



City of Westfield, Massachusetts

Municipal Conservation Commission

June 28, 2022

REMOTE MEETING MINUTES

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

1. CALL TO ORDER/ROLL CALL

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

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 westfielddtv.org or online at [Youtube.com](https://www.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.*

2. OPEN PARTICIPATION

Chairman Doe asks if there are any audience members that would like to address anything not on the agenda. Seeing none, Chairman Doe moves to item 3.

3. PUBLIC MEETINGS

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

Chairman Doe asks for updates from Coordinator Meassick. She explains that a sale on the house is pending and she spoke to the relator about what is going on with the property, leaving it up to the relator to convey the information. It remains in Mr. Naula's power to continue with his RDA or withdraw without prejudice.

Commissioner Fagnand motions to continue until July 14, 2022. Commissioner Florek seconds. JM-yes, TS-yes, AF-yes, TS-yes, DD-yes.
The motion passes.

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

Chairman Doe asks for an update. Coordinator Meassick details the site visit and the location is slightly down slope. She suggests the fence be moved up slope a bit to prevent future erosion. Chairman Doe asks if they should recommend that to the applicant or leave it up to them to decide. Consultant Leigh explains the fence posts on the slope could pose a problem. The plans and photos of the site are reviewed. Mr. Larose is taking care to avoid taking down mature trees. He understands that he will be responsible for fixing the slope if it erodes away as time goes on.

Chairman Doe asks for concerns and comments from the Commission. Seeing none, he asks for questions and concerns from the audience. Seeing none, he entertains a motion to close the public meeting. Vice Chairman Murphy motions to close the public meeting. Commissioner Fagnand seconds. There is no further discussion

JM-yes, RF-yes, TS-yes, AF-yes, DD-yes
The motion passes.

Commissioner Sharp motions to approve the project as a negative three with the conditions of no stumping, but can grind stumps to gradient, all work to be done by hand, no materials to be dumped on or down the slope, no materials to remain on site post construction and a positive 5 with no NOI required. Commissioner Fagnand seconds. There is no further discussion.

JM-yes, AF-yes, RF-yes, TS-yes, DD-yes
The motion passes.

- C. 445 Root Road – Sarah and Paul Cabral
Proposal: Addition to home, installation of in ground pool, construction of shed, removal of tree stumps, and closing off one side of driveway

The Sarah Cabral, the homeowner and Chris Bloom, the consultant, is present.

Chairman Doe reads the legal language and asks for an update. Coordinator Meassick explains the two site visits with Consultant Leigh which took place prior to the proposal being presented to the Commission. She explains they informed Mrs. Cabral on additional requirements needed for the site plan including the 200ft riverfront area, limit of work, and contours, due to fill being brought in. She received an updated map with the 200ft riverfront area right before the meeting, but no further detail was provided. The site

plans are reviewed by the Commission and Coordinator Meassick expresses that the plans need more detail.

Mrs. Cabral explains that the consultant who did the plans said they do not map anything which has been asked by the Commission. Mr. Bloom explains the plans again, that it does not appear to be any violations in their plans, and the land surveyor doesn't map items which do not exist. Commissioner Sharp asks for clarification. Mr. Bloom explains that a land surveyor only maps what exists on the parcel currently and the delineation. Coordinator Meassick asks who drew the proposals on the plan. Mr. Bloom answers the land surveyor. Coordinator Meassick asks if the Building Department has the plans which show the building. Mr. Bloom states that the building department has no plans because they were returned to him and he should have been notified that the application was incomplete prior to the meeting. Coordinator Meassick explains that she only learned today, upon information given at the site visit, that the application was incomplete.

Commissioner Sharp asks if trees will be removed in the area of work. Mrs. Cabral explains that there will not be. Commissioner Sharp is comfortable with the plans. Coordinator Meassick explains it's not suitable because the project is in the riverfront area. Mrs. Cabral explains that she worked with Coordinator Meassick's predecessor, Meredith Bornstein, about the project and was very proactive in getting the right information prior to starting work.

Commissioner Murphy asks about grading and slope and explains that they have an impact. Mrs. Cabral explains the current flow on the property is disturbed from installation of the septic and Mrs. Bornstein's recommendations on restoring the grade. Commissioner Murphy asks if the water flows to the wetland. Mrs. Cabral answers yes. Commissioner Murphy cannot understand the grading pre and post work given the lack of topographic markers on the site plan. Mrs. Cabral explains the site is on a hill.

Chairman Doe asks for photos of the property. Coordinator Meassick says no. Consultant Leigh says the Commission should go on a site visit to understand better. She explains the decrease in slope between the riverbank and riverfront area needs to show grade pre and post, that the trees have been removed within the riverfront area and the restoration piece was in regards to an alteration in the riverfront area that would be an enforcement otherwise. Commissioner Sharp would like a site visit. Coordinator Meassick emphasizes again the fill and slope are important to know. Mrs. Cabral explains that she doesn't have that information. Consultant Leigh stress that is why the limit of work is a necessity. Mrs. Cabral states she will not be spending money to modifying the map further.

Chairman Doe asks prior to the site visit, he would appreciate everything being marked. Mrs. Cabral says that it has all been marked as of 5:00pm Tuesday June 28, 2022.

Coordinator Meassick clarifies the miscommunication that occurred when the application was handed in in regards to the riverbank versus the riverfront.

Chairman Doe explains the process of applying for a permit and that they need complete information about the project in regards to their jurisdiction. He explains that at site visits, no recommendations are made.

Coordinator Meassick explains the limit of work to Mrs. Cabral and its benefits to her project.

Chairman Doe asks for concerns and comments from the Commission. Seeing none, he asks for questions and concerns from the audience. Seeing none, he entertains a motion to continue till July 12, 2022. Commissioner Sharp motions to continue. Commissioner Florek seconds. RF-yes, TS-yes, JM-yes, AF-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 and Rob Levesque from RLA and Ryan Geeleher, the applicant, are present

Mr. Nelson states that 105 trees would be removed that are over 4 inches DBH within the 50-100ft buffer zone. Mr. Nelson explains that a monitoring well would not be efficient because of the ledge on the property. He instead recommends taking water samples from Arm Brook upstream from the development and then downstream to be evaluated for pollutants, once a year in the late fall. Mr. Levesque explains a sample will occur before construction for a base line, during construction, at the end, and then annually. Mr. Levesque addresses the concerns over the aquifer and how taking samples will be beneficial to alerting of contamination. Commissioner Murphy wonders if Arm Brook should be tested more frequently. Commissioner Sharp agrees. Commissioner Florek asks when Arm Brook should be sampled. Mr. Levesque explains the process and how frequent he thinks water quality should be tested. Coordinator Meassick agrees with Mr. Levesque about testing annually. The documentation submitted by the environmental monitoring consultant is reviewed. Chairman Doe likes the idea of pre and post analysis. Commissioner Murphy and Sharp would like the water quality to be tested more frequently. Mr. Levesque reassures the Commission that the catch basin will provide significant treatment to any water runoff.

Commissioner Sharp questions the removal of snow. There is a snow removal plan, guardrail, and signage to prevent dumping of any kind. All DEP comments have been addressed. Commissioner Murphy asks if the basin should be tested for water. Mr. Levesque does not agree as the basin will provide filtration. Coordinator Meassick agrees that the influent and effluent will be the best locations to be monitored. The city engineer had no comment for the project.

The snow removal policy is discussed more in depth for the storage of snow. The snow

will be plowed either into the parking spots or taken off site. Consultant Leigh suggests a special condition of no snow beyond the fence line.

Commissioner Sharp inquires on the tree replacement policy. Chairman Doe does not think it applies to the project due to the intent of the policy being to restore areas within the 50ft buffer zone. There is no place to put additional trees on site. Commissioner Sharp would like trees planted either on or off site and should apply to bigger projects like this one. Coordinator Meassick explains that the tree policy needs to be reworked. The land is too densely vegetated that planting trees on the site would not be beneficial. Commissioner Murphy agrees that the tree policy is not practical in this situation.

Chairman Doe asks for concerns and comments from the Commission. Seeing none, he asks for questions and concerns from the audience.

Mary Ann Babinski thanks the Commission and the applicant for their due diligence. She states again how Arm Brook is essential and so is the aquifer on the property.

Chairman Doe asks if there are any further comments from the audience. Seeing none, he entertains a motion to close the public hearing.

Commissioner Fagnand motions to close the public hearing. Commissioner Florek seconds. TS=yes, JM=yes, RF=yes, AF=yes, DD=yes
The motion passes

The special conditions are reviewed and applied to the Order of Conditions. Chairman Doe asks for any further concerns and comments from the Commission. Seeing none, he entertains a motion to approve the Order of Conditions.

Commissioner Fagnand motions to approve the Order of Conditions. Commissioner Sharp seconds. AF=yes, TS=yes, JM=yes, RF=yes, DD=yes
The motion passes.

Commissioner Florek recuses himself.

- B. 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.

Mr. Nelson explains the MassDEP comments and they are working through redrafting their approach. He requests a motion to continue.

Chairman Doe asks for further questions or concerns from the commission. Seeing none he entertains a motion to continue.

