



# City of Westfield, Massachusetts

Municipal Conservation Commission

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July 27, 2021

## REMOTE MEETING MINUTES

Conservation Commission members in attendance: Chairman David Doe (DD), Carl Grobe (CG), Tom Sharp (TS) and Alex Fagnand (AF). 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.*

**\*\*Thunderstorms caused power outages throughout the City causing some Commissioners and abutters to be unable to attend the Zoom meeting.\*\***

### 1. CALL TO ORDER/ROLL CALL

Chairman Doe calls the meeting to order at 6:30 PM and takes attendance. Vice Chairman Murphy, Commissioner Laraway 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 August 10, 2021 at 6:30 PM.

Commissioner Sharp motions to continue until August 10, 2021 at 6:30 PM and is seconded by Commissioner Fagnand. CG-Yes, AF-Yes, TS-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. Ryan Nelson of R. Levesque and Assoc. Inc. is present representing Mr. Czerniejewski.

Coordinator Borenstein states that in our last meeting, the Commission asked for a revised plan. Mr. Nelson explains the revised plan which shows the wetland flag movement that does not affect the Buffer Zone on the plan and proposed monuments. He states that these monuments can be whatever the Commission asks for. He states that the area of concern for mowing, if left unmaintained would reforest. He proposes mowing once or twice a year as opposed to weekly lawn mowing, in addition, invasive plants would be removed along the forest edge. Mr. Nelson states that an invasive management plan has been submitted. He reads an email addressing the Buffer Zone concern of the Commission. He states that the Commission sticks to the 50-foot Buffer Zone line with all new builds. Commissioner Sharp suggests that there are some lots that are not buildable. Mr. Nelson states that there is no clearing within the 50-Foot BZ that they are just maintaining what is already cleared. Commissioner Grobe asks what the guarantee is that future owners will not convert the area that is to be mowed bi-annually into lawn if the monuments are not on the 50-foot line. Mr. Nelson suggests monuments along the 50-foot line and edge of forest and suggests bird houses. Coordinator Borenstein states that this project is permissible under state law. She states that oversight on this project is necessary. Commissioner Grobe asks if trees falling on the house will become an issue in the future. Coordinator Borenstein states that the trees seem healthy. Coordinator Borenstein states that she received the updated plan in the afternoon and has not had a chance to thoroughly review. Commissioner Fagnand suggests adding shrubs to the area that would be bi-annually mowed instead of leaving the area field. Chairman Doe suggests continuing.

Commissioner Grobe motions to continue until August 10, 2021 at 6:30 PM and is seconded by Commissioner Sharp. CG-Yes, AF-Yes, TS-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.

Applicant requests a continuance to August 10, 2021 at 6:30 PM.

Commissioner Fagnand motions to continue until August 10, 2021 at 6:30 PM and is seconded by Commissioner Grobe. CG-Yes, AF-Yes, TS-Yes, DD-Yes  
The motion passes.

#### 4. PUBLIC MEETINGS

**7:32 PM Commissioner Fagnand motions to take 4B out of order and is seconded by Commissioner Grobe. CG-Yes, AF-Yes, TS-Yes, DD-Yes  
The motion passes.**

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

Chairman Doe states that the Commission issued a similar permit in 2016. He is unsure of the details on that project though.

Commissioner Sharp motions to continue to August 10, 2021 at 6:30PM and is seconded by Commissioner Fagnand. CG-Yes, AF-Yes, TS-Yes, DD-Yes  
The motion passes.

- C. Root Road (68R-12) & North Road (69R-1)-Connecticut River Conservancy (CRC)  
Removal of invasive water chestnut plants by hand at Brickyard Ponds.  
Thomas Sharp is present representing the CRC.

