



City of Westfield Municipal Conservation Commission

September 12, 2023 AT 6:30PM
WESTFIELD CONSERVATION COMMISSION
MEETING MINUTES

Conservation Commission members in attendance: Chairman Doe (DD), Vice Chairman James Murphy (JM), Lauren DiCarlo (LD), Carl Grobe (CG), Robert Florek (RF) Also, in attendance: Anna Meassick, Director of Conservation and Christina Ramos, Conservation Clerk.

1. CALL TO ORDER

Chairman Doe calls the meeting to order. Commissioner Finnie and Commissioner Prystowski 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.

Director Meassick explains the Commission needs to Ratify the Emergency Certification for removal of beaver dam at the intersection of Mederios way and Brickyard Brook.

Vice Chairman Murphy motions to ratify the Emergency Certification. Commissioner Florek seconds. CG-yes, LD-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

Chairman Doe moves onto item 3, public meetings.

3. PUBLIC MEETINGS (RDAs)

- A. 420 Russellville Road – Kosinski Farms
Proposal: Building footbridge near an intermittent stream

Michael Kosinski, Farm owner present as representative.

Director Meassick updates the Commission on the project, she explains that the site visit showed that the location of the bridge is over the farm ditch not the stream but is within the 100 ft buffer zone.

Chairman Doe asks the representative if they were able to draw the updated structure.

Mr. Kosinski explains yes, he has added the railings and lattices to make a safer bridge and handed out the drawing to the Commission. Mr. Kosinski signs and dates the drawing to be added to public record.

RECEIVED

NOV 30 2023

WESTFIELD CITY CLERK

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

The motion passes.

Vice Chairman Murphy motions to issue negative 3 and positive 5. Commissioner Grobe seconds. CG-yes, LD-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

4. PUBLIC HEARINGS (NOIs)

- A. 1515 Granville Road – Springfield Water and Sewer Commission
Proposal: Installation of pipeline and valve chamber

The applicant requests a continuance to September 26, 2023.

Vice Chairman Murphy motions to continue to September 26, 2023. Commissioner Florek seconds. CG-yes, LD-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

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

The applicant requests a continuance to September 26, 2023.

Commissioner Florek motions to continue to September 26, 2023. Vice Chairman Murphy seconds. CG-yes, LD-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

5. ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION

- A. Falley Drive, 0 Shaker Road(REAR)- Gezotis Realty Group-DEP file# 333-840

Commissioner Florek Recuses himself.

Chairman Doe reads the legal language.

Director Meassick explains the applicant has requested a continuance, explains to the Commission that they can still discuss it, and still needs a site visit. The confusion is with the marking of the stream, DEP has a comment discrepancy in the dates says its delineated in December 2021, but the narrative says July 2022 which is the drought season. The stream evidence is from 2023 beginning of august. We never received the wetland data sheet, DEP advised they should be provided to the Commission. With all

projects that involved classification from perennial to intermittent, it should always be marked perennial until determined otherwise. The US GS map shows that there is a perennial stream that cuts through Shaker golf course. The stream used to be there; from the history she understands that its narrow-grounded underneath all the house storms drain system.

Chairman Doe explains that the Commission visited that area about 10 years ago, part of another project.

Vice Chairman Murphy explains that he remembers Arm Corps of Engineers was part of it. He recalls possibly a cell tower being put in around there.

Director Meassick explains yes that project was approved.

Vice Chairman Murphy suggest that Director Meassick investigates that file, for some insight.

Director Meassick explains she will and recommends a peer review and site visit. She explains that DEP recommends peer review for all ANRAD's the Commission can use NOI fees or charge the applicant.

Chairman Doe asks the Commission if they have any questions, seeing none he addresses the public and explains he understands that they may have some questions or comments. He asks that the community members state their name and address for the public record.

Jane Okscin 341 Steiger Drive, she explains its Steiger and Falley are parallel streets. She explains the shaker drainage lot, vacant land. She explains she has been a resident since the 50's and is unhappy with part of her land being labeled wetlands. She explains it was labeled that way by the Commission and she wants it to be changed. She is paying a tax agricultural rate for her land.

Chairman Doe explains to her all those things she is stating are important things but don't pertain to this project.

Ms. Okscin explains it does because the Commission labeled her land Wetland, she goes into who can label wetlands. She explains the history of the topo map and her property. National wetland inventory hasn't labeled her a wetland.

Vice Chairman Murphy explains that he was on that site visit of her property, the Commission determined that it was not a wetland.

Chairman Doe thanks Ms. Okscin and asks if there is any other public comment.

Dan Kotowitz, owner of Shaker Farms County Club addresses the Commission, He asks if the Commission has received the letter from his attorney to be read.

Director Meassick explains yes, she is going to read it after the public speaks.

