



City of Westfield, Massachusetts

Municipal Conservation Commission

July 14, 2020

REMOTE MEETING MINUTES

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WESTFIELD CITY CLERK

Conservation Commission members in attendance: Chairman David Doe, Vice Chairman James Murphy, Thomas Sharp, Carl Grobe, Cliff Laraway and Robert Florek. Also in attendance: Meredith Borenstein, Conservation Coordinator and Colleen Fegan-Nunez, Administrative Assistant.

Commissioner Doe reads: *Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, 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 online at westfieldtv.org. 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. He takes attendance. Commissioner Fagnand and Commissioner Laraway are not present.

2. OPEN PARTICIPATION

Chairman Doe asks if anyone would like to address the Commission on anything that is not on the agenda. City Counselor Brent Bean states that the City has named a preservation land a name that the residents of the area are not happy with. He states that the Sampson property is named after someone that had nothing to do with the preservation of that property and in fact Mr. Sampson was looking to develop that property. He is asking that the residents of the area and the donors be allowed to change the name of the property. He is unsure of what the name would be, but he would like to recognize some of the donors for their participation in the preservation of that property. He states that at this time he is just looking to remove the sign that has "Sampson" name on it.

Commissioner Grobe motions to take item 6A out of order and is second by Vice Chairman Murphy. CG-Yes, JM-Yes, RF-Yes, TS-Yes

Chairman Doe asks if the removal of the sign for now would satisfy the neighbors. Counselor Bean states that it would. Coordinator Borenstein states that a motion to remove

the sign should be done. Chairman Doe asks who would remove the sign. Coordinator Borenstein states that Jay Vinsky of the Planning Department has volunteered. Vice Chairman Murphy asks who has the naming authority for this property. Counselor Bean suggests that Coordinator Borenstein talk to the City Solicitor.

Commissioner Sharp motions to remove the sign with the Sampson name and is second by Vice Chairman Murphy. CG-Yes, JM-Yes, RF-Yes, TS-Yes

Commissioner Grobe motions to return to normal order and is second by Commissioner Florek. CG-Yes, JM-Yes, TS-Yes, RF-Yes

Commissioner Laraway joins the meeting 7:14

3. PUBLIC HEARINGS

- A. 754 Russell Road-Kamp for Kids/City of Westfield-DEP File #333-787
Slope Stabilization-Amended NOI
Ms. Tori Brown, Mr. Mike Petrin and Mr. Chris Wagner of VHB, Ms. Maureen Socha of Westfield State University and Mr. Jeremy Cigal of the City of Westfield are present.

Chairman Doe reads the legal language. Ms. Brown states that they are looking to amend the original Order of Conditions (OOC) that was issued. She states that the original OOC allowed excess water to be removed from the toe of the slope. She states that excess water caused the slope to fail so the new proposal would stabilize the slope and prevent material from migrating into the wetland by installing two retaining walls. The original proposal was temporarily impacting 2,600 square feet of wetlands and was removing 400 square feet of pavement. The amendment will temporarily impact 3,972 square feet of wetland with 985 square feet of permanent impact. She states that as mitigation, they are proposing 1,171 square feet of replication. She states that there is a full planting plan. Mr. Petrin states that because the slope failed, the slope needs to be flattened out. He states that it will be two retaining walls that do not effect each other. He indicates where the permanent impact will be and where the replication area will be. He states that there will be Buffer Zone plantings. Coordinator Borenstein states that this project is very straight forward. She states that the replication is greater than one to one. She states that she would like a Wetland Scientist on site when the plants are installed and when the wetland soils are returned. Commissioner Florek asks if the slope is stable now. Mr. Petrin states that it is not. He states that some larger trees have been removed. Commissioner Florek asks if it will be stabilized during construction. Mr. Petrin states that a permanent erosion control blanket will be in place permanently, this will allow grasses to grow through it. Commissioner Florek asks if grasses will be reliable in stabilizing the slope. Mr. Petrin states that he consulted with a Geotechnical Specialist who stated that trees on the slope at this time would not be beneficial. Commissioner Sharp asks how many large trees fell and how it would be beneficial to maintain the slope. Ms. Brown states that it was thirty to forty trees. She states that the roots were left in place. Mr. Petrin states that the slope failure cause the trees to hang, so the fear was of them falling and exposing more of the slope. Commissioner Sharp asks why the trees will

not be replaced. Ms. Brown states that the trees did shade the wetland but they believe that the plantings on the retaining wall and the wall itself will provide shade for the wetland. Vice Chairman Murphy asks what the wall will be. Mr. Petrin shows the Commission the wall plans. He states they will be large block walls. Chairman Doe asks if there are any comments from the audience. There are none.

