



# City of Westfield, Massachusetts

Municipal Conservation Commission

July 13, 2021

## REMOTE MEETING MINUTES

RECEIVED

By City Clerk's Office at 10:29 am, 8/11/21

Conservation Commission members in attendance: Chairman David Doe (DD), Vice Chairman Jim Murphy (JM), Carl Grobe (CG), Tom Sharp (TS), and Cliff Laraway (CL). Also in attendance: Meredith Borenstein, Conservation Coordinator and Colleen Fegan-Nunez, Clerk.

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.*

### 1. CALL TO ORDER/ROLL CALL

Chairman Doe calls the meeting to order at 6:30 PM and takes attendance. Commissioner Fagnand and Commissioner Florek are not present.

### 2. OPEN PARTICIPATION-There is none at this time.

### 3. PUBLIC HEARINGS

- A. 459 Russell Road (34R-4)-Tekoa Country Club-DEP File #333-800  
Bank restoration along the Westfield River.

Applicant requests a continuance to July 27, 2021 at 6:30 PM.

Commissioner Grobe motions to continue until July 27, 2021 at 6:30 PM and is seconded by Vice Chairman Murphy. JM-Yes, CG-Yes, TS-Yes, CL-Yes, DD-Yes  
The motion passes.

- B. 81 Fowler Road (13R-42-2B)-Wally Czerniejewski-DEP File #333-806  
Construction of single family home in the 100-foot Buffer Zone.  
Mr. Christopher Karney of R. Levesque and Assoc. Inc. is present representing Mr. Czerniejewski.

Coordinator Borenstein states that a site visit was performed on July 8, 2021. She states that there was one flag change in the delineation. She states that this is a Buffer Zone (BZ) only project and most of the work will be performed in a hay field. Coordinator Borenstein states that there is a small section of forested BZ from the 50-foot BZ line to the 100-foot BZ line that will be cleared of mature trees. Mr. Karney presents the updated site plan. He reminds the Commission what the project consists of. He states that the building envelope is quite small. Mr. Karney states that conservation monuments will be placed along the 50-foot BZ line but then will follow the existing edge of woods. The area without trees inside the 50-foot BZ line will be mowed regularly. He states that there is no tree clearing inside of the 50-foot BZ line, it will just be maintenance mowing. He states that there will be six shrubs planted along the tree line on the back of the property. Commissioner Sharp and Vice Chairman Murphy express concern about the applicant making the area that is within the 50-foot BZ but outside of the tree line into lawn. He asks if the house can be moved. Mr. Karney states that it cannot because of the zoning and the building setbacks lines. Commissioner Grobe asks what the monuments would be. Mr. Karney states that these would indicate a line of no disturbance and would be conservation monuments. Chairman Doe states that for the next meeting the Commission would like to see the monuments put on the 50-foot BZ line. Coordinator Borenstein states that much of this lot drains to this area therefore it is important to maintain the 50-foot BZ line to avoid sedimentation during construction. Chairman Doe asks if there are any questions or comments from the audience. No one unmutes.

Commissioner Sharp motions to continue until July 27, 2021 at 6:30 PM and is seconded by Commissioner Grobe. TS-Yes, JM-Yes, CG-Yes, CL-Yes, DD-Yes  
The motion passes.

- C. 898 Southampton Road (63R 13)-Heritage Residents Association Inc.-DEP File #333-0807  
Mobile Home Park Improvements: Paving roadways, new waterlines, and stormwater management within the 200-foot Riverfront Area of Arm Brook.  
Mr. Brent White is present representing Heritage Residents Association Inc.

Chairman Doe reads the legal language. Mr. White presents the plan which consists of paving the roadways, replacing the waterlines and adding shutoffs at each site and stormwater management within the 200-foot Riverfront Area of Arm Brook. He then addresses DEP comments. Coordinator Borenstein asks if the rain gardens are the only stormwater treatment. Mr. White states that there is nothing for Stormwater Management out there right now. He states that this will be an improvement and the entire park will

not be draining to a single area. The Commission would like a site visit. Chairman Doe asks if there are any questions or comments from the audience. No one unmutes.

