



# City of Westfield Municipal Conservation Commission

JUNE 13, 2023 AT 6:30PM  
WESTFIELD CONSERVATION COMMISSION  
MEETING MINUTES

RECEIVED

AUG 14 2023

Conservation Commission members in attendance: Vice Chairman James Murphy (JM), Carl Grobe (CG), Robert Florek (RF), Ed Finnie (EF), James Prystowski (JP) Also, in attendance: Anna Meassick, Director of Conservation and Christina Ramos, Conservation Clerk

## 1. CALL TO ORDER

Vice Chairman Murphy calls the meeting to order at 6:30 PM then takes attendance. Commissioner DiCarlo, and Chairman Doe are not in attendance.

## 2. OPEN PARTICIPATION

Vice Chairman Murphy asks if any members of the public who would like to address the Commission concerning items not subject to public hearing. Vice Chairman Murphy brings up a note from Director Meassick about an emergency permit extension, 733 Montgomery Rd.

Director Meassick explains 733 Montgomery Road applicant filed for a permit extension and DEP has already approved it just needs the Commission's approval. The extension is to repair the driveway.

Vice Chairman Murphy asks if the Commission has any questions or comments, seeing none he entertains a motion to approve the permit extension for 733 Montgomery Rd.

Commissioner Grobe motions to approve to extend the permit for 733 Montgomery Rd. Commissioner Florek seconds. EF-yes, CG-yes, JM-yes, JP-yes, RF-yes.

The motion passes.

## 3. PUBLIC MEETINGS (RDAs)

### *Commissioner Florek Recuses himself.*

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

James Hall, Homeowner is present.

Director Meassick explains the Commission could not vote on this item last meeting because there was not a quorum. This evening we have a quorum and can vote on it.

Vice Chairman Murphy ask the public if they have any comments or concerns, seeing none he entertains a motion to close the public meeting.

Commissioner Grobe motions to close the public meeting. Commissioner Finnie seconds. EF-yes, CG-yes, JM-yes, JP-yes.



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The motion passes.

Commissioner Grobe motions to approve the project with conditions. Commissioner Prystowski seconds. EF-yes, CG-yes, JM-yes, JP-yes.

The motion passes.

## *Commissioner Florek returns.*

- B. 216.5 Belanger Rd  
Proposal: Building Carport within buffer zone

Gregory Boisvere, the homeowner is present.

Mr. Boisvere explains he is purchasing a car port from Hometown Structures that is 20ft x 20ft, with a shingle roof. It is approximately 76ft from the water behind the house. The area is already disturbed from a previous project that isn't finished yet.

Director Meassick explains that Chairman Doe and herself went out and checked the site. She explains that right now it's just a dirt lot because the lawn has not been loamed and seeded and shouldn't be until after the carport is installed.

Mr. Boisvere presents the Commission with some photos of the area.

Commissioner Grobe motions to close the public meeting. Commissioner Florek seconds. EF-yes, CG-yes, JM-yes, JP-yes, RF-yes.

The motion passes.

Commissioner Grobe motions to approve the work with conditions. Commissioner Florek seconds. EF-yes, CG-yes, JM-yes, JP-yes, RF-yes.

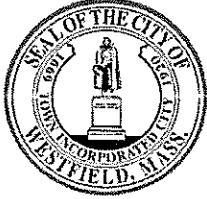
The motion passes.

## 4. PUBLIC HEARINGS (NOIs)

- A. 0 Ponders Hollow Rd – The Little River Levee – DEP File #333-834  
Proposal: Repair of culvert within land under water, riverfront area, bordering wetland

Melissa Coady, from Tighe & Bond present as representative.

Ms. Cody explains the project was before the Commission late May and a site visit was conducted. She asks if Director Meassick has any questions or concerns.



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Director Meassick explains her only question was when they were out there with Army Corps, they mentioned that there may need to be a permit pulled through them. She asks Ms. Coady if there is an update on that.

Ms. Coady explains that Section 408 determined that they will not need a formal review. Once the contractors are on board, they will submit a self-verification to the Corp under section 404 because the general permits have been issued.

Vice Chairman Murphy wants to make sure the Department has everything it needs to move forward.

Director Meassick explains that yes, Tighe & Bond is good at getting everything they need and doing all the math.

Vice Chairman Murphy asks when they plan to start this project.

Ms. Coady explains in a perfect world, the project would start end of summer early fall.

