



City of Westfield Municipal Conservation Commission

September 26, 2023 AT 6:30PM
WESTFIELD CONSERVATION COMMISSION
MEETING MINUTES

Conservation Commission members in attendance: Chairman Doe (DD), Vice Chairman James Murphy (JM), Carl Grobe (CG), Robert Florek (RF), James Prystowski (JP) Also, in attendance: Anna Meassick, Director of Conservation.

1. CALL TO ORDER

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

2. OPEN PARTICIPATION

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, Chairman Doe moves onto item 3, public meetings.

3. PUBLIC MEETINGS (RDAs)

None.

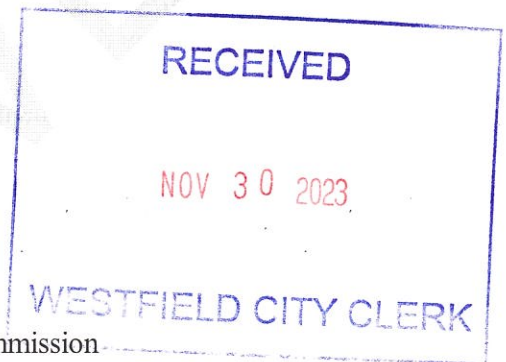
4. PUBLIC HEARINGS (NOIs)

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

Jennifer Doyle-Breen and Tom Loto from AECOM are present as representatives for the applicant.

Ms. Doyle-Breen explains that a continuance on this project was submitted because they were waiting to respond to DEP's comments, the NOI was submitted in June of this year. She recaps on the need for the replacement of the energy dissipation valve that is associated with the drinking water supply at 1515 Granville Road, the site visit was in June and there weren't too many questions at that time. DEP did have some questions on the 401 Water Quality Certification. She explains the things that have changed from the original filing; Wetland #3 boundaries were corrected after DEP felt that it should match a previous filing. There is also a hydrological connection to wetland #6 from wetland #3 which has been flagged. She explains that there is also now a staging area, she understands that may have been a concern of the Commission. Fueling is going to happen offsite. Dewatering will be done during the excavation.

Director Meassick asks if they need to have a 401 certification.



Ms. Doyle-Breen explains yes, they need the 401 certification because of the other component of the project which is the repair of the 42 inch pipeline and is exempt from the Act and Ordinance.

Vice Chairman Murphy ask if the dewatering will be an ongoing event.

Mr. Loto explains there will be an initial excavation, with more dewatering in the beginning but will continue over the span of the project and the water will need to be reduced over time.

Vice Chairman Murphy asks if they will have their equipment set up for the dewatering.

Mr. Loto explains once they start excavating, they will start the dewatering and once it is excavated it will be dewatering for a couple of months.

Vice Chairman Murphy asks if dewatering will be on going.

Mr. Loto answers yes.

Vice Chairman Murphy asks if the water effluent will have reduced velocity and if the soil will convey the sheet flow over the ground.

Mr. Loto explains yes, sedimentation overflow channel goes into Cooks brook. The erosion control will catch all the sediment.

Chairman Doe asks how long the project will take.

Mr. Loto explains the overall project is 18 months for both the pipeline project and valve replacement.

Chairman Doe asks if there are any more questions from the Commission.

Commissioner Florek asks if the project will start in 2023 or 2024.

Mr. Loto explains their intent is to put the bid out there by the end of October 2023 but they are not planning to start work until February 2024.

Chairman Doe asks if there are any more questions from the Commission. Seeing none he asks the audience if they have any questions. Seeing none he entertains a motion to close the public meeting.

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

The motion passes.

The Commission reviews the special conditions.

Vice Chairman Murphy motions to issue the Order of Conditions with special conditions. Commissioner Grobe seconds. CG-yes, JP-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 an extension to get requested information by October 10,2023.

Commissioner Florek motions to issue an extension to October 10,2023. Vice Chairman Murphy seconds. CG-yes, JP-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

C. 0 Fox Hill Drive - Yevgeniy Pomaznuk – DEP File #333-0841

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

Chairman Doe reads the Legal language.

Robert Levesque, from R. Levesque Associates, is present as representative.

Mr. Levesque explains that this is a lot that has been sold to construct a single-family home. Most of the lot consist of a bordering vegetated wetland. He explains that the lot was delineated by Ryan Nelson. He calls out the 50ft Buffer Zone and 100ft Buffer Zone. He also explains the property line and the limit of work, staying out of the 50ft Buffer Zone, except the driveway. He explains where the septic will go, and that it will be raised septic system. The home consists of a front entry garage and a turn around with some grading around the house, all outside the 50ft Buffer Zone. He explains that the grading for the septic system will go a little bit into the 50ft buffer to accommodate the required break out system.

Chairman Doe looks to Director Meassick for comment. She explains that since the driveway is proposed through the 50ft No Disturb Zone, the Commission can require additional work to benefit the resource area, like removing invasive species, extra plantings etc. Permanent markers need to be added to the plan prior to approval. She is awaiting the delineation forms and asks if they plan to build on a slab or have a basement.

Mr. Levesque explains that they haven't discussed the type of foundation but could do either based on building codes.

Chairman Doe ask the Commission if anyone has any questions.

Commissioner Grobe asks for clarification on the leach field; if the slope just enters the 50ft No Disturb Zone and not the leach field itself.

Mr. Levesque explains that is correct, per Title V no one is able to build a soil absorption system within 50ft of a wetland.

Vice Chairman Murphy asks if this is a raised mound system.

