



City of Westfield

Municipal Conservation Commission

JULY 25, 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) Also, in attendance: Anna Meassick, Director of Conservation.

1. CALL TO ORDER

Chairman Doe calls the meeting to order at 6:30 PM then takes attendance. Commissioner DiCarlo, Commissioner Prystowski, Commissioner Grobe and Christina Ramos, Conservation Clerk are not in attendance.

2. OPEN PARTICIPATION

Chairman Doe asks if any members of the public who would like to address the Commission concerning items not subject to public hearing.

Director Meassick Emergency Certification for Sackett Road to fix the culvert, needs to be ratified and signed. It was deemed a safety issue by the Traffic Division.

Vice Chairman Murphy motions to ratify the Emergency Certificate to fix the Sackett Rd culvert. Commissioner Finnie seconds. EF- yes, RF-yes, JM-yes, DD-yes.

The motion passes.

He moves onto item 3, Public Meetings.

3. PUBLIC MEETINGS (RDAs)

Chairman Doe seeing none, moves to item 4, Public Hearings.

4. PUBLIC HEARINGS (NOIs)

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

Rebecca Li from R. Levesque Associates, present as representative.

Ms. Li explains they received the peer review McMann Associates just before the meeting and she will give everyone a copy for review while she goes over the comments. Ms. Li explains that after the last meeting there was a site visit, presented in front of the planning board where they received approval. Just received the engineering peer review comments which were requested by the Commission at the last meeting. Ms. Li explains the last paragraph of the peer review report summarizes their finding. Based on the site plan with RLA notes existing conditions plan an addition of compensatory storage available from 2 Ascutney Ave and 23 Verona Street, we find adequate volume has been provided at all elevations to meet requirements of Chapter 13 article 5 division 2 of the City of Westfield Code of Ordinances and the Massachusetts wetlands Protection Act for all flood storage volume that will be lost. An excess of bank storage remains

available from 2 Ascutney Ave and 23 Verona Street as shown in the net storage column within the site plan.

Chairman Doe asks if there is anything further from Ms. Li, than ask the Commission if they have any questions.

Vice Chairman Murphy ask where the data for the access is.

Director Meassick explains the site plan in front of them, net storage column.

Vice Chairman asks if the bank compensatory storage maybe used for any other projects or just for the Wagner rug applicant.

Director Meassick asks if the bank storage will be used by another project offsite like the Aldi's project.

Ms. Li explains whatever is banked, the site is really limited and there can't be any other development on site.

Vice Chairman Murphy explains that he still isn't clear if the number 8780 in the site plan column is what is left or what will be used.

Ms. Li explains yes, it is what is left.

Chairman Doe explains if its not stipulated than no one else can use that.

Ms. Li explains that the applicant could use that banked storage in the future if needed.

Vice Chairman Murphy asks who owns the 2 Ascutney Ave & 23 Verona St property.

Ms. Li explains the applicant owns both.

Chairman Doe ask if there are any other questions or comments from the Commission, seeing none he asks if there is any comments or questions from the public. Seeing none he entertains a motion to close the public meeting.

Vice Chairman Murphy motions to close the public hearing. Commissioner Florek seconds. EF-yes, RF-yes, JM-yes, DD-yes.

The motion passes.

The Commission goes through the Order of Conditions.

Commissioner Florek motions to issue Order of Conditions. Commissioner Finnie seconds. EF-yes, RF-yes, JM-yes, DD-yes.

The motion passes.

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

Chairman Doe explains that the applicant requests a continuance to August 8, 2023, He entrains a motion.

Vice Chairman Murphy motions to continue to August 8, 2023 meeting. Commissioner Florek seconds. EF=yes, RF=yes, JM=yes, DD=yes.

The motion passes.

- C. 1515 Granville Road – Springfield Water and Sewer Commission
Proposal: Installation of pipeline and valve chamber within bank, land under water, and riverfront area

Chairman Doe explains that the applicant requests a continuance to August 8, 2023, He entrains a motion.

Vice Chairman Murphy motions to continue to August 8, 2023 meeting. Commissioner Florek seconds. ED=yes, RF=yes, JM=yes, DD=yes.

The motion passes.

- D. 733 Montgomery Road – Anjanette Kelso
Proposal: Culvert and driveway repair within buffer zone to bordering vegetated wetland and intermittent stream

Chairman Doe reads the Legal language.

Jeff Smith from Salvini Associates is present as representative.

Mr. Smith explains that the driveway has eroded from sheet flow from Montgomery Road and the culvert that goes under the road. The driveway is adjacent to the wetland so the emergency certificate in June was to repair the eroded area. Mr. Smith explains that what they would like to do now is fix the broken culvert, clean up the drain. Mr. Smith explains that there is some broken concrete, and they will be fixing and cleaning that up. Mr. Smith explains that they will be regrading the driveway to prevent the sheet flow from eroding the area further after the repairs. He explains that they may need to do some dredging about 150ft just because there has been some sand and gravel that have come through over the years. Mr. Smith explains they will replace it with wetland soil, seeding and regrade all the buffer zone that will be affected. There are already some erosion controls but will add some to where is needed.

Vice Chairman Murphy asks what the size of the culvert.

Mr. Smith explains currently its 12-inch concrete culvert and they will be replacing it with a 15-inch concrete culvert.

Chairman Doe asks if this project is in the Wyben area.

Mr. Smith explains yes.

Chairman Doe asks the Commission if there is any other questions or comments, ask Director Meassick if there has been issued a DEP number yet or any comments.

Director Meassick explains yes there is a DEP number and DEP did not have any comments.

Chairman Doe explains there will need to be a site visit so it will need to be continued to next meeting. He asks the public if they have any questions or comments.

Community members ask if this property abuts the old schoolhouse.

Mr. Smith explains its further past the old schoolhouse.

Chairman Doe asks if there are any other questions, seeing none he entrains a motion to continue for a site visit.

Vice Chairman Murphy motions to continue to August 8, 2023 meeting for a site visit.
Commissioner Florek seconds. EF=yes, RF=yes, JM=yes, DD=yes.

The motion passes.

- E. 0 Bayberry Lane – Sergey Novenko
Proposal: Construction of single-family home within bordering vegetated wetland and associated buffer zone

Chairman Doe reads the Legal language.

Rebecca Li from R. Levesque Associates, present as representative.

Ms. Li explains the proposed single-family home attached 2 car garage, associated site improvements are an access drive that crosses over the wetland they are proposing a replication area, the disturbed BVW area is 3,096 square feet and the replication area is 3,430 Square ft. Also proposed a well if needed, Ms. Li explains that there was a question whether they would be able to connect to shut that is located at the end of the driveway. If not, they have located a place for the well, which is about 100ft from the wetland. Ms. Li explains that they have proposed a septic system, they did run perc test in the area outside of the 50ft buffer zone. The test did pass with a rate of 7 minutes per inch and 10 minutes per inch. With reserves within the preserve field, she explains they had to build a retaining wall around the septic field due to the requirement of it being 15ft from a slope, so it will be equipped with an imperviable liner in accordance with title 5. The 50ft buffer is highlighted, and the limit of work is highlighted. They are aware there is an enforcement order on this property, so they are proposing all the restoration outside of the limit of work be installed prior to the construction. Ms. Li explains they have received the DEP comments and if the Commission would like her to go over them or just answer any questions in relation to them.

Chairman Doe asks that she go over them.

Ms. Li reads all DEP comments and responses to comments.

Chairman Doe ask Ms. Li to show them where the proposed well would be on the plans.

Ms. Li explains it would be the blue dot on the plans.

Chairman Doe asks about the 25ft set back from the wetland for the well placement.

Director Meassick explains that this was a debatable thing between ordinances and wells 25 ft set back is listed as being required, tricky because in the wording it says its under the commission jurisdiction. Needs more time to investigate.

Commissioner Florek ask is this an issue because they aren't sure if they can have a well or will be able to connect to the city water.

Director Meassick explains that they will need to do a well because the water department pump is at maximum capacity.

Ms. Li explains that she will need to verify its 25ft is marked on the plans.

Vice Chairman Murphy asks Ms. Li to show him on the site plan where the septic reserve fields.

Ms. Li explains that in between the proposed fields, per the Title V ordinance you can have the reserve cambers in between with 3ft setbacks.

Vice Chairman Murphy asks about the raised mound system.

Ms. Li explains finished grade of the septic system is 369.5 and grade in the other area starts 368. It will be raised, because of how the grade works out.

The Commission discusses if that grade change is under their jurisdiction, or not. They concluded not if it's outside the 50ft.

Chairman Doe asks if there are any other questions or concerns.

Vice Chairman Murphy asks if DEP comment #1 and RLS response administrative question. He doesn't understand how you can have an enforcement order open and get an order of conditions on a project at the same site.

Ms. Li explains possibly make and condition in the order of conditions or an amendment to the restoration plan and show the plantings outside of limit of work to be done before construction.

Chairman Doe explains the enforcement order has been open for over a year now, your proposed replication is in an area of the enforcement that was supposed to be restored to an upland. Now you want to convert that to a wetland.

Ms. Li explains yes.

Chairman Doe asks what the distance from the proposed house to the replicated wetland, it's an upland.

Ms. Li explains yes that's why there's a wing wall there, roughly 30ft.

Chairman Doe explains so from the house to the driveway you're planning to have steep slope down to that replicated wetland, the house, and the garage within the 50ft of the wetland.

Ms. Li explains yes, this lot was created in the 70's before the Wetland ordinances, this is kind of a pre-existing nonconformance lot. If you adhere to the regulations today it will not be buildable lot.

Chairman Doe explains it may still not be if you violate the 50ft setback for the Commission. There's really two lots there that were completely cleared. And the front half of both of those lots are wetlands. That was known when this person bought the property. The problem here is there is open enforcement here and you're asking us to forget about and issue an order of conditions for this project.

Ms. Li explains or amend enforcement order to instigate the limit of work area and complete that prior to construction.

Commissioner Florek explains doesn't the enforcement order take over the, shouldn't that be done first.

Director Meassick explains that there is no legal order, it's up to the Commission to decide.

Commissioner Finnle explains your question that's its an older lot its grandfathered in.

Chairman Doe explains that it took a couple years to figure out where the wetland was because of the amount of damage done to both lots. It was delineated last year.

Director Meassick explains enforcement order was issued in March of 2022; restoration was supposed to be done by last year October. The Commission couldn't determine the boundaries of the wetlands, so the Commission continued over and over for the restoration to be completed.

The Commission discusses the delineation.

Commissioner Florek asks with all the rain it must be wet back there.

Ms. Li explains their wetland scientist has been back to the lot and has said it has grown up beautiful.

Director Meassick explains it has grown back, no grading at all. The question is if the lot predates the Wetlands Protection Act

Vice Chairman Murphy explains at minimum the Commission should continue to hold a site visit.

Chairman Doe explains must consider amending the ordinance of where the 50ft buffer is, all of this is within the 50ft buffer.

Director Meassick explains the argument for the lot pre-dating the Act is, does the lot have over 5000 square feet of alteration.

Chairman Doe asks Ms. Li if they could mark corners for the proposed house, garage, outline of the driveway, the well, septic etc. so for the site visit.

Ms. Li explains yes, they can do that.

Director Meassick explains that he suggests the closing of the Enforcement Order and make it condition the restoration before you do the work would cause a problem like Union street, gravel still in the wetlands and they were parking on it cause the Enforcement order was closed out and they had 3 years under the Notice of Intent.

Chairman Doe asks if there are any questions from the Commission, seeing none he asks the public if they have any questions or concerns. Seeing none he entrains a motion to continue to August 8 to allow a site visit.

Commissioner Florek motions to continue to August 8, 2023, meeting for a site visit. Vice Chairman Murphy seconds. EF-yes, RF-yes, JM-yes, DD-yes.

The motion passes.

5. REQUESTS TO AMEND AN ORDER

A. City View Road Culvert – DEP File #333-739

Proposed Amendment: remove failed Armorflex and replace with riprap stone

Chairman Doe reads Legal language.

Alisha Mayor from Woodard & Curran is present as representative.

Ms. Mayor explains on behalf of the City of Westfield and Department of Public Works they are requesting an amendment to remove the damaged Armorflex outlet of the culvert and replaced with rip rap. The rip rap will be sized for the 100-year storm event. It has been washed out after many storms.

Chairman Doe asks if the Armorflex other side of the culvert is ok.

Ms. Mayor explains yes, she was just out there before the meeting and the Armorflex on the other side is still in tack.

Chairman Doe asks if there is any reason why Armorflex failed on the downside.

Ms. Mayor explains she spoke with contact, and it was sized appropriately, they believe there may have been some settling once one block pops up unfortunately the rest will follow suit.

Vice Chairman Murphy asks each individual block is not mechanically tied to its neighbor.

Ms. Mayor explains no, they are positioned closely together.

Commissioner Florek asks if the blocks are interlocking.

Ms. Mayor explains they are interlocking just not tied together.

Chairman Doe explains that order has expired in January of this year.

Director Meassick explains that when pulling the order, she saw it was expired in January which makes things a little more complicated. She has a meeting with DPW tomorrow and will discuss it further to see if they ever extended it. Unless Ms. Mayor has any information on any extension.

Ms. Mayor explains she is unsure of any extension.

Director Meassick explains that there were two extensions both issued in 2021 one in June and other in October both with the expiration year of 2023. She is unsure why there were two issued. She explains there is a giant hole now is the plan to bring in fill.

Ms. Mayor explains yes will have to make sure the culvert won't be undermined and brought back to elevation how it was designed.

Director Meassick asks if Ms. Mayor can get those numbers on how much fill and alteration, because it is altering land underwater.

Ms. Mayor explains yes, she would have to survey the area as it is now and come up with estimate amounts.

Vice Chairman Murphy asks if the fill will be the same rip rap material or something different.

The Commission discusses if it would be easier to use the existing fill and pulling it back.

Ms. Mayor explains that they will be filter fabric, they will be moving a lot of the soil and fill and replacing it will layer of filter stone and 2ft of rip rap.

Chairman Doe asks how long you think the project will take.

Ms. Mayor explains the DPW would like to get this done as soon as possible.

Chairman Doe asks if DPW will be doing the work themselves or contracting out.

Ms. Mayor explains she believes they will be using there on call contractor; she doesn't believe it will be a bidding project.

Vice Chairman Murphy asks if they plan on bringing in large equipment for the work.

Ms. Mayor explains she doesn't know the means and method, of course if there were any vegetation removed it would be loom and seeded.

Chairman Doe explains that the Director would need to figure out what's going on with extension. Wondering if it could be done under an Emergency Certification.

Director Meassick explains she spoke with DEP on the different ways to approach and an amendment would be best.

Chairman Doe asks if they public has any questions or concerns.

Community Member asks if the cost factor must be done with the engineering company or constructions company that did the work. Will there be another year-long road closure while this is getting fixed.

Chairman Doe explains its not up to the Commission on the timeline or companies used for the project.

Commissioner Florek explains the Commission had the same questions, but its up to DPW to decide the best way to complete the project.

A Different Community member and neighbor to the broken culvert, she explains the size of the hole from the fill that's creating swimming hole, there was a tree she talked to the people that were down there checking it out. She is asking when the project starts if they can come from the other side of the river because she just fixed everything up in her yard from the last time.

The Commission explains they can make the request but can't promise how the machines will enter.

Chairman Doe asks if there are any other questions, seeing none he entrains a motion to continue to August 8th.

Commissioner Finnie motions to continue to August 8, 2023, meeting for a site visit.

Commissioner Florek seconds. EF-yes, RF-yes, JM-yes, DD-yes.

The motion passes.

6. CERTIFICATE OF COMPLIANCE

A. 1090 Southampton Road – DEP File #333-786
Project: Construction of Pioneer Valley Pools and Spas

Rebecca Li from R. Levesque Associates, present as representative.

Ms. Li explains she is here to request the Certificate of Compliance for the 1090 Southampton Rd. project. She explains RLA has submitted their general compliance letter. The only item that differed from the design drawings was this metal framed garage, which was covered by in a RDA, which is separate from this NOI. This is 10ft closer to the wetlands but still outside the 50ft no touch zone.

Director Meassick explains that they paved into the 50ft buffer zone, which was not on the original plans, entrance side. She explains that Rob was supposed to provide an overlay and still hasn't. The original approved site plans included the restoration plan around the edges and as we know with restoration must survive two growing seasons. Would like to see if they have survived or not.

Commissioner Florek asks how far it has encroached into the 50ft.

Ms. Li explains it looks like 20ft.

Chairman Doe explains they will have to go out and look at it.

Ms. Li explains they would like to request an continuance to be able to provide all the updated information.

Chairman Doe entertains a motion to continue.

Commissioner Finnie motions to continue to August 8, 2023, meeting for a site visit and updated as built plans. Commissioner Florek seconds. EF-yes, RF-yes, JM-yes, DD-yes.

The motion passes.

7. EMERGENCY CERTIFICATION

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

Chairman Doe asks if there are any updates on this matter.

Andrey Krasun, the homeowner, is present.

Mr. Krasun explains he has reached out to a few of the companies and is waiting for a call back.

Director Meassick explains she reached out to the law department to see if the Commission can use its NOI fees to cover a delineation, she explains that she knows its not our responsibility, but the Commission needs to know what they have jurisdiction over. DEP said it was fine, but she still wants to hear from the legal department to use the revolving fund. It seems like the homeowner is having a hard time getting someone out there.

Vice Chairman Murphy explains he thought we had a list of 5-8 consultants and asks the homeowner if no one has gotten back to him.

Mr. Krasun explains the last time they spoke they hadn't got back to him.

Commissioner Florek asks the homeowner, wouldn't you like to pick your own contractor, if we have to do it, we will do it.

Mr. Krasun explains it's the first time he heard about having to go through the City Hall or Conservation department to request permission. His understanding of Wetland is where the land stays longer than other, only along regulations, city and state and that's when they start learning about the wetland. He claims if he knew then he would have gone through the proper request and

filing. He explains that this caused a problem or violation because he didn't know. He explains that he was not born here and doesn't have such a thing in the country he came from. The problem here is they didn't know anything about it being a violation. They changed the land just to give their children safe playing area. He explains he still doesn't know what to do or where to go because where he is from no one has issues with wetland.

Chairman Doe asks if the Director can get on a answer from the legal department in a few days.

Vice Chairman Murphy asks if the Commission can get this going for these homeowners.

Mr. Krasun explains he learned a lot and hasn't continued to work.

Vice Chairman Murphy explains to the homeowner that he needs to hire someone to complete the restoration plan. He then asks the Director if the Commission can help these homeowners out.

Commissioner Florek asks with all the heavy rain is the area stable.

Mr. Krasun explains yes, a couple days the area is a small hill, after cutting some trees a few years ago. The neighbor came to him and asked if he would like some trees, he left some branches, and they haven't moved.

Chairman Doe explains its vegetated area.

Director Meassick explains that it is very vegetated, there was water, hydric soils, it's a wetland. She believes it's important for the Commission to know their jurisdiction, that is the only reason why she would suggest using the revolving funds.

Commissioner Finne explains that he doesn't believe it the Commissions responsibility, the Commission gave him resources for people to contact and he should be following up on it.

Director Meassick explains she knows its not the Commissions responsibility to do it but she is thinking of the long run and the Wetland protection.

Vice Chairman Murphy asks the Director if she can give the homeowner the list of consultants.

Director Meassick explains yes for the 3rd time.

Chairman Doe explains that they will send the list again to the homeowner and get in touch with the legal department to see how the Commission can help.

Director Meassick explains to the homeowner that she will be sending him a list of consultants to contact, and he needs to reach out to them and come to the next meeting to give the Commission an update.

Commissioner Florek explains to the Homeowner that if he showed the Commission effort in finding a consultant it would help and contact the company on the list again.

Chairman Doe entrains a motion to continue to August 8, 2023.

Vice Chairman Murphy motions to continue to August 8, 2023, meeting. Commissioner Florek seconds. EF-yes, RF-yes, JM-yes, DD-yes.

The motion passes.

8. COMMISSION DISCUSSION

A. Reissue Order of Conditions for 167 Springfield Road Project: Bertera Dodge paving of parking lot – DEP File #333-733

Director Meassick explains that the Commission will just need to sign the OCC because the applicant lost the originals, and they need to be recorded.

B. Regulations & Procedures Q&A a. Filing Fees

Director Meassick explains these are her recommendations on new fees and how they would be implemented, based on wetlands in the city, populations. She shows the Commission comparable and what other cities are charging fees.

Commissioner Florek explains he thinks this discussed with more Commissioners present:

The Commission discusses the rates and fees and decides to wait for majority of the Commission to be present.

b. 50ft No Disturb Zone exemptions.

Director Meassick explains that she is getting some questions about the local ordinances and says that work for public utilities is exempt. Does it mean that its exempt from the 50ft no disturb Zone.

C. Review and approval minutes April 25, 2023, May 23, 2023, June 13, 2023

The Commission decides to wait to approve any minutes until they know what was approved and what hasn't. Christina Ramos, the clerk, isn't present.

D. Pitoniak Fields Scope of Work

The Commission discuss the trails and money needed to complete the trails, as far as mowing and cleaning up, they decide to let other Commissioners not present to get the information.

E. Review of any additional administrative items a. Sign permits

9. MOTION TO ADJORN

Commissioner Florek motions to adjourn the meeting at 8:12pm. Vice Chairman Murphy seconds. EF=yes, RF=yes, JM=yes, DD=yes.

The motion passes.

A true record, Attest:

Conservation Clerk Christina Ramos

