motions to approve the Certificate of Compliance and is seconded by Commissioner Florek. JM-Yes, CG-Yes, RF-Yes, CL-Yes, TS-Yes, DD-Yes  
The motion passes.

- C. 301-303 East Main Street and 0 Little River Road (28R-25 & 116-23)-DEP File #333-801-Absak, LLC/Abdow Corporation  
Request for Certificate of Compliance.

Clerk Nunez states that as built are on file.

Commissioner Sharp motions to approve the Certificate of Compliance and is seconded by Commissioner Grobe. JM-Yes, TS-Yes, CG-Yes, RF-Yes, CL-Yes, DD-Yes  
The motion passes.

- D. West Road-City of Westfield Department of Public Works (DPW)  
Emergency Certificate for water on the road.

Chairman Doe states that Casey from DPW met with Rob Levesque Associates (RLA) on site yesterday in effort to come up with a remedy to the drainage issue. RLA has given us a proposal for a survey of existing conditions, wetlands delineation, site layout and grading plan, and filing of a notice of intent. Once the City has signed right of entry for the property, we'll give them the okay to proceed with the work. Casey is not sure how far out RLA is booked, but this will likely take several weeks.

7. OTHER ITEMS

A. Minutes of January 25, 2022.

Commissioner Grobe motions to approve the minutes of January 25, 2022 and is seconded by Commissioner Florek. JM-Yes, TS-Yes, CG-Yes, RF-Yes, CL-Yes, DD-Yes  
The motion passes.

8. COMMISSION DISCUSSION

A. Regulations and Procedures Q & A-There are none at this time.

B. Corner of Route 10 and Route 202 site walk.

Clerk Nunez states that there is a large project in the works for this site. She has contacted Mass DEP about it. They suggested that although there is no resource area mapped, that the Commission walk the site. She asks who would be interested.

C. Wetland Ordinance Update

Chairman Doe states that the Ordinance has passed its first reading at the City Council meeting of February 1<sup>st</sup>. He states that it needs one more reading by City Council and then the Mayor needs to sign it.

D. Coordinator Position

Chairman Doe states that he is meeting with the head of Personnel about the position.

E. Screening Committee

The Commission discusses 240 Russellville Road. Clerk Nunez states that she will see if that property has any permits from the Commission.

9. MOTION TO ADJOURN

Commissioner Sharp motions to adjourn at 7:40 PM and is seconded by Commissioner Florek. CG-Yes, JM-Yes, TS-Yes, RF-Yes, AF-Yes, CL-Yes  
The motion passes.

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