Commissioner Florek asks if they would be done before the end of growing season.

Ms. Coady explains it depends on the timing, temporary measures to stabilize and then return in the next growing season to make sure stabilization is occurring or more seeding is needed.

Vice Chairman Murphy asks if there are any other questions or concerns.

Director Meassick explains that the Commission must acknowledge the limit project status of it, because performance standards can't be met due to the type of work. The 50ft no disturb zone needs to be waived.

Vice Chairman Murphy asks if that's something the Commission should add in the Order of Conditions.

Director Meassick explains the Commission can add it to the Order of Conditions, but the Commission just needs to understand and acknowledge it.

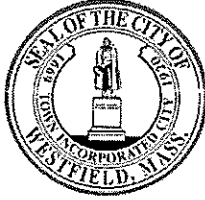
Vice Chairman Murphy wants to vote on the waiving the 50ft no disturb zone, acknowledging it.

Commissioner Finnie motions to waive and acknowledging the 50ft no disturb zone.

Commissioner Florek seconds. EF-yes, CG-yes, JM-yes, JP-yes, RF-yes.

The motion passes.

Vice Chairman Murphy asks the Commission if they have any other questions for Ms. Coady. Seeing none, he asks the public if they have any questions or concerns, seeing none he requests to have a motion to close the public hearing.



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Commissioner Grobe motions to close the public hearing. Commissioner Prystowski seconds. EF-yes, CG-yes, JM-yes, JP-yes, RF-yes.

The motion passes.

Vice Chairman Murphy goes through the Special Conditions.

Commissioner Grobe motions to issue the Order with special conditions. Commissioner Prystowski seconds. EF-yes, CG-yes, JM-yes, JP-yes, RF-yes.

The motion passes.

- B. 70 Lockhouse Road – DEP File #333-831  
Proposal: Truck Terminal in buffer zone

Rebecca Li of RLA is present as the representative.

Ms. Li explains the project was initially presented at the April 25<sup>th</sup> meeting and was continued for a site visit and to address the DEP comments and City Engineer comments. The site visit took place May 9<sup>th</sup>, presented again on the May 23<sup>rd</sup> where they submitted revised drawing to incorporate comments from the Mass DEP, City Engineers, and the peer review. Continue a second time for another site visit and allow the Commission to go through he comments and make sure they were all addressed. Since than they have received a response from McMahon Associates that they have satisfied all their comments. She asks the Commission if they have any other comments or questions.

Vice Chairman Murphy asks the Commission if they have any concerns or questions.

Director Meassick comments on the issue of the City Council wanting the site to be paved and the drawings were made to show paved instead of gravel parking lot. She explains that it is not low impact development for stormwater standards. She recommends the gravel that was initially proposed.

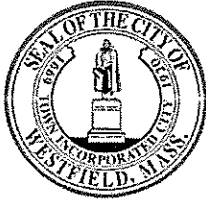
Commissioner Grobe explains he appreciates their concern, but can they change it.

Director Meassick explains that City Council bounced the determination to the Commission, referencing the motion made by Councilor Figy to continue the City Council review until the Conservation Commission finishes their investigation.

The Commission Discuss the pavement verses the packed gravel.

Ms. Li explains that the run-off numbers are similar so it would be up to the Commission what they wanted.

Vice Chairman Murphy asks what the soil profile there.



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Ms. Li explains that is very poor material, a lot of fill and silt loom.

Commissioner Florek asks if there will be a paved apron before it leads into the street.

Ms. Li explains that previously revision had the front half of this site paved, the back portion was going to packed gravel. Right now, the plans show pavement and if the Commission sees fit to change then it won't affect the sheet flow.

Vice Chairman Murphy asks the public for any comments, seeing none he entertains a motion to close the public hearing.

Commissioner Grobe motions to close the public hearing. Commissioner Florek seconds. EF-yes, CG-yes, JM-yes, JP-yes, RF-yes.

The motion passes.

Vice Chairman Murphy goes through the Special Conditions. The Commission places a \$7,500.00 bond on the project.

Commissioner Grobe motions to approve the project with Special Conditions. Commissioner Prystowski seconds. EF-yes, CG-yes, JM-yes, JP-yes, RF-yes.

The motion passes.

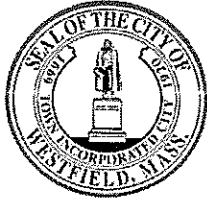
C. 302 East Main Street and 28 Verona Street- DEP File #333-833  
Proposal: Retail and storage building in flood zone

Rebecca Li, of RLA is present as the representative.

