



# City of Westfield, Massachusetts

Municipal Conservation Commission

September 10, 2020  
REMOTE MEETING MINUTES

RECEIVED

OCT 30 2020

WESTFIELD CITY CLERK

Conservation Commission members in attendance: Chairman David Doe (DD), Vice Chairman James Murphy (JM), Thomas Sharp (TS), Alex Fagnand (AF), Cliff Laraway (CL) and Robert Florek (RF). 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](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 online at [westfieldtv.org](http://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. All Commission members are in attendance.

## 2. OPEN PARTICIPATION

Chairman Doe asks if there is anyone that has anything that could not reasonably make the agenda. There are none.

## 3. PUBLIC HEARINGS

### A. Westfield River Floodway- City of Westfield-DEP File #333-0792

Clearing vegetation in the Westfield River Floodway

Mr. Mark Cressotti of the City of Westfield and Mr. Ryan Nelson of R. Levesque and Associates Inc. are present.

Mr. Nelson states that there was a site visit. He reviews the project. Mr. Nelson states that they have flagged and marked the mean annual high water line of the forested island that is upstream of the bridges. He states that the islands downstream are Bordering Vegetated Wetland (BVW). Mr. Nelson states that he spoke to Mr. David Foulis of Mass DEP and there is a Zoom call scheduled for early next week to discuss this project. He states that

there is a tree count table in the plans on page two for the trees to be removed from the upstream island. He states that 21 trees will be removed in total. He states that the OOC should include any ongoing maintenance for the removal of any trees that grow and exceed the four inch diameter on the upstream island as well as any mowing. He states that they are still waiting for official guidance from DEP. He states that the field work portion is completed. Commissioner Sharp asks if the island is considered part of the levee. Mr. Nelson states that it is not but there is a provision that has to do with water dependent uses, one of which is a bridge. He states that cutting the trees is an issue of safety of the bridge. He believes that DEP is unclear as to how this gets permitted with the allowable BVW disturbance. Mr. Nelson states that they are not really altering BVW. He states that, yes, they will be mowing it annually in the fall, but that it should not constitute any disturbance to BVW. Commissioner Sharp asks why the high water mark is important. Mr. Nelson states that we don't want to show or have any bank disturbance. So all mowing and tree removal activities have to take place up-gradient of bank. Coordinator Borenstein states that she has been included in the Zoom meeting. She states that mowing on the levee is considered a limited project but mowing in the river itself on the islands does not qualify as a limited project. Chairman Doe asks if DEP is concerned about cutting the trees on the upstream island. Mr. Nelson states that he has not received a definite answer to that question yet. Chairman Doe asks for an answer to that at the next meeting. Coordinator Borenstein states that she believes that DEP is most concerned with the project meeting the performance standard thresholds. She states that the allowable threshold is 5,000 square feet and this project is asking for more than that. Coordinator Borenstein states that the argument is that this must be done to keep the floodway clear so clarification is needed on how the project can meet the performance standards. Mr. Nelson states that DEP thinks it can be done, it is just figuring out the pathway on how it needs to be filed and how things should be worded so that they meet the performance standards. Coordinator Borenstein states that when something is filed as a limited project, it gives the Commission some flexibility in meeting the performance standards. Mr. Cressotti states that this project is essential for the protection of the City from floods. He states that this has been historically an ongoing project where the City maintains the levee and mows it twice a year. Chairman Doe asks if mowing is an impact. Coordinator Borenstein state that it is. She states that the biggest concern is the islands that are considered BVW. She states that she wants to work with the City to balance the intentions of the Act. Commissioner Grobe asks if the islands have large trees on them and have they been maintained. Mr. Cressotti states that the only island that has mature vegetation on it is the one identified as forested BVW by the railroad bridge. Commissioner Grobe asks if all of the trees are coming off of that one island. Mr. Cressotti states that is correct. Commissioner Florek asks if this is the first time that this island has been maintained. Mr. Cressotti states that it is the first time under his permit. Chairman Doe asks if there are any other questions or comments. There are none.