Mr. Levesque explains yes, because the minimal separation from seasonal ground water is 4ft.

Chairman Doe asks, what the applicant plan to within the 50ft buffer zone.

Mr. Levesque states that there is no intent to touch the 50ft Buffer Zone without permission from the Commission. He points out the setback distance on the plan, that the house is squeezed in tightly.

Chairman Doe wants to make sure the applicant is aware that with the no disturb zone they won't have any backyard.

Mr. Levesque states the applicant understands.

Chairman Doe expresses concerns that in the 90's this was not approved as a buildable lot.

Mr. Levesque explains yes there was some work with the zoning, frontage, and access. He explains that it's all been resolved through litigation with the city.

Director Meassick explains the owner went to court. Because the City has been maintaining Fox Hill Drive as a public road for over 20 years, it became a public road by prescription in 2022.

Chairman Doe would like a site visit and asks the Commission if they have any other questions.

Commissioner Grobe asks about the runoff that will come off the roof, how is being directed and what is being done with that.

Mr. Levesque explains it will sheet flow off the roof into the gutters and those gutters will come down off towards the downhill side of the house, sloping toward the wetland. He will confirm the roof type but either way there will be about 4 down spouts and they will run off at grade.

Vice Chairman Murphy asks what the plan is with the driveway.

Mr. Levesque explains it will cross slope towards the wetlands, they would have the driveway sheet flow in that direction. It is on the Commission to decide what material to allow the driveway to be composed of.

Vice Chairman Murphy asks if they have done soil samples and are aware of the high-level water is.

Mr. Levesque explains yes, they did test pits for the septic system and hand augurs. The

delineation was completed by their office.

Chairman Doe asks if the Commission has any more questions. Seeing none he moves onto public. He explains that he will go down the list of community members who have signed in on the sheet.

Frances Liptak, of 75 City View Boulevard.

Mr. Liptak introduces himself and gives the Commission his address. He explains that his property is on the corner nearest the septic field. He asks Mr. Levesque to point out the property line on the plan near the septic field. He explains that when the perc test was done the trees were moved onto his property and asks Mr. Levesque if when time for the septic system to go in will they have disregard for his property then.

Mr. Levesque explains his company won't be putting in the system and they disturbed his property during the perc testing, he would be more than happy to remedy that situation. He explains that they have permission to work on this property and are following Title V regulations with setback distances from the property line. He explains that they can do the property line and let him know so that he is aware of the exact property line.

Mr. Liptak asks Mr. Levesque if septic systems need to be at least 10 feet from any property line.

Mr. Levesque explains yes, a minimal of 10 feet.

Chairman Doe asks if Mr. Liptak has any other questions.

He asks if any of the abutters can join in on the site visit.

Chairman Doe explains no, he can stand on his property line at the time.

Jonathan DiSanto, 69 City View BLVD.

Mr. DiSanto introduces himself and his address, He explains where his house is in proximity to the lot in discussion. He explains that he is not happy with this project, and he has some oak trees on his property line really big and really leaning towards the proposed house. He asks Mr. Levesque what the plan is for those and is he really proposing a house under those.

Mr. Levesque explains through the Chairman that he would have to see the site but if there are trees from his property leaning in on this property there are a few things that can happen. He explains that this is not the subject of the Conversation Commission, but any contractor will handle that if/when needed.

Richard Sanford, 276 City View BLVD.

Mr. Sanford explains that his family's farm abuts the said property, he explains that he is 60 years old and has grown up on that property and it has always been wet. He explains that he

mows it with his tractor, and it always gets stuck. Their family spent a tremendous amount of money digging up their irrigation pond which is fed by the wetland located at 0 Fox Hill Drive. His concern is the septic system. He explains he is developer, and he believes there is no way that the leach field will not seep into their pond. He questions why this is even being proposed given the high ground water and slope of land.

Chairman Doe asks Mr. Sanford how close his pond is to the edge of the property is.

Mr. Sanford explains that his pond gets fed by the stream that whole area filters into that stream and then into his pond and then the Westfield River. He does not answer Chairman Doe's question of how close it is to the subject property.

Richard Ruta, 83 Whitaker RD.

Mr. Ruta explains he is an abutter and has lived there since 2000. He explains that when he purchased the home, he was told that nothing could be done with the land in question. He claims that the current owner took his property to get the land approved for this parcel. He explains it didn't have the frontage because it's a private way. He believes that there was a backdoor deal made between the current parcel owner and another party. He asks the Commission why this is even having a meeting about and when it is considered a non-buildable lot.

Chairman Doe explains in 2022 it was deemed a buildable lot.

Mr. Ruta explains yes, he received a letter, and he was told it was not going to pass, there's not enough frontage on each side of the road because it's a protected wetland. The road now belongs to the city and the water doesn't get to the basin. He gives the Commission photos of his backyard and asks where the water flow from the driveway will go.

Chairman Doe asks if these photos are for the Commission to keep.

Mr. Ruta explains yes, he has plenty more photos, he explains what his neighbor Mr. Sanford stated was correct the water feeds his pond and sometimes back feeds through that pipe.

Mr. Levesque asks through the chair where exactly is Mr. Ruta property.

Mr. Ruta explains 83 Whitaker Rd, on the corner of Whitaker and Fox Hill. He asks why no one has marked his lot or that of his neighbors on the plans. He claims to own the land all the way to the culvert.

Mr. Levesque explains that if anyone wants to know the status of the street, they need to talk to the City Solicitor.

Mr. Ruta states his concerns are the water levels.

Mