

# Westfield, Massachusetts

## Municipal Conservation Commission

May 11, 2021

### 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) and Cliff Laraway. 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](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 6:30 pm. He takes attendance. Commissioner Florek 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 25, 2021 at 6:30 PM.

Vice Chairman Murphy motions to continue until May 25, 2021 at 6:30 PM and is seconded by Commissioner Fagnand. CG-Yes, TS-Yes, AF-Yes, JM-Yes, CL-Yes  
The motion passes.

#### 4. PUBLIC MEETINGS

A. 975 North Road (272-8)-Principle Property Management, LLC

Removal of trees and fencing within the 100-foot Buffer Zone to Horse Pond.

Mr. Tim Drost of Principle Property Management, LLC is present.

Mr. Drost states that they would like to establish a natural vegetated area up to the 50-foot Buffer Zone and they would also like to remove the gravel driveway and chain link fence. They would allow the native plants to grow in the area to make the building look less commercial. There are a couple of dead or dangerous trees that will be removed. He states that the septic system will be moved to the front of the building. Chairman Doe states that the trees to be removed are marked on site. Chairman Doe asks if there are any questions from the audience. An unidentified caller listed as "Wildchild" on Zoom, states that the project "sounds good"

Commissioner Laraway motions to close the Public Meeting and is seconded by Commissioner Sharp. CG-Yes, JM-Yes, TS-Yes, AF-Yes, CL-Yes  
The motion passes.

Commissioner Grobe motions:

1. Negative 3 with conditions.
  - a. Erosion controls shall be approved by the Coordinator prior to the beginning of work.
  - b. Erosion controls shall be maintained in good condition until the Coordinator approves their removal.
  - c. Any disturbed soils shall be loamed, seeded and revegetated prior to the removal of erosion controls.
  - d. Three tagged trees may be removed with the stumps left in place in coordination with the Conservation Coordinator.
  - e. After the fence and gravel are removed, a "no mow zone" shall be established that is at least 50-feet from the waters edge that shall be adhered to in perpetuity.
  - f. Native shrubs shall be planted in the no mow zone per the approval of the Coordinator.

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

B. 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.

Ms. Fistola states that after the site visit some of the tree may not be in the protected area. Coordinator Borenstein states that it was difficult to measure. She states that she is not sure of which trees are healthy and which are dying. The Commission discusses selective pruning. Coordinator Borenstein suggests topping the trees. The Commission would like a forester to visit the property to look at the trees. Chairman Doe asks if there are any

questions or comments from the audience. Mr. Mark Dupuis suggests that the applicant hire a consultant or speak to NRCS. Chairman Doe states that there are two concerns, the forester and the location of the 200-foot Riverfront Area line. Coordinator Borenstein states that she will look up some names of foresters and reach out to the original subdivision developer to file for a Certificate of Compliance.

Commissioner Sharp motions to continue until May 25, 2021 at 6:30 PM and is seconded by Commissioner Grobe. CG-Yes, JM-Yes, TS-Yes, AF-Yes, CL-Yes  
The motion passes.

**Vice Chairman Murphy motions to take 4C out of order until the applicant arrives and is seconded by Commissioner Fagnand. TS-Yes, JM-Yes, CG-Yes, AF-Yes, DD-Yes  
The motion passes.**

**Commissioner Fagnand motions to take 5C out of order and is seconded by Commissioner Grobe. TS-Yes, JM-Yes, CG-Yes, AF-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 the erosion controls have been installed, the area has been hydro-seeded and the seven trees have been installed. She states that the property owner, John Beltrandi, is satisfied with the restoration. She states that monitoring is required to ensure that the vegetation has been reestablished.

Commissioner Grobe motions to continue the Enforcement because the Ancellis have completed the requests of the Commission and is seconded by Commissioner Fagnand. TS-Yes, JM-Yes, CG-Yes, AF-Yes, CL-Yes, DD-Yes  
The motion passes.

**Commissioner Fagnand motions to return to 4D order and is seconded by Commissioner Grobe. TS-Yes, JM-Yes, CG-Yes, AF-Yes, CL-Yes  
The motion passes.**

D.36 Janelle Drive (8R-29)-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.