Commissioner Sharp motions to close the Public Hearing and is second by Commissioner Grobe. CG-Yes, JM-Yes, RF-Yes, TS-Yes, CL-Yes

Commissioner Grobe motions to accept the amended Order of Conditions as written and is second by Commissioner Laraway. CG-Yes, JM-Yes, RF-Yes, TS-Yes, CL-Yes

- B. 302 East Main Street-Nico Paolucci-DEP File #333-789
Exterior building modifications in the 100-year flood zone-Continued from 1/28/2020
Mr. Ryan Nelson of R. Levesque Associates, Inc. is present representing Mr. Paolucci.

Chairman Doe reads the legal language. Mr. Nelson states that the project is to in-fill overhead garage doors to make a solid wall. He states that because the project is in Flood Zone, comp storage must be provided. Mr. Nelson states that the applicant will be purchasing 2 Ascutney Avenue and tearing down the existing garage on this property. He states that volume gained by removal of the garage exceeds the displacement arising from the construction of the walls. Coordinator Borenstein states that all the performance standards have been met. City Counselor Bill Onyski states that he fully supports this project. City Counselor Mike Burns also states that he supports this project. Chairman Doe asks if there are any comments from the audience. There are none.

Vice Chairman Murphy motions to close the Public Hearing and is second by Commissioner Laraway. CG-Yes, RF-Yes, TS-Yes, JM-Yes, CL-Yes

The Commissioners decide on a \$5000.00 bond.

Vice Chairman Murphy motions to accept the Order of Conditions as written and is second by Commissioner Grobe. CG-Yes, JM-Yes, TS-Yes, CL-Yes, RF-Yes

4. PUBLIC MEETINGS

- A. 98 Southwick Road (15R-7)-Lisa Pac
Upgrade an existing patio and associated site improvements at the Skyline Brewery within the 100-foot Buffer Zone.
Ms. Lisa Pac and Ms. Jen DeBarge are present.

Coordinator Borenstein states that at site visit was performed. She states that the patio has already been removed. She states that an updated plan was received. She states that the catch basin was fixed. Coordinator Borenstein states that she did not see a lot of invasives. She states that the grape vine has taken over. Ms. DeBarge states that they will be using jute netting out twelve feet on the slope. She states that they will be planting

juniper bushes to stabilize the slope. She refers the Commission to the plan and describes the project. She states that there will be a rain garden in front of the fence. She states that before the plantings are finalized she would like to see how much space will be there exactly. Coordinator Borenstein states that she is not sure if the plants that were listed will do well in that area. She does not foresee a lot of water sitting in that area. Ms. DeBarge agrees. Ms. Pac suggests different types of grasses. Ms. DeBarge asks if the rain garden can be removed from the plan. Chairman Doe asks what will be in that area instead. Ms. DeBarge states that grasses would be in. Ms. Pac states that she is in the process of that decision. She likes Butterfly Weed. Vice Chairman Murphy states that the decisions should be made now. He states that a small swale should be added. Commissioner Florek states that perhaps sod could be added now and then add plants after. Coordinator Borenstein asks if on the second tier of the jute netting will there be plantings. Ms. DeBarge states that there will be. Commissioner Sharp asks if the junipers to be planted are low growing. Ms. Pac states that they are low growing and deep rooted. Coordinator Borenstein states that she is concerned about destabilizing the slope. Ms. Pac states that they will work slowly because they only have one day a week to work on this. Coordinator Borenstein asks why the applicant doesn't just prune the plants to create the view. Ms. Pac states that she is concerned with the Grape Vine that is taking over the area. Vice Chairman Murphy asks if the Commission has a final plan. Ms. DeBarge states that the Commission does. Chairman Doe asks if there are any comments from the audience. There are none.

