CALL TO ORDER: 6:00PM
1. Recording of the meeting: None
2. Roll Call Attendance: X Mary Ann Babinski, Chair; X Cindy Harris; X Leslie LeFebvre
3. Public Participation: None; Motion to close approved 3-0
4. Approval of meeting minutes - N/A

AGENDA ITEMS

1. (6/16/08) That a planting program be developed for the planting of street trees 5/16/13 Working with Engineer, KEEP IN COMM

   Summary & Action Taken:
   • Councilor Babinski shared that she had spoken to City Engineer, Mark Cressotti who stated this item had been completed.
   • Motion made by Councilor Harris to REMOVE FROM COMMITTEE. Seconded by Councilor Lefebvre. Approved 3-0

2. (6/19/2008) Review of the Tree Ordinance #1340 5/16/13 KEEP IN COMMITTEE - working on it

   Summary & Action Taken:
   • Councilor Babinski shared that amendments were made to the Tree Ordinance, Chapter 16, Article IV sections 16-152 and 16-153 and passed in May 5/19/16 It included amendments to Chapter1, Section 1-9.1
   • Motion made by Councilor Harris to REMOVE FROM COMMITTEE. Seconded by Councilor Lefebvre. Approved 3-0

3. (8/30/12) Councilor Sullivan, for the Natural Resources Committee, reported that the Committee has met with Cynthia Hartdegen, City Engineer Mark Cressotti and Public Works Superintendent Jim Mulvenna on the downtown tree plantings. He informed the Council that a meeting will be scheduled with the contractor of the downtown plantings to address the issues of the plantings of the downtown trees.

   Summary & Action Taken:
   • Councilor Babinski shared that this motion is related to item #1 from 6/16/08 and can be removed from committee. (where Mark Cressotti stated this item had been completed).
   • Motion made by Councilor Harris to REMOVE FROM COMMITTEE. Seconded by Councilor Lefebvre. Approved 3-0

4. (10/3/13) Upon motion of Councilors Sweeney and Callahan, it was VOTED: That condition of trees and bushes on The Green, also known as Park Square be evaluated and that any unhealthy and dead trees and bushes be replaced and further that the motion be amended to add Carl Vincent’s comments under Public Participation and that the
matter be REFERRED TO NATURAL RESOURCES COMMITTEE. Councilor Sullivan and Harragh requested to be added as sponsors of the motion.

Summary & Action Taken:
- Councilor Babinski shared that this motion is related to item #5 from 9/18/14 and can be removed from committee.
- Motion made by Councilor Harris to REMOVE FROM COMMITTEE. Seconded by Councilor Lefebvre. Approved 3-0

5. (9/18/14) Upon motion of Councilor O’Connell, for the Natural Resources Committee, it was VOTED: That the City Engineer Mark Cressotti, Water Superintendent Dave Billips and Casey Berube from Public Works give a report relative to the condition of trees and bushes on The Green, also known as Park Square.

Summary & Action Taken:
- Councilor Babinski shared that on 11/6/14 Councilor O’Connell, for the Natural Resources Committee, reported that Mark Cressotti submitted a report relative to the trees on the Green which will be placed on file and that the Committee is also looking into the issue of dead tress and weeds and will be looking to the Westfield Vocational Technical High School students to help out with this project. Also, Mark Cressotti, offered on March 27, 2019, that the Public Works Dept took care of it.
- Motion made by Councilor Harris to REMOVE FROM COMMITTEE. Seconded by Councilor Lefebvre. Approved 3-0

6. (3/16/17) To review the environmental and health related impacts of “crumb-rubber” use in the Water Resource Protection District and indoor facilities and REFERRED TO NATURAL RESOURCES COMMITTEE and PUBLIC HEALTH DEPARTMENT. 5/4/17 Upon motion of Councilor Babinski for the Natural Resources Committee, it was VOTED: That the Health Director and Board of Health be requested to give an update regarding the crumb rubber material currently being used over the Water Resource Protection District (Item to also remain in NRC).

Summary & Action Taken:
- Councilor Babinski shared that a moratorium was voted on the use in public parks & playgrounds
- Motion made by Councilor Harris to REMOVE FROM COMMITTEE. Seconded by Councilor Lefebvre. Approved 3-0

7. (5/4/17) Councilor Babinski, for the Natural Resources Committee, offered a motion which was duly seconded that a moratorium be considered on the use of crumb rubber material including (but not limited to) recycled products such as mulch and decorative pavers, tiles and chemically created products and that the matter be referred to Legislative and Ordinance Committee.
Upon motion of Councilor Babinski, it was VOTED: That the above motion be WITHDRAWN.

