



# City of Westfield Municipal Conservation Commission

JULY 12, 2022 AT 6:30PM  
WESTFIELD CONSERVATION COMMISSION  
REMOTE MEETING MINUTES

Conservation Commission members in attendance: Chairman David Doe (DD), Tom Sharp (TS), Carl Grobe (CG), and Lauren DiCarlo (LD). Also in attendance: Anna Meassick, Conservation Coordinator and Karen Leigh, Conservation Consultant.

## 1. CALL TO ORDER/ROLL CALL

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](http://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](http://westfieldtv.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.*

Chairman Doe calls the meeting to order at 6:30 PM and takes attendance. Commissioners Florek and Fagnand and Vice Chairman Murphy are not in attendance.

## 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.

Oscar Naula, the homeowner, is present

Chairman Doe asks for an update. Coordinator Meassick has received no additional information at the time of meeting. The application must remain open for 2 years until it expires. She recommends continuing for 6 months, until expired.

Mr. Naula has no updates other than they are fighting the permanent limit of work and asks if he can provide that information at the next meeting.

Commissioner Sharp motions to continue until July 26, 2022. Commissioner Grobe seconds. Chairman Doe asks for further discussion. Seeing none, he asks for a vote. CG-yes, TS-yes, LD-yes, DD-yes  
The motion passes.

B. 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 Dan Nitzsche of GZA, are present

Chairman Doe asks for an update. Coordinator Meassick reads off a list of requirements that need to be met. New plans have been submitted, with an error for the location of the limit of work. Mr. Nitzsche provides a detailed explanation of the project. The Commission would like the finalized plan with erosion control line, the permanent limit of work, gravel swale around the shed and no errors.

Chairman Doe asks for further discussion. Seeing none he entertains a motion to continue. Commissioner Sharp motions to continue until July 26, 2022. Commissioner Grobe seconds. CG-yes, LD-yes, TS-yes, DD-yes  
The motion passes.

## PUBLIC HEARINGS

A. 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.

Chairman Doe asks for an update. Mr. Nelson explains they are doing a wildlife study and asks for a continuance.

Chairman Doe entertains a motion to continue. Commissioner Grobe motions to continue until July 26, 2022. Commissioner DiCarlo seconds. LD-yes, CG-yes, TS-yes, DD-yes  
The motion passes.

B. 0 Bayberry Lane (46R-59, 46R-60) DEP File #333-818 – Samuel Shokov  
Proposal: Construction of single family home with site improvements

Ryan Nelson from RLA is present as the representative and Mr. Shokov the homeowner is present.

Chairman Doe reads the legal language

Commissioner Sharp motions to take item 5B out of order. Commissioner Grobe seconds. CG-yes, LD-yes, TS-yes, DD-yes

The motion passes.

5B. 0 Bayberry Lane (46R-59 and 46R-60) – Samuel Shokov  
Violation: Removal of trees within the Buffer Zone

Mr. Nelson proposes a restoration plan for the inner 50ft no disturb zone, in the application with a notice of intent for the same property as restoration will have to take place post construction. The tree policy is problematic for this proposal.

Chairman Doe entertains a motion to close the enforcement order. Commissioner Grobe motions to close the enforcement order. Commissioner DiCarlo seconds. LD=yes, CG=yes, TS=yes, DD=yes.  
The motion passes

Commissioner Grobe motions to return to regular order. Commissioner DiCarlo seconds. LD=yes, CG=yes, TS=yes, DD=yes  
The motion passes

Mr. Nelson gives a detailed explanation of the proposed plans for a single family home including grading, slope, and fill. The tree policy is again, problematic. DEP comments are reviewed; they are administrative comments. Chairman Doe asks for any additional comments from the Commission. Seeing none, he asks for comments from the audience. Coordinator Meassick reads three letters from abutters. The concerns of the abutters are addressed by Coordinator Meassick and Mr. Nelson. Chairman Doe asks for any additional questions from the public. Seeing none, he entertains a motion to close the public hearing.

Commissioner Sharp motions to close the public hearing. Commissioner DiCarlo seconds. TS=yes, LD=yes, CG=yes, DD=yes.  
The motion passes.

The special conditions are reviewed for the Order of Conditions.

Commissioner Grobe motions to approve the project, subject to the conditions.  
Commissioner DiCarlo seconds. TS=yes, LD=yes, CG=yes, DD=yes  
The motion passes.