Commissioner Grobe motions to close the Public Meeting and is second by Commissioner Sharp. CG-Yes, TS-Yes, JM-Yes, RF-Yes, CL-Yes

Vice Chairman Murphy motions:

1. Negative 3 with conditions:
 - a. Coordinator to approve installed erosion controls prior to work.
 - b. Applicant can prune vegetation but cannot remove roots on slope.
 - c. Coordinator to approve removal of erosion controls after work is complete.
 - d. Item 7 on the plan is now 12 feet not 20 feet.
 - e. Waddles be added around the storm drain.

and is second by Commissioner Grobe. CG-Yes, JM-Yes, RF-Yes, TS-Yes, CL-Yes

- B. 106 Ely Steet (4R-92-2, Parcel 7G)-Emma Rood
Removal of three trees within the 100-foot Buffer Zone.

Coordinator Borenstein states that a site visit was performed. She states that one tree is dead and two are very healthy. She states that she asked to have the two healthy trees trimmed. Coordinator Borenstein states that she fears slope destabilization if those two trees are removed. Commissioner Sharp states that he asked the applicant whether the trimming was a possibility. The applicant spoke to her arborist and he said trimming is a possibility.

Vice Chairman Murphy motions to close the Public Meeting and is second by Commissioner Grobe. CG-Yes, JM-Yes, RF-Yes, TS-Yes, CL-Yes

Commissioner Grobe motions:

1. Negative 3 with conditions:
 - a. One dead tree, in the Buffer Zone to be removed with the stump left in place.
 - b. Applicant can trim healthy Red Maples.
 - c. Coordinator to be notified after trees are pruned.

and is second by Commissioner Sharp. CG-Yes, JM-Yes, RF-Yes, TS-Yes, CL-Yes

- C. 18 New Broadway (36R Parcel 53 and 55)-Mary Ann Fedor
Construction of an addition onto a single family home on Pequot Pond.
Mr. Ryan Nelson of R. Levesque and Assoc. Inc. and Ms. Mary Ann Fedor are present.

Mr. Nelson states that after a site visit with the Commission, it was determined that some trees will need to be removed as they pose a threat to any house that would be built on the property. He states that there is also a swale on the property line that has some dumping and invasive species that will be cleaned up and some native shrubs will be installed in the area. Mr. Nelson states that a silt fence will be installed prior to any work. He states that half of the lake frontage will remain lawn as it is now and there will be some shrub plantings on the other half that will help stabilize the bank. He states that work is within the Buffer Zone and that the existing driveway will be used. Commissioner Sharp asks if the plantings in the swale have been identified. Mr. Nelson state Button Bush, Service Berry and Dogwood. Commissioner Florek asks if trees will be planted in the area. Mr. Nelson states that there will not, this is the reason for the shrub plantings. Commissioner Grobe asks if the driveway will be paved. Mr. Nelson states that at this time the driveway will remain a dirt driveway. Chairman Doe asks if there is a garage on the site. Mr. Nelson states that there is. Coordinator Borenstein state that there are three large mature trees that will be taken down for this project. She states that on the site visit, she observed weed whacking on the bank that she would like to discourage. She states that the pond will be accessed but she is hoping that the property owner can commit to one location to protect the bank and provide some wildlife habitat. Chairman Doe asks if there are any comments form the audience. Ms. Fedor asks if Maple trees can be planted on the property. Commissioner Laraway states that there is a catch basin in that area so he is concerned that the roots will damage it and disturb the runoff. Ms. fedor asks if Rose of Sharon would work better. Coordinator Borenstein states that the Commission would be fine with any native trees or shrubs on the property.

Vice Chairman Murphy motions to close the Public Meeting and is second by Commissioner Grobe. CG-Yes, JM-Yes, RF-Yes, TS-Yes, CL-Yes

Commissioner Laraway motions:

1. Negative 3 with conditions:
 - a. Coordinator to approve installed erosion controls prior to work
 - b. Applicant shall not weed whack vegetation on the bank.