Summary & Action Taken:
- Councilor Babinski shared.
- Motion made by Councilor Harris to REMOVE FROM COMMITTEE. Seconded by Councilor Lefebvre. Approved 3-0
8. (5/18/17) Upon motion of Councilor O’Connell, it was 
VOTED: That the report, as requested, from Health Director Joe Rouse relative to crumb rub-
ber be REFERRED TO NATURAL RESOURCES. Councilor O’Connell read the following ex-
cerpt from the report “A comprehensive list of precaution will be drafted by the Westfield 
Health Department and reviewed at the next regularly scheduled meeting of the Board of 
Health.”

Summary & Action Taken:
- Councilor Babinski shared that.
- Motion made by Councilor Harris to REMOVE FROM COMMITTEE. Seconded by 
  Councilor Lefebvre. Approved 3-0

9. Continuation of the discussion from March 26, 2018 regarding: 10/6/16 - Upon motion of 
Councilors Babinski, Onyski and O’Connell, it was VOTED: That the Article III, Section3-170 -
The Water Resources Protection District. Specific attention to but not limited to Section 
3-170.3, 3-170.5 and Section 3-170.6 be reviewed and that this matter be REFERRED TO NAT-
URAL RESOURCES

Summary & Action Taken:
- Review proposed changes and additions to the delineation of the Water Resource Pro-
tection District.
  - Councilor Babinski shared information with the new members of the committee re-
lated to the delineation of the water protection resource district. The Local Regulato-
ry Review of the proposed WRPD zoning draft & delineation from the MassDEP 
was referenced. I particular this comments related to delineation options. It states,” 
Due to the various protection areas described in the WRPD, you may want to con-
sider creating multiple protection districts (i.e. WRPD 1, WRPD 2 etc.) with varying 
levels of protection. Only the Zone II area must be protected by controls meeting 310 
CMR 22.21(2). Areas outside the Zone II but within the WRPD could be less restric-
tive. This will enable you to protect the Zone II area with the most stringent controls, 
and still protect the aquifer for future water supply needs.”
  - The committee reviewed the map created by the City Engineering Department, iden-
tifying the area of high and medium yield aquifers that are currently outside of the 
Zone II’s. (see attached document)
  - Discussion followed on possible options for defining the WRPD. Include all of the 
area in the map, none of it or portions of it. Councilors Harris and LeFevbre com-
mented that they would need to review the particular areas in the city that would be 
involved. A discussion would also need to take place regarding what kind of restric-
tions would be placed on this area.
- Review ordinance language for Penalties and Enforcement
- Next Steps
  - Motion made by Councilor Harris for item to REMAIN IN COMMITTEE. Seconded by 
  Councilor Lefebvre. Approved 3-0

Next Meeting Date: TBD

Motion to Adjourn: 7:34pm approved 3-0
Current Zone II Protection

Added Path

Delination if we include Westfield’s High and Medium Yield aquifers
MassDEP Drinking Water Program  
Local Regulatory Review  
Land Uses & Activities Prohibited in Zone II  
MA Wellhead Protection Regulations 310 CMR 22.21(2)

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PROHIBITED ACTIVITIES

- ✔ landfills, open dumps, 310 CMR 22.21(2)(a)(1); 3-170.5(2)
- ✔ sludge and septage monofills, 310 CMR 22.21(2)(a)(2); 3-170.5(2)
- ✔ automobile graveyards and junkyards, 310 CMR 22.21(2)(a)(3); 3-170.5(2)
- ✔ stockpiling/disposal snow/ice brought in from outside the Zone II 310 CMR 22.21(2)(a)(4); 3-170.5(12)
- ✔ petroleum, fuel oil, heating oil bulk stations and terminals 310 CMR 22.21(2)(a)(5); 3-170.5(6)
- P non-sanitary wastewater discharges 310 CMR 22.21(2)(a)(6); 3-170.5(13), 3-170.5(14) [See Comment #1]
- P hazardous waste facilities 310 CMR 22.21(2)(a)(7); 3-170.5(1) [See Comment #2]
- - Floor drain discharges in commercial industrial facilities 310 CMR 22.21(2)(a)(8); N/A to the WRPD

RESTRICTED ACTIVITIES

[must meet the criteria in 310 CMR 22.21(2)(b)]