Nico L. Paolucci, the property owner is present.

Ms. Li explains that this project was continued for a site visit and to address the Mass DEP comments. Since than the site visit has happened, and they responded to the DEP comments this afternoon. She asks the Commission if they would like her to go over those. Vice Chairman Murphy would like to hear the comments.

1. There is no justification in the NOI narrative that there will be an unrestricted hydrologic connection between where it is planned to lower the existing grade in certain areas and then to the river. RLA Response: The original NOI plan that was submitted contained a flood impact table which showed the project having flood displacement from elevation 124 to 125 however the actual displacement will start at an existing ground elevation of 124.5, which is a conservative estimated average of the lowest elevation in the proposed building. Therefore, the flood impact table on the plan has been updated to reflect BLSF displacement starting at elevation 124.5 feet. The proposed lowering of grade to the northeast of the proposed building for compensatory flood storage purposes to offset the



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building displacement at this elevation range will have a finish grade elevation of 124.5 feet. RLA's topographic survey and Westfield GIS LIDAR contour information confirms that the abutting property immediately adjacent to the east (#27 Verona Street) has an elevation of 124 feet and provides an unrestricted connection to the river to the northeast which will allow flood waters to enter the proposed compensatory flood storage grading area on-site.

Vice Chairman Murphy asks Ms. Li if DEP has received their responses to the comments.

Ms. Li explains they have just received them this afternoon.

Vice Chairman asks where this location is in relation to the Hess gas station and what the floor level at Wagner Rug is.

Mr. Paolucci explains it's right behind the old Midus which is now Wagner Floor and Rug. The floor level is at 126 elevation which would bring them higher.

Vice Chairman asks if the calculations take into consideration this area becoming a flood way in a flood or just flooded.

Ms. Li explains that she is unsure.

Director Meassick explains that all the main streets tend to flood so it is not necessarily a flood way.

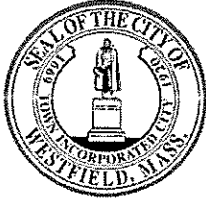
Ms. Li moves onto DEP comment two.

2. The commission needs to carefully review the flood volume calculations. Also, please note that if the building is floodable, as is stated, that flood waters in the interior of the building would not have an unrestricted connection. RLA Response: The proposed building will have code compliant flood vents/gates located starting at the finish floor elevation of the building which will allow for adequate entry and exit of potential floodwater into the building. FEMA's National Flood Insurance Program (NFIP) standard is a one-square inch flood gate opening for every square foot of enclosed building floor area. The flood gates for the proposed building will be sized by an architect, like the proposed building improvements that were completed for #302 East Main Street under #333-0789. To the best of our knowledge, "unrestricted hydraulic connection" is not defined under 310 CMR 10.00.

Vice Chairman Murphy confirms that the building is floodable.

Ms. Li agrees.

Director Meassick explains she has a concern about the elevation of the parcel being included in compensatory storage. The change in grade is being included as compensatory storage.



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Ms. Li explains compensatory storage on the site plans and how it adds up.

Commissioner Grobe asks if the material that is removed be taken off site.

Mr. Paolucci answers yes, the material will be taken off site.

Director Meassick explains that Acustney demo is related to two other projects that use it as compensatory storage. If they want to bank the storage it will need to track through the record of the Ascustney parcel.

Mr. Paolucci explains that it's banked to 302 East Main Street only and Wagner Rug and Flooring is the only owner.

Director Meassick explains Ascustney was related to a different project so in writing of the Order of Conditions, it must reference the two DEP files beforehand.

Commissioner Grobe explains he is curious because you have floodable building but what happens when material is stored inside the building how does impact the flood ability.

Mr. Paolucci explains that all the material will be on racks, flood level is about 126 so it is 2 and half feet above flood level. It will all be up high so in case of flood, material will be saved.

Director Meassick explains that they wait for the DEP response to RLA's answers, the Commission can send the answers back to DEP or they can approve it tonight.

Vice Chairman Murphy asks if the Commission wants to send the numbers to the City Engineer for review.

Mr. Paolucci asks if there's extra compensatory storage.

Ms. Li explains yes about 1,800 square feet.

Vice Chairman Murphy asks the Commission if they have any other comments or concerns.

