



City of Westfield Municipal Conservation Commission

MAY 9, 2023 AT 6:30PM
WESTFIELD CONSERVATION COMMISSION
MEETING MINUTES

RECEIVED

JUN 26 2023
7:23 PM

Conservation Commission members in attendance: Chairman David Doe (DD), Carl Grobe (CG), Robert Florek (RF), Ed Finnie (ED), James Prystowski (JP) Also, in attendance: Christina Ramos, Conservation Clerk

1. CALL TO ORDER

Chairman Doe calls the meeting to order at 6:30 PM and introduces the new Commissioners Ed Finnie and James Prystowski, then takes attendance. All Commissioners are present. Director of Conservation Anna Meassick is not in attendance.

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, Public Meetings.

3. PUBLIC MEETINGS (RDAs)

A. 133 Old County Road

Proposal: Removal of trees along intermittent stream

Robert Walter, Home owner is present.

Mr. Walters explains that Director Meassick and Commissioner DiCarlo did a site visit Friday Morning. He explains he flagged the lot, 100ft buffer from the intermittent stream runs to the edge of his sunroom. There is a 4ft wide cat walk deck that goes that intrude on the west side of the house. He flagged out the 50ft buffer zone and came off 10ft from that using the furthest point. Looking to clear 30ft to get rid of some dead trees and grading issue where his shed is settling a little bit, would like to take that and extend it out about 25-30ft flat grade. About 7 trees within that zone there is a bunch of other trees outside the 100ft buffer. Would like to remove them, wouldn't need to do any stump grinding within the buffer zone. He explains Commissioner DiCarlo and himself had spoken about couple different things about tree removing, selling the wood. Mulching and leaving but he would like to get rid of it.

Commissioner DiCarlo explains that there are some invasive that he also would like to remove. There is a steep slope and recommends that Director Meassick go out and check the erosion controls.

Chairman Doe asks if there are any questions from Commission. Seeing none 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 to the Public Meeting. Vice Chairman Murphy seconds. LD-yes, EF-yes, CG-yes, JM-yes, RF-yes, JP-yes, DD-yes.

The motion passes.

Commissioner Florek motions to issue Negative 3, The work is in the buffer zone but will not alter an area subject to protection under the Act given the following conditions: Prior to work, Silt fence shall be installed at the marked 50ft line, Prior to work, the Director shall be notified at least 48 hours before work is to begin, no equipment or debris is allowed to be staged on site, Post work, Director Shall be notified for inspection. Erosion controls may be removed once approval is given. Vice Chairman Murphy seconds. LD-yes, EF-yes, CG-yes, JM-yes, RF-yes, JP-yes, DD-yes.

The motion passes.

- A. 1 Woodland Ave
Proposal: Removal of trees in floodzone

Chairman Doe reads the Legal Language. Amends the address wrong on agenda.

Commissioner Florek recuses himself.

James Hall, Home Owner is present.

Mr. Hall explains that he would like to cut down a few trees that are a fire hazard to his house, he points them out in pictures he presents to the Commission.

Chairman Doe confirms which trees they are and that its just two trees. He explains that typically applicants in the resource area file a Notice of Intent instead of an RDA, because its in a resource area they could only approve it under the local ordinance. He explains that the state could get involved because its not a Notice of Intent. The recommendation of the Director is to opt to do a Notice of Intent. There are two applications that the home owner can use to apply, first is RDA which is an application that will determine if the wetland protection applies to your request. The Commission decides either yes or no, in this case it does apply and the home owner will need to file a Notice of Intent.

Mr. Hall asks if the Government can tell him that he can't cut the trees down.

Chairman Doe explains yes, they could and if they did it with out the governments approval, the home owners can be fined.

Mr. Hall explains that the home owner insurance could cancel his policy because the trees are hazard to his house.

Chairman Doe explains that they can approve what he has done so far and could write it in that it is work is subject to the approval of the city of Westfield and subject to the Wetlands protection Act but then the State can get involved.