- ✔ QUES sludge and septage storage unless stored pursuant to 310 CMR 22.21(2)(b)(1); 3-170.5(2)
- ✔ QUES cooling chemical storage unless stored pursuant to 310 CMR 22.21(2)(b)(2); 3-170.5(9)
- ✔ commercial fertilizer storage unless stored pursuant to 310 CMR 22.21(b)(3); 3-170.5(9)
- ✔ animal manures storage unless stored pursuant 310 CMR 22.21(2)(b)(4); 3-170.5(9)
- ✔ Storage of liquid hazardous material and; 3-170.11(9) [See Comment #3]
- P liquid petroleum products unless stored pursuant 310 CMR 22.21(2)(b)(5); 3-170.11(9) [see Comment #4]
- ✔ earth removal, 310 CMR 22.21(2)(b)(6); 3-170(7)(7) [see Comment #5]
- ✔ land uses resulting in impervious surfaces covering more than 15% or 2,500 square feet, whichever is greater, unless artificial recharge is provided 310 CMR 22.21(2)(b)(7); 3-170.7(4), 3-170.11(1),(2),(3)

PROTECTION MAP

- The protection map covers the approved Zone II [see Comment #6]
#1. Non Sanitary Wastewater Discharges

- 3-170.5(13) provides an exception for agricultural uses. Please note that 310 CMR 22.21(2)(a)(6) does not exempt agricultural uses. The Ordinance adequately addresses ‘non-sanitary wastewater discharges’ in 3-170.5(14); therefore 3-170.5(13) could be deleted. To keep 3-170.5(13), the exception for agricultural uses must be deleted.

- Business or industrial uses (but not agricultural) which dispose of process wastewaters onsite.

#2. Hazardous Waste Generators

- 3-170.5(1) provides an exception for agricultural uses. Please note that 310 CMR 22.21(2)(a)(7) does not exempt agricultural uses. 3-170.5(1) also allows Small Quantity Generators (SQGs). Please note that only Very Small Quantity Generators (VSQGs) are allowed in a Zone II.

- Business and industrial uses (but not agricultural) which generate, treat, store, or dispose of hazardous wastes that are subject to MGL c.21C and 310 CMR 30.00, including but not limited to metal plating, chemical manufacturing, wood preserving, furniture stripping, hazardous materials processing or transfer, asphalt plants, plastics manufacturing, laboratory operations, machine shops, metal working, electronic component or semi-conductor manufacturing, dry cleaning, and auto body repair, except for the following (unless specifically prohibited):
  a. Small or VERY small quantity generators of hazardous waste, as defined herein, provided a Special Permit in accordance with this ordinance has been issued.

- 3-170.7(1)(a)(vi) allows for an increase in the generation of hazardous wastes above existing quantities. Only VSQGs are allowed in a Zone II. This Special Permit activity should be deleted.

#3. Hazardous Materials

- 3-170.11(9) specifies the storage criteria for ‘hazardous materials’. The term ‘hazardous material’ includes both liquid and dry hazardous material. The DEP requirement, 310 CMR 22.21(2)(b)(5), only regulates the storage of ‘liquid hazardous materials’. 3-170.11(2) is stricter than the DEP requirement. You can choose to keep the stricter control, or amend it to the less restrictive requirement.

#4. Fuel Storage

- 3-170.5(5) prohibits fuel dispensing and storage facilities within the WRPD. An exception is provided for the Airport District. Please note that the Airport District is located in a Zone II, therefore (new) fuel storage is subject to the storage criteria cited in 310 CMR 22.21(2)(b)(5). The Ordinance adequately addresses liquid petroleum storage in 3-170.11(9).

- Petroleum product dispensing, including commercial gasoline sales and commercial petroleum product storage facilities, but excluding aviation fuels and commercial liquid petroleum products within the Airport District that meet the storage criteria in 3-170.11(9).

#5. Earth Removal

- 3-170(7)(7) limits earth removal activities to within 5’ of the groundwater. Under the DEP requirement, 310 CMR 22.21(2)(b)(6), earth removal depth is limited to within 4’ of the groundwater. 3-170(7)(7) is stricter than the DEP requirement. You can choose to keep the stricter control, or amend it to the less restrictive requirement.
The proposed changes to the WRPD boundary are to include aquifer areas that lie outside the DEP approved Zone 1s. DEP encourages communities to protect such areas whenever feasible, and many communities in Massachusetts have chosen this approach to local protection. However, in reviewing the proposed WRPD map and WRPD ordinance, I have the following comments.

