



City of Westfield, Massachusetts

Municipal Conservation Commission

April 27, 2021

REMOTE MEETING MINUTES

Conservation Commission members in attendance: Chairman David Doe (DD), Thomas Sharp (TS), Carl Grobe (CG), Alex Fagnand (AF), Cliff Laraway (CL) and Robert Florek (RF). Also in attendance: Meredith Borenstein, Conservation Coordinator and Colleen Fegan-Nunez, Clerk.

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. 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. 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. Vice Chairman Murphy 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 May 9, 2021 at 6:30 PM.

Commissioner Grobe motions to continue until May 11, 2021 at 6:30 PM and is seconded by Commissioner Laraway. CG-Yes, TS-Yes, RF-Yes, AF-Yes, CL-Yes, DD-Yes
The motion passes.

4. PUBLIC MEETINGS

Commissioner Sharp motions to change the order of the agenda to allow Mr. Barna of 4A to be present at the meeting and is seconded by Commissioner Fagnand. CG-Yes, TS-Yes, RF-Yes, AF-Yes, CL-Yes, DD-Yes

The motion passes

6:35 PM Commissioner Laraway recuses himself, he remains present because he is the property owner.

B.265 Union Street (35R-7)-Dan Allie

Installation of organic garden beds within the Riverfront Area to Powdermill Brook.

Coordinator Borenstein states that there was a second site visit and she states that she spoke to Mr. Charles Kielbasa, a former farmer of the property, he stated that the back area was too wet to farm. But Mr. Laraway has produced some letters from a Jason Paulo stating that the entire property was farmed from 2017- (See letters attached) The Commission discusses whether the area in question was farmed. The Commission discusses how this is a relatively low impact project in the area. Mr. Allie states that only hand tools are used. The Commission agrees that the area is disturbed. Coordinator Borenstein states that the bank is and will be left undisturbed.

Commissioner Grobe motion to close the public meeting and is seconded by Commissioner Sharp. TS-Yes, CG-Yes, AF-Yes, RF-Yes, DD-Yes
The motion passes.

Commissioner Sharp motions to approve with a negative 5 with the understanding that the garden lot remain 79-feet away from the river and is seconded by Commissioner Grobe. TS-Yes, CG-Yes, AF-Yes, RF-Yes, DD-Yes
The motion passes.

7:05 Commissioner Laraway resumes his role as Commissioner.

Commissioner Fagnand motions to resume normal order of the meeting and is seconded by Commissioner Grobe. CG-Yes, AF-Yes, TS-Yes, RF-Yes, CL-Yes, DD-Yes

The motion passes.

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.

Coordinator Borenstein states that the Buffer Zone is not forested and that the area is existing lawn. She states that some enhancement of the Buffer Zone could be requested. Coordinator Borenstein states that she would approve a Red-Osier Dogwood to be visually more appealing in the Buffer Zone. Chairman Doe states that Coordinator Borenstein should approve locations of the plantings after the garage is built and the shed is relocated. Chairman Doe states that the shed should be as close to the 50-foot line to

keep it out of the naturally vegetated area. Commissioner Sharp reiterates that the lawn should not be expanded. Chairman Doe states that cutting the two dead trees is acceptable but that the stumps must remain in place. Chairman Doe asks if there are any comments from the audience. No one unmutes

Commissioner Fagnand motion to close the public meeting and is seconded by Commissioner Grobe. TS-Yes, RF-Yes, CG-Yes, AF-Yes, CL-Yes, DD-Yes
The motion passes.

Commissioner Sharp motions:

1. Negative 3 with Conditions:
 - a. Conservation Coordinator shall approve the erosion controls prior to work beginning.
 - b. Erosion controls shall be maintained in good order until the Coordinator approves their removal.
 - c. Any disturbed soil shall be loamed, seeded and revegetated Prior to the removal of erosion Controls.
 - d. Dead trees may be cut but stumps shall remain in place
 - e. At least 10 native shrub plantings between the new garage and re-located shed shall be installed.
 - f. A no-mow zone of at least 30-feet adjacent to the stream shall be adhered to in perpetuity.
 - g. The treatment and removal of Bittersweet Vine is allowed.
 - h. Relocation of the shed will be agreed upon with the Conservation Coordinator.

and is seconded by Commissioner Fagnand. TS-Yes, RF-Yes, CG-Yes, AF-Yes, CL-Yes, DD-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.

Ms. Turner states that she would like to put a small area of fence and Arborvitaes for privacy along Route 20. Coordinator Borenstein states that the area in question is lawn. Commissioner Fagnand states that this is a high traffic and high visibility area. Chairman Doe asks if there are any comments from the audience. No one unmutes.

