



City of Westfield, Massachusetts

Municipal Conservation Commission

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By City Clerk's Office at 10:49 am, 9/15/21

August 10, 2021

REMOTE MEETING MINUTES

Conservation Commission members in attendance: Chairman David Doe (DD), Vice Chairman James Murphy (JM), Carl Grobe (CG), Tom Sharp (TS), Alex Fagnand (AF), Cliff Laraway (CL) and Robert Florek (RF). 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. 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 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. All Commission members are 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 24, 2021 at 6:30 PM.

Commissioner Grobe motions to continue until August 24, 2021 at 6:30 PM and is seconded by Vice Chairman Murphy. CG-Yes, RF-Yes, TS-Yes, JM-Yes, AF-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. Ryan Nelson of R. Levesque and Assoc. Inc. is present representing Mr. Czerniejewski.

Mr. Nelson explains the changes to the plans which consists of proposed plantings of two Red maple trees and five Winterberry shrubs in the former hay field, the addition of bird houses installed along the 50-foot Buffer Zone line, boulders placed along the edge of field and two Conservation signs. The Commission discusses moving all monumentation to the 50-foot BZ line. Commissioner Sharp express concern about the close placement of the house to the 50-foot Buffer Zone line and mowing the area within the 50-foot Buffer Zone. Mr. Nelson states that because of the zoning envelope, the house cannot be moved. The house is placed on the lot in the only area possible. He also states that the house needs “breathing room” away from the woods.

Commissioner Grobe motions to close the Public Hearing and is seconded by Commissioner Fagnand. CG-Yes, JM-Yes, AF-Yes, RF-Yes, CL-Yes, TS-Yes, DD-Yes
The motion passes.

The Commission decides on a \$4000.00 dollar bond.

Commissioner Fagnand motions to accept the Order of Conditions as written and is seconded by Commissioner Florek. RF-Yes, CG-Yes, JM-Yes, TS-Yes, AF-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.

Applicant requests a continuance to August 24, 2021 at 6:30 PM.

Commissioner Grobe motions to continue until August 24, 2021 at 6:30 PM and is seconded by Commissioner Fagnand. CG-Yes, JM-Yes, TS-Yes, CL-Yes, AF-Yes
The motion passes.

7:22 PM Commissioner Fagnand recuses himself and leaves the meeting.

- D. 1515 Granville Road-Springfield Water and Sewer Commission (SWWC)/Robert Stoops
Construction of a new clearwell (underground storage tank) and pumping station within the 200-foot Riverfront Area to Cook Brook.
Ms. Melissa Coady and Mr. Peter Grabowski of Tighe and Bond and Mr. Robert Stoops of SWWC are present.

Chairman Doe reads the legal language. Mr. Stoops thanks the Commission. Ms. Coady explains the project which consists of construction of a new clearwell (underground storage tank) and pumping station within 200-foot Riverfront Area to Cook Brook. Commissioner Grobe asks how the materials that are taken out will be removed. Ms. Coady states that the existing clearwell system will be crushed in place and sand will be added to that material. The ground surface will no longer be impervious, so there will be a net decrease in impervious surface even with the addition of a driveway. Ms. Coady states that there will be Riverfront improvements which include the installation of native shrubs. Ms. Coady then addresses the DEP comments on the project. Chairman Doe states that a site visit is necessary. Coordinator Borenstein asks that the work area be marked out before the site visit. Chairman Doe asks if there are any questions or comments from the audience. No one unmutes.

Vice Chairman Murphy motions to continue until August 24, 2021 at 6:30 PM and is seconded by Commissioner Laraway. RF-Yes, TS-Yes, JM-Yes, CL-Yes, CG-Yes, DD-Yes

The motion passes.

7:55 PM Commissioner Fagnand returns to the meeting.

4. PUBLIC MEETINGS

A. City of Westfield DPW-Scott Hathaway

Vegetation management throughout the city within city right-of-ways.

Mr. Hathaway explains the project which includes vegetation management throughout the City within the City's rights-of-way. Chairman Doe asks for the location of the work. Mr. Hathaway states that at Well 1, Japanese Knotweed is an ongoing project and at Whitney Playground there are many different species of invasives that need to be removed, especially Japanese Knotweed, and replaced with native plants. Coordinator Borenstein shows the Commission the removal plan. 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 Fagnand. RF-Yes, TS-Yes, JM-Yes, CL-Yes, CG-Yes, AF-Yes
The motion passes.

Commissioner Grobe motions a Negative 2 with conditions:

1. The applicant will keep the Commission updated on progress and location of work will be indicated and approved by the Coordinator prior to work
2. If herbicides are used in wetlands, a WM40 Permit must be filed with Mass DEP.
3. Herbicides will only be applied to Japanese Knotweed after flowering and at night.

and is seconded by Commissioner Florek. RF-Yes, JM-Yes, TS-Yes, AF-Yes, CL-Yes, CG-Yes, DD-Yes

The motion passes

- B. Root Road (68R-12) & North Road (69R-1)-Connecticut River Conservancy (CRC)
Removal of invasive water chestnut plants by hand at Brickyard Ponds.
Ms. Aliko Fornier of the CRC is present.

Ms. Fornier states that the Water Chestnut removal has been occurring on these ponds for many years. She states that in response to the request of the last meeting, the land owners have been added to the insurance of the CRC and every volunteer that works on this project, at these properties, is required to sign a waiver that absolves the property owner and the CRC of any liability. She shows an example of the waiver. Ms. Fornier states that she has been in contact with the landowners and they are eager to continue the invasive removal project. 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 Fagnand. RF-Yes, JM-Yes, TS-Yes, AF-Yes, CL-Yes, CG-Yes, DD-Yes
The motion passes.

Vice Chairman Murphy motion a Negative 2 with conditions:

1. The landowners will be notified when the work will occur.
2. The plant matter will be removed off site.
3. The applicant will keep the Commission updated on progress.
4. Any participant vehicles will be parked in the area for a minimal amount of time.

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

5. ENFORCEMENT

- A. 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 restoration plan which includes installation of native shrubs within the 50-foot Buffer Zone (BZ) to the IVW, 4 Serviceberry (Shadbush) shrubs along the tree line and 10 Blueberry bushes closer to the 50-foot BZ line. The Commission ensures that the new plantings will not interfere with the current gardens planted on the property. Coordinator Borenstein states that she is concerned that Shadbush (Serviceberry) does not do well in standing water. Ms. Streeter states that there is not normally standing water in that area. Commissioner Florek suggests Winterberry for that area.

Commissioner Fagnand motions to accept the restoration plan as updated with Winterberry rather than Shadbush and is seconded by Commissioner Grobe. RF-Yes, AF-Yes, CL-Yes, JM-Yes, DD-Yes

The motion passes.

6. DISCUSSION

- A. Transmission Right of Way Lines 1512 and 63-DEP File #333-768-Eversource Energy Service Company.
Request for Certificate of Compliance

Coordinator Borenstein states that the work has been completed.

Commissioner Sharp motions to issue the Certificate of Compliance and release the bond and is seconded by Vice Chairman Murphy. AF-Yes, JM-Yes, TS-Yes, CG-Yes, CL-Yes, RF-Yes, DD-Yes

The motion passes.

- B. 163 Union Street (42R-14)-DEP File # Leonard and Daniel Puza
Request for Certificate of Compliance (COC).

Coordinator Borenstein states that she is unsure if the compensatory storage area has revegetated. She would like to do a site visit before this COC is approved.

Vice Chairman Murphy motions to Continue to August 24, 2021 at 6:30 PM and is seconded by Commissioner Fagnand. AF-Yes, JM-Yes, TS-Yes, RF-Yes, CL-Yes, CG-Yes, DD-Yes

The motion passes.

- C. 710 Southampton Road-Sovereign Builders-DEP File #333-745
Request to re-issue an OOC Extension issued on June 9, 2020.

Coordinator Borenstein states that the Commission issued an Extension on June 9, 2020 however; the applicant misplaced the original so has been unable to record the Extension.

Vice Chairman Murphy motions to re-issue the OOC Extension issued on June 9, 2020 and is seconded by Commissioner Fagnand. AF-Yes, JM-Yes, TS-Yes, RF-Yes, CL-Yes, CG-Yes, DD-Yes

The motion passes.

7. OTHER ITEMS

A. Minutes of July 13, 2021 and July 27, 2021

Commissioner Sharp motions to accept the minutes of July 13, 2021 and is seconded by Commissioner Grobe. CL-Yes, CG-Yes, RF-Yes, TS-Yes, DD-Yes
The motion passes.

Clerk Nunez states that she would like to approve the minutes of July 27, 2021 at the next meeting. She states that after re-reading them there were a couple sections that were unclear.

8. COMMISSION DISCUSSION

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

B. Wetland Ordinance Update

The Commission and Coordinator discuss changes to the Ordinance and the tree/shrub replacement policy.

9. MOTION TO ADJOURN

Commissioner Fagnand motions to adjourn at 9:00 PM and is seconded by Vice Chairman Murphy. AF-Yes, JM-Yes, TS-Yes, RF-Yes, CL-Yes, CG-Yes, DD-Yes
The motion passes.

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