



City of Westfield, Massachusetts

Municipal Conservation Commission

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June 8, 2021

REMOTE MEETING MINUTES

Conservation Commission members in attendance: Chairman David Doe (DD), Vice Chairman Jim Murphy (JM), Carl Grobe (CG), Alex Fagnand (AF), Robert Florek (RF) and Cliff Laraway (CL). 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

Vice Chairman Murphy calls the meeting to order at 6:30 pm. He takes attendance. Commissioner Sharp is not in attendance.

Vice Chairman Murphy notes that because of the storm internet is spotty and the Commission may experience internet issues as exemplified by Chairman Doe "freezing" and being logged off.

2. OPEN PARTICIPATION-There is none at this time.

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 June 22, 2021 at 6:30 PM.

Commissioner Laraway motions to continue until June 22, 2021 at 6:30 PM and is seconded by Commissioner Grobe. CG-Yes, RF-Yes, AF-Yes, CL-Yes, DD-Yes-JM
The motion passes.

6:35 PM Chairman Doe resumes as chair.

6:35 PM Commissioner Fagnand recuses himself and leaves the meeting.

- B. Ellsworth Street to Williams riding Way-City of Westfield Engineering Department-DEP File # 333-805

Enhancements to a multi-use trail along the Westfield River Levee.

Mr. Mark Cressotti of the Westfield Engineering Department and Ms. Mary Grover and Ms. Jean Christy of Tighe and Bond are present.

Coordinator Borenstein states that a site visit to the mitigation area was conducted. She states that 5 trees will be planted so that community members have access to the river. She suggests River Birch. Ms. Grover addresses the DEP comments. (see response letter) Chairman Doe expresses concern about the size of the asphalt path on top of the levy. Mr. Cressotti states that the width is necessary to allow this to be recognized as a multi-use trail. Chairman Doe asks if anyone from the public has any comments. Ms. Diane Snyder states that she is concerned that the asphalt will burn pets feet. She states that she is concerned about the mitigation area. She states that it is a prime safe swimming hole and because of the signs that are posted, people are not using it. She states that picnic tables and trash barrels are needed in this park. Mr. Peter Cowles state that he believes that the Conservation Commission meeting is the incorrect venue to address picnic tables and trash barrels. Ms. Snyder states that she believes that she should be able to address the issues at any time during the process of any city project. She states that she received an abutters notice an addressed issues as soon as she could. Mr. Cressotti states that he is happy to take any issues to the proper departments. Ms. Heather Wineman asks questions regarding where the extra materials for the extension of the width of the levy will come from. Chairman Doe states that the contractor will bring those in.

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

Vice Chairman Murphy motions to accept the Order of Conditions as written and is seconded by Commissioner Grobe. JM-Yes, CG-Yes, RF-Yes, DD-Yes

4. PUBLIC MEETINGS

- A. Pioneer Valley Railroad Right-of Way-Pioneer Valley Railroad
Confirmation of wetland boundaries.

Mr. Stephen Herzog is present representing Pioneer Valley Railroad.

Chairman Doe reads the legal language. Mr. Herzog presents the project which consists of herbicide application in selected areas along the Pioneer Valley Railroad Right of Way. Mr. Herzog states that they are asking for a confirmation of wetland boundaries only and work will not occur within 10-feet of the wetlands. Mr. Herzog explains the method of application and the areas of application. Chairman Doe asks if anyone from the audience has any comments. No one unmutes.

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

Vice Chairman Murphy motions to confirm wetland boundaries with a Positive 2a and is seconded by Commissioner Grobe. JM-Yes, CG-Yes, RF-Yes, AF-Yes, DD-Yes
The motion passes.

- B. 296 Buck Pond Road (273-1)-Vladimir Telelyuyev
Construction of a beach area on the shore of Horse Pond.
Mr. Telelyuyev is present.

Chairman Doe reads the legal language. Mr. Telelyuyev explains the project which consist of installing beach sand on the shore of the pond. Coordinator Borenstein states that she has been to the property for a potential violation. She states that there appears to be sand in the area. Mr. Telelyuyev states that the area was once a summer camp. Coordinator Borenstein states that the area does not appear to be Bordering Vegetated Wetlands. Chairman Doe asks for a site visit because of the sand directly up to the water line. Chairman Doe asks if anyone from the audience has any comments. No one unmutes.

Commissioner Fagnand motions to continue until June 22, 2021 at 6:30 PM and is seconded by Commissioner Florek. CG-Yes, RF-Yes, AF-Yes, DD-Yes
The motion passes.

- C. 317 Union Street (35R-9)-Mr. Whip's Golf Acres, LLC c/o Anthony Witman
Removal of vegetation and a trail installation in the 100-year Floodplain and removal of invasive species within the 200-foot Riverfront Area.
Mr. Anthony Witman is present.

Chairman Doe reads the legal language. Mr. Witman explains the project which consists of removal of vegetation and a trail installation in the 100-year Floodplain and removal of invasive species within the 200-foot Riverfront Area. The Coordinator Borenstein states that much of the vegetation to be removed are invasive plants. Chairman Doe ask if there are any comments from the audience. Ms. Melissa Kielbasa asks how a stream crossing will be addressed. Mr. Witman states that he has not considered this issue yet. Ms. Kielbasa states that the vegetation on Union Street was left for a visual and a sound buffer for the neighbors and for a safe place for wildlife to cross the road. Chairman Doe asks for a site visit.