- c. Coordinator shall approve removal of erosion controls after work is complete.
- d. Invasive control shall be conducted by a licensed applicator.
- e. Plantings shall be monitored for two years after installation to ensure success.

and is second by Commissioner Grobe. CG-Yes, JM-Yes, RF-Yes, TS-Yes, CL-Yes

D. CSX Transportation Right-of Way (ROW)-CSX Transportation Inc./Wood Environment & Infrastructure Solution, Inc.

Confirmation of Wetland Boundaries in order to conduct yearly Vegetation Management along the Right-of-Way (ROW).

Mr. Steve Herzog of Wood Environment & Infrastructure Solution, Inc. is present.

Mr. Herzog states that this RDA is part of the five year Vegetation Management Plan. He states that CSX has been before the Commission before with a similar RDA. He states that every five years a plan must be presented as to how vegetation will be managed by the Railroad. Mr. Herzog states part of the plan is identifying where there are wetlands within ten feet of the tracks. He states that no herbicide is sprayed in the wetland. This RDA is only to confirm wetland boundaries. He states that no flags were hung in the train track ROW and the locations have been put on the plan that are within the ten feet of the tracks. Mr. Herzog presents the plans to show the Commission where the "no spray" zones are located. Coordinator Borenstein asks if the plans were updated by actual field work. Mr. Herzog states that it was. He states that yellow lines have been painted on the railroad ties. When the technician sees one of the yellow marks, the herbicide spray is turned off and then turns the spray back on after the sprayer has passed the wetland. Commissioner Sharp asks if there were any changes from the last delineation. Mr. Herzog states that there were none. Chairman Doe asks if there are any comments from the audience. There are none.

Vice Chairman Murphy motions to close the Public Meeting and is second by Commissioner Grobe. CG-Yes, JM-Yes, CL-yes, TS-Yes, RF-Yes

Vice Chairman Murphy motions:

- 1. Positive 2a

and is second by Commissioner Grobe. CG-Yes, JM-Yes, TS-Yes, CL-Yes, RR-Yes

5. ENFORCEMENT

A. 95 New Broadway-Barry Fedora-DEP File #333-762

Coordinator Borenstein states that at a site visit there was some fill in the mapped 100-year floodplain. She states that overall, the project is in compliance. She states that because of the fill, sediment was getting onto the road. Coordinator Borenstein asks if the Commission wants to issue an Enforcement Order or send a letter. Chairman Doe states that the fill should be removed now and that the Coordinator should approve the removal

before work continues. Commissioner Sharp states that the erosion controls should be replaced also. The Commission decides to send a letter.

Commissioner Sharp motions to send a letter to the property owner stating that the fill should be removed and erosion controls should be replaced and is second by Vice Chairman Murphy. CG-Yes, JM-Yes, RF-Yes, CL-Yes, TS-Yes

6. DISCUSSION

B. Potential mowing at the Pitoniak Conservation Area, Northwest Road (Map 21R-8, 9, 10)

Coordinator Borenstein states that this site is mostly forested but there is a farm field that has been mowed in the past. The person who has mowed in the past stated that the hay was insufficient. She states that if it is not mowed it will reforest. She states that biodiversity on our conservation land is important. Coordinator Borenstein states that perhaps our NOI fees could be used to pay someone to cut that property. Chairman Doe asks if the City has the equipment for mowing. Coordinator Borenstein states that she is not sure but she will ask the DPW.

7. OTHER ITEMS

A. Minutes of June 23, 2020

Clerk Nunez reads a change to the minutes.

Commissioner Grobe motions to accept the minutes with the change that Clerk Nunez presented and is second by Commissioner Grobe. CG-Yes, JM-Yes, RF-Yes, CL-Yes, TS-Yes

B. Conduct on Site Visits

8. MOTION TO ADJOURN

Commissioner Grobe motions to adjourn the meeting at 9:17 PM and is second by Vice Chairman Murphy. CG-Yes, JM-Yes, RF-Yes, CL-Yes, TS-Yes

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