- 3-170.2 must clearly identify the WRPD map. 3-170.2(a), (b) (c) (d) and (e) sufficiently identifies the areas protected by the WRPD, but not the WRPD itself. At the end of paragraph (c), it states ‘and duly adopted and shown on the city’s GIS map and zoning map’, however it is not clear whether that statement is referring to the Wellhead Protection Areas described in paragraph (e) or the WRPD. Assuming that the WRPD is shown on the City’s zoning map, below is a suggestion for clarifying the location of the WRPD:

  ➢ The Water Resource Protection District is hereby established as overlaying and superimposed upon other existing zoning districts as shown on the City of Westfield Zoning Map, (date). Such district shall be inclusive of those areas identified as……

- Be sure that the boundaries of the WRPD cover ALL of the areas identified as protected by the WRPD in 3-170.2(a), (b) (c) (d) and (e).

- Sections 3-170.1, 3-170.2 and 3-170.4 reference Zones A, B and C, Zones I and III, and IWPAs.

  ➢ Zones A, B, C - There is one surface water source in Westfield. The ‘Sedimentation Basin’ has a Zone A and B, it does not have a Zone C, see attached map. There are no Zone Cs located in Westfield. You should delete the Zone C references from the Ordinance. If you choose not to protect this source, you should also delete Zone A and B references from the Ordinance.

  ➢ Zone II - The proposed map does not show the area where Wells 05G and 06G are located. Be sure that the Zone II for these wells is included in the WRPD. See attached map.

  ➢ Zone III - This area can be included in your protection efforts, however in order for the WRPD to cover the Zone III, you need to know the location of the Zone III boundaries (you do not need to delineate the Zone III boundaries on the WRPD map, but you need to know that the WRPD covers it). Your water department may have this information. The definition of the Zone III can be found in the Drinking Water Regulations 310 CMR 22.20. If you cannot determine the Zone III boundaries you should delete the Zone III references from the Ordinance.

  ➢ Zone I - MassDEP requires the Zone I to be owned or controlled by the public water supplier, and no uses other than water supply operation uses be allowed. Westfield has grandfathered public wells that do not meet these requirements, therefore additional protection through local controls is strongly encouraged.

3-170.6(13) addresses stricter protection of the Zone I by prohibiting ‘Residential, commercial or industrial uses within any Zone I, or any other activity in said area resulting in a use prohibited by 310 CMR 22.00’. This is not a recommended approach to protecting the Zone I. By citing the entire Drinking Water Regulations (310 CMR 22.00), it leaves it up to the resident or business to figure out what is prohibited. Also, the restricted land uses in 310 CMR 22.21(2)(b) provides exceptions for certain activities, thereby allowing them to occur in the Zone I.

One way to protect the Zone I is to just limit uses in the Zone I to ‘existing uses’. Another way would be to amend the prohibition, ‘Residential, commercial or industrial uses within any Zone I, or any other activity in said area resulting in a use prohibited by 310 CMR 22.21(2)(a) and 310 CMR 22.21(2)(b), The cited exceptions in 22.21(2)(b) are not permitted’. 
IWPAs - Interim Wellhead Protection Areas are provided to public water systems with wells that pump less than 100k gallons per day. The radius of the IWPA is determined by the well’s pumping rate.

The proposed map does not cover all of the IWPAs in Westfield. If you choose to protect the IWPAs, the boundaries of the WRPD must cover all of them. If you choose not to include the IWPAs, you need to delete references to them in the Ordinance. See attached map.

According to our files, the following public water systems in Westfield have IWPA’s:

- 1329004 White Oak School  553 NORTH ROAD
- 1328005 DION LABEL LLC, 539 NORTH RD
- 1328006 KOSINSKI FARM  420 RUSSELLVILLE RD
- 1328007 COMPLETE DISPOSAL COMPANY  415 NORTH RD

Due to the various protection areas described in the WRPD, you may want to consider creating multiple protection districts (i.e. WRPD 1, WRPD 2 etc.) with varying levels of protection. Only the Zone II area must be protected by controls meeting 310 CMR 22.21(2). Areas outside the Zone II but within the WRPD could be less restrictive. This will enable you to protect the Zone II area with the most stringent controls, and still protect the aquifer for future water supply needs.

Also, please note that protection of the Zone II may be achieved through the use of various protection controls, including general ordinances and Board of Health Regulations.

https://www.mass.gov/orgs/massachusetts-department-of-environmental-protection