



City of Westfield Municipal Conservation Commission

JULY 11, 2023 AT 6:30PM
WESTFIELD CONSERVATION COMMISSION
MEETING MINUTES

RECEIVED

OCT 13 2023

WESTFIELD CITY CLERK

Conservation Commission members in attendance: Chairman Doe (DD), Vice Chairman James Murphy (JM), 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

Chairman Doe calls the meeting to order. Commissioner DiCarlo and Commissioner Grobe are not in attendance.

2. OPEN PARTICIPATION

- A. Chairman Doe asks if there are any members of the public who would like to address an item not subject to a public hearing. Seeing none, he moves onto item 3, public meetings.

3. PUBLIC MEETINGS (RDAs)

- A. 317 Union Street

Proposal: Installation of electric fence for goats within the floodplain

Chairman Doe explains that the Commission did a site visit, everything he asked for was appropriate and showed the Commission where he wanted to start with the goats than he would like to move along the border to get all the invasives. He asks if the Commission has any other questions.

Vice chairman Murphy asks if they were any sightings of Japanese knot weed.

Director Meassick explains that because of the density of the multiflowered rose.

Chairman Doe explains he didn't see any during the site visit. He asks if there are any other questions or concerns. Seeing none he asks the public if they have any questions or comments, seeing none he entertains a motion to close the public meeting.

Vice Chairman Murphy motions to close the Public Meeting. Commissioner Florek seconds. EF-yes, JP-yes, JM-yes, RF-yes, DD-yes

The motion passes.

Vice Chairman Murphy motions to issue a negative 2 and a positive 5. Commissioner Florek seconds. EF-yes, JP-yes, JM-yes, RF-yes, DD-yes

The motion passes.

4. PUBLIC HEARINGS (NOIs)

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

Chairman Doe explains that the Commission is waiting for decision from McMahon peer review.

Director Meassick explains the peer reviewer received the reports on 7/6/2023 and has 21 days to review it. Would have till 7/27/2023 to decide.

Commissioner Florek motions to continue to July 11, 2023. Commissioner Finnie seconds. JP=yes, EF=yes, JM=yes, RF=yes, DD=yes

The motion passes.

- B. 109 Medeiros Way & 0 Timberswamp Road – DEP File #333-835
Proposal: Construction of a self-storage facility in river front area, bordering wetlands

Director Meassick explains the representative has requested a continuance and a site visit has been schedule for 11am 7/12/2023. She updates the Commission, she received the DEP comments which reflect her comments, and she sent her comments to Ryan at RLA because there are several items of concern in the Stormwater report. The infiltration basins according to the standards, needs to be three test pits at the bottom of the infiltration basin. There is no ground water depth reported for TP18. What is the best management practices based upon how much fill will be brought in and what kind. HSG soils that are there the infiltration rate borders that required. TP5 was not on the site plans. A cross section of the wetland crossing was not provided.

Chairman Doe asks specifications of the crossing. Director Meassick explains it is two 36in pipes, each 24ft long. She further explains the removal of the berm to connect an isolated wetland to the bordering vegetated wetland which will then be connected by the culvert pipes.

Chairman Doe entertains questions from the audience. Seeing none, he requests a motion to continue to July 25, 2023.

Commissioner Florek motions to continue to July 11, 2023. Commissioner Finnie seconds. JP=yes, EF=yes, JM=yes, RF=yes, DD=yes

The motion passes.

- C. 1515 Granville Road – Springfield Water and Sewer Commission
Proposal: Installation of pipeline and valve chamber

Representatives from AECOM Jennifer DoyleBreen, Kate Schassler, and Tom Loto are present along with the applicant Springfield Water and Sewer Commission, James Laurila.

Ms. DoyleBreen explains the location of the work, resource areas, and the project. The valve at the pipe between the pipe from Cobble Mountain and the sedimentation basin has failed. They are proposing to repair the 42inch pipeline and construct a new energy dissipation valve chamber. Ms. DoyleBreen walks the Commission through the existing site conditions. She then delves into the project, explaining location, process, retaining walls and existing facilities that will be modified with the work. The work occurs within riverfront area to Cooks Brook. A nominal amount of land under water will be disturbed. Total impact will occur in bank, land under water, buffer zone, and riverfront area. Native species will be planted along Cook Brook.

Chairman Doe asks if the work on their project and a previously issued Order for work in the same area will overlap. Ms. DoyleBreen explains the project are separate and is being fast tracked to be completed in the fall.

Chairman Doe asks if the work has a current pipe between the sedimentation basin to the plant. Mr. Laurila explains the process of the intake to the plant and that it will not need work.

Commissioner Florek inquires if trees will be cleared. Ms. DoyleBreen indicates on the site plans where trees will be cut. There was concern for endangered and threatened species and MESA regulations. There was no concern for the species present.

Chairman Doe asks if the building will be larger. Mr. Loto explains that while it is bigger, most of it will be below the ground. Chairman Doe asks that the corners be marked for a site visit. Commissioner Florek asks to have the trees flagged. Vice Chairman Murphy asks about the tree clearing area. The site will be regraded upon completion.

Vice Chairman Murphy asks for detail on the impact to the 50ft no disturb zone. Ms. DoyleBreen indicates on the plans where the work will occur in the 50ft no disturb zone. The work will mirror what is currently in the area and there will be limited new disturbance.