Vice Chairman Murphy motions to continue until June 22, 2021 at 6:30 PM and is seconded by Commissioner Grobe. JM-Yes, CG-Yes, AF-Yes, RF-Yes, DD-Yes
The motion passes.

5. ENFORCEMENT

A. 394 Northwest Road (107-6, 107-7)-William Barry

Clearing of vegetation within the 200-Foot Riverfront Area of Cook Brook.

Mr. Ryan Nelson of R. Levesque Assoc. Inc. (RLA) is present representing Mr. Barry.

Mr. Nelson reminds the Commission of the enforcement. He states that native plantings are proposed consisting of Red Maples, Service Berry Shrubs, High Bush Blueberry Bushes, Dogwoods and Spice Bush Shrubs. He states that a five foot no-alteration zone will be implemented. The Commission discusses the width of the no-alteration area. Commissioner Fagnand states that the area near the peninsula area is a steeper area and he feels that the Commission would get more value out of restoring this area rather than the areas that appear to be less altered. The Commission suggests that a 5-foot no disturb area be implemented directly adjacent to the river and a 5-foot area adjacent to the no-disturb area be added to the restoration plan. This additional area will be mowed twice a year in the dormant season the peninsula area will be rounded out and the entire area shall be planted with meadow mix seed. Commissioner Fagnand suggests that the plan be presented to Coordinator Borenstein and approved by her. He states that there is no reason for the applicant to come to another meeting. Chairman Doe suggests that RLA submit the plan to Coordinator Borenstein and if all criteria are satisfied then the plan shall be approved and Coordinator Borenstein can update the Commission at the next meeting.

Vice Chairman Murphy motions to continue until June 22, 2021 at 6:30 PM and is seconded by Commissioner Florek. CG-Yes, RF-Yes, JM-Yes, AF-Yes, DD-Yes
The motion passes.

B. 1760 East Mountain Road (65R-10)-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 she has been working with one of the family members. She states that the area has been mulched and straw has been put down. She asks if 30 native shrubs would be acceptable for restoration in the inner 50-foot and then fifteen shrubs in the outer 50-foot and a meadow mix planted. She states that the homeowner is complying with the Enforcement Order.

Commissioner Grobe motions to continue until June 22, 2021 at 6:30 PM and is seconded by Vice Chairman Murphy. CG-Yes, RF-Yes, JM-Yes, CL-Yes, DD-Yes
The motion passes.

C. 88 Furrowtown Road (48R-1)-Roy and Estelle Streeter

Clearing vegetation in the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Ms. Estelle Streeter is present.

Ms. Streeter states that she has hired RLA to perform the wetland delineation.

Commissioner Murphy motions to continue until June 22, 2021 at 6:30 PM and is seconded by Commissioner Florek. CG-Yes, RF-Yes, CL-Yes, JM-Yes, DD-Yes
The motion passes.

6. DISCUSSION

- A. 112 City View Road-City of Westfield DPW-DEP File #333-739
Request for OOC extension.

Coordinator Borenstein states that this permit is for a culvert replacement on Jack's Brook. She states that nothing has been started. She states that the current OOC has expired but because of the Emergency Order, it can be extended.

Commissioner Murphy motions to extend the Order of Condition until January 31, 2023 and is seconded by Commissioner Florek. CG-Yes, RF-Yes, AF-Yes, JM-Yes, CL-Yes, DD-Yes
The motion passes.

- B. 170 Pontoosic Road (8R-15)-Michael Bryant-Potential Violation

Coordinator Borenstein states that she performed a site visit and there appears to be an unpermitted fire pit adjacent to a stream. She is unsure as to whether it was in Bordering Vegetated Wetlands or if it is only in the 200-foot Riverfront Area to a perennial stream. Coordinator Borenstein states that there was a gravel pad installed and Mr. Bryant is using fallen logs as firewood. Mr. Bryant states that after speaking to the Coordinator, he now realizes that he cannot do any work in or near a resource area without a permit. Chairman Doe would like a site visit.

7. OTHER ITEMS

- A. Minutes of April 27, 2021, May 11, 2021 and May 25, 2021.

Commissioner Fagnand motions to approve the minutes of April 27, 2021 and is seconded by Commissioner Florek. RF-Yes, CG-Yes, JM-Yes, AF-Yes, CL-Yes, DD-Yes
The motion passes.

Commissioner Grobe points out the in Section 5 letter D Vice Chairman Murphy is noted as Vice Chairman Doe. Clerk Nunez states that she will make the correction.

Commissioner Fagnand motions to approve the minutes of May 11, 2021 after the suggested correction and is seconded by Commissioner Florek. RF-Yes, CG-Yes, JM-Yes, AF-Yes, CL-Yes, DD-Yes
The motion passes.

Commissioner Grobe motions to approve the minutes of May 25, 2021 and is seconded by Commissioner Florek. RF-Yes, CG-Yes, JM-Yes, CL-Yes, DD-Yes

8. COMMISSION DISCUSSION

A. Regulations and Procedures Q & A

Coordinator Borenstein states that our next meeting might be an in-person meeting. She states that she is concerned about being in the meeting room without masks.

B. Wetland Ordinance Update

Chairman Doe states that within the next couple of days he will be sending the draft to everyone.

C. David Doe was re-appointed to the Commission on May 20th!

9. MOTION TO ADJOURN

Commissioner Grobe motions to adjourn at 9:26 PM and is seconded by Commissioner Laraway. CG-Yes, JM-Yes, RF-Yes, CL-Yes, AF-Yes, DD-Yes
The motion passes.

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