



# City of Westfield, Massachusetts

Municipal Conservation Commission

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March 23, 2021

## REMOTE MEETING MINUTES

Conservation Commission members in attendance: Chairman David Doe (DD), Vice Chairman James Murphy (JM), Thomas Sharp (TS), Carl Grobe (CG), Cliff Laraway (CL) and Robert Florek (RF). Also in attendance: Meredith Borenstein, Conservation Coordinator.

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 6:30 pm. He takes attendance. Commissioner Fagnand is not in attendance.

### 2. OPEN PARTICIPATION

#### A. Presentation on Water Chestnut Removal in the Brickyard Ponds-Cynthia and Jeff Boettner.

Commissioner Sharp explains the project of controlling the aquatic weed, Water Chestnut. Ms. Boettner states that this is a project for the entire Connecticut River Watershed. She explains how the Water Chestnut reproduces. Ms. Boettner also explains the different techniques of removal, what worked and what did not. She states that Brickyard Ponds is a success story. Ms. Connie Adams express concerns as to trespassers on the property. She also states that she and the neighbors would like to be involved with the planning of any projects on the ponds.

#### B. Emergency Certification (EC) to DPW-Road Failure on Medeiros Way where it crosses Brickyard Brook.

Coordinator Borenstein states that she issued an Emergency Certification to the DPW. She states that the headwall needs to be repaired and reinforced. She states that she asked

the DPW to keep the large Ash tree but is unsure if they will be able to accommodate that.

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

### 3. PUBLIC HEARINGS

- A. 459 Russell Road (34R-4)-Tekoa Country Club-DEP File #333-800  
Bank restoration along the Westfield River.

Applicant requests a continuance to April 13, 2021 at 7:30 PM.

Commissioner Sharp motions to continue until April 13, 2021 at 7:30 PM and is seconded by Commissioner Laraway. RF-Yes, CG-Yes, TS-Yes, JM-Yes, CL-Yes, DD-Yes  
The motion passes.

### 4. PUBLIC MEETINGS

- A. 215 Belanger Road (269-8)-James Mooney  
Installation of a new septic system and demo of existing cesspool within the 100-foot Buffer Zone to Pequot Pond  
Mr. Barry Searle is present representing Mr. Mooney.

Chairman Doe reads the legal language. Coordinator Borenstein states that Chairman Doe and she, did a site visit. Mr. Searle states that this project is a septic improvement project. The current septic system is 25-30 feet away from the waters edge. The proposed system is Title 5 compliant. He states that the spacing on this lot is extremely tight. Mr. Searle explains the plans. Mr. Searle states that there will be no elevation changes to the proposed area. Coordinator Borenstein states that with the decommissioning of the cesspool this will be an improvement to the water quality of the pond. 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 Vice Chairman Murphy. RF-Yes, CG-Yes, TS-Yes, JM-Yes, CL-Yes, DD-Yes  
The motion passes.

Commissioner Sharp motions:

- a. Negative 3 with conditions.
  1. Coordinator shall approve installed erosion controls prior to the commencement of work.
  2. The erosion controls shall be maintained in good condition until the Coordinator approves their removal.

3. Any disturbed soils shall be loamed, seeded and revegetated prior to the removal of the erosion controls.  
and is seconded by Commissioner Laraway. RF-Yes, CG-Yes, TS-Yes, JM-Yes, CL-Yes, DD-Yes  
The motion passes.

## 5. ENFORCEMENT

- A. 1223 East Mountain Road (59R-2 and 59R-3)-Mark and Chris Dupuis, LLC  
Stream crossing plan.

Coordinator Borenstein states that the plan is still in the works, there are no updates right now. Commissioner Grobe asks if the Commission is sure that no work is being done while we are waiting for the plans. Coordinator Borenstein states that she is sure that the Dupuis understand that no work can be done until plans have been approved. She states that it is a good time to do a site visit and to check on the restoration.

## 6. DISCUSSION

- A. 394 Northwest Road (23R-5)-William Barry  
Mowing in the 200-foot Riverfront Area to Cook Brook.

Coordinator Borenstein states that the entire property is in Riverfront Area and the land owner has mowed from the house all the way to the bank. She states that the area will need to be restored and a plan provided to the Commission.

Commissioner Grobe motions to issue an Enforcement Order with a Cease and Desist Order for any alteration of the soil or vegetation on the property and a professional consultant must be hired for our meeting of April 27<sup>th</sup> and is seconded by Commissioner Florek. RF-Yes, CG-Yes, TS-Yes, JM-Yes, CL-Yes  
The motion passes.

- B. Western Avenue-DPW  
Emergency Certification for the replacement of a guardrail and stabilization of a headwall over Atwater Brook.

Coordinator Borenstein states that the work had been completed before the Commission was notified. She states that erosion controls had been installed and some stone had been placed to stop erosion. The bank was not touched and no wetlands were altered.

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

7. OTHER ITEMS

A. Discuss Updating Wetland Ordinance.

Coordinator Borenstein states that the Ordinance should be updated. She would like to add the 50-foot no disturb zone in the Ordinance. She is concerned that applicants don't feel pressured to comply because it is not in writing. She would also like to add something to prevent flooding on abutters' property and make the fining language stronger. Vice Chairman Murphy would like to add something about erosion controls. Coordinator Borenstein will send the Commission the Ordinance for them to read through. The City Solicitor is happy to help with this project. Coordinator Borenstein will also get examples of other Cities Ordinances.

B. Mowing at Wyben Woods and the Pitoniak Property.

Coordinator Borenstein states that she is trying to figure out how to deal with the invasive plant, Bittersweet, in the Pitoniak fields but she is working with DPW for mowing a couple of times a year. Commissioner Sharp has volunteered to flag wetlands at the Wyben Woods Conservation area, so that mowing will not occur in the wetlands.

C. Earth Day Clean-up 2021

Coordinator Borenstein states that she is concerned about having a large Earth Day gathering. She states that the road sides are very litter covered. She suggests that perhaps having small groups of people, in their own pods, do the clean up on April 24<sup>th</sup> and May 1st. Coordinator Borenstein states that she will give trash bags, gloves and bottled water out beforehand and coordinate with DPW to pick up the bags.

8. COMMISSION DISCUSSION

A. Regulations and Procedures Q & A

Commissioner Laraway suggests that, to help the homeowner, the Commission allow a banked storage fund. Vice Chairman Murphy states that this has been discussed in the past. He states that the issue is how will it be managed and by whom.

9. MOTION TO ADJOURN

Commissioner Fagnand motions to adjourn at 8:39 PM and is seconded by Commissioner Grobe. RF-Yes, CG-Yes, TS-Yes, JM-Yes, CL-Yes, DD-Yes  
The motion passes.

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

APPROVED