



City of Westfield, Massachusetts

Municipal Conservation Commission

June 14, 2022

REMOTE MEETING MINUTES

Conservation Commission members in attendance: Chairman David Doe (DD), Vice Chairman Jim Murphy (JM), Thomas Sharp (TS), Alex Fagnand (AF), Robert Florek (RF) and Lauren DiCarlo (LD). Also in attendance: Anna Meassick, Conservation Coordinator and Karen Leigh, Conservation Consultant.

Chairman Doe reads: *Pursuant to Chapter 20 of the Acts of 2021, certain Covid-19 measures as they relate to M.G.L. c. 30A, §20, the Open Meeting Law, were extended that had been adopted during the State of Emergency. 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 Channel 12 or online at westfieldtv.org or online at Youtube.com - Westfield Community Programming Channel. 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.*

A. CALL TO ORDER/ROLL CALL

Chairman Doe calls the meeting to order at 6:30 PM and takes attendance. Commissioner Grobe is not in attendance.

B. OPEN PARTICIPATION

Chairman Doe asks if there are any audience members that would like to address anything not on the agenda.

Coordinator Meassick states that item 8E, DPW Emergency Certifications, was not on the public agenda as it was added last minute. She recommends moving the item to open participation as Deputy Superintendent of Public Works Casey Berube is present to speak about the emergency work.

Commissioner Fagnand motions to bring the item to public open participation. Vice Chairman Murphy seconds. JM-Yes, LD-Yes, TS-Yes, AF-Yes, RF-Yes, DD-Yes

One emergency certification concerns a culvert obstruction due to beavers and the second is a failing culvert that is causing the road to cave in. Deputy Supt. Berube explains both the

hazards in the emergency certifications and why they need to be fixed. He also mentions two other culverts on Old Long Pond Road and lower Granville Road.

Commissioner Sharp expresses concerns over the removal of the woody debris in the culvert. Deputy Supt. Berube explains that the debris will be removed slowly to not cause a flood downstream and will be removing the top layer of debris.

Consultant Leigh expresses concerns over the replacement of the culvert on upper Granville Road because it is a large project. Deputy Supt. Berube explains the process for the replacement and the intention to do the work during low flow or no flow, otherwise a pump would be used. He anticipates it being a three day project and offers to stabilize the bank post constriction as part of the project. Chairman Doe inquires on the sequence of construction. Coordinator Meassick explains the construction process that was submitted with the emergency certification requests. Commissioner Sharp asks for DPW to stay in contact with Conservation during the process. Chairman Doe looks for the culvert to be placed level to the stream flow.

Commissioner Fagnand motions to approve the emergency certification for the obstruction on Root Road. Vice Chairman Murphy seconds. JM-yes, RF- yes, LD-yes, TS-yes, AF-yes, DD-yes
The motion passes.

Commissioner Fagnand motions to approved the emergency certification for the replacement of the culvert on Granville Rd with the conditions of, erosion control installation and approval, photographs pre and post construction, attempt to make the culvert level, armament of the bank using natural stone, use of turbidity sock to prevent sediment flow downstream and installation of a guardrail. Commissioner Sharp seconds. JM-yes, RF-yes, LD-yes, TS-yes, AF-yes, DD-yes
The motion passes.

C. PUBLIC MEETINGS

A. 240 Russellville Road (62R-)-Oscar Naula Installation of a new septic system.

Oscar Naula is present. Coordinator Meassick states there is no update to the application, but the home is up for sale and Mr. Naula would have to withdraw his application if he would wish to no longer continue his application. Commissioner Sharp has concerns that a new owner will not be aware of the situation and who would be responsible for the enforcement order. Coordinator Meassick states that the information is deed recorded so a new property owner should be made aware by their closing attorney. Mr. Naula speaks to why he is selling the property and that he does not want to install a tight tank. Commissioner Sharp expresses his condolences to Mr. Naula on being misinformed on the property and questions the transfer of the enforcement order once the property is sold.

Coordinator Meassick explains again the processes that happened in April once the restrictions were realized on the property and giving the information to Mr. Naula. Chairman Doe explains that the Commission cannot allow him to build outside of the limit due to the legal documentation. Commissioner Sharp expresses concerns for the future owner. Coordinator Meassick states that they have done all they can to inform the future owner because it is deed recorded and it is on the relator to inform the buyer. Commissioner Fagnand questions if Oscar is withdrawing his application without prejudice. Mr. Naula is informed he must submit a written statement if he chooses to withdraw. Consultant Leigh says that enforcement orders run with the land.

Vice Chairman Murphy motions to continue until June 28, 2022. Commissioner Fagnand seconds. JM-yes, LD-yes, TS-yes, AF-yes, RF-yes, DD-yes
The motion passes.

B. 1058 Russell Road (31R-45) – Saad Mohammed

Proposal: Removing one large tree

Saad Mohammed is present.

Chairman Doe reads the legal language and asks for an update. Coordinator Meassick explains that the applicant is looking to remove one large maple tree that covers their garden. There is an unmarked stream on the adjacent property and the tree is outside the 50ft buffer. The tree is part of a forested area, but located in the yard. Mr. Mohammed explains this was the only location for the garden on the property and it is 30ft by 15ft. The tree is about 60-70ft from the stream. He has already planted several trees and shrubs to accommodate from removing the tree. Coordinator Meassick states that the tree provides no shade to the stream due to the location.

Chairman Doe asks for comments and concerns from the Commission. Upon hearing none he asks the public for comments and concerns. Upon hearing none he requests motion to close the public meeting.

Commissioner Fagnand motions to close the meeting. Vice Chairman Murphy seconds. TS-yes, JM-yes, RF-yes, LD-yes, AF-yes, DD-yes
The motion passes

Vice Chairman Murphy motions for a positive five with no NOI required and a negative three with no stumping and replacement of tree with 3 shrubs. Commissioner Fagnand seconds. TS-yes, JM-yes, RF-yes, LD-yes, AF-yes, DD-yes
The motion passes

C. 264 Union Street (35R-19) – Doug Fuller

Proposal: Removing asphalt and replacing with bituminous concrete pavement

Chairman Doe reads the legal language and asks for an update. Commissioner Sharp recuses himself. Mr. Fuller is not present. Coordinator Meassick explains that the applicant has a former permit from 2016 and is looking to dig up the current pavement and repave the lot. Commissioner Murphy states that because it is a one to one

replacement that he is not concerned for the project. Consultant Leigh suggests that Mr. Fuller should submit documentation of volume removed and volume replaced.

Chairman Doe asks for comments and concerns from the Commission. Upon hearing none he asks the public for comments and concerns. Upon hearing none he requests motion to close the public meeting.

Vice Chairman Murphy motions to close the public meeting. Commissioner Fagnand seconds. JM-yes, RF-yes, LD-yes, AF-yes, DD-yes

The motion passes

Vice Chairman Murphy motions that the permit be issued as a positive five with no NOI required and a negative three with documentation on the amount of fill removed and brought in. Commissioner Fagnand seconds. JM-yes, LD-yes, RF-yes, AF-yes, DD-yes
The motion passes

Commissioner Sharp returns.

D. 47 Castle Hill Road (14R-55) – Brittany Larose
Proposal: Installation of fence in backyard

Chairman Doe reads the legal language and asks for an update. Rob Larose is present and explains they want to install a 4ft aluminum fence in the yard that has a 60ft slope down to Jack's Brook. The fence will be located at the top of the slope and a few saplings will be removed and 2 pines under four inches diameter at breast height. The location is a good distance from the brook. Coordinator Meassick recommends a site visit prior to issuing a permit to review the slope to make sure that the fence will be stable.

Chairman Doe asks for comments and concerns from the Commission. Upon hearing none he asks the public for comments and concerns. Upon hearing none he requests motion to continue.