Commissioner Fagnand motion to close the Public Meeting and is seconded by Commissioner Laraway. TS-Yes, RF-Yes, CG-Yes, AF-Yes, CL-Yes, DD-Yes
The motion passes.

Commissioner Fagnand motions:

1. Negative 3 with conditions:
 - a. Conservation Coordinator shall approve the erosion controls prior to work beginning.

- b. Erosion controls shall be maintained in good order until the Coordinator approves their removal.
- c. Any disturbed soil shall be loamed, seeded and revegetated Prior to the removal of erosion Controls.
- d. At least 5 native shrub plantings will be planted where the old shed will be removed.
- e. A no-mow zone of at least 25-feet adjacent to the stream shall be adhered to in perpetuity.
- f. The Maple tree may be removed but the stump must remain in place.

and is seconded by Commissioner Sharp. TS-Yes, RF-Yes, CG-Yes, AF-Yes, CL-Yes, DD-Yes
The motion passes.

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

The Commission is unsure of the trees that are to be removed. The applicant is not present. Chairman Doe states that there are questions for the applicant so the Commission cannot move forward with this.

Commissioner Sharp motions to continue until May 11, 2021 at 6:30 PM and is seconded by Commissioner Florek. TS-Yes, AF-Yes, CG-Yes, RF-Yes, CL-Yes, DD-Yes
The motion passes.

E. 400 Western Avenue-Stanley Park of Westfield
Repair of an existing boardwalk within the 100-foot Buffer Zone.
Mr. Robert McKean and Ms. Angela Derouin are present representing Stanley Park.

Chairman Doe reads the legal language. Mr. McKean explains the project which consists of replacing an existing boardwalk and piers with Helical Piers and replacing the boardwalk. Chairman Doe asks if there are any questions or comments from the audience. No one unmutes.

Commissioner Fagnand motions to close the Public Meeting and is seconded by Commissioner Grobe. TS-Yes, AF-Yes, CG-Yes, RF-Yes, CL-Yes, DD-Yes
The motion passes.

Commissioner Grobe motions to approve with:

1. Negative 3 with the condition that the Commission be notified when the project begins.

and is seconded by Commissioner Sharp. TS-Yes, AF-Yes, CG-Yes, RF-Yes, CL-Yes, DD-Yes
The motion passes.

F. 400 Western Avenue-Stanley Park of Westfield

Repair of and existing water pump building within the 200-foot Riverfront Area to the Little River.

Mr. Robert McKean Angela Derouin are present representing Stanley Park.

Chairman Doe reads the legal language. Mr. McKean explains the project which consists of a new roof and the wall farthest away from the river needs to be rebuilt. There will be no impact to the Riverfront Area. The footprint of the pump house will remain the same. Chairman Doe asks if there are any questions or comments from the audience. No one unmutes.

Commissioner Fagnand motions to close the Public Meeting and is seconded by Commissioner Grobe. TS-Yes, AF-Yes, CG-Yes, RF-Yes, CL-Yes, DD-Yes
The motion passes.

Commissioner Grobe motions to approve with:

1. Negative 3 with conditions:
 - a. That the Commission be notified when the project begins and is completed.
 - b. Erosion controls shall be installed where applicable.
 - c. Any disturbed soils shall be loamed and seeded upon completion of the project.

and is seconded by Commissioner Sharp. TS-Yes, AF-Yes, CG-Yes, RF-Yes, CL-Yes, DD-Yes

The motion passes.

G. 27 Angelica Drive (24R-32)-Joseph Marden and Marissa Fistola

Removal of 33 trees within the 200-foot Riverfront Area.

Mr. Joseph Marden and Ms. Marissa Fistola are present.

Chairman Doe reads the legal language. Coordinator Borenstein states that she has not been to the property. Ms. Fistola states that there have been many trees blowing down in recent storms. She states that she would like to remove the trees that are putting her home at risk. She states that they have no intention of expanding lawn area. Coordinator Borenstein states that planting of native shrubs would maintain the biodiversity in the area. Chairman Doe states that he would like a site visit. Chairman Doe asks if there are any questions or comments from the audience. No one unmutes.

Commissioner Fagnand continue until May 11, 2021 at 6:30 PM and is seconded by Commissioner Grobe. CG-Yes, TS-Yes, RF-Yes, AF-Yes, CL-Yes, DD-Yes
The motion passes.

- H. 5 Rider Road (276-42)-Mildred Odabashian
Installation of pool, deck, fencing, patio, driveway and retaining wall within the 100-foot Buffer Zone.
Ms. Odabashian is present.

Chairman Doe reads the legal language. Ms. Odabashian states that this is a three year project. She states that the majority of the project is outside of the 50-foot Buffer Zone. Coordinator Borenstein states that a site visit is necessary. Chairman Doe asks Ms. Odabashian to have the project marked in the field before the site visit.

