



City of Westfield Municipal Conservation Commission

AUGUST 22, 2023 AT 6:30PM

WESTFIELD CONSERVATION COMMISSION
MEETING MINUTES

RECEIVED

Conservation Commission members in attendance: Chairman Doe (DD), Vice Chairman James Murphy (JM), Lauren DiCarlo (LD), Carl Grobe (CG), James Prystowski (JP) Also, in attendance: Anna Meassick, Director of Conservation

WESTFIELD CITY CLERK

1. CALL TO ORDER

Chairman Doe calls the meeting to order. Commissioner Finnie and Commissioner Florek are absent.

2. OPEN PARTICIPATION

- A. Chairman Doe asks if there are any members of the public who would like to address an item not subject to a public hearing. Seeing none, he moves onto item 3, public meetings.

3. PUBLIC MEETINGS (RDAs)

- A. 240 Russellville Road
Proposal: Septic system installation within Buffer Zone

Rebecca Li of R. Levesque Associates is present as the representative

Chairman Doe reads the legal language

Ms. Li explains the project, the installation of a septic tank and relocation of the driveway and well within buffer zone to Bordering Vegetated Wetland. All work is designed to be outside the 50ft No Disturb Zone, however the well falls outside the permanent limit of work on the property. In order to replace the septic the well must be relocated to be within health code.

Chairman Doe asks if it is just the well outside the limit. Ms. Li concurs.

Director Meassick explains the work cannot be done since it falls outside the permanent limit of work. The limit is deed recorded and therefore cannot be breached. She asks about moving the well to the furthest corner of the limit, which also puts the well within the 50ft No Disturb Zone. Ms. Li will have to double check if they can get a variance from the Board of Health for the well within 100ft of the septic. Ms. Li asks if this is the only viable option. Director Meassick explains that the Commission would otherwise have to be willing to negotiate changing the restriction, but it was placed there for a reason.

Vice Chairman Murphy asks if there was a reserve field. Ms. Li does not believe there was, but she is simply presenting the project and does not have additional information to that matter. He asks if the septic would even be allowable without a reserve field. Ms. Li explains they will have to have further discussion with the Board of Health.

Ms. Li mentions the language of the deed for the restriction is not specific. Director Meassick explains that while the deed is not specific to what can and cannot be done outside the limit, the definition of a permanent limit of work or building envelope have specific definitions that mean no work is allowed outside the limit.

Chairman Doe clarifies the well location and possible options for the applicant going forward. Vice Chairman Murphy asks if the soil perked. Ms. Li explains yes, five minutes per inch. Commissioner Grobe asks if there is a possible city water line. Director Meassick says that city water ends at Michael Drive.

Commissioner Grobe motions to close the public meeting. Vice Chairman Murphy seconds. CG-yes, JP-yes, JM-yes, LD-yes, DD-yes.

The motion passes.

Commissioner Grobe motions to issue a positive determination, requiring the filing of a Notice of Intent. Commissioner DiCarlo seconds. CG-yes, JP-yes, JM-yes, LD-yes, DD-yes.

The motion passes

- B. 420 Russellville Road – Kosinski Farms
Proposal: Building footbridge over intermittent stream

Chairman Doe reads the legal language

Director Meassick explains there is no proponent present. She presents the GIS map on the screen and an image of the proposed bridge. Chairman Doe asks if it qualifies as agriculture. She explains no because the work is not relating to agriculture or routine maintenance of farmland. She shows that forest was removed sometime between 2005-2011 without a permit from the state or Commission or Department of Environmental Protection. Chairman Doe asks where the buffer zone is. Director Meassick is unaware based upon the map.

Chairman Doe and Vice Chairman Murphy would like further specification of the bridge, what it is made of, where it will go, etc. They would like to see something put along the wetland to mark it and prevent further farming so close. They would like to do a site visit.

Chairman Doe asks if there are any additional questions from the Commissioner. Seeing none, he asks if there are any additional questions from the audience. Seeing none, he entertains a motion to continue to September 12, 2023.