Vice Chairman Murphy motions to continue until June 28, 2022. Commissioner Florek seconds. TS-yes, JM-yes, RF-yes, AF-yes, LD-yes, DD-yes
The motion passes

PUBLIC HEARINGS

A. 0 Southampton Road (70R-8) - DEP File # 333-814 Ryan Geeleher/Geeleher Enterprises -
Installation of a new self-storage building
Ryan Nelson from RLA and Ryan Geeleher, the applicant, are present

Chairman Doe asks for updates.

Mr. Nelson presents the plans with the updates including signage, a snow removal plan, and prohibited storage of materials that could be harmful to the wetland. Commissioner Sharp inquires to the snow removal and how much the area can hold or if the snow will be

trucked off site. Mr. Nelson explains that if a lot of snow accumulates then it will be trucked off site. Mr. Geeleher states that snow would be removed at five or more inches of accumulation and there would be use of a snow melting machine.

Chairman Doe expresses concerns of dumping. Mr. Nelson explains that there is a 6ft tail chain link fence that would prohibit dumping into the wetland and the language is already on the conservation signs. Vice Chairman Murphy inquires to the cleaning of the storm drainage system and Commissioner Fagnand asks about comments from engineering. Mr. Nelson states there were no comments from engineering and cleaning will occur per the stormwater report. Chairman Doe inquires about the hazardous storage of materials. Banned materials are listed in the lease under condition number 2. Consultant Leigh points out the snow melting can lead to thermal pollution.

Vice Chairman Murphy inquires about groundwater quality monitoring. Mr. Nelson was not in attendance at the last meeting and did not know it was a request. Mr. Geeleher expresses he is on board with monitoring. Mr. Nelson asks for a preapproval, but the Commission wants all the details prior to approval.

Commissioner Sharp asks about the amount of trees which are 4 inches in diameter to be removed outside the 50ft buffer. Mr. Nelson has not done a tree count. Commissioner Sharp wants a count and that the tree policy should be applied.

Chairman Doe asks for comments and concerns from the Commission. Upon hearing none he asks the public for comments and concerns. Mary Anna Babinski expresses her concerns for Arm Brook and the aquifer and the continuing development of the parcel. Chairman Doe asks for any other comments. Coordinator Meassick explains once again that Arm Brook has been mapped as intermittent since 1958 and there cannot be an argument over the classification because it does not follow perennial guidelines and to do so would take many years. Commissioner Sharp reinforces that projects like this will influence streams and rivers no matter what.

Commissioner Sharp motions to continue to June 28, 2022. Commissioner Florek seconds. JM-yes, RF-yes, TS-yes, LD-yes, AF-yes, DD-yes.
The motion passes

- B. 216.5 Belanger Road (269-10) – Gregory Boisvere
Proposal: Installation of Nitrex I/A nitrogen removal system
Gary Rubenstein from Lumbardoe Associates is the representative.

Chairman Doe reads the legal language and asks for Mr. Rubenstein to present the proposal. The Nitrex system is to replace the existing septic system that is too close to the well. Work occurs outside the 50ft buffer zone from Pequot Ponds. Vice Chairman Murphy asks how the Nitrex system works. Mr. Rubenstein provides an explanation and that there is provisional approval by DEP for nitrogen removal and Westfield Health Department has given approval. Coordinator Meassick requests a site visit prior to the next meeting.

Chairman Doe asks for comments and concerns from the Commission. Upon hearing none he asks the public for comments and concerns. Upon hearing none he requests motion to continue.

Vice Chairman Murphy motions to continue. Commissioner Fagnand seconds. TS-yes, JM-yes, LD-yes, RF-yes, AF-yes, DD-yes
The motion passes.

Commissioner Florek recuses himself.

C. 558 & 590 Granville Road (26R-20 and 26R-21) – John Patterson

Proposal: Maintenance of existing drainage ditch

Ryan Nelson from RLA is present as the representative. John Patterson, the applicant, is also present.

Chairman Doe reads the legal language. Commissioner Florek recuses himself. Chairman Doe asks Mr. Nelson to present the proposal. Mr. Nelson explains the history of the property and the drainage ditch has been cleaned out with the last time being 2004. The flow capacity of the ditch has been blocked by vegetation causing Mr. Patterson's lawn and home to flood and developing a wetland. The goal is to remove the vegetation and dredge six inches of the sediment from the bottom of the ditch. The proposal is being submitted as a limited project under maintenance of a roadside drainage ditch. Work would occur during a dry stretch of weather with a sediment sock on the opposite side of the culvert to catch any debris and filter fabric screens entrenched before the culvert. Using a mini excavator and grading bucket, the vegetation will be removed and spread in the upland locations and maintain as lawn. Erosion control will be in place and silt fence check dams along the ditch.

Commissioner Sharp inquires if it is a ditch or stream, if it is tied to agriculture, and if the project will be draining a wetland. Mr. Nelson says it is a ditch, not stream and there is no agricultural exemption. If the work is denied, Mr. Patterson will continue to have flooding in his home. Chairman Doe speaks to the farmland from a long time ago and that on the site visit the lawn is inundated with water so the ditch needs to be drained out.

Commissioner Sharp asks if it is a wetland and wouldn't they be making the ditch bigger. Mr. Nelson explains it is a wetland and is being submitted as such and they are not making the stream bigger, but removing built up sediment. Chairman Doe believes that the water is not being contained properly by the ditch and the point of the project is to allow it to function properly.

Commissioner Sharp asks if the area has been wet for the past 30-40 years. Mr. Nelson says that in the past it was a potato farm and regularly tilled. Commissioner DiCarlo explains that there is sediment and weeds in the ditch, causing it to fill and not flow.

Consultant Leigh explains it's a wetland alteration that is doable. Coordinator Meassick states that it is a drainage ditch and being submitted as such with a bordering vegetated

wetland. There is much discussion on the classification of the wetland between Commissioner Sharp and Chairman Doe. In all the ditch needs to be maintained.

Chairman Doe asks for comments and concerns from the Commission. Coordinator Meassick explains the process the DPW will be taking on the adjacent property and inquires if the projects can be done at the same time. Chairman Doe opens the proposal to the public.

Angela Derouin, a former abutter at 515 Granville Road, suggests that the water flow has damaged her former property due to erosion. She believes that someone should not do work which will impact those downstream and everyone on the hill has water issues. She wants the culvert work to be considered with this project and states that the culvert is not blocked. Vice Chairman Murphy inquires to where the water flows. It is answered, under the culvert. Mr. Nelson explains that she should bring her concerns to the city about the culvert to help her property. Coordinator Meassick explains that for the culvert, DPW plans to slow the velocity of the water flow and if done correctly it should reduce problems for all.

Vice Chairman Murphy discusses continuing the project until the next meeting. Commissioner Fagnand wants more information on the culvert replacement from DPW and the projects must stand on their own merits. There is debate over how these changes will impact the velocity of water. Consultant Leigh explains that creating more space will allow better flow and reduce flooding. Mrs. Derouin disagrees. Mr. Nelson explains that they are not changing or altering the wetland, just restoring the capacity that existed prior to reaching the threshold. Commissioner Sharp has concerned over the location of the water changing. Mrs. Derouin continues to fight for her parcel. Consultant Leigh explains that what occurs on her parcel is separate from what the current proposal is, that the work proposed will benefit the property, and the erosion problems will be considered separately. Mr. Nelson explains again that the stream is filled with vegetation causing it to continuously flow with more water for longer periods of time, but with this work there will be less flow. Commissioner Fagnand and Vice Chairman Murphy agrees there will be a reduction in peak flow.

Commissioner Sharp motions to continue to get more information on water flow. Vice Chairman Murphy seconds. Commissioner Fagnand states that the peak flow rate will be going down post project. Commissioner DiCarlo agrees and that the information requested is unnecessary. Vice Chairman Murphy still wants documentation and review with the city engineer. Coordinator Meassick explains that we need a DEP file number and comments prior to issuing a permit, requiring a continuation.

Commissioner Sharp again expresses his concerns over the alteration of the wetland. Commissioner Sharp amends his motion to require the property to be delineated. Coordinator Meassick explains it is already delineated and being submitted as a bordering vegetated wetland and another delineation would result in the same map provided by RLA.

Commissioner Sharp amends his motion. Commissioner Sharp motions to continue until we received DEP comments. Vice Chairman Murphy seconds. LD-Yes, JM-yes, AF-yes, TS-yes, DD-yes
The motion passes.

5. ENFORCEMENT

A. 33 Castle Hill Road – Bill Kopatz – removal of vegetation and erosion

Coordinator Meassick says the sight looks well restored and recommends closing the enforcement. Commissioner Sharp motions to close the enforcement. Commissioner Fagnand seconds. LD-yes, RF-yes, AF-yes, DD-yes.
The motion passes.

B. 0 Bayberry Lane (46R-68)-Sergey Novenko-Removal of trees near an intermittent stream.

A request for extension was asked for and if they can remove the log pile.

Commissioner Fagnand motions to have the owner remove the logs. Commissioner DiCarlo seconds. LD-yes, JM-yes, RF-yes, AF-yes, TS-yes, DD-Yes
The motion passes.

Commissioner Fagnand motions to continue to June 28, 2022. Commissioner DiCarlo seconds. TS-yes, LD-yes, JM-yes, RF-yes, AF-yes, DD-yes
The motion passes.

C. 0 Bayberry Lane (46R-59 & 46R-60)-Samuel Shokov-Cutting trees and disturbing soils in or near a resource area.

A request for extension was asked for until July 12, 2022

Commissioner Fagnand motions to continue until July 12, 2022. Vice Chairman Murphy seconds. LD-yes, JM-yes, TS-yes, RF-yes, AF-yes, DD-yes
The motion passes.

The motion passes.

D. 300 Union Street (35R-22) – Custom Railing/Armand Cote- Filling of wetland and clearing trees

No one is present to represent the property.

Commissioner Fagnand motions to continue until June 28, 2022. Vice Chairman Murphy seconds. JM-yes, LD-yes, RF-yes, AF-yes, TS-yes, DD-yes
The motion passes.

- E. 240 Russellville Road – Oscar Naula – Violation: Working outside the permanent limit of work

Coordinator Meassick states that Angel Naula received the enforcement order and should be held responsible for restoring the site to previous conditions prior to work. Mr. Naula requests that Coordinator Meassick read the letter from his engineer Mike Pietris.

Coordinator Meassick explains that according to the Law Department the location of the septic system is illegal as it is outside the limit of work, she emailed all the information to Mr. Naula's engineer and she will email them to Mr. Naula directly.

Chairman Doe explains that the site must be restored. Commissioner Sharp asks who is responsible for the enforcement if it changes hands. Coordinator Meassick says yes, it can be sold.

Commissioner Sharp motions to continue. Vice Chairman Murphy seconds. JM-yes, TS-yes, LD-yes, RF-yes, AF-yes, DD-yes

The motion passes.

- F. 291 Loomis Street (12R-18) – Kristen and Stephen Sgroi - Violation: Clear cutting trees without a permit and potentially in the 200 foot riverbank area

The Stephen Sgroi is present.

Coordinator Meassick explains that the trees rotted out from the bottom up, which are outside out jurisdiction. She has concerns about the trees removed on the back half of the property as that is the 200ft riverfront area. Mr. Sgroi explains why he cut the trees and who he would contact for the culvert that is causing erosion of his property. Coordinator Meassick explains that it does not need to be an official enforcement order. Mr. Sgroi asks if the cease and desist can be lifted.

Commissioner Sharp motions to lift the cease and desist. Vice Chairman Murphy seconds. JM-yes. RF-yes, LD-yes, TS-yes, AF-yes, DD-yes

The motion passes.