Commissioner Grobe motions to continue until July 27, 2021 at 6:30 PM and is seconded by Vice Chairman Murphy. TS-Yes, JM-Yes, CL-Yes, CG-Yes, DD-Yes  
The motion passes.

#### 4. PUBLIC MEETINGS

- A. 317 Union Street (35R-9)-Mr. Whip's Golf Acres, LLC c/o Anthony Witman  
Removal of vegetation and a trail installation in the 100-year Floodplain and removal of invasive species within the 200-foot Riverfront Area.  
Mr. Anthony Witman and Mr. Steven Riberdy of GZA are present.

Mr. Riberdy states that he performed a habitat assessment on the property. He states that there is no overly significant habitat on the property. He states that the area is already very disturbed. He states that the cover would be for fairly common species. Mr. Riberdy states that the significance of the cover is the tree canopy because much of the under story is invasive species. Mr. Witman states that there will be removal of invasive Bittersweet vine with hopes that the native plants will fill in to give a visual block to the neighbors and it will create protections for the fauna in the area. Coordinator Borenstein asks if there will be soil disturbance. Mr. Witman states there will be very little soil disturbance. Chairman Doe states that he is concerned because in the weeks that this discussion has taken place, the project has changed a lot. He is concerned that if the Commission approves an RDA then the Commission loses control of the project. Mr. Witman states that the project has gotten smaller. Vice Chairman Murphy would like to see dimensions on the plan. Commissioner Grobe states that the project is a bit nebulous because the plan has changed so much he is unsure what he would be approving. The Commission and Mr. Witman discuss the interpretation of 310 CMR 10.60 The Wetland Protection Act. Coordinator Borenstein reminds the Commission of the square footage of understory being cleared. The Commission asks for a more in-depth source document with dimensions of proposed clearing. Chairman Doe asks if there are any questions or comments from the audience. No one unmutes.

Vice Chairman Murphy motions to continue until July 27, 2021 at 6:30 PM and is seconded by Commissioner Sharp. TS-Yes, JM-Yes, CG-Yes, DD-Yes, CL-abstains  
The motion passes.

- B. 275 North Elm Street (230-2)-Peter Urbanek  
Removal of two trees in the 200-foot Riverfront Area to Powdermill Brook  
Chairman Doe reads the legal language.

Chairman Doe reads the legal language. Coordinator Borenstein states that she went to the site. She states that Powdermill Brook is on the edge of Mr. Urbaneks parking lot. She states that there are two trees that Mr. Urbanek fears will fall on his property. Coordinator Borenstein states that one is a large unhealthy Cottonwood and the other is Willow with

three large stems. She states that two of the stems look very healthy and are shading the brook and the other has some dead branches, but the tree itself does not seem unsteady. Chairman Doe suggests taking the stem that is leaning toward the parking lot from the Willow. Chairman Doe asks if there are any questions or comments from the audience. No one unmutes.

Commissioner Grobe motions to close the Public Meeting and is seconded by Commissioner Laraway. TS-Yes, CL-Yes, CG-Yes, DD-Yes, JM-abstains  
The motion passes.

Commissioner Sharp motions:

1. Negative 3 with Conditions.
  - a. The Commission will be notified of the work start date.
  - b. The Cottonwood tree may be removed and the stem of the Willow leaning toward the parking lot may be removed.
  - c. The trees will be cut and not stumped.
  - d. Removal of Bittersweet Vine is allowed and encouraged.
  - e. Snow storage shall be re-located to another side of the parking lot.

and is seconded by Commissioner Grobe. TS-Yes, CG-Yes, CL-Yes, DD-Yes, JM-abstains

The motion passes.

- C. 700 East Mountain Road (36R-12)-Cellco Partnership d/b/a Verizon Wireless Construction of a 125-foot tall monopole wireless telecommunication tower and associated overhead and underground fiber conduits.  
Mr. Dean Gustafson of All-Points Technology Corp., P.C. is present representing Cellco Partnership.

Chairman Doe reads the legal language. Mr. Gustafson describes the project which consists of construction of a 125-foot tall monopole tower and associated overhead and underground fiber conduits. He states that the proposed facility will utilize the existing gravel access road. He states that there are no resource areas within 400-feet of the building site. He states that an overhead distribution line will be installed above a resource area. He states that there will be no ground disturbance. Mr. Gustafson states that there will be an attempt to skirt around the resource area but if this proves impossible the wire will be carried through resource area by foot. No equipment will be taken into the resource area. Chairman Doe asks if there are any questions or comments from the audience. No one unmutes.