Commissioner Fagnand motions to continue until July 12, 2022. Commissioner Sharp seconds. AF=yes, TS=yes, JM=yes, DD=yes

The motion passes.

5. ENFORCEMENT

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

Ryan Nelson from RLA and Sergey Novenko, the property owner, are present

Mr. Nelson presents a new delineation based upon vegetation regrowth on the site. He needs to discuss with the applicant the steps going forward. Commissioner Murphy asks with the disturbed area is stable. Within the resource area it is not. Coordinator Meassick points out the entire property is wetland and buffer zone. Consultant Leigh points out there should be a channel mapped in front of the property as well. Mr. Nelson is unaware where the stream would be.

Commissioner Sharp motions to continue until July 12, 2022. Commissioner Fagnand seconds. There is discussion of reviewing the delineation with the site visit. There is no further discussion. RF-yes, JM-yes, TS-yes, RF-yes, DD-yes
The motion passes.

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

Ryan Nelson from RLA is present.

Mr. Nelson presents the existing conditions of the site. Fill was brought into the 50ft Buffer Zone to create additional parking. The property is within the flood plan. They would like to do a restoration and parking improvements via notice of intent.

Commissioner Fagnand motions to continue. Commissioner Florek seconds. RF-yes, TS-yes, JM-yes, AF-yes, DD-yes
The motion passes.

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

Oscar Naula is present.

Chairman Doe asks for an update. Coordinator Meassick explains that Angel Naula received the enforcement letter, but Oscar's came back and she sent it out the day prior. The property is up for sale and the enforcement runs with the land, but the one who caused the disturbance could be fined. Mr. Naula says the site has been cleaned up.

Chairman Doe entertains a motion to continue.

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

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

Chairman Doe asks for an update. Coordinator Meassick says the bond was filed and recommends lifting the enforcement order. Ms. Peretti should apply for a COC if all work is completed.

Chairman Doe asks for comments from the Commission. Seeing none he entertains a motion to lift the enforcement order

C

Commissioner Fagnand motions to lift the enforcement. Commissioner Florek Seconds. AF=yes, JM=yes, RF=yes, TS=yes, DD=yes
The motion passes.

6. CERTIFICATE OF COMPLIANCE

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

Mike Reed is present as representative.

Chairman Doe asks for an update. Coordinator Meassick went on site. The mulch has been there during construction, had not eroded, and the build-up is from improper application of the mulch and an additional sign is required per the site plans. We are waiting on the As-Built to confirm the location of work. The Commission has previously motioned to remove the mulch and stabilize with grass as mulch is a temporary erosion control measure.

Mr. Reed says there has been no erosion and there is concern that if the woodchips are removed now there will be erosion since in the hot summer months, grass does not grow well. He requests an extension until July 26, 2022 to provide an As-Built. He points out that at the time of filing it was a 25ft no disturb zone but the plans represent a 50ft disturb zone.

Chairman Doe expresses concern for the 2 outfall pipes and asks for them to be reinforced. Mr. Reed suggests armoring the pipes with some stone.

Consultant Leigh says the mulch has done its job as a temporary stabilization method and does not constitute long term protection of the wetland. Vegetation would be long term versus relying for on-going maintenance. The Commission already voted to remove the mulch and vegetate the slope. Coordinator Meassick states that if the Commission wants growth, the certificate of compliance would have to be extended until the fall.

Commissioner Murphy recommends hydro-seeding, but that would also dry out. Commissioner Fagnand says they will have to wait until the fall to get the certificate of compliance then.

Commissioner Fagnand motions to continue until July 26, 2022. Commissioner Sharp seconds. RF-yes, TS-yes, JM-yes, AF-yes, DD-yes

8. COMMISSION DISCUSSION

A. Regulations & Procedures Q & A

Coordinator Meassick asks for clarification on her role in regards to informing applicants of wetlands. Chairman Doe says that she is to recommend and advise the Commission as they are the one who makes the determinations.

B. 36 Janelle Drive

Potential violation: Shed in wetland and remaining erosion sock from prior filing

Coordinator Meassick still has to look into the complaint and will report any problems next meeting.

C. Tree Policy

Vice Chairman Murphy wants to meet in person as a subcommittee. Commissioners Murphy and Sharp would like to be on the subcommittee.

Due to time, the tree policy will be continued until the next meeting.

There is brief discussion on returning to in-person meetings at City Hall or continuing on Zoom.

9. MOTION TO ADJORN

Commissioner Fagnand motions to adjourn at 9:10pm. Vice Chairman Murphy seconds. JM-yes, RF-yes, TS-yes, AF-yes, DD-yes

The motion passes.

A true record, Attest:
Anna Meassick
Westfield Conservation Coordinator