Mr. Hall asks how likely it is that the state gets involved.

Chairman Doe explains that very likely that state gets involved, they can continue to the next meeting for him to have time to chat with Director Meassick.

Vice Chairman Murphy asks if they approve this locally isn't the Commission closing this applicant and he will have to reopen it again. How can the Commission approve the positive 5 and keep it open for another two weeks.

Chairman Doe explains that positive 5 the area and/or work described is subject to review and approval by the City of Westfield Conservation Commission.

Mr. Halls asks all this needs to be done if it just in the flood plain.

Chairman Doe explains that yes, unfortunately.

Mr. Hall explains that there aren't any wetlands really near his house.

Chairman Doe explains the flood plains are a resource area under the state regulations, so if the Commission approves all their saying is it is subject to review by the Commission.

Vice Chairman Murphy confirms that it would close this section and when Director Meassick comes back to initiate a Notice of Intent.

Chairman Doe explains that this determination is to see if the Commission needs to be involved, positive 5 says yes, the Commission needs to be involved.

Vice Chairman Murphy explains so it yes and the Request for Determination will be closed.

Chairman Doe explains yes it stops the discussion.

Chairman Doe asks if there are any more questions from the Commission.

Mr. Hall asks if the state can come in even if it's a fire hazard to his home.

Chairman Doe explains possibly, by doing it this way you are taking care of all the right steps.

Vice Chairman Murphy asks the applicant if he can wait just two more weeks.

Mr. Hall explains yes, he can but was hoping to not have to come back in front of the Commission again.

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

Commissioner Grobe motions to continue to May 23, 2023 Meeting. Vice Chairman Murphy seconds. LD=yes, EF=yes, CG=yes, JM=yes, JP=yes, DD=yes.

The motion passes.

4. PUBLIC HEARINGS (NOIs)

- A. 70 Lockhouse Road – DEP File #333-831
Proposal: Truck Terminal

Commissioner Grobe explains to the Commission that for this project they are waiting for new plans and an Engineering review, applicant would like this matter to be continued.

Commissioner Grobe motions to continue to May 23,2023 meeting to allow new plans and engineering review. Commissioner DiCarlo seconds LD-yes, EF-yes, CG-yes, JM-yes, JP-yes, DD-yes.

The motion passes.

Commissioner Florek returns

- B. 1515 Granville Rd – West Parish Filters
Proposal: Reconstruction of facility

Chairman Doe reads the Legal Language.

Scott Bonett project director, Hazen & Sawyer is present as representative.

Dan Nitzche from GZA is present as representative.

Katie Huek from Hazen and Sawyer also here as a representative.

Mr. Bonett explains this is a water treatment plant that supplies the water to Springfield and other neighboring cities. The plant was first built in the early 1900s, flat area. 1970s filter plant built right in the middle. They know that the facility is at the end of it service length and undertaking a huge project to replace the existing filtration plant with a modern state of the art 65mgd filter plant. It will increase reliable and water quality for all their customers. He explains that they are here tonight the impact on the wetlands resource area. Turns it over to Dan Nitzche from GZA.

Mr. Nitzche explains the project facility has many resource areas on it, we have bank resources with Cook brook, upper/lower lagoon, sedimentation basin has bank around which is pond. The Army Corp doesn't take jurisdiction over it because it was constructed in an upland, for Wetland Protection Act purposes it is a jurisdictional waterbody, there is bordering vegetated wetlands. He explains the location of the bank resources on the site plan. He explains the Bank is the area between the mean annual High water and low water. Perennial stream can always assume there is water bank is the two edges. 100 ft buffer zone outside the bank. The larger resource area onsite is the river front area, 200ft area on both sides of a Perennial river. Cook Brook has been delineated to show the 100ft river front and 200ft river front area. The work that is being done on the property is watermain line come across Cook Brook that's going to take the raw water from Cobble Mountain and instead of going into the sedimentation basin it will go directly into the new filter plant. It will by pass the sedimentation basin and directly into the filter plant. Only way to get across is through Cook Brook. That method is going to be an open trench they will put a cofferdam, as the water level rises it will go into a plastic pipe that will be laid right on edge the physical Bank of the river and the water will continue to pass the work area right into the stream. Not pumping it, not agitating water just letting gravity flow pass the site. A couple of trees will be taken out as well. He than hands the Commission pictures of the area to be affected. The work it-self will take about 30 days, erosion controls will be set up. The pipe is usually 50 diameters in size. The water mainline is going to come down the paved main road there is a BVW two shrubs, grass species. New England wetland seed mix will be planted. He explains that they have submitted how that area will be restored.

Vice Chairman Murphy asks where they plan to store all the materials while working.

Ms. Huek explains everything will be within the limit of work.

Vice Chairman Murphy motions to continue May 23,2023. Commissioner Grobe seconds. LD-yes, EF-yes, CG-yes, JM-yes, RF-yes, JP-yes, DD-yes.

The motion passes.

C. Amendment to 149 Neck Road – DEP File #333-813

Chairman Doe reads the Legal Language.

Vice Chairman Murphy motions to continue May 23,2023 because the abutters were not notified. Commissioner Grobe seconds. LD-yes, EF-yes, CG-yes, JM-yes, RF-yes, JP-yes, DD-yes.

The motion passes.

5. 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 explains that this item was already continued to May 23, 2023 so nothing needs to be done on this item. He moves on to Item 6 Enforcement Orders.

6. ENFORCEMENT ORDERS

A. 65 Butternut Road
Violation: Dumping of fill in wetland

Clerk Ramos explains that the proponents son came into the office asking exactly what his father needed to do. She gave him the information for the consultants and explained that he needs to get the area delineated so the Commission can see where the wetland starts and ends. His son explained that he would help his father reach out to a few consultants on the list.

Chairman Doe asks about the current work being done there and there has been some complaints about it.

Clerk Ramos explains that he maybe building a garden but unsure if that is true because Home owner hasn't reached out and it was only his son who came in for clarification of what needed to be done.

The Commission discuss if the home owner is taking all the right steps to remove this Enforcement order. They discuss the month they have given him and if it would be beneficial to send another letter with mentions of fines.

Chairman Doe sees some neighbors in the attendance and asks if the home owner is bringing in fill or dirt.

Neighbor explains he has not been bringing in any fill or dirt.

Vice Chairman Murphy motions to have letter sent to home owner with mention of fines because he did not meet the request to attend May 9th meeting with consultant. Commissioner Grobe seconds. LD-yes, EF-yes, CG-yes, JM-yes, RF-yes, JP-yes, DD-yes.

The motion passes.

B. 22 Woodland Avenue

Violation: Clearing in flood zone, Violation of Order of Conditions

Nikolay Stepchuk home owner is present.

Chairman Doe explains the home owner is up to date on conditions per order. He asks the home owner what he plans to do with the stumps.

Mr. Stepchuk explains whatever the Commission wants, it would be easy to just leave the stumps than to ground up.

Vice Chairman Murphy motions to continue May 23,2023. Commissioner Grobe seconds. LD-yes, EF-yes, CG-yes, JM-yes, RF-yes, JP-yes, DD-yes.

The motion passes.

C. 0 Pontoosic Road

Violation: No Forestry cutting plan in place

John Beltrandi property owner is present.

Mr. Beltrandi explains that in the fall he came before the Commission about mowing the brush. He started to cut which he thought he had a forestry cutting but was really a Forestry management plan. A complaint came into the Conservation dept for his property for cutting the brush and that's when he found out it was not a cutting plan but just a management plan. He explains that the sate made him aware that he needed to have forester come out and complete the cutting plan. DCR came out and walked the property, he explains that they are changing he use of 4.6 acres from 61 to 61A because he plans to plant trees. Mr. Beltrandi explains that the Forester will change the use for the bottom portion 4.6 acres. The rest of the property will remain in the forest management plan. Moving forward once the change is done there is a brook there that has a wood bridge that will come out and will come back for a permit for culvert in that area to get across and utilize the farming land.

Vice Chairman Murphy explains there was a brook there, are they just going to cross the brook and line it.

Mr. Beltrandi explains they will be using wood sleepers that are already there but will come out but as result, they will need access. 5ft flat bottom culvert more than enough flow for that brook. That will something they will talk about later. All work is done until the forestry cutting plans issued.

Chairman Doe explains that they have already issued an Enforcement Order for cease and desist. He explains that they will need to sign the Enforcement order. He asks Mr. Beltrandi how they will access this from Pontoosic.

Mr. Beltrandi explains that they will have to cross the brook.

Chairman Doe asks if there will be growing Christmas trees.

Mr. Beltrandi explains that red maples, arborvitae and possibly some Christmas trees.

Commissioner Florek explains that he thought the management plan was good for 10 years.

Mr. Beltrandi explains yes

The Commission discuss the difference between a Forestry cutting plan and a Forestry management plan.

Commissioner Florek asks how long does Mr. Beltrandi how long will this process take.

Mr. Beltrandi explains the Forester said about 30 days.

Commissioner Grobe motions to continue May 23, 2023 Commissioner DiCarlo seconds. LD-yes, EF-yes, CG-yes, JM-yes, RF-yes, JP-yes, DD-yes.

The motion passes.

7. CERTIFICATE OF COMPLIANCE

Commissioner Grobe motions to take item B out of order. Commissioner Florek seconds. LD-yes, EF-yes, CG-yes, JM-yes, RF-yes, JP-yes, DD-yes.

The motion passes.

B. DEP File #333-743 – 662 Montgomery Road River Crossing and Replication

Chairman Doe explains they were out there today and everything looks great and will entrain an motion to issue the Certificate of Compliance.

Vice Chairman Murphy motions to issue the Certificate of Compliance and return the performance bond. Commissioner Grobe seconds. LD-yes, EF-yes, CG-yes, JM-yes, RF-yes, JP-yes, DD-yes.

The motion passes.

Commissioner Grobe motions to move back to order item A. Commissioner DiCarlo seconds. LD-yes, EF-yes, CG-yes, JM-yes, RF-yes, JP-yes, DD-yes.

The motion passes.

A. DEP File #333-737 – Williams Riding Way Pump Station

Vice Chairman Murphy motions to issue the Certificate of Compliance and return the performance bond. Commissioner Grobe seconds. LD=yes, EF=yes, CG=yes, JM=yes, RF=yes, JP=yes, DD=yes.

The motion passes.

8. COMMISSION DISCUSSION

A. Reissue Order of Conditions for DEP File #333-741

Clerk Ramos explains that the applicant has lost their original Order of Conditions and needs wet signatures in order to record them and file for their Certificate of Compliance.

Commissioner Grobe motions to resign the Order of Conditions. Commissioner DiCarlo seconds. LD=yes, EF=yes, CG=yes, JM=yes, RF=yes, JP=yes, DD=yes.

The motion passes.

B. Review and approval of April 11, 2023 minutes

Commissioner Grobe motions to approve the April 11, 2023 meeting minutes. Commissioner DiCarlo Seconds. LD=yes, EF=yes, CG=yes, JM=yes, RF=yes, JP=yes, DD=yes.

The motion passes.

C. Review of any additional administrative items

Vice Chairman Murphy asks Christina if he can have a copy of the 1515 Granville RD project.

8. MOTION TO ADJOURN

Vice Chairman Murphy motions to adjourn the meeting at 7:47pm. Commissioner Grobe seconds. LD=yes, EF=yes, CG=yes, JM=yes, RF=yes, JP=yes, DD=yes.

The motion passes.

A true record, Attest:

Conservation Clerk Christina Ramos