Vice Chairman Murphy motions to close the Public Meeting and is seconded by Commissioner Sharp. CG-Yes, JM-Yes, CL-Yes, TS-Yes, DD-Yes  
The motion passes.

Commissioner Sharp motions:

1. Negative 2: The work described in the Request is within in area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said

work does not require filing a Notice of Intent. The Commission asks to be notified of start date and completion date.  
and is seconded by Commissioner Grobe. CL-Yes, JM-Yes, TS-Yes, CG-Yes, DD-Yes  
The motion passes.

D. City of Westfield DPW-Scott Hathaway  
Vegetation management throughout the city within city right-of-ways.

Chairman Doe reads the legal language. Chairman Doe states that this is a continuation of RDAs that have been approved in the past. Coordinator Borenstein states that she would like to see the locations of the proposed vegetation management before approving.

Vice Chairman Murphy motions to continue until July 27, 2021 at 6:30 PM and is seconded by Commissioner Sharp. CG-Yes, JM-Yes, TS-Yes, CL-Yes  
The motion passes.

**8:54 PM Chairman Doe recuses himself and leaves the meeting and Vice Chairman Murphy acts as Chairman.**

**Commissioner Sharp motions to take item 5D out of order and is seconded by Commissioner Laraway.**

5D. 170 and 0 Pontoosic Road– (Map 8R Parcels 15 and 4) Michael Bryant/Jeanne Beltrandi– Clearing vegetation, installation of a fire pit, storage of materials in the 100-Foot Buffer Zone to Bordering Vegetated Wetlands and Stream.

Coordinator Borenstein states that the conditions that the Commission set in the Enforcement Order have been complied with. Mr. Bryant reviews the conditions and explains how he has complied. Mr. Bryant states that the bluestone where the fire pit was has been removed and asks that the gravel remain on the path and by the stream. The Commission feels that removal of the gravel will cause more harm than good. Mr. Beltrandi approves of the actions taken by Mr. Bryant.

Commissioner Sharp motions to approve the restoration plan removing the need to remove the blue stone and removal of the yard debris need not continue and is seconded by Commissioner Grobe. CG-Yes, TS-Yes, CL-Yes, JM-Yes  
The motion passes.

Commissioner Sharp motions to continue the Enforcement Order until July 27, 2021 at 6:30 PM and is seconded by Commissioner Grobe. CG-Yes, TS-Yes, CL-Yes, JM-Yes  
The motion passes.

**Commissioner Grobe motions to resume normal order and is seconded by Commissioner Sharp.**

**CG-Yes, TS-Yes, CL-Yes, JM-Yes  
The motion passes**

- E. 170 Pontoosic Road (8R-15)-Michael Bryant  
Installation of a shed with a foundation in the 100-foot Buffer Zone to a Bordering Vegetated Wetlands (BVW).  
Mr. Michael Bryant is present.

Vice Chairman Murphy reads the legal language. Mr. Bryant explains the project which consists of installation of a shed with a foundation in the 100-foot Buffer Zone of a BVW. Vice Chairman Murphy asks if there are any questions or comments from the audience. No one unmutes.

Commissioner Sharp motions to close the Public Meeting and is seconded by Commissioner Laraway. CG-Yes, TS-Yes, CL-Yes, JM-Yes  
The motion passes.

Commissioner Grobe motions:

1. Negative 3 with conditions
  - a. The Commission will be notified of the work start date.
  - b. The Commission or the Coordinator will approve erosion controls prior to start of work.
  - c. No leaf litter or lawn clippings shall be stored in the Bordering Vegetated Wetland or the Buffer Zone.

and is seconded by Commissioner Laraway. CL-Yes, TS-Yes, CG-Yes, JM-Yes  
The motion passes.

### **9:23 PM Chairman Doe returns to the meeting.**

Commissioner Sharp motions that Chairman Doe resumes his position as Chair and is seconded by Commissioner Laraway. CG-Yes, TS-Yes, CL-Yes, JM-Yes  
The motion passes.