Ms. Ancelli states that they would like to put in black chain link fence 6-12 inches from the property line on the back of the property and white vinyl fence along the sides of the property. Chairman Doe states that 12 inches from the back of the property line is better and assures that no mowing will be done behind the fence. Chairman Doe asks if there are any questions or comments from the audience. No one unmutes.

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

Commissioner Sharp motions:

1. Negative 3 with conditions
  - a. The fence shall be installed 12 inches inside the property line.
  - b. Any disturbed soils shall be loamed, seeded and revegetated prior to the removal of erosion controls.
  - c. No mowing or dumping is allowed past the fence.

and is seconded by Commissioner Fagnand. TS-Yes, JM-Yes, CG-Yes, AF-Yes, CL-Yes  
The motion passes.

E. 42 Janelle Drive (8R-28)-Sean Boyle

Installation of a gazebo, french drains and arborvitae trees within the 100-foot Buffer Zone.

Mr. Sean Boyle is present.

Chairman Doe reads the legal language. Mr. Boyle explains the project which includes installation of a chain link fence, installation of a gazebo and installation of arborvitaes. Chairman Doe states that only the installation of the Arborvitaes is within the 100-foot Buffer Zone. Coordinator Borenstein states that the area is lawn and there will be soil disturbance only where the gazebo will be installed. Chairman Doe asks if there are any questions or comments from the audience. No one unmutes.

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

Commissioner Sharp motions:

2. Negative 3 with conditions
  - a. Erosion controls shall be installed and approved by the Coordinator prior to the beginning of work.
  - b. No dumping of grass clippings or debris is allowed in the Buffer Zone.

and is seconded by Commissioner Grobe. AF-Yes, CG-Yes, JM-Yes, TS-Yes, DD-Yes  
The motion passes.

**Commissioner Fagnand motions to re-resume the normal order of the meeting and is seconded by Commissioner Grobe. AF-Yes, CG-Yes, JM-Yes, TS-Yes, DD-Yes  
The motion passes.**

C. 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.

Ms. Odabashian reminds the Commission of the project. The Commission discusses how erosion controls will be monitored if the project does not take place for two years. Coordinator Bornstein states that she will put erosion control monitoring in the permit but that she would like the signs put up immediately so that contractors will know the resource areas are present. Chairman Doe asks if there are any questions or comments from the audience. No one unmutes.

Vice Chairman Murphy motions to close the Public Meeting and is seconded by Commissioner Grobe. CG-Yes, TS-Yes, AF-Yes, JM-Yes, DD-Yes  
The motion passes.

Vice Chairman Murphy motions:

3. Negative 3 with conditions
  - a. 50-foot Buffer Zone shall be marked in the field with stakes prior to any work.
  - b. Wetland Resource Area signs shall be installed, the number of signs will be based upon the recommendation of the Coordinator.
  - c. The Coordinator shall approve the erosion controls prior to the commencement of work and the erosion controls shall be installed at the 50-foot Buffer Zone.
  - d. Erosion controls shall be maintained in good condition until the Coordinator approves removal.
  - e. Any disturbed soils shall be loamed, seeded and revegetated prior to the removal of erosion controls.
  - f. Trees that are approved by the Commission may be cut but stumps shall remain in place.
  - g. The one tree behind the house that has partially fallen may be removed immediately but the stump shall remain in place.

and is seconded by Commissioner Sharp. CG-Yes, TS-Yes, AF-Yes, JM-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.

Mr. Terry Reynolds of T Reynolds Engineering and Mark and Chris Dupuis are present.

Mr. Reynolds explains that the crossing will be wider and will be an open bottom concrete culvert. It will be seven feet wide by three and a half feet tall, adhering to the stream crossing standards. He states that the landowner would like to pave the access road. Mr. Reynolds states that the bottom will be natural substrate with 2 inches of

gravel. The Commission discusses whether the crossing is flared or if it is straight. After multiple incoherent responses from Chris Dupuis Mr. Reynolds explains that it is not flared (because it will span the banks). Chairman Doe asks if they are planning on paving the access road. He states that paving wasn't in the original plan. Mr. Mark Dupuis states that whatever is on the plan is what they are doing. He states that the new plan having pavement is for the future.

**8:07 PM After multiple disruptions Mr. Chris Dupuis is removed from the meeting.**

The Commission discusses time of year for installation of the crossing because Natural Heritage has mandated that the time of year is to be approved by them. Vice Chairman Murphy clarifies that the stream crossing is the only thing being approved this evening.