Commissioner Grobe motions to continue to September 22, 2020 at 6:30 PM and is seconded by Vice Chairman Murphy. CG-Yes, JM-Yes, RF-Yes, TS-Yes, AF-Yes, CL-Yes

The motion passes.

B. 110 Union Street-Full Gospel Church DEP File #333-0793

Expansion of a parking lot in the 100-foot Buffer Zone

Mr. Ryan Nelson of R. Levesque and Associates Inc. is present representing the Full Gospel Church.

Mr. Nelson states that there were some engineering comments which have since been addressed. He states that he received an email from Mr. Jeremy Cigal of the City Engineering Department that states that this project is approved by him for stormwater. Mr. Nelson states that at the site visit it was questioned as to ability of the stormwater infiltrating into the ground and if it would recharge the wetland. He states that as part of the design of this project test pits were done and found to have sandy loam for a depth of at least 120 inches with estimated seasonal high ground water of 72 inches. He states that puts seasonal high ground water at six feet below where the test pits were done. He states that it is safe to say that any ground water recharge that occurs in the area is the same ground water that is present in the immediate vicinity. Mr. Nelson states that there has been some miscommunication as to what was previously permitted and work that was done on the site. He states that encroachment of mowing and dumping of fill and continual mowing at the rear of the property.

**Commissioner Fagnand motions to take item 5A out of order and is seconded by**

**Commissioner Grobe. CG-Yes, AF-Yes, JM-Yes, TS-Yes, CL-Yes, RF-Yes**

**The motion passes**

5A. ENFORCEMENT-110 Union Street-Full Gospel Church

Clearing in the 100-foot Buffer Zone without a permit; Non-compliance with Enforcement Order of 2018.

Mr. Nelson states that the Commission required three things under the EO. Attend the Conservation Commission meeting, the Consultant must refresh the wetland flags on the north and west sides of the parking lot, return unaltered signage to the correct locations as required by the 2018 order and install boulders according to a restoration plan that the consultant will provide once all wetland boundaries are reestablished. Mr. Nelson states that at the site visit the area in the rear was being mowed beyond the BVW boundary which was formally flagged out. He states that the flagging is no longer there. He states that the boundaries will be flagged and a proposed monument line will be staked out. This would demarcate the limit where mowing beyond will not be allowed. Mr. Nelson also states that there was some discussion as to where the signage will be placed at the rear of the property but no decision was made. He states that no mowing will be allowed beyond the boulders shown on the plan. Coordinator Borenstein states that the gravel parking lot is in Bordering Land Subject to Flooding, because there was no change in elevation, the gravel lot was permitted. She states that signs should be where they currently are and additional monuments should be placed along the BVW edge to demark that area. She states that mowing should cease immediately. Coordinator Borenstein states that signage that states no mowing and no dumping grass clippings is needed. Vice

Chairman Murphy states that he would like two signs and boulders in addition to the already installed signs.

Commissioner Fagnand motions to approve the restoration plan with the modification of adding signs and boulders to the back of the property and is seconded by Commissioner Grobe. CG-Yes, JM-Yes, RF-Yes, TS-Yes, AF-Yes, CL-Yes  
Motion passes.

**Commissioner Fagnand motions to return to the NOI for 110 Union Street and is seconded by Commissioner Grobe. CG-Yes, AF-Yes, JM-Yes, TS-Yes, CL-Yes, RF-Yes  
The motion passes.**

Mr. Nelson states that the stormwater permit has been addressed. He states that the water quality unit that would attenuate and treat water prior to the subsurface basin. He states that no other changes have been made. Mr. Nelson presents the logs for the test pits and states that he will send them to Coordinator Borenstein. Mr. Nelson states that all of the DEP comments have been addressed and he reads the responses. Vice Chairman Murphy asks how often the stormwater basin will be maintained. Mr. Nelson states that it will be cleaned every one to three years and inspected more often. Vice Chairman Murphy states that he would like to see it cleaned every six months. Commissioner Sharp asks if there will be any disturbance to the Buffer Zone during construction. Mr. Nelson states that the only disturbance will be the plantings in the Buffer Zone.

