



# City of Westfield, Massachusetts

Municipal Conservation Commission

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By City Clerk's Office at 10:49 am, 7/19/22

April 26, 2022

## REMOTE MEETING MINUTES

Conservation Commission members in attendance: Chairman David Doe (DD), Vice Chairman Jim Murphy (JM), Thomas Sharp (TS), Carl Grobe (CG), Alex Fagnand (AF), Robert Florek (RF) and Lauren DiCarlo (LD). Also in attendance: Anna Meassick, Conservation Coordinator, Karen Leigh, Conservation Consultant and 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 - 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.*

### A. CALL TO ORDER/ROLL CALL

Chairman Doe calls the meeting to order at 6:30 PM and takes attendance.

### B. OPEN PARTICIPATION

Chairman Doe asks if there are any audience members that would like to address anything not on the agenda.

Joshua Owlet address the Commission and reads off Chapter 91 of The Massachusetts Public Waterfront Act. He claims the issuing of permits for development along waterways is disrupting his ability to practice his religion and spirituality. Chairman Doe thanks Mr. Owlet for his input.

### C. PUBLIC MEETINGS

A. 240 Russellville Road (62R-)-Oscar Naula  
Installation of a new septic system.

Chairman Doe asks for a proponent. No one unmutes

Chairman Doe asks Consultant Leigh and Coordinator Meassick to describe their site visit. Consultant Leigh explains that the enforcement order contains a dispersion which serves a purpose to not overflow the city culvert. Consultant Leigh and Coordinator Meassick explain that a majority of the site contained standing or moving water.

Oscar Naula is now present and speaks on his property. Mr. Naula says there is an invert pipe from 246 Russellville Road onto his property and asks for a solution to the problem of the water flooding the property.

Vice Chairman Murphy helps to locate the invert pipe on the restoration plans from 2014 and reiterates that is where a majority of the water is coming from. Consultant Leigh answers that the purpose of the front channel is to accommodate the flow of water.

Coordinator Meassick reiterates that the main problem is the installation will encroach on the dispersion area. Chairman Doe states that a mound at the proposed location would redirect water and asks if there are other options.

The Commission discusses the size of the retention pond and how to increase volume and by what standards. Consultant Leigh expresses that could be a better option and a more natural shape could be beneficial but that the dispersion area could now meet the criteria of a jurisdictional wetland.

The Commission wants another review of the plans by the board of health to provide clear conditions and stamped plans to Mr. Naula.

Mr. Naula explains that he has not heard from his consultant.

The Commission wants to hire a neutral consultant on their behalf. Mr. Naula agrees to this. Chairman Doe asks if there are any questions from the Commission and the audience. No one unmutes.

Commissioner Fagnand motions that the commission hires a consultant to review the plans to determine if there is a better way to handle the dispersion area as a wetland or expand the area allowing Mr. Naula to construct his septic system and to continue until 5-10-22 or to coordinate with Oscar should results come sooner and is seconded by Commissioner Grobe. JM-Yes, CG-Yes, LD-Yes, AF-Yes, RF-Yes, DD-Yes  
The motion passes.

- B. 291 East Main Street (28R-12)-Friendly's Restaurants-Repaving existing parking lot and construction of a hardscape patio.

Mike Zwilling requested an extension to 5-10-2022 to finalize plans.

Vice Chairman Murphy motions to continue the Public Meeting until May 10, 2022 at 6:30 PM and is seconded by Commissioner Fagnand. CG-Yes, JM-Yes, RF-Yes, LD-Yes, AF-Yes, DD-Yes  
The motion passes.

- C. 1515 Granville Road (20R-2)- Springfield Water and Sewer Commission-Removal of trees

Chairman Doe reads the legal language.

***Commissioner Fagnand recuses himself.***

Nicole Samford of Springfield Water and Sewer Commission is present. Mrs. Samford explains the RDA and requests a negative determination.

Chairman Doe requests a site visit. Coordinator Meassick states there is one for May 2, 2022 at 2:00pm. Chairman Doe asks if there are any questions from the Commission and the audience. No one unmutes.

Vice Chairman Murphy motions to continue the Public Meeting until May 10, 2022 and is seconded by Commissioner Grobe. CG-yes, RF-yes, JM-yes, LD-yes, DD-yes.

***Commissioner Fagnand returns.***

#### 4. PUBLIC HEARINGS

- A. 149 Neck Road (35R-15)-DEP File # 333-813-City of Westfield DPW  
Installation of a new administrative building.

Arthur Allen requested an extension to 5-10-22 to finalize plans.

Commissioner Fagnand motions to continue to the Public Hearing until May 10, 2022 at 6:30 PM and is seconded by Commissioner Grobe. RF-yes, CG-yes, JM-yes, LD-yes, AF-yes, DD-yes  
The motion passes.