Mr. Kotowitz explains ok great thank you, he just wanted to make sure the Commission was aware of it.

Chairman Doe asks if there is any other public comments or questions, seeing none he asked that Director Meassick read the letter from the Shaker Farms attorney for the public to hear.

Director Meassick reads the letter from Attorney Matthew Watsky, Esq., who is representing Shaker farm Country Club.

Chairman Doe explains that this project will need a peer review and asks the Commission if they would like to start that process now or wait for the applicant and representative to propose everything first.

The Commission decides to wait for a presentation before initiating a peer review.

Chairman Doe asks if there are any other questions or concerns before he moves to the next item.

Harold Murphy, representative of property in question.

Mr. Murphy explains that the reason for ANRAD was to determine the feasibility and if there are regulatory controls over relieving and controlling some of the damage that has been caused by the outfall of water from that head wall. There are obvious incidences of erosion and they wanted to control that. Reduce unnecessary volume of velocity or damage any of the abutting properties. He explains that he would love to schedule a site visit, end of July beginning of august they did do the determination onsite with photograph and recording of everything.

Chairman Doe thanks Mr. Muprhy and asks if there is any more comments or concerns, seeing none he entrains a motion to continue to September 26.

Commissioner Grobe motions to continue to September 26, 2023. Vice Chairman Murphy seconds. CG-yes, LD-yes, JM-yes, DD-yes.

The motion passes.

Commissioner Florek Returns.

6. CERTIFICATE OF COMPLIANCE

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

Director Meassick explains that last time they requested a continuance because of an scheduling conflict. She explains that from her review of the project, it looks like they cleared more of the tree line than what was approved. Also, on their as built they have not listed/marked any of their restoration plans that was required from under an enforcement

order from 2019. The curve cut in the driveway is double the size it was approved to be, so it goes into the 50ft. There is an invasive species management plan that is not referenced at all if it was carried out or still being done.

Chairman Doe explains so the as built are incomplete and many inconsistencies.

Director Meassick explains yes.

Vice Chairman Murphy asks what type of communication the applicant has done.

Director Meassick explains that she has pointed these things out to them when they came in for a COC in August, never came back with something until last week. After reviewing the as-builts she was hoping they would be at today's meeting to discuss. Then they requested a continuance.

Commissioner Florek asks why pea stone; he has never seen pea stone before on a plan.

Director Meassick explains that one set of plans from December 2021 proposes pea stone around pool casing. The plan that she has for the NOI proposes loam and seed.

The Commission discussed the pea stone and maybe it was for drainage, or some type of elevation change.

Director Meassick explains the site plan from December 2021, and goes over the approved plans, also filled in an isolated wetland which was approved, but no replication was required.

Vice Chairman Murphy asks if the Order of Conditions are available, and what was the bond on this project.

Director Meassick explains yes, she has the OOC and the bond was for \$5,000.00 dollars and the entire wetland enhancement which references Notice of Intent dated plans but never references the relocation of the vegetated isolated wetland that was filled in. The Notice of Intent states that the wetland was so deteriorated that it didn't serve a benefit, but the vegetation was growing back and it since has been disturbed. Also no swip reports.

Vice Chairman Murphy explains that he remembers the site, it was degraded.

Chairman Doe explains that they should do a site visit and compare plans. He asks the Commission if they have any further questions or concerns, seeing none he entertains a motion to continue.

Vice Chairman Murphy motions to continue to September 26, 2023. Commissioner DiCarlo seconds. CG=yes, LD=yes, JM=yes, RF=yes, DD=yes.

The motion passes.

B. 216.5 Belanger Road- DEP File #

Director Meassick explains it looks great! The grass has grown in, no worries or concerns. No as built, its septic system underground.

Chairman Doe entertains a motion to issue COC.

Vice Chairman Murphy motions to issue Certificate of Compliance and release bond. Commissioner DiCarlo seconds. CG-yes, LD-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

7. ENFORCEMENT ORDER

A. 65 Butternut Road

Violation: Dumping fill, disturbance of soils, cutting of vegetation within wetland and buffer zone.

Director Meassick explains she is working with the law department, and they pointed out that the property is owned by 4 people and not just 2 people. Therefore, the Enforcement Order needs to be amended to include the other two owners and new deadlines for response time. She read their names, all the same requirements just changing the dates.

Commissioner Grobe motions to amend Enforcement Order to reflect all current owners and new dates. Vice Chairman Murphy seconds. CG-yes, LD-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

B. 246 Russellville Road

Violation: Clearing of vegetation, disturbance soils, installation of septic system within wetland and buffer zone.

Jennifer Yanyuk, property owner of 246 Russellville Rd.

Mrs. Yanyuk explains that they have permits for the house and barn for all building and electrical work. She explains her husband is in charge of all the work but the property is in her name. Asks if the Enforcement order is for the barn.

Director Meassick explains yes, installation of the septic system near the barn. She explains this parcel has a history with the Conservation Department. A long time ago they cleared the vegetation and had to restore it. The barn is not the problem, it has been an existing structure so if you don't come out of the original foot print you are ok. The issue is the septic installations being so close to the stream that comes down the hill and around the barn.

Mrs. Yanyuk explains they were not aware of that and apologizes. She asks the Commission how do we proceed from here.

Director Meassick explains the Commission likes to go out and look at the site to better determine a restoration plan.

Chairman Doe asks if the Director has any pictures of the site.

Director Meassick shows the Commission the photos she has and explains where the stream is.

Chairman Doe explains that Director Meassick will be in contact with Mrs. Yanyuk to set up a site visit for the Commission to check out the site.

C. 93 Sackett Road

Violation: Clearing of vegetation next to an intermittent stream

Director Meassick explains that the certified letter came back undeliverable, needs to get the notice to them.

Vice Chairman Murphy explains that maybe taking a sheriff or police officer out with Director Meassick would be more affective.

Vice Chairman Murphy motions to reissue the letter and serve it by Sheriff or Police officer. Commissioner Florek seconds. CG-yes, LD-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

D. 0 Bayberry Lane

Violation: Clearing of Vegetation, disturbance of soils within bordering vegetated wetland

Serge Novenko, Homeowner is present.

Mr. Novenko explains that he has been working with RLA on the NOI to build a home on the property. He is more than willing to restore everything back, RLA advised him to try an NOI before resorting land to avoid extra work. Mr. Novenko explains he was waiting for response from RLA to begin working on the house, septic or restoring.

Director Meassick explains they are trying to figure out if they should regrade or wait for the vegetation to grow back 50% before regarding. Director Meassick explains that she was waiting for RLA to provide what species is there and how much of it will need to be regraded. Also the written restoration plan from RLA.

Mr. Novenko explains that RLA is working on that, and he has been to the property to check the erosion controls and silt fencing. Mr. Novenko explains he removed all the mulch, as the Commission requested. The stumps were removed, everything is growing back very nice. His whole intention is to restore and hopefully build on it.

Chairman Doe asks if the 5 items to RLA and have they responded. Chairman Doe explains that we are waiting to see how much of the area is native verse invasive.

Director Meassick explains yes, along with a written restoration plan because the Commission hasn't received that yet.

Commissioner Florek thanks Mr. Novenko for his efforts.

Mr. Novenko explains he is doing everything he needs and says he will get with RLA to get those things done to the Commission.

8. COMMISSION DISCUSSION

A. East Mountain Road Conservation Restriction- Michael & Susan Dupuis

Director Meassick explains that it's on the agenda because the Commission wanted to continue it to have time to review. She explains review the conservation restriction it would hold.

The Commission discuss doing a site visit for the lot.

Chairman Doe explains that the Commission still needs time to review Conservation Restriction, it will need to continue till next meeting.

B. Regulations & Procedures Q&A

a. LOO Only Applications and Filing fees.

Director Meassick explains she is waiting from a response from Shanna from law about if this will need to be add to the local ordinance amendment, just waiting for response.

Vice Chairman Murphy would like to comment, He explains that he read it and that Director Meassick did a wonderful job putting it together.

C. Review and approval minutes

a. July 11, 2023

The Commission can't approve at this time.

b. July 25, 2023

The Commission can't approve at this time.

c. August 8, 2023

The Commission can't approve at this time.

d. August 22, 2023

Vice Chairman Murphy motions approve the meeting minutes from August 22,2023.
Commissioner DiCarlo seconds. CG=yes, LD=yes, JM=yes, RF=yes, DD=yes.

The motion passes.

D. Pitoniak Fields

Director Meassick explains she has gone out with a few Police officers to take down tree stands and hunters flags. She explains she does need to get in contact with Camp Shepard to let them know there are flags on their property as well. She explains she did order some signs for the property to be hung up.

- E. Review of any additional administrative items
 - a. Sign permits
 - b. Code Enforcement Officer-meeting with personnel on Tuesday

Director Meassick explains that she is in need of a code enforcement officer to help her work load. She explains that she is working with the mayor to get this open.

c. MACC Conference in October

Director Meassick explains that the Conference is in Devens, MA again this year and offers the Commission to ride with her if they would like to attend. She explains she will need to know who wants to go so she can register everyone.

9. MOTION TO ADJORN

Commissioner Grobe motions to adjourn at 7:47pm. Commissioner DiCarlo seconds. CG=yes, LD=yes, JM=yes, RF=yes, DD=yes.

The motion passes.

A true record, Attest:
Christina Ramos, Conservation Department Clerk