## **5. ENFORCEMENT**

- A. 394 Northwest Road (107-6, 107-7)-William Barry  
Clearing of vegetation within the 200-Foot Riverfront Area of Cook Brook.  
Mr. Christopher Karney of R. Levesque Assoc. Inc. (RLA) is present representing Mr. Barry.

Coordinator Borenstein states that the plan looks good. She states that the area is revegetating nicely. She states that there has been some push back from the land owner about the no mow zone. She states that there is a steep area at the 275' contour line that could potentially destabilize due to mowing. She states that the revised plan seems ok. She isn't very happy about it but this plan seems to be the best that can be hoped for in this area, given the house is from the 1850s.

Commissioner Grobe motions to approve the restoration plan with the conditions:

1. The area north of the peninsula which is very steep shall not be mown from approximately 0-20 feet from the top of slope.
2. A 5-foot no disturb area shall be implemented directly adjacent to the river and a 5-foot area adjacent to the no-disturb area to be mowed twice a year in the dormant season.

and is seconded by Commissioner Sharp. JM-Yes, CG-Yes, CL-Yes, TS-Yes, DD-Yes  
The motion passes.

- B. 59 Pequot Point Road (280-32)-Victor Rosario  
Clearing vegetation in the 100-foot Buffer Zone to Pequot Pond.  
Request to close Enforcement Order from 2015.

Coordinator Borenstein states that this is an old EO from 2015. She states that she did a site visit and the restoration appears to have been complied with.

Vice Chairman Murphy motions to close the Enforcement Order and is seconded by Commissioner Grobe. CL-Yes, TS-Yes, CG-Yes, JM-Yes, DD-Yes  
The motion passes.

- C. 88 Furrowtown Road (48R-1)-Roy and Estelle Streeter  
Clearing vegetation in the 100-foot Buffer Zone to Bordering Vegetated Wetlands.  
Mr. Christopher Karney of R. Levesque Assoc. Inc. (RLA) is present representing Mr. and Mrs. Streeter.

Mr. Karney states that property was delineated and it does not appear that the regrading was in any resource areas. Coordinator Borenstein states that she does not want further encroachment into the Isolated Wetland. Chairman Doe suggests one more site visit. He requests that a marker be put in at the 100-foot Buffer Zone line to the Bordering Vegetated Wetland and the 50-foot and 100-foot Buffer Zone line to the Isolated Wetland so that the Commission will be able to see the resource areas clearly.

Vice Chairman Murphy motions to continue until July 27, 2021 at 6:30 PM and is seconded by Commissioner Grobe. JM-Yes, CG-Yes, TS-Yes, CL-Yes  
The motion passes.

## 6. DISCUSSION

- A. Russellville Road-(adjacent to 427 Russellville Road)  
Ratify Emergency Certification for failing road/culvert replacement by DPW)

Vice Chairman Murphy motions to ratify the Emergency Certification and is seconded by Commissioner Laraway. CG-Yes, JM-Yes, TS-Yes, CL-Yes  
The motion passes.

- B. 163 Union Street-(42R-14)-Cargill, Inc.-DEP File #333-797  
Request for Certificate of Compliance.

Vice Chairman Murphy motions to continue until July 27, 2021 at 6:30 PM and is seconded by Commissioner Grobe. JM-Yes, TS-Yes, CG-Yes, CL-Yes  
The motion passes.

7. OTHER ITEMS

A. Minutes of June 22, 2021

Commissioner Sharp motions to approve the minutes of June 22, 2021 and is seconded by Commissioner Grobe. TS-Yes, JM-Yes, CG-Yes, CL-Yes  
The motion passes.

8. COMMISSION DISCUSSION

A. Regulations and Procedures Q & A

There is nothing at this time.

B. Wetland Ordinance Update

Chairman Doe states that he and the Coordinator will incorporate the suggestions to our Ordinance. He states that hopefully this will be completed for our next meeting.

9. MOTION TO ADJOURN

Commissioner Sharp motions to adjourn at 9:54 PM and is seconded by Commissioner Grobe. TS-Yes, JM-Yes, CL-Yes, CG-Yes  
The motion passes.

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A true record, Attest:  
Colleen Fegan-Nunez  
Westfield Conservation Administrative Assistant