- G. 33 First Street (278-17) – Jeanette Peretti - Violation: Noncompliance with OOC issued January 21, 2021

Jeanette Peretti is present.

Coordinator Meassick explains the reason for the enforcement. Ms. Peretti addressed all the issues with her aside from the bond. Chairman Doe clarifies if the bond was ever filed. Coordinator Meassick states that the bond was never filed. Ms. Peretti says that she can file the bond and she addressed the concerns with Coordinator Meassick. Commissioner Sharp asks about the as built. Ms. Peretti asks what an as-built is. Consultant Leigh explains what an as-built is to her. Chairman Doe asks if the Commission should close the

enforcement. Coordinator Meassick says it is up to them to continue or to close prior to filing the bond.

Commissioner Sharp motions to continue until June 28, 2022. Commissioner Fagnand seconds. LJM-yes, RF-yes, LD-yes, AF-yes, TS-yes, DD-yes
The motion passes.

6. CERTIFICATE OF COMPLIANCE

- A. 39 Pequot Point Road (280-58) – Lee and Erin Masters
Permit: Construction of retaining wall

Lee Masters is present

Coordinator Meassick explains what was discussed at the last meeting and she has received all the paperwork required for filing a Certificate of Compliance. She recommends issuing the COC with the continuing conditions.

Vice Chairman Murphy motions that the Certificate of Compliance is issued and the bond is released. Commissioner Fagnand seconds. Commissioner Sharp asks what the continuing conditions are. Coordinator Meassick reads them off. There are no further questions. JM-yes, RF-yes, LD-yes, AF-yes, TS-yes, DD-yes
The motion passes.

- B. 109 North Road (67R-60-1A) – Yevgeniy Yunikov

Coordinator Meassick explains that the contractor wants a site visit concerning the mulch. Commissioner Sharp motions to continue to June 28, 2022. Commissioner Fagnand seconds. JM-yes, RF-yes, LD-yes, AF-yes, TS-yes, DD-yes
The motion passes.

- C. 155 Springfield Road (114-2) DEP File #333-426 – David Shrair

David Shrair is present.

Coordinator Meassick explains no work was ever done and a certificate of compliance should be issued.

Commissioner Fagnand motions to issue the certificate of compliance. Vice Chairman Murphy seconds. JM-yes, RF-yes, LD-yes, AF-yes, TS-yes, DD-yes
The motion passes.

- D. 0 Fowler Road (3R-11) – William Olson

NOTES FOR COMMISSION

Coordinator Meassick explains no work was ever done and a certificate of compliance should be issued.

Commissioner Fagnand motions to issue the certificate of compliance and release the bond. Commissioner Florek seconds. JM=yes, RF=yes, LD=yes, AF=yes, TS=yes, DD=yes
The motion passes.

7. OTHER ITEMS

A. Minutes from May 24, 2022

Commissioner Sharp motions to approve the minutes. Commissioner DiCarlo seconds. There are no additions or corrections. JM=yes, RF=yes, LD=yes, AF=abstain, TS=yes, DD=yes
The motion passes.

8. COMMISSION DISCUSSION

A. Regulations & Procedures Q & A

B. Brickyard Water Chestnut Removal

Coordinator Meassick lists the dates that they will be pulling water chestnut. Commissioner Sharp says the pulls are working.

C. Management of Pitonaik Fields

Coordinator Meassick explains how Commissioner Sharp wants to manage the property, but Atty. Shanna Reed is unsure how, but we can explore options if the Commissioner as a whole would like too.

D. Budget

Coordinator Meassick provides detail on the budget approved for fiscal year 2023.

E. Conservation Clerk

There have been no applicants.

F. Tree policy

Consultant Leigh provided a boiler but it will be discussed next meeting due to time.

9. MOTION TO ADJORN

Commissioner Fagnand motions to adjourn at 10:00pm. Commissioner Florek seconds.
JM-yes, RF-yes, LD-yes, AF-yes, TS-yes, DD-yes
The motion passes.

A true record, Attest:
Anna Meassick
Westfield Conservation Coordinator