



# City of Westfield Municipal Conservation Commission

APRIL 11, 2023 AT 6:30PM  
WESTFIELD CONSERVATION COMMISSION  
MEETING MINUTES

RECEIVED

MAY 15 2023

Conservation Commission members in attendance: Chairman David Doe (DD), Vice Chairman James Murphy (JM), Carl Grobe (CG), Robert Florek (RF), Lauren DiCarlo (LD) Also, in attendance: Anna Meassick, Director of Conservation 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 subject to public hearing. Seeing none, he moves onto item 3, Emergency Certification.

## 3. EMERGENCY CERTIFICATION

- A. Westfield Barnes Regional Airport  
Permit: Clearing debris from culvert

Director Meassick explains the Airport needed to clear the culvert for Powdermill Brook, completely backed up and ponding. It was issued on February 15, 2023 and work was done the following the week. The Emergency Certification just needs to be ratified.

A Concerned citizen wanted to ask some questions about the culvert being cleared, he did not introduce himself or sign in for the record. The concerned citizen asks was the culvert blockage created by beavers? Ask if the Director Meassick has been out there and taken pictures. He questions how Director Meassick was sure it wasn't created by beavers; also asks how she would know what normal levels were.

Director Meassick explains that she did go and check it out before it was cleared and it was just debris from the past wind storms that caused ponding because of the blockage. She also explains that she did take pictures and has seen it after it was cleared. Director Meassick explains it has since gone back to normal and she can tell what normal is from aerial images and previously dealing with this same location.

Vice Chairman Murphy motions to approve the Emergency Certification. Commissioner Grobe seconds. CG-yes, LD-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

## 4. PUBLIC MEETINGS (RDAs)

- A. 126 Union Street – Powdermill Village LLC  
Proposal: Removal of overgrown vegetation along fence line

Director Meassick explains that there is no proponent in attendance but the landscaper from GTC landscaping for the project has emailed her with a description of the work to be done. The landscaper explains they want to clear 4ft-5ft from the rear of chain link fence. Using a weed whacker, hedge trimmers and four-foot-wide brush cutters. This will allow to maintain the structure of the fence and keep them up to regulations with HUD. There is a map of the site plan for a previous NOI that is still open so can be used. They should be able to bring machinery in the bordering vegetated wetland.

Chairman Doe explains that if they go back 5ft that would put them directly into the wetlands.

Commissioner Florek asked if this was done before, were there any maintenance plan for this vegetation.

Director Meassick explains that there is no operation management plan. HUD requirement to have fence clear.

The Commission discuss having a representative present to ask questions and a site plan with tags of the area. Trash will have to be removed and no herbicides.

Chairman Doe request that they provide photos from the fence and work that needs to be done and would like to see them provide a maintenance plan.

Chairman Doe asks if there are any questions from the public. Seeing none, he requests a motion to continue.

Commissioner Grobe motions to continue to April 25, 2023 for maintenance plan. Commissioner Florek seconds. CG-yes, LD-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

B. 868 Southampton Road Unit #22

Proposal: Removal of stumps along Arm Brook, within 50ft No Disturb Zone

*Chairman Doe reads Legal Language*

Thomas Flynn is present as representative.

Mr. Flynn explains he wants to take some stumps out that are dangerous to his family, spoke with a company that will grind them down. He explains that he cleans out the stream regularly and makes sure there is no debris.

Commissioner Grobe ask how close is this to the resource area.

Mr. Flynn explains about 20, 25ft.

Chairman Doe ask if he wants to remove them or grind them down.

Chairman Doe asks if there are any questions from the public. Seeing none, he requests a motion to continue.

Mr. Flynn explains the one in the shed he would like to take it out and add dirt.

Commissioner Grobe motions to continue to April 25, 2023 for a site visit. Vice Chairman Murphy seconds. CG-yes, LD-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

C. Hampton Ponds State Park – Mass Fish and Game Office of Fishing and Boating Access  
Proposal: Restoring boat ramp and parking area to grade

*Chairman Doe reads Legal Language*

George Willis from MA Department of Fish & Game present as a representative.

Mr. Willis explains this site is at the Hampton Ponds boat ramp area, and that it needs to be regraded because of the amount of pot holes in the parking area. They would like to fill the edges of the boat ramp and smooth out some of the stone moved around by vehicles going in and out of the water via the ramp. He believes that the boat ramp will need just a hand tool to move around the stone. Parking lot work will be grading the material already existing with a grader machine and compacting it after. The goal being to sheet flow the water to the vegetative area of the parking area. Just under 90% of the work will be within the 100 ft buffer zone and the rest will be within the 50ft buffer zone.