Commissioner Fagnand motions to accept the plan as written without the paving and the Commission will be notified 10-days prior to construction beginning and is seconded by Commissioner Grobe. TS-Yes, JM-Yes, CG-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.  
Mr. John Masuck of R. Levesque is present representing Mr. Barry.

Mr. Masuck presents the restoration plan which includes 35 plantings 5 feet off the bank of the river. He states that the intent is to maintain the area outside of the 5-foot no touch area as lawn. Coordinator Borenstein states that she would be more comfortable with a 10-foot no touch area. Chairman Doe agrees; he states that 5-feet wide is not very wide if trees are to be planted. Coordinator Borenstein suggests that the Commission ask for seeding and more of the area protected. They would also like to see the location of the propane tank.

Commissioner Sharp motions to continue until May 25, 2021 at 6:30 PM and is seconded by Commissioner Grobe. JM-Yes, CL-Yes, CG-Yes, TS-Yes, AF-Yes  
The motion passes.

- D. 1760 East Mountain Road (65R-100)-Fiodor Artin and Victor Cosneanu  
Clearing vegetation in the 100-foot Buffer Zone to Bordering Vegetated Wetlands (BVW) and Chapin Pond.

Coordinator Borenstein states that the landowner cleared right up to the wetland edge. She states that the trees were left. The Commission discusses that erosion controls must be installed and a restoration plan must be presented by June 8, 2021.

Commissioner Sharp motions to issue an Enforcement Order and is seconded by Vice Chairman Murphy. CL-Yes, TS-Yes, JM-Yes, CG-Yes, AF-Yes, DD-Yes  
The motion passes.

## 6. DISCUSSION

- A. 459 Russell Road (34R-4) -Tekoa Country Club  
Emergency Certificate

Commissioner Fagnand motions to continue until May 25, 2021 at 6:30 PM and is seconded by Commissioner Grobe. CL-Yes, TS-Yes, JM-Yes, CG-Yes, AF-Yes, DD-Yes  
The motion passes.

- B. 69 Neck Road (35R-10)-Mark Dupuis  
Request to confirm farming exemption, under the Massachusetts WPA.  
Mr. Mark Dupuis is present.

Mr. Dupuis states that this property is existing farm land. He states that there are three trees in the middle of a field that are to be removed. He states that he would like to plant Hemp on the property and then a cover crop would be planted after the Hemp has been harvested.

Commissioner Sharp motions to accept field 7 (see plan) as exempt, but a letter from the land owner allowing the three trees to be cut is required, and is seconded by Commissioner Grobe. TS-Yes, CG-Yes, CL-Yes, JM-Yes, AF-Yes, DD-Yes  
The motion passes.

- C. 88 Furrowtown Road(48R-1)-Estelle Streeter  
Potential violation in the 100-foot Buffer Zone.  
Ms. Estelle Streeter is present.

Coordinator Borenstein states that there is a small potentially Isolated Vegetated Wetland that was cleared to the edge and a large area of Ms. Streeters yard was cut and grubbed completely void of any vegetation. The Commission discusses the need for a delineation. Ms. Streeter states that she has already seeded the area and she is planning on planting some fruit trees.

Commissioner Sharp motions to issue an Enforcement Order asking for a delineation on the disturbed area and is seconded by Commissioner Grobe. TS-Yes, JM-Yes, CG-Yes, AF-Yes, CL-Yes  
The motion passes.

## 7. OTHER ITEMS

- A. Minutes of April 27, 2021

Coordinator Borenstein states that the minutes are not ready yet.

8. COMMISSION DISCUSSION

A. Regulations and Procedures Q & A

Coordinator Borenstein states that she was disturbed by the actions of Mr. Chris Dupuis this evening. She would like to discuss Zoom etiquette and the Open Meeting Law in the next meeting.

B. Wetland Ordinance Update

Coordinator Borenstein states that she sent the word document to the Commission.

9. MOTION TO ADJOURN

Commissioner Sharp motions to adjourn at 9:30 PM and is seconded by Commissioner Fagnand. TS-Yes, CG-Yes, JM-Yes, AF-Yes, CL-Yes  
The motion passes.

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

ACCEPTED