- B. 0 Southampton Road (70R-8)- DEP File # 333-814 Ryan Geeleher/Geeleher Enterprises -  
Installation of a new self-storage building  
Ryan Nelson of RLA is present to represent Ryan Geeleher

Chairman Doe reads the legal language.

Mr. Nelson explains the site plans for proposed construction. The Commission asks if Arm Brook is perennial. Arm Brook was recently mapped as intermittent as by USGS. The Commission asks about certified vernal ponds. There are none. Chairman Doe requests a site visit and for markers where the buildings will go and marking the buffer zones.

Chairman Doe asks if there are any questions from the Commission and the audience. Coordinator Meassick reads an email from Joan Corell expressing concerns over the project. Mary Anna Babinski addresses the Commission, explaining her concerns, and that the property contains part of the protected aquifer, reading off Water and Resource Protection Zoning Ordinance Article 3 Section 3-170 which applies to the property, unless a special permit is provided. Mr. Owllet address the Commission, asking questions not pertaining to the NOI or the Commission. Coordinator Meassick asks Consultant Leigh about a conservation restriction on an adjacent property. This will be looked into at a later date.

Vice Chairman Murphy makes a motion to continue to 5-10-22 and is seconded by Commissioner Grobe. JM- yes, BF-yes, CG-yes, AF-yes, LD-yes, DD-yes  
The motion passes

## 5. ENFORCEMENT

- A. 33 Castle Hill Rd Willard and Patricia Kopatz- Filling of wetland and working within 100-foot Buffer Zone

Chairman Doe asks for an update from Consultant Leigh and Coordinator Meassick who visited the site. The Commission discusses the best way to handle the erosion of the slope.

Commissioner Grobe motions that a letter is issue suggesting some solutions mentioned and hires a consultant, of any background, and brings a proposal by the next meeting on 5-10-22 and Commissioner Florek seconds it. JM-yes, AF-yes, RF-yes, CG-yes, LD-yes, DD-yes  
The motion passes

- B. 0 Bayberry Lane (46R-68)-Sergey Novenko-Removal of trees near an intermittent stream. Mr. Ryan Nelson of RLA is present.

Mr. Nelson presents the wetland delineation, erosion control, and restoration plan. The plans includes an estimated boundary due to the excavation of the stumps bringing hydric soils to the surface. The restoration plan involves restoring a stream created by an old logging road. Mr. Nelson says that an NOI will be filed when the time comes to build a single family home on the site.

Commissioner Grobe motions no changes to the required deadlines as stated at the 4-12-22 meeting. Seconded by Commissioner Fagnand. JM-yes, RF-yes, AF-yes, LD-yes, CG-yes, DD-yes  
The motion passes

- C. 0 Bayberry Lane (46R-59 & 46R-60)-Samuel Shokov-Cutting trees and disturbing soils in or near a resource area.

Mr. Ryan Nelson of RLA is present.

Mr. Nelson explains the disruption to the site, erosion control has been installed, an NOI will be filed for the proposed home, and restoration plan will be submitted. No delineation plan was submitted for today's meeting.

Commissioner Grobe makes a motion to submit the delineation plan by 5/10/22 and restoration plan by 5/24/22 and is seconded by Commissioner Fagnand. JM=yes, RF=yes, AF=yes, LD=yes, CG=yes, DD=yes

## 6. DISCUSSION

### A. Minutes from March 22, 2022

Commissioner Grobe motions to accept the minutes and is seconded by Commissioner Fagnand. JM, RF, AF, CG, LD, DD

### B. Minutes from March 24, 2022

Vice Chairman Murphy motions to accept the minutes and is seconded by Commissioner Fagnand. JM, RF, AF, CG, LD, DD

### C. Minutes from April 12, 2022

Commissioner Florek motions to accept the minutes and is seconded by Commissioner Fagnand

## 8. COMMISSION DISCUSSION

### A. Regulations and Procedures Q & A

Chairman Doe asks if the Clerk position has been posted. Coordinator Meassick says yes.

### B. What to do with old open enforcements

Coordinator Meassick states that at least 20 enforcements are still opened dating back to 2020 with no record of what happened. Commissioner Fagnand suggests that Coordinator Meassick reviews the open enforcement orders and adds some to the agenda each meeting.

Chairman Doe thanks Clerk Colleen Nunez for her work for the Commission.

## 9. MOTION TO ADJOURN

Commissioner Fagnand motions to adjourn at 8:34 PM and is seconded by Commissioner Grobe. RF-Yes, JM-Yes, LD-Yes, CG-Yes, AF-Yes, DD-Yes  
The motion passes.

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A true record, Attest:  
Anna Meassick  
Westfield Conservation Coordinator

APPROVED