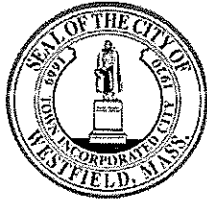
The Commission discuss having the City Engineers look over the compensatory storage numbers and if it being reviewed will clear things up.

Vice Chairman Murphy asks the public if they have any comments or questions, seeing none he entertains a motion to continue for a peer review on the compensatory storage number.

Commissioner Grobe motions to continue to next meeting for a peer review by the City Engineer of the compensatory storage numbers. Commissioner Prystowski seconds. EF-yes, CG-yes, JM-yes, JP-yes, RF-yes.

The motion passes.

D. 109 Medeiros Way & 0 Timberswamp Road



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Proposal: Construction of a self-storage facility in river front area, bordering wetlands

*Vice Chairman Murphy reads the legal language.*

Rebecca Li, of RLA is present as the representative. Todd Cellura, property owner, is also present.

Ms. Li explains the site plans and proposed project for construction of a self-storage facility. The project is within the 100ft buffer zone and riverfront area. A wetland crossing is proposed with replication. There will be two infiltration basins collecting water from the site via low points. Each basin is equipped with an outlet control device and sediment forebays. The replication will involve connecting the current isolated wetland to the bordering vegetated wetland. Replication totals 4,520sqft which is double the required ratio required.

Vice Chairman Murphy requests Ms. Li point out the sediment forebays. She explains due to the nature of the site, they are slightly different than usual, being linear. He then asks for greater detail of the wetland replication. Ms. Li explains they are proposing to connect the two wetlands together and have one large wetland.

Director Meassick explains the difference between an isolated wetland and bordering vegetated wetland. Ground water or rainwater can contribute to the isolated wetland. Ms. Li agrees that groundwater is very low in the area.

Ms. Li explains they do not have a MassDEP file number and request a continuance.

Commissioner Florek asks if there is a snow removal plan. Ms. Li answers no, but they can make one.

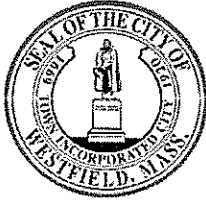
Commissioner Grobe asks where the water is flowing given the elongated basins.

Ms. Li explains that they will raise the site to allow for water to run to the different catch basins with a deep sump hood which will discharge into the infiltration basin. There are several different points of water collection and infiltration, and none are connected. There is an outlet control structure and an emergency overflow dam in case of a 100-year storm.

Director Meassick asks if the project must be presented before any other board or commission. Mr. Cellura believes it needs approval from the planning board.

Vice Chairman Murphy inquires if Mr. Cellura is the same applicant who is constructing the storage facility on North Road. Director Meassick explains no and that they have the same concerns as that facility at this location. She explains the applicant will need to file a snow removal plan, example lease agreement, and signage will have to be installed.





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Vice Chairman Murphy asks the Commission if they have additional questions. Seeing none, he asks the public for questions or comments. Seeing none, he entertains a motion to continue to June 27, 2023.

Commissioner Grobe motions to continue to June 27, 2023. Commissioner Florek seconds. EF-yes, CG-yes, JM-yes, JP-yes, RF-yes.

The motion passes.

## 5. CERTIFICATE OF COMPLIANCE

- A. 16 Hunters Slope – Local Ordinance Only  
Permit: Construction of home (2003)

Director Meassick explains it is an old Order of Conditions from the construction of the neighborhood. The home was required to do wetland replication and the company that did the work went bankrupt prior to closing the Order. She says the work is completed.

Vice Chairman Murphy asks why a partial certification instead of full. She explains it is for one home and not the entire neighborhood.

Commissioner Grobe motions to issue the partial Certificate of Compliance. Commissioner Prytowski seconds. EF-yes, CG-yes, JM-yes, JP-yes, RF-yes.

- B. 20 Clifton Street – DEP File #333-741  
Permit: Removal and reinstallation of fencing  
**NOTES FOR COMMISSION**

Rebecca Li of R. Levesque Associates is present as the representative.

She provides a site plan showing the fence location at 0 Clifton Street. Director Meassick explains she stopped by and saw there is a fence.

Commissioner Grobe motions to issue the certificate of compliance. Commissioner Finnie seconds. EF-yes, CG-yes, JM-yes, JP-yes, RF-yes.

The motion passes.