Director Meassick ask if there is potential of replanting on the vegetated island in parking lot or shoreline.

Mr. Willis explains that wasn't in their scope that should be up to DCR.

Commissioner Grobe ask if they plan on bringing in any material for grading or just plan to use what is there. Would they be keeping the same grade or going higher.

Mr. Willis explains that they would like to use what's there but if they had to bring in any material it would be similar to existing material, crushed graded gravel. It would be a possibility to crown the material but the goal is to even distribute the material.

Vice Chairman Murphy ask how are they going to handle the silt amount going into the water.

Director Meassick explains they will need erosion controls while grading, silt fencing and straw bails until the Director tells them to remove.

Mr. Willis explains that they were hoping they didn't need the erosion controls, ask the commission if straw waddles would be acceptable. He explains the Boat ramp is a public way and won't be able to close that with erosion controls.

Chairman Doe ask if there is a site plan for Mr. Willis to add the swaddles to the plan and sign off. Mr. willis marks and sign the plan with updated erosion controls.

Vice Chairman Murphy ask when work will start.

Mr. Willis explains early June.

Chairman Doe asks if there are any questions from the public. Seeing none, he requests a motion to close the Public Meeting.

Commissioner Grobe motions to close the Public Meeting. Commissioner Florek seconds. CG-yes, LD-yes, JM-yes, RF-yes, DD-yes.

The Motion passes.

Commissioner Grobe motions a Negative 3: The work described is within the buffer zone but will not alter an Area subject to protection under the act, subject to the following conditions: 1. Prior to any work, erosion controls consisting of silt fencing and straw waddles/bales shall be installed along the limit of work and approved by the Conservation Director and/or Commission. Post work, revegetate shoreline and vegetated island with native species to provide stabilization, Post work, all erosion controls shall remain in place until approval is granted by the Commissioner and/or Director for removal. Positive 5: the area is subject to the Westfield Wetlands Protection Ordinance, with no Notice of Intent is required. Chairman Doe request additional requirement to regrade area with crown in the middle, additional material if necessary will be similar to that of existing stone, all work is within existing footprint.

Director Meassick recommends to amend the condition for, revegetating the shoreline as that falls under DCR not fish and Game. Commissioner Grobe proposes that amendment to his motion. Vice Chairman Murphy seconds. CG-yes, LD-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

## 5. PUBLIC HEARINGS (NOIs)

- A. 86 Court Street – Baystate Hospital – DEP File #333-828  
Proposal: Demolition of existing home and site improvements within buffer zone.

Rob Levesque from R Levesque Associates Inc. is present as representative.

Chairman Doe explains there was a site visit done April 7, 2023.

Mr. Levesque explains the former single-family home was used by Cancer House of Hope. Cancer House of Hope has moved to West Springfield, and they would like to demolish the house and make it a possible memorial. It would be outside the 100 ft buffer zone, if in fact it does comes into the 100ft buffer zone they would come back for an RDA or NOI. Planning a single barrier silt fence, there is a slope down to the wetland. Area will be regarded back to existing and any work done will be outside of the 100ft buffer. There is a fence within the back yard that exist, Which will be taken down. Work will be done with a med- midsize excavator. Hygienist will need to go through the property before demolishing will take place.

Vice Chairman Murphy explains that there is a large tree off the back, curious of the status of that.

Mr. Levesque explains it will be saved, if the Commission conditions it they will make sure that its protected during demolition.

Director Meassick explains silt fence and straw waddles, given the size of sediment on the site and the intensity of the slope going into the Wetland.

Chairman Doe explains that he saw a lot of debris in the wetland and recommends that be cleaned out.

Chairman Doe asks if there are any questions from the public seeing none, he entertains a motion to close the Public Hearing.

Vice Chairman Murphy motions to close the Public Hearing. Commissioner Grobe seconds. CG-yes, LD-yes, RF-yes, JM-yes, DD-yes.

The motion passes.

The Commission goes through the Special Conditions. Bonding the project at \$5,000.00. Beech tree to stay in place and stabilized during construction and removing the debris from the wetlands.