Chairman Doe reads the legal language. Commissioner Sharp states that he filled out the Conflict of Interest paperwork and submitted it to the Mayor. Commissioner Sharp states that the only DEP comment was to ensure that the Commission understood the procedure of plant removal. Commissioner Sharp states that this project appears to be helping because less plant material is removed each year. Chairman Doe asks how many more times the Water Chestnut will be pulled this year. Commissioner Sharp states that they will pull one or two more time this year. Mr. John Keltch, an abutter, asks who will be actually doing the work. Commissioner Sharp states that it will be three volunteers: no CRC staff will be present. Mr. Keltch expresses concern of the cars parked alongside of the pond which encourages others to believe that these ponds are public property. Mr. Keltch then asks if there will be an inspection of the project after it is completed. Commissioner Sharp does not believe that it will be inspected. Mr. Keltch then asks what the goal of the project is. Commissioner Sharp states that it is to improve the quality of the water, vegetation, fish and the aquatic life that live in these and surrounding ponds by preventing spread of the invasive Water Chestnut. Mr. Keltch states that he would like a list of other ponds that this work has occurred on. Mr. Keltch believes that this is a conflict of interest because Commissioner Sharp is presenting. He goes on to state that he does not want any signs installed. Mr. Keltch expresses his concern about the beaver that are causing an increasing danger of the road washing out. He states that the beaver should be removed and these ponds should be allowed to return to a wetland marsh. Chairman Doe asks if the CRCs insurance covers the volunteers. Commissioner Sharp is not sure and says that the meeting should be continued so that he can get an answer.

Commissioner Sharp motions to continue to August 10, 2021 at 6:30 PM and is seconded by Commissioner Fagnand. TS-Yes, AF-Yes, CG-Yes, DD-Yes  
The motion passes.

**8:08 PM Commissioner Fagnand motions to return to normal order and is seconded by Commissioner Grobe. TS-Yes, AF-Yes, CG-Yes, DD-Yes  
The motion passes.**

- 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 is present.

Chairman Doe asks if areas that are labeled to be mowed would be maintained as lawn. Mr. Witman states that it will not be lawn. Coordinator Borenstein states that because of the power outage in Westfield an abutter is unable to join the meeting. Coordinator Borenstein states that she spoke to DEP to see how this project can move forward. She says the guidance was not very clear. Coordinator Borenstein states that Ms. Melissa Kielbasa messaged her, Ms. Kielbasa asks that Mr. Witman maintain the visual buffer, as they previously discussed. Coordinator Borenstein reminds the Commission of the different areas of work. Mr. Witman states that there is an area where he is planning on maintaining the visual buffer for Ms. Kielbasa. He states that invasive plants will be removed along the path by cutting the plants. He states that he will remove invasives as far into the area off the path as possible.

Commissioner Grobe motions to close the Public Meeting and is seconded by Commissioner Sharp. TS-Yes, AF-Abstains, CG-Yes, DD-Yes  
The motion passes.

Commissioner Grobe motions a Negative 2 for the 3-foot wide vegetated path and invasive plant removal along the path and is seconded by Commissioner Sharp. TS-Yes, CG-Yes, DD-Yes  
The motion passes.

Commissioner Sharp motions a Negative 3 for the selective invasive removal along Union Street with conditions:

1. Commission will be notified at the start of work.
2. The work area will be flagged in the field prior to selective clearing and the Commission will approve said work area.
3. No soil disturbance is allowed.

and is seconded by Commissioner Grobe. TS-Yes, CG-Yes, DD-Yes  
The motion passes.

Commissioner Grobe motions for the area between Union Street and the Golf Acres parking lot a Negative 2 with conditions:

1. Commission will be notified at the start of work.
2. The work area will be flagged in the field prior to selective clearing and the Commission will approve said work area.
3. No soil disturbance is allowed.

4. No trees shall be removed.  
and is seconded by Commissioner Sharp. TS-Yes, CG-Yes, DD-Yes  
The motion passes.

## 5. ENFORCEMENT

- A. 115 West Silver Street (48R-1)-Baystate Noble Hospital  
Parking lot improvements in the 100-foot Buffer Zone without a permit.  
Mr. Daren Gray of Baystate Noble is present.

Mr. Gray states that concrete barriers have been installed. There is some channelization in the low areas of the parking lot. He states that he would like to install a layer of filter fabric and top it with a rip rap berm to create a four bay level spreader, to slow the flow of water. Commissioner Fagnand asks about maintenance. Mr. Gray states that it will be checked two or four times a year depending on storms. Coordinator Borenstein asks if there will be any excavation behind the barriers. Mr. Gray states that all work is in front of the barrier, there will be no digging.