Vice Chairman Murphy motions to continue to September 12, 2023. Commissioner Grobe seconds. CG-yes, JP-yes, JM-yes, LD-yes, DD-yes.

The motion passes.

4. PUBLIC HEARINGS (NOIs)

A. Little River Levee – City of Westfield – DEP File #333-839

Proposal: Removal of all vegetation on levee in riverfront area and flood zone

Melissa Cody of Tighe and Bond is present to represent the City of Westfield.

Ms. Cody explains the location and extent of the levee. The City is attempting to enroll the levee into the US Army Core of Engineer (USACE) Program under section 408. She explains this requires clearing and grubbing of the entire 2,500sqft of the levee. Since the levee has not been maintained, it does not qualify for the USACE program. She provides Director Meassick with comments from Natural Heritage; There is no adverse effect. The City would like to have the work done this coming fall.

Director Meassick asks if the levee clearing will occur before or after the slip lining. Ms. Cody is unaware, but the clearing will be coordinated around the work for slip lining so the work area would not conflict.

Chairman Doe asks for specification on the location of the levee. Ms. Cody and Director Meassick points on the map to the levee extent from South Meadow to South Ashley Rd.

Director Meassick asks if the vegetation trapped downstream will be removed. Ms. Cody explains no since that is a natural process.

Commissioner Grobe inquires if there is concern for rising water temperatures with the removal of trees. Ms. Cody explains that while that is a concern, it is not a concern under USACE 408 and there is not a possibility to have the levee vegetated and qualify for the program. It falls to conflict of interest between two scenarios.

Chairman Doe asks if there are any additional questions from the Commissioner. Seeing none, he asks if there are any additional questions from the audience. Seeing none, he entertains a motion to close the public hearing.

Commissioner Grobe motions to close the public hearing. Commissioner Prystowski seconds. CG-yes, JP-yes, JM-yes, LD-yes, DD-yes.

The motion passes.

Special conditions are reviewed and assigned.

Commissioner Grobe motions to issue the Order with associated special conditions. Vice Chairman Murphy seconds. CG-yes, JP-yes, JM-yes, LD-yes, DD-yes.

The motion passes.

B. 1515 Granville Road – Springfield Water and Sewer Commission

Proposal: Installation of pipeline and valve chamber

The applicant requests a continuance to September 12, 2023.

Vice Chairman Murphy motions to continue to September 12, 2023. Commissioner DiCarlo seconds. CG,-yes, JP-yes, JM-yes, LD-yes, DD-yes

The motion passes.

Commissioner Grobe motions to take item 6D out of order. Commissioner Prystowski seconds. CG,-yes, JP-yes, JM-yes, LD-yes, DD-yes.

The motion passes.

6D. 0 Bayberry Lane

Violation: Clearing of vegetation and disturbance of wetland

Rebecca Li of R. Levesque Associates is present on behalf of the property owner Serge Novenko.

Director Meassick explains the Commission's options: (1) Amend to exclude the areas intended to be restored to allow for the home (2) Do not amend the enforcement order and deny the NOI application. If the Commission amends the order, then they lose enforcement power as it can be appealed or, if it goes to court, new terms have been agreed to meaning the work would be allowable. She explains the Commission needs a new restoration plan that leaves out the section of the buffer zone and upland which will not be restored. Chairman Doe agrees. Commissioner Grobe speaks to amending the enforcement order to allow for a new restoration plan.

Ms. Li explains that heavy vegetation has returned to the lot and asks if regrading is still intended. Director Meassick states that a majority of the lot is invasive species and it would be more beneficial to regrade, but if there are more native species then it would make more sense to not regrade the lot.

Chairman Doe has concerns for moisture being trapped, water flooding, and the amount of native versus invasive vegetation that is present. The original plan involved various shrubs and trees. Ms. Li reads the intended shrubs to be planted.

Vice Chairman Murphy voices concerns for the entire area, rather than just the wetland itself. Director Meassick agrees with his reasoning and both the wetland and buffer zone should be evaluated.

Director Meassick explains that they can amend the enforcement order to include additional information requested by the Commission. They should get the information prior to allowing a home to be built or to amend the order further.

Commissioner Grobe motions to amend the enforcement order to include a written restoration plan to include vegetation, replication, restoration, proposed construction, a site stabilization plan, and Form 11 for delineating a bordering vegetated wetland. Commissioner DiCarlo seconds. CG,-yes, JP-yes, JM-yes, LD-yes, DD-yes

The motion passes.

Chairman Doe entertains a motion to continue in regular order. Commissioner Grobe motions to return to regular order. Commissioner DiCarlo seconds. CG,-yes, JP-yes, JM-yes, LD-yes, DD-yes

The motion passes. Regular order resumes with Public Hearings.

C. 0 Bayberry Lane – Serge Novenko

Proposal: Construction of single-family home within bordering vegetated wetland and associated buffer zone

The applicant has requested a continuance. The Commission proceeds with discussion prior to accepting the request.

Director Meassick provides the two options to approve or not approve the project. She lists of several items that need to be addressed by the applicant. She would like clarification on why the location was chosen for replication, can the construction sequence be modified to include restoration and replication first, is there anywhere off site that needs replication or restoration, is it possible to get a special permit for building setback distance, and the drainage must be removed from the replicated wetland.

Vice Chairman Murphy asks if there is a reserve field. Director Meassick states there is. He wants to know if the shape of the house can be modified. She explains that this is their only option.

Director Meassick recommends an external review. Chairman Doe agrees given the number of concerns on the property. He requests she gets quotes from consultants for a peer review.

Chairman Doe asks if there are any additional comments from the Commission. Seeing none, he asks for questions from the audience. Seeing none, he requests a motion to continue to September 12, 2023.

Commissioner Grobe motions to continue to September 12, 2023. Commissioner DiCarlo seconds. CG,-yes, JP-yes, JM-yes, LD-yes, DD-yes

The motion passes.

5. CERTIFICATE OF COMPLIANCE

A. 1090 Southampton Road – DEP File #333-786

Project: Construction of Pioneer Valley Pools and Spas

The applicant has requested a continuance to September 12, 2023.

Vice Chairman Murphy motions to continue to September 12, 2023. Commissioner DiCarlo seconds. CG,-yes, JP-yes, JM-yes, LD-yes, DD-yes

The motion passes.

- B. 95 New Broadway – DEP File #333-762
Project: Construction of single-family home

Chairman Doe asks if all documents have been received. They have been

Director Meassick held a site visit. She observed no current violations and recommends issuing the Certificate of Compliance.

Vice Chairman Murphy motions to issue the Certificate of Compliance. Commissioner Grobe seconds. CG,-yes, JP-yes, JM-yes, LD-yes, DD-yes

The motion passes.

6. ENFORCEMENT ORDERS

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

Andrey Krasun, homeowner, is present.

Chairman Doe asks for an update. Director Meassick differs to Mr. Krasun. Mr. Krasun lists the environmental professionals he has contacted. He states that both a representative from RLA and Huntley Association agreed there are no wetlands on the property. He would like the enforcement order lifted.

Chairman Doe asks if the consultants he spoke with have been to the property. Mr. Krasun is unaware.

Director Meassick and Chairman Doe have both been out to the site and observed wetland vegetation, hydrology, and soils with Mr. Krasun present. Director Meassick explains if they observed the area via GIS, then no they would not see a mapped wetland and not all wetlands are mapped.

Chairman Doe reiterates that he has been to the site and has seen the wetland. He asks Director Meassick to continue with the information she has.

Director Meassick explains Mr. Krasun was sent an agreement of services on June 8, 2023 from R. Levesque Associates. Ryan Nelson went out to the site upon her request in June and confirmed that there is a wetland along the disturbed slope. Mr. Krasun denies receiving the agreement. Director Meassick provides him with a copy she received.

Mr. Krasun continues to argue and deny that there is a wetland on his property. Director Meassick explains again that unless they went to his property, they would not know there was a wetland present. She pulls up images of the property from January 9, 2023 which clearly indicates the presence of an isolated wetland.

Mr. Krasun wants to know if he would have to get a permit every time he wants to do something on his property such as landscaping. Director Meassick explains no, that is an exempt activity under the regulations but fill in a wetland is not allowed.

Director Meassick recommends to the Commission that the item be referred to the City Law Department. Vice Chairman Murphy asks if Mr. Krasun has a copy of the Title to his home which has a recorded restriction for the wetland in 2003. Director Meassick provided a copy to him in January; Mr. Krasun is not aware if he still has it.

Chairman Doe explains again that Mr. Krasun must have a consultant view his property and he already received a contract. Director Meassick clarifies that the Commission does not endorse R Levesque Associates, but they wanted to ensure that Mr. Krasun received it which is why the document is being provided to him.

Vice Chairman Murphy explains the process for GIS view of the wetlands and understands that there is misinformation on the map which is why a consultant is required.

Director Meassick pulls the Order of Conditions from 2003 up on the screen to review. It clearly states that permissions are required to do work on the property in perpetuity.

Chairman Doe clarifies the recommendation to refer the item to the Law Department. He entertains a motion in such favor.

Commissioner Grobe motions to refer the item to the Law Department. Vice Chairman Murphy seconds. CG,-yes, JP-yes, JM-yes, LD-yes, DD-yes

The motion passes.

- B. 93 Sackett Road
Violation: Clearing of vegetation along intermittent stream

Director Meassick explains they will be at the September 12, 2023 meeting.

- C. 246 Russellville Road
Violation: Working in 50ft no disturb zone without a permit

Director Meassick has not heard from the homeowners. She will get into contact with them prior to the next meeting.

7. COMMISSION DISCUSSION

- A. Regulations & Procedures Q&A
 - a. Conservation Restriction – 0 East Mountain Road – Michael and Susan Dupuis

Director Meassick explains that the Commission would hold the conservation restriction for 8 acres of land as part of a special permit issued by the planning board. The Commission needs to issue a letter of endorsement.

Chairman Doe asks if it is accessible to the road. The lot is only accessible by the private properties adjacent to the lot.

Vice Chairman Murphy clarifies the location of the parcel. Director Meassick pulls up site plans on the screen.

b. Filing Fees

Director Meassick explains the Planning Board charges \$50 per continuance after the first requests. It expedites the process. She could not find any information on fees for site visits as requested by Vice Chairman Murphy at the August 8, 2023 meeting.

Vice Chairman Murphy asks how the process of fees would work. Director Meassick is unaware. Chairman Doe would like the full story before they commit to implementing fees.

c. Local Ordinance Only Applications

Chairman Doe asks how they may be implemented. Director Meassick is unaware. Vice Chairman Murphy request review of the process other departments use.

B. Review and approval minutes

a. April 25, 2023

Commissioner Grobe motions to approve the minutes. Commissioner DiCarlo seconds. CG,-yes, JP=yes, JM=yes, LD=yes, DD=yes

The motion passes.

b. May 23, 2023

Commissioner Grobe motions to approve the minutes. Vice Chairman Murphy seconds. CG,-yes, JP=yes, JM=yes, LD=abstained DD=yes

The motion passes.

c. July 11, 2023

Continued to September 12, 2023 due to lack of quorum from the meeting.

C. Pitoniak Fields

Director Meassick updates that the field has been mowed for the first time since 2017. The next step is to remove the bittersweet and save the cedars.

- D. Review of any additional administrative items
 - a. Sign permits
 - b. Additional administrative positions

Director Meassick has begun the process of either hiring a code enforcement officer or increase the clerk position to full time. She needs additional help in the office to accomplish all which needs to be done within the fiscal year. She has spoken with the HR Director and Mayor.

Chairman Doe will have a discussion with the Mayor on the best fit role.

8. MOTION TO ADJORN

Commissioner Grobe motions to adjourn at 8:32pm. Commissioner Prystowski seconds. CG,-yes, JP=yes, JM=yes, LD=yes, DD=yes

The motion passes.

A true record, Attest:
Director of Conservation Anna Meassick