Commissioner Grobe motions to approve the Order with Special Conditions. Commissioner Florek seconds. CG-yes, LD-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

- B. City of Westfield Department of Public Works  
Proposal: Bundle NOI for routine maintenance of city properties

Director Meassick explains that there was no proponent available to be present.

Vice Chairman Murphy asks what triggers the projects and what would need to be a separate filing.

Director Meassick explains what would require separate filing is any activity not proposed under the current NOI. She reads the activities listed as requiring a separate filing.

Vice Chairman Murphy ask about the term of the Order, 3 or 5 years.

Director Meassick explains that its up to the Commission. DPW will need to record each project and let Director Meassick know what and where.

The Commission discuss the term of the conditions.

Commissioner Grobe explains they have the ability to say no this isn't working and can change it, if the Commission sees a need to.

Chairman Doe asks if there is any questions from the public seeing none, he requests a motion to close the Public Hearing.

Vice Chairman Murphy motions to close the Public Hearing. Commissioner Grobe seconds. CG-yes, LD-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

The Commission agrees to warrant the Conditions for 5 years and goes through the Special Conditions. Bonding only if its someone outside the purview of the city which would trigger an new NOI.

Commissioner Grobe motions to approve the Order with Special Conditions. Commissioner DiCarlo seconds. CG-yes, LD-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

Vice Chairman Murphy motions for a 5 minutes recess. Commissioner DiCarlo seconds. CG-yes, LD-yes, JM-yes, RF-yes, DD-yes.

The motion passes. All members return, five minutes later.

***Chairman Doe recuses himself.***

Commissioner Grobe motions to appoint Vice Chairman Murphy as acting Chair. Commissioner DiCarlo seconds. RF-yes, LD- yes, CG-yes, JM-yes.

- C. 0 Cycle Street – Cycle Street Redevelopment, LLC  
Proposal: Construction of self-storage facility within buffer zone to isolated wetlands, subject to local ordinance only

Rob Levesque from R Levesque Associates Inc. is present as representative.

Mr. Levesque explains that the project hasn't changed, there has been a lot of on-going activity with the EPA, MEPA, and a few other agencies. They have been contacted by the MEPA office, because 10 residents signed a fail-safe review, MEPA has 20 days to decide either they will move forward or not. R Levesque Associates Inc. has submitted all the information they have requested. Communication with EPA, Planning Broad meeting where they received the unanimous vote to move forward with their portion. All work is outside of the 50ft buffer.

Vice Chairman Murphy ask the Commission if they have any questions for the representative. Seeing none he addresses the public for any comments or concerns.

Tricia Hidden, Cleveland Avenue., explains that she was here two weeks ago and listed the cancerous toxins of the site. She asks the Commission if testing was done and if they have those results.

Director Meassick explains that its out of the jurisdiction of the Commission to require them to provide that information, and therefore the applicant is not required to submit it.

Kimberly Hatch, 28 Cleveland Avenue., asks why Chairman Doe recuse himself? The answer is unknown She thanks everyone on the Commission for listening to their concerns two weeks ago. Quotes the city website and the Conservation Commission duties. She reviews the history of the

site and makes accusations of contamination located elsewhere than what was reported. MEPA review has been initiated and EPA doesn't have current testing results. She hands a document to the Commission, explaining an testing well MW255 is in or near the wetland.

A concern neighbor who hasn't identified his self, asked who the LSP is going to be.

Vice Chairman Murphy asks Mr. Levesque if he knows who will be the LSP.

Mr. Levesque explains he is unsure but Jeff Arps from Tighe and Bond has been the LSP for the time being.

Ms. Hatch explains there was an email from Kristen Mello that was sent and she would like to know what was said.

Director Meassick explains yes there was and it was sent to all the Commissioners. She asks the Chair if she can read it even though it's not relating to their jurisdiction.

Vice Chairman Murphy agrees to the email being read.

Director Meassick explains she was unaware Kristen Mello wanted the email to be read to the public record as it was not stated in the email to do so. Director Meassick reads email from Ms. Mello.

Ms. Hatch ask how does proven contaminated land not have to do with wetland protection.

Vice Chairman Murphy explains their jurisdiction though the Westfield Ordinance and 50ft from the resources. There are other agencies and authority that supersedes the Commission's responsibility.

Ms. Hatch question the Commission ethical jurisdictions, then reads the description and why not test it.

Director Meassick reads the Westfield Wetlands Protection Ordinance 1738.

Ms. Hatch states that the Commission will be sued if they don't do their jobs.

Director Meassick explains the community is taking all the right steps to take action but their concerns are not to the purview of the Commission.

Vice Chairman Murphy explains there will be an Order of Condition that will be written if it is voted on, that they will be responsible to hold the applicant to.

A concern neighbor who hasn't identified himself, ask if the Commission hires an LSP from Tighe and Bond, isn't that a conflict of interest because they were doing the testing originally.

Vice Chairman Murphy explains he can't answer that question and ask Mr. Levesque if he has any in sight.

Mr. Levesque explains if there is contamination on a site, the regulators require the land owner to hire an outside consultant.

Vice Chairman Murphy explains the 50ft buffer zone regulation, some debris need to be removed and will be condition.

Director Meassick clarifies for the record the Commission has not and will not be hiring a consultant.

Vice Chairman Murphy asks for additional questions from the public seeing none, he entertains a motion to close the Public Hearing.

Commissioner Grobe motions to close the Public Hearing. Commissioner DiCarlo seconds. RF-yes, LD-yes, CG-yes, JM-yes.

The motion passes.

Commissioner Grobe motions to move to the Special Condition. Commissioner DiCarlo Seconds. RF-yes, LD-yes, CG-yes, JM-yes.

The motion passes.

Vice Chairman Murphy reads off the Special Conditions. All Commissioners agree to all the conditions.

Commissioner Grobe motions to accept striking Act language from Conditions 1-50 because it falls only under the Local Ordinance. Commissioner DiCarlo Seconds. RF-yes, LD-yes, CG-yes, JM-yes.

The motion passes.

The Commission goes through Special Conditions starting at 51. Bonding at \$5,000.00.

Commissioner Grobe motions to accept the Special Conditions. Commissioner DiCarlo Seconds. CG-yes, LD-yes, RF-yes, JM-yes.

The motion passes.

Commissioner Grobe motions to reappoint Chairman Doe as Chair. Commissioner DiCarlo Seconds. RF-yes, LD-yes, CG-yes, JM-yes.

The motion passes.

***Chairman Doe returns.***

## 6. ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION (ANRADs)

- A. 10 & 15 Campanelli Drive – DEP File #333-830 - Robert DeMarco  
Proposal: Review and approval of delineation

*Chairman Doe reads Legal Language*

Vice Chairman Murphy motions to continue to April 25, 2023 meeting because abutters were not notified. Commissioner Florek Seconds. RF-yes, CG-yes, JM-yes, LD-yes, DD-yes.



The motion passes.

## 7. ENFORCEMENT ORDERS

### A. 65 Butternut Road

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

Owner Andrey Kmasun is present.

The home Owner apologizes for not attending last meeting, he explains that they have put a barrier to keep landscaping out of the wet area.

Chairman Doe explains that he needs to hire an consultant in order to move forward and will give him until May 9<sup>th</sup> meeting to hire someone and come back with the information on how it will be restore the original wetland.

### B. 55 Egleston Road

Violation: Clearing of trees within river front area

Director Meassick explains there is no update and will have to follow up with home owner. Stays on the agenda until resolved.

### C. 457 Granville Road

Violation: Clearing trees and disturbance of soils in riverfront area

Director Meassick explains it the Commission needs to ratify the Enforcement Order and wait for a response.

Commissioner Grobe motions to ratify the Enforcement Order. Vice Chairman Murphy Seconds. RF=yes, CG=yes, TS=yes, JM=yes, LD=yes, DD=yes.

The motion passes.

## 8. COMMISSION DISCUSSION

### A. Regulations & Procedures Q&A

Vice Chairman Murphy would like to go back to having the applicants submit more than one hard copy other than the digital copies of the site plans. They agree to 4 hard copies must be submitted.

### B. Earth Day Clean-Up

Director Meassick asks all the Commissioners to attend, and gives the information.

### C. Review and approval of March 28, 2023 minutes

Vice Chairman Murphy motions to approve the March 28,2023 minutes. Commissioner DiCarlo Seconds. CG-yes, LD-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

D. Review of any additional administrative items

a. Sign stuff

Director Meassick forgot to print the updated permits. The Commission members must stop into office to sign.

9. MOTION TO ADJOURN

Commissioner Grobe motions to adjourn the meeting at 9:07pm. Commissioner DiCarlo seconds. CG-yes, LD-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

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A true record, Attest:

Conservation Clerk Christina Ramos

APPROVED