Commissioner Fagnand continue until May 11, 2021 at 6:30 PM and is seconded by Commissioner Grobe. CG-Yes, TS-Yes, RF-Yes, AF-Yes, CL-Yes, DD-Yes
The motion passes.

Commissioner Fagnand motion to take 5C out of order and is seconded by Commissioner Grobe.

CG-Yes, TS-Yes, RF-Yes, AF-Yes, CL-Yes, DD-Yes

The motion passes.

- 5C. 36 Janelle Drive (8R-29)-Paul and Melissa Ancelli
Clearing vegetation and filling in the 100-Foot Buffer Zone to Bordering Vegetated Wetlands.
Mr. Paul Ancelli and Ms. Melissa Ancelli are present.

Coordinator Borenstein states that she received a written restoration plan from the landowners. The Buffer Zone will be reseeded and the trees that were cut will be replaced with native trees. Commissioner Sharp would like the restoration completed before any other work can occur. Coordinator Borenstein states that she is comfortable with the restoration plan. Mr. Beltrandi, the property owner approves the proposed tree species. Coordinator Borenstein states that the restoration should be completed within a month.

Commissioner Grobe motions to approve the restoration plan but prior to any work a “Hold Harmless” must be received by the property owner and is seconded by Commissioner Fagnand. TS-Yes, CG-Yes, RF-Yes, AF-Yes, CL-Yes, DD-Yes
The motion passes.

Commissioner Grobe motions to return to normal order and is seconded by Commissioner Fagnand. TS-Yes, CG-Yes, RF-Yes, AF-Yes, CL-Yes, DD-Yes

The motion passes.

- I. 36 Janelle Drive (276-42)-Paul and Melissa Ancelli
Installation of a chain link fence within the 100-foot Buffer Zone.
Mr. Paul Ancelli and Ms. Melissa Ancelli are present.

Chairman Doe reads the legal language. Chairman Doe asks if the sides of the property are also in the Buffer Zone. Coordinator Borenstein states that it is.

Commissioner Sharp motions to continue until remediation on Enforcement (5C) has been completed and is seconded by Commissioner Laraway. CG-Yes, TS-Yes, RF-Yes, AF-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 a Stream Crossing plan was received today. She states that she did not have time to study it before the meeting.

Commissioner Grobe motions to continue until May 11, 2021 at 6:30 PM and is seconded by Commissioner Florek. CG-Yes, TS-Yes, RF-Yes, AF-Yes, CL-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.

Coordinator Borenstein states that she has not received a restoration plan. She states that the landowner has requested permission to put an underground propane tank next to the house. Chairman Doe wants to know what the exact location is. He asks the Coordinator Borenstein ask if there is a permit on record with the Building Department.

Commissioner Sharp motions to allow the Coordinator to resolve this and is seconded by Commissioner Grobe. CG-Yes, TS-Yes, RF-Yes, AF-Yes, CL-Yes, DD-Yes
The motion passes.

6. DISCUSSION

- A. 2 Ascutney Avenue and 302 East Main Street-DEP File #333-789-Nico Paolucci
Request for a Certificate of Compliance.
Mr. Nico Paolucci is present.

Coordinator Borenstein states that the project has been completed. Chairman Doe asks for a photo of the removed building before and after it was removed. Commissioner Grobe asks if Mr. Paolucci is banking the comp storage. Mr. Paolucci states that he is.

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

7. OTHER ITEMS

A. Minutes of April 13, 2021

Commissioner Grobe motions to approve the minutes of April 13, 2021 as written and is seconded by Commissioner Fagnand. TS-Yes, CG-Yes, RF-Yes, AF-Yes, CL-Yes, DD-Yes
The motion passes.

8. COMMISSION DISCUSSION

A. Regulations and Procedures Q & A

Coordinator Borenstein states that there is a water main break in the middle of a wetland at Tekoa Country Club. She states that the area must be dug up in order to fix the break.

B. Wetland Ordinance Update

Coordinator Borenstein states that now that Earth Day is complete she is ready to update the Ordinance. She states that the Commission is able to hire a consultant. She states that she wants to keep it simple. Chairman Doe asks who is willing to be on the sub-committee. Commissioner Grobe, Chairman Doe and Commissioner Sharp all volunteer. Commissioner Sharp states that Vice Chairman Murphy stated that he was interested at the last meeting.

Commissioner Sharp motions to adjourn at 9:10 PM and is seconded by Commissioner Fagnand. TS-Yes, RF-Yes, CG-Yes, AF-Yes, CL-Yes, DD-Yes
The motion passes.

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