- C. 66 Ampad Road – A Duie Pyle - DEP File #333-771  
Permit: Accessory Building

Rebecca Li of R. Levesque Associates is present as the representative.

She provides a site plan displaying the work completed at 66 Ampad Road. Director Meassick confirms a site visit was held and all work appears to be completed and in order.



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Commissioner Grobe motions to issue the certificate of compliance. Commissioner Finnie seconds. EF-yes, CG-yes, JM-yes, JP-yes, RF-yes.

The motion passes.

D. 558 and 590 Granville Road – DEP File #333-817

Permit: Dredging intermittent stream

## **NOTES FOR COMMISSION**

*Commissioner Florek recuses himself.*

Director Meassick explains a site visit was held with the applicant and Chairman Doe. Vegetation has grown in, the stream is flowing, and there is now frogs in the stream.

Commissioner Grobe motions to issue the certificate of compliance. Commissioner Finnie seconds. EF-yes, CG-yes, JM-yes, JP-yes.

The motion passes.

*Commissioner Florek returns.*

## **6. ENFORCEMENT ORDERS**

A. 65 Butternut Road

Violation: Dumping of fill in wetland

## **NOTES FOR COMMISSION**

Director Meassick recommends fines. She did not send another letter threatening fines since they appear to be doing nothing. She suggests fines or a translator to explain further. He has not attended the meetings or reached out to a consultant. Ryan Nelson of R. Levesque associates went out to the site as a favor to the Commission and confirmed it's a wetland. Director Meassick walks the Commission through the history of disturbance of the site beginning in 2018.

The Commission discusses options for issuing fines to get movement on the restoration. They decide on issuing a final notice requiring a response within 10 days or face fines. Director Meassick will touch base with the Law Department on the fine process and how to best address the letter.

Commissioner Florek motions to issue a final notice detailing all violations and fining \$100.00 per day per violation if no response is received within 10 days upon receipt of the letter, cease and desist, stabilization, to appoint an environmental consultant, establish a restoration plan, and attendance at the June 27, 2023, meeting. Commissioner Grobe seconds. Commissioner Grobe



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motions to issue the certificate of compliance. Commissioner Finnie seconds. Vice Chairman Murphy asks if there is further discussion to the motion. The motion is amended to include the ability to retrodate the fines. Commissioner Grobe seconds. EF-yes, CG-yes, JM-yes, JP-yes, RF-yes.

The motion passes

- B. 0 Pontoosic Road  
Violation: No Forestry cutting plan in place

The cutting plan has been received.

Commissioner Grobe motions to lift the enforcement order. Commissioner Finnie seconds. EF-yes, CG-yes, JM-yes, JP-yes, RF-yes.

The motion passes.

## 7. COMMISSION DISCUSSION

- A. 0 Russellville Rd – DEP File #333-772  
Proposal: Request for extension of Order of Conditions

Director Meassick explains the location of the home.

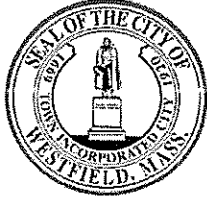
Commissioner Grobe motions to extend the order for one year. Commissioner Finnie seconds. EF-yes, CG-yes, JM-yes, JP-yes, RF-yes.

The motion passes

- B. Regulations & Procedures Q&A
  - a. Fines

Director Meassick explains most departments issue fines and the Commission should consider fining more often if work isn't being done. They do not want to create a hardship on homeowners but understand the need for stronger enforcement at times.

- b. Application Fees



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Director Meassick explains Westfield is one of the few municipalities that don't have an application fee at the municipal level. She explains that the fees would go to the general fund. She details the budget and that it was approved.

The Commission requests a comparison of local application fees and how they should apply to Westfield.

C. Review and approval of minutes

a. April 25, 2023

The minutes cannot be approved because Commissioner Finnic and Commissioner Prystowski were not part of the Commission at the time.

b. May 9, 2023

Commissioner Florek motions to approve the minutes. Commissioner Grobe seconds. EF-yes, CG-yes, JM-yes, JP-yes, RF-yes.

The motion passes.

D. Review of any additional administrative items

a. Permits are signed.

9. MOTION TO ADJORN

Vice Chairman Murphy motions to adjourn the meeting at 8:37pm. Commissioner Grobe seconds. EF-yes, CG-yes, JM-yes, JP-yes, RF-yes

The motion passes.

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A true record, Attest:  
Conservation Clerk Christina Ramos  
Director of Conservation Anna Meassick