Commissioner Grobe motions to continue until September 22, 2020 at 6:30 PM and is seconded by Commissioner Fagnand. CG-Yes, JM-Yes, RF-Yes, TS-Yes, AF-Yes, CL-Yes  
The motion passes.

- C. 505 Hillside Road-Ralph DePalma-DEP File #333-793  
Construction of a single family home and associated site improvements within the 100-foot Buffer Zone.  
Mr. Ryan Nelson of R. Levesque and Associates Inc. is present representing Mr. DePalma.

Chairman Doe reads the legal language. Mr. Nelson describes that property. He states that the work proposed is a driveway. He states that there is an existing paved apron that goes fifty feet in off the edge of the road. That would be repaved and continued toward the rear of the property toward the proposed house that is on the higher part of the property. He states that perc tests were done in the outer fifty of the Buffer Zone. Mr. Nelson states that there are no trees to be removed and silt fence would be installed along the down gradient of work. Mr. Nelson states that there is an existing catch basin off the side of the existing driveway. He states that this catches the stormwater that overflows from the BVW on the side of the property. It has a pipe that goes under the driveway and empties into the wetland on the front of the property. He states that they will install an inlet protection of some kind over the catch basin during construction. Chairman Doe asks if there are any questions or comments from the audience. There are some neighbors

that express concern that the drainage will affect their properties and Hillside Road. Chairman Doe states that a site visit is necessary. Coordinator Borenstein states that she also has concerns about the drainage.

Commissioner Sharp motions to continue until September 22, 2020 at 6:30 PM and is seconded by Vice Chairman Murphy. CG-Yes, JM-Yes, RF-Yes, TS-Yes, AF-Yes, CL-Yes

The motion passes.

#### 4. PUBLIC MEETINGS

##### A. Lloyd's Hill Road-City of Westfield

Construction of an 8 foot wide multi-use trail along the entire west side of Lloyds Hill Road.

Mr. Mark Cressotti of the City of Westfield is present.

Mr. Cressotti states that as part of the construction of the multi-use trail there will be a retaining wall built that will affect the area. He states that the flows to the area in question have been reduced. He states that the concern is the impact on the resource area.

Chairman Doe states that some trees will be coming out, but that there will be some plantings also. Mr. Cressotti states that the path will be asphalt and the City will care for it in the winter time. Coordinator Borenstein states that this is a Buffer Zone project only. Chairman Doe asks if there are any other questions or comments. There are none.

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

The motion passes.

Commissioner Fagnand motions:

1. Negative 3 with conditions.
  - a. The Coordinator shall approve the erosion controls once installed and be notified of work start date.
  - b. The Coordinator shall approve the native plantings before installation.
  - c. Plantings shall be healthy and installed at the appropriate time of year.
  - d. Plantings shall be guaranteed for two years after installation.

and is seconded by Commissioner Sharp. AF-Yes, JM-Yes, RF-Yes, TS-Yes, CL-Yes, AF-Yes

The motion passes.

##### B. 437 East Main Street-Five Guys

Commercial site improvements located in Bordering Land Subject to Flooding.

Mr. Ryan Nelson and Ms. Annie Brozini of R. Levesque and Associates Inc. are present representing Five Guys.

Chairman Doe reads the legal language. Ms. Brozini states that the proposed work is located outside of the 100-year floodplain and will not alter or interfere with Bordering

Land Subject to Flooding. She states that there will be no curbing and reconfiguring of the drive thru, minor alterations to the existing sidewalk, relocation of the dumpster enclosure and miscellaneous fencing and bollards. Mr. Nelson states that the drive thru will wrap around the building. He states that there will be no fill proposed and they will be within the property bounds. Commissioner Grobe asks if there will be changes to the impervious surface. Mr. Nelson states that the amount is negligible. Coordinator Borenstein states that based on the flood map she feels that this is a fair assessment of flood elevation. Chairman Doe asks if there are any other questions or comments. There are none.

Vice Chairman Murphy motions to close the Public Meeting and is seconded by Commissioner Grobe. JM-Yes, AF-Yes, CG-Yes, TS-Yes, CL-Yes, RF-Yes  
The motion passes.

Vice Chairman Murphy motions:

1. Negative 2 the work described in the request is within an area subject to protection under the act, but will not remove, fill, dredge or alter that area.

Therefore, said work does not require the filing of a Notice of Intent.

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

The motion passes.

## 6. DISCUSSION

### **Commissioner Fagnand recuses himself at 8:37 PM.**

#### A. Baystate Hospital-115 West Silver Street

Grading of gravel parking lot located off of Court Street without a permit or erosion controls.

Mr. David Brown of Baystate Hospital is present.

Chairman Doe states that he, Coordinator Borenstein and Commissioner Florek did a site visit. He states that a failing gas/diesel tank was being replaced near the end of the gravel parking lot. He states that there seemed to be a lot of erosion going down a steep slope to a potential resource area. Coordinator Borenstein states that there is a wetland within one hundred feet of the gravel parking lot. She states that she is concerned that the parking lot will continue to erode during major storm events. Coordinator Borenstein states that a delineation should be done.

Vice Chairman Murphy motions to send a letter and is seconded by Commissioner Grobe. CG-Yes, CL-Yes, RF-Yes, JM-Yes, TS-Yes

The motion passes.

### **Commissioner Fagnand returns to the meeting at 8:51 PM.**

- B. 109 North Road-Question from realtor, Oleg Abramchuk, about developing this property.

Coordinator Borenstein states that a delineation was completed. She states that there are two isolated wetlands. Mr. Abramchuk states that the plot plan is presented for comments. He states that he is interested in the location for the house on the rear of the property. He states that the septic system would be on the right side and the well would be on the left side. He states that he will be filing a NOI. Mr. Abramchuk asks for any concerns or issues that may arise for this building. Chairman Doe states that the no disturbance zone is commendable. Commissioner Grobe asks to have mowed areas on any plans presented. Coordinator Borenstein states that all site improvements must be on the plans because the entire site is in the jurisdiction of the Commission.

**Chairman Doe lost connection at 8:57 PM.**

- C. 312 North Road-Leo Bolduc  
Possible violation.

Coordinator Borenstein states that DEP notified her about this property. She states that she is unsure as to whether there is a violation or not. She states that this property came before the Commission previously but there was no formal EO issued. Coordinator Borenstein states that it is a tricky site because of the farm exemption and because of the resource areas and endangered species on the property. Coordinator Borenstein states that a site visit is necessary.

Commissioner Sharp motions to send a letter to the owner of 312 North Road requesting a site visit and is seconded by Commissioner Grobe. RF-Yes, CG-Yes, AF-Yes, CL-Yes, TS-Yes  
The motion passes.

**7. OTHER ITEMS**

- A. Eagle Scout-Alex Dawicki would like to construct three bat boxes for one of our conservation areas.

Coordinator Borenstein states that she had a student approach her to sponsor him in a project to become an eagle scout. She states that he is going to construct some bat boxes and suggests putting them in some of our Conservation Properties.

- B. Earth Day cancelled this year.

Coordinator Borenstein states that because of the state mandates for gathering, insect issues and vegetation growth in the fall, it would be best to cancel Earth Day this year. Commissioner Sharp suggests contacting the volunteers to let them know that we have cancelled this year.

**Chairman Doe is able to reestablish a connection 9:17 PM.**

8. MOTION TO ADJOURN

Commissioner Fagnand motions to adjourn at 9:21 PM and is second by Vice Chairman Murphy. CG-Yes, JM-Yes, RF-Yes, AF-Yes, TS-Yes, CL-Yes

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

PRV