Chairman Doe asks for additional questions from the Commission. Mr. Loto explains why the structure must be larger than what it currently is; it is larger for maintenance vehicles and capacity to hold more material. Vice Chairman Murphy asks where staging will be for work. They will get a site plan with storage of materials. He asks if dewatering will have to occur. It is not intended but a general note is there just in case dewatering does occur.

Chairman Doe asks for additional questions from the Commission. Seeing none, he asks for any questions from the audience. Seeing none, he entertains a motion to continue to July 25, 2023

Vice Chairman Murphy motions to continue to July 25, 2023. Commissioner Florek seconds. JP=yes, EF=yes, JM=yes, RF=yes, DD=yes

The motion passes.

5. CERTIFICATE OF COMPLIANCE

- A. 0 Rachel Terrace – DEP File #333-791
Permit: Construction of home

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

Chairman Doe asks for an update. Director Meassick says the property looks good. Ms. Li provides an as-built plan and describes modifications. The new address is 99 Rachel Terrace.

Commissioner Finnie motions to issue a Certificate of compliance and release the bond. Commissioner Florek seconds. Chairman Doe asks for additional questions. Vice Chairman Murphy inquires to the bond. It was filed. Chairman Doe calls the vote. JP=yes, EF=yes, JM=yes, RF=yes, DD=yes

The motion passes.

6. ENFORCEMENT ORDERS

- A. 65 Butternut Road
Violation: Dumping of fill in wetland

Andrey Krasun, homeowner, is present.

Chairman Doe asks for an update. Director Meassick met with Attorney Shanna Reed to discuss the process of fining under the local by-law. There is no formal process for issuing fines. She issued a letter breaking down the violations and fines and requested a ticket book from the Police Department. The homeowner has not contacted the office.

The Commission discusses methods of delivery. Director Meassick reads the violations. The homeowner received the notice on July 3, 2023.

Mr. Krasun explains he has a large family and cannot afford to pay those fines nor can he afford a consultant to restore the wetland. Director Meassick explains that if he fails to act, the fines will be applied. Chairman Doe explains again that he is required to hire a consultant. Director Meassick explained R Levesque Associates went out as a favor to the

Commission to confirm the presence of a wetland. RLA sent him a quote for the work. Mr. Krasun claims to not have it. Chairman Doe asks Director Meassick to double check if RLA did send it. Chairman Doe inquires if the Commission can hire a consultant. Director Meassick explains they might be able to, to determine their jurisdiction, then use that information to require restoration of the disturbed area and a restoration plan. If the Commission hires a consultant, the homeowner needs to develop the restoration plan. It would help to get the process started.

Vice Chairman Murphy asks how much fill was brought in. Mr. Krasun does not know an exact number, but about 20 truckloads. He asks if all work has stopped on the property. Mr. K says he moved the woodchip piles out of the buffer and has honored the cease-and-desist order.

Chairman Doe request Director Meassick to reach out to the Law Department and a consultant to use NOI funds.

Vice Chairman Murphy motions to continue to July 25, 2023. Commissioner Finn timer seconds. EF-yes, JP-yes, JM-yes, RF-yes, DD-yes

7. COMMISSION DISCUSSION

A. Regulations & Procedures Q&A

a. Filing Fees

Director Meassick surrounding towns have filing fees, while Westfield does not. She pulls up a table showing the fees charged by several abutting towns. She explains what she has learned. No town or city applies fees the same way. She suggests basing fines from categories listed in the DEP Form 3. She walks the Commission through the history of application fees under former ordinances. Her methods included reviewing surrounding towns and cities as well as by the number of applications received yearly.

Commissioner Florek asks what the best method appears to be. Director Meassick explains that taking 50% of the cost of the DEP state fee to use as the city fee makes the most sense. The Commission does not want to price gouge applications. Chairman Doe asks for the fees to be posted to the SharePoint for them to review online.

b. 50ft No Disturb Zone exemptions.

Director Meassick reviews the language of the ordinance which details that certain items are exempt from the ordinance, but projects involving said work like that at 1515 Granville Rd still request a variance. The Commission agrees under the local ordinance applicants do not have to request a variance when exempt in all. She would like to develop local ordinance only applications and a 50ft NDZ

application to clarify when residents want to file for projects exempt for the Act.
The Commission agrees.

B. Review and approval minutes

a. April 25, 2023

Could not vote, no quorum from that meeting.

b. May 23, 2023

Could not vote, minutes unavailable for review by Commission.

c. June 13, 2023

Could not vote, minutes unavailable for review by Commission.

C. Pitoniak Fields Scope of Work

Director Meassick explains she received quotes from Tighe & Bond and Environmental Partners concerning a delineation and NHESP review. They quoted \$12,500.00 and 15,500.00, respectively. She reads through what each consultant proposed.

Vice Chairman Murphy would like to know vegetation outside of the field. Commissioner Florek thinks a land survey is necessary. Director Meassick agrees but there might be one available from the restriction filing in 2017.

D. Review of any additional administrative items

a. Sign permits

The Commission signs all permits issued this evening, July 11, 2023

8. MOTION TO ADJORN

Vice Chairman Murphy motions to adjourn at 7:28pm. Commissioner Finnie seconds. EF=yes, JP=yes, JM=yes, RF=yes, DD=yes

The motion passes.

A true record, Attest:
Director of Conservation Anna Meassick