Commissioner Grobe motions to accept the plan submitted by Baystate Noble Hospital and is seconded by Commissioner Sharp. AF-Yes, CG-Yes, TS-Yes, DD-Yes  
The motion passes.

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

Mr. Nelson presents the updated plan. Coordinator Borenstein states that she performed a site visit. She states that the Buffer Zone has been lawn for a very long time. Ms. Streeter has suggested planting native shrubs within the 50-foot Buffer Zone with some monumentation. Chairman Doe suggests at least 10 shrubs and asks Mr. Nelson to update the plan with the plantings. Commissioner Grobe notes that a monument should be included in the plan.

Commissioner Sharp motions to continue until August 10, 2021 at 6:30 PM and is seconded by Commissioner Grobe. AF-Yes, CG-Yes, TS-Yes, DD-Yes  
The motion passes.

- C. 1760 East Mountain Road (65R-100)-Fidor Artin and Victor Cosneau  
Clearing vegetation in the 100-foot Buffer Zone to a Bordering Vegetated Wetlands.

Coordinator Borenstein states that she has heard from the land owner that it is a bad idea to plant shrubs in the summertime. She states that she would like to put a deadline of the end of September for the plantings to be installed. Commissioner Sharp states that he would like to see a written plan of plant placement.

Commissioner Grobe motions that Coordinator Borenstein should send a letter with the September deadline and requesting the plant mapping and is seconded by Commissioner Fagnand. AF-Yes, CG-Yes, TS-Yes, DD-Yes  
The motion passes.

## 6. DISCUSSION

- A. 22 Verona Street (108-47)-DEP File #333-798-Vasilie Kukharchuk.  
Request for Certificate of Compliance

Coordinator Borenstein states that the fence and gates have been installed correctly.

Commissioner Grobe motions to issue the Certificate of Compliance and release the bond and is seconded by Commissioner Fagnand. TS-Yes, AF-Yes, CG-Yes, DD-Yes  
The motion passes.

- B. 666 Montgomery Road-(60R-3)-DEP File #333-219-Leonard and Daniel Puza  
Request for Certificate of Compliance (COC).

Chairman Doe states that this is a reissue of a COC that was issued in 1995 but was never recorded.

Commissioner Sharp motions to issue the Certificate of Compliance and is seconded by Commissioner Grobe. TS-Yes, CG-Yes, AF-Yes, DD-Yes  
The motion passes.

- C. 700 East Mountain Road (36R-12 across from 630 East Mountain Road)  
Ratify Emergency Certification for cleaning out a culvert by Department of Public Works.

Coordinator Borenstein states that the work has been done.

Commissioner Grobe motions to ratify the Emergency Certification and is seconded by Commissioner Fagnand. TS-Yes, CG-Yes, AF-Yes, DD-Yes  
The motion passes.

- D. 218 Belanger Road (269-12)  
Ratify Emergency Certification for a failed septic system to be demolished.

Coordinator Borenstein states that there is no replacement of the septic system. She states that the septic system is going to be demolished.

Commissioner Fagnand motions to ratify the Emergency Certification and is seconded by Commissioner Sharp. TS-Yes, CG-Yes, AF-Yes, DD-Yes  
The motion passes.

7. OTHER ITEMS

A. Minutes of July 13, 2021

Clerk Nunez states that there was one section that she wanted to listen to again before submitting for approval.

8. COMMISSION DISCUSSION

A. Regulations and Procedures Q & A-There are none at this time.

B. Wetland Ordinance Update

Chairman Doe states that he has sent out the changes suggested by Commissioner Fagnand and asks that the Commission look through the document and suggest any changes. He states that he would like to get them completed as soon as possible. The Commission discusses tree and shrub size specifications.

9. MOTION TO ADJOURN

Commissioner Fagnand motions to adjourn at 9:54 PM and is seconded by Commissioner Grobe. CG-Yes, AF-Yes, TS-Yes, DD-Yes  
The motion passes.

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