C. 396 Prospect Street Extension (39R-20) – Lori and Eugene Kurtz, Jr.  
Proposal: Garage addition and driveway enhancement

Ryan Nelson, from RLA, is present as the representative.

Chairman Doe reads the legal language. Mr. Nelson presents the site, previously constructed under the old Ordinance, prior to the 50ft no disturb zone. The work was never finished under the previous permit and a partial certificate of compliance was issued. Mr. Nelson explains the site plans in detail.

Chairman Doe asks for additional comments from the Commission. Seeing none, he asks for comments from the audience. Seeing none, he entertains a motion to close the public hearing.

Commissioner Grobe motions to close the public hearing. Commissioner Sharp seconds. CG=yes, TS=yes, LD=yes, DD=yes

The special conditions are reviewed and applied to the Order of Conditions.

Commissioner Grobe motions to approve the project subject to the conditions. Commissioner DiCarlo seconds. LD=yes, CG=yes, TS=yes, DD=yes.

## 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 an updated delineation. The wetland and 50ft buffer zone take up a majority of the site. They propose a concept plan for an informal discussion on restoration and building a home, with additional mitigation. At this time, the Commission does not wish to entertain the construction of a home and wishes to pursue the enforcement order. A clear delineation is necessary prior to moving forward with restoration.

Commissioner Sharp motions to continue until August 9, 2022. Commissioner Grobe seconds. LD=yes, TS=yes, CG=yes, DD=yes

- B. 0 Bayberry Lane (46R-59 and 46R-60) – Samuel Shokov  
Violation: Removal of trees within the Buffer Zone
- C. 300 Union Street (35R-22) – Custom Railing/Armand Cote  
Violation: Filling of wetland and clearing trees

Ryan Nelson from RLA is present as the representative.

The existing conditions survey delineates a bordering vegetative wetland. Mr. Nelson intends to submit a notice of intent for the restoration and proposal for extension of pavement. Consultant Leigh believes that the wetland itself has been filled, not just the 50ft buffer. The enforcement order is reviewed. Those items under the order should be completed prior to work. The notice of intent and enforcement should be handled separately.

Commissioner Grobe motions to issue a letter reaffirming the enforcement order and requiring the property owner to attend the next meeting with a plan to remove the fill. Commissioner Sharp seconds.

CG=yes, LD=yes, TS=yes, DD=yes

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

No one is present to represent the property. Coordinator Meassick spoke with a consultant who was contacted by Mr. Naula, but is unsure if they would be doing the work.

Commissioner Grobe motions to continue to July 26, 2022. Commissioner DiCarlo seconds. LD-yes, TS-yes, CG-yes, DD-yes.

## 6. CERTIFICATE OF COMPLIANCE

- A. 163 Union Street - DEP File # 333-797  
Permit: Stormwater management system

Coordinator Meassick explains that the compensatory storage would not regrow to full capacity because it is a gravel trench, but it was a requirement of the order of conditions.

Commissioner Sharp motions to issue the certificate of compliance. Commissioner Grobe seconds. LD-yes, CG-yes, TS-yes, DD-yes

- B. Arm Brook Assistant Living - DEP File # 333-747  
Permit: Stormwater management system

An extension was requested by the applicant until July 26, 2022.

Commissioner Grobe motions to continue to July 26, 2022. Commissioner Sharp seconds. LD-yes, CG-yes, TS-yes, DD-yes

## 8. COMMISSION DISCUSSION

- A. Regulations & Procedures Q & A

- B. Tree Policy

Commissioner Sharp makes a motion to recind the current tree policy. Commissioner DiCarlo seconds. There is discussion on revising the policy in subcommittee. LD-yes, TS-yes, CG-yes, DD-yes

- C. Wetland Permit Process Document

Coordinator Meassick presents a checklist which may be useful for applicants. It will be posted on the website.

- D. In person meetings or Zoom?

The governor has not yet signed the proposal for extension of zoom meetings so the Commission must meet in person on July 23, 2022.

E. Authorized Signature Form Boards/Commissions

Coordinator Meassick presents a form which would allow Chairman Doe to be the lone authority signature for the department.

General discussion is had about administrative work in the office

9. MOTION TO ADJORN

Commissioner Grobe motions to adjourn at 9:06pm. Commissioner DiCarlo seconds. LD-yes, CG-yes, TS-yes, DD-yesThe motion passes.

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A true record, Attest:  
Anna Meassick  
Westfield Conservation Coordinator