



# City of Westfield, Massachusetts

Municipal Conservation Commission



April 13, 2021

## REMOTE MEETING MINUTES

Conservation Commission members in attendance: Chairman David Doe (DD), Vice Chairman James Murphy (JM), Thomas Sharp (TS), Carl Grobe (CG), Alex Fagnand (AF) 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 7:30 pm. He takes attendance. Commissioner Laraway is not in attendance.

### 2. OPEN PARTICIPATION

No one unmutes themselves.

### 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 27, 2021 at 6:30 PM.

Commissioner Grobe motions to continue until April 27, 2021 at 7:30 PM and is seconded by Commissioner Fagnand. JM-Yes, CG-Yes, RF-Yes, TS-Yes, AF-Yes, DD-Yes

The motion passes.

#### 4. PUBLIC MEETINGS

- A. 360 Prospect Street Extension (40R-74)-Michael Barna  
Installation of a garage, relocation of a shed and removal of two trees within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Chairman Doe reads the legal language. Mr. Barna explains the project. Coordinator Borenstein states that there is pristine forested wetland and stream along the back of the property. Commissioner Sharp express concern about the proximity to the resource area. Coordinator Borenstein states that the area is lawn already. The Commission would like a site visit with the corners of the garage and the she staked so that they can see the location of the new construction.

Vice Chairman Murphy motions to continue until April 27, 2021 at 6:30 PM and is seconded by Commissioner Grobe. JM-Yes, CG-Yes, RF-Yes, TS-Yes, AF-Yes, DD-Yes  
The motion passes.

- B. 265 Union Street (35R-7)-Dan Allie  
Installation of organic garden beds within the Riverfront Area to Powdermill Brook.

Chairman Doe reads the legal language. Mr. Allie presents the project which consists of installation of garden beds within the Riverfront Area to Powdermill Brook. Coordinator Borenstein states that she would like to do more research on this property. She states that this may be under the farming exemption, however: this law only applies if the property has been farmed within the last five years. The Commission would like a site visit, to determine the farming timeline and find out if Mr. Allie can put the beds on the other side of the tree line, completely out of the Resource Areas.

Commissioner Sharp motions to continue until April 27, 2021 at 6:30 PM and is seconded by Commissioner Grobe. JM-Yes, CG-Yes, RF-Yes, TS-Yes, AF-Yes, DD-Yes  
The motion passes.

#### **8:44 Chairman Doe losses internet connection.**

Commissioner Sharp motions to have Vice Chairman Murphy assume position of Chair until Chairman Doe is able to resume internet connection and is seconded by Commissioner Grobe. CG-Yes, RF-Yes, TS-Yes, AF-Yes, JM-Yes  
The motion passes.

- C. 1220 Russell Road (129-2)-Gene and Diane Turner  
Installation of a pool, deck and fencing within the 100-foot Buffer Zone to an intermittent stream

Vice Chairman Murphy reads the legal language. Ms. Turner explains the project which consists of a pool, deck, fencing and removal of a large Sugar Maple within the Buffer Zone. The Commission asks for the pool to be staked out and then the Commission

would like to go visit the site. The Commission would also like a more comprehensive plan.

Commissioner Sharp motions to continue until April 27, 2021 at 6:30 PM and is seconded by Commissioner Grobe. JM-Yes, CG-Yes, RF-Yes, TS-Yes, AF-Yes, DD-Yes  
The motion passes.

### **8:55 Chairman Doe resumes the meeting as Chairman.**

- D. 975 North Road (272-8)-Principle Property Management, LLC  
Removal of trees and fencing within the 100-foot Buffer Zone to Horse Pond.  
Mr. Drost is present representing Principle Property Management, LLC

Chairman Doe reads the legal language. Mr. Drost presents the project which consists of the removal of about 10 trees and fencing on the property within the Buffer Zone. He states that he is hoping to move septic system to the area that is presently gravel. The gravel will be removed and the area will be returned to a natural area. The Commission asks for a site visit.

Vice Chairman Murphy motions to continue until April 27, 2021 at 6:30 PM and is seconded by Commissioner Florek. JM-Yes, CG-Yes, RF-Yes, TS-Yes, AF-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.

Applicant requests a continuance until April 27, 2021 at 6:30 PM.

Commissioner Grobe motions to continue until April 27, 2021 at 6:30 PM and is seconded by Commissioner Fagnand. JM-Yes, CG-Yes, RF-Yes, TS-Yes, AF-Yes, DD-Yes  
The motion passes.

- B. 394 Northwest Road (107-6, 107-7)-William Barry  
Clearing of vegetation within the 200-Foot Riverfront Area of Cook Brook.

Applicant requests a continuance until April 27, 2021 at 6:30 PM.

Commissioner Grobe motions to continue until April 27, 2021 at 6:30 PM and is seconded by Vice Chairman Murphy. JM-Yes, CG-Yes, RF-Yes, TS-Yes, AF-Yes, DD-Yes  
The motion passes.

- C. 36 Janelle Drive (8R-29)-Paul and Melissa Ancelli  
Clearing vegetation and filling in the 100-Foot Buffer Zone to Bordering Vegetated Wetlands.

Coordinator Borenstein states that there was cutting in the Buffer Zone to a stream and some fill brought in. She states that she spoke to the home owner and an RDA has been filed for our next meeting. She states that the home owner would like to put up a fence. Land owner John Beltrandi states that there was some encroachment onto his land. He is concerned that the land is in 61B and no work is allowed on that land in order to receive this permit. Mr. Beltrandi is concerned that there was a misunderstanding with Ms. Ancelli over the permission to encroach on his property. He states he did not give permission, Ms. Ancelli states that permission was given. Commissioner Fagnand states that the Commission does not want to get in the middle of a neighbors argument but that the Commission must deal with the Enforcement. The Commission would like to continue this as an Enforcement. Chairman Doe asks if Ms. Ancelli has permission to go on Mr. Beltrandis' property to do restoration. Mr. Beltrandi agrees to this.

Commissioner Sharp motions to issue a Cease and Desist Order, an Enforcement Order and request for a written Restoration Plan from Mr. and Ms. Ancelli, Mr. Beltrandi has given permission to restore and mitigate the disturbed area and is seconded by Commissioner Grobe. JM-Yes, CG-Yes, RF-Yes, TS-Yes, AF-Yes, DD-Yes  
The motion passes.

## 6. DISCUSSION

- A. 236 Union Street-DEP File #333-778-City of Westfield  
Request for a Certificate of Compliance.  
Mr. Jeremy Cigal is present representing the City of Westfield.

Mr. Cigal states that the project has been completed. He states that the City through the DPW is doing the restoration and invasive mitigation.

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

- B. 317 Union Street (35R-9)-DEP File # 333-215-Mann No. Enterprises, LLC  
Request for a Certificate of Compliance.

Coordinator Borenstein states that this is an old project from 1988. She states that there are as-builts included with the file.

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

- C. 317 Union Street (35R-9)-DEP File # 333-281-Mann No. Enterprises, LLC  
Request for a Certificate of Compliance.

Coordinator Borenstein states that this is another old project for the same applicant, because the property is being sold.

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

- D. 234 East Main Street (108-1, 2. 106)-DEP File #333-594-Pride Convenience, Inc.  
Request for a Certificate of Compliance.

Coordinator Borenstein states that there was a request for a COC and an as built in the file from a few years ago, so she is unsure as to why this was not approved.

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

## 7. OTHER ITEMS

- A. Minutes of March 9, 2021 and March 23, 2021

Vice Chairman Murphy motions to approve the minutes of March 9, 2021 as written and is seconded by Commissioner Fagnand. JM-Yes, CG-Yes, RF-Yes, TS-Yes, AF-Yes, DD-Yes  
The motion passes.

Commissioner Sharp motions to approve the minutes of March 23, 2021 as written and is seconded by Commissioner Grobe. JM-Yes, CG-Yes, RF-Yes, TS-Yes, AF-Yes, DD-Yes  
The motion passes.

## 8. COMMISSION DISCUSSION

- A. Regulations and Procedures Q & A

The Commission discusses some of the ordinance from different cities. Chairman Doe would like to get the City of Westfield Ordinance updated as soon as possible. Commissioner Sharp asks Clerk Nunez to find out if the NOI fees can be used to hire a consultant to help with this task. Vice Chairman Murphy suggests a subcommittee for it. Chairman Doe states that he will work with Coordinator Borenstein on this project.

9. MOTION TO ADJOURN

Commissioner Fagnand motions to adjourn at 10:04 PM and is seconded by Commissioner Grobe. JM-Yes, CG-Yes, RF-Yes, TS-Yes, AF-Yes, DD-Yes  
The motion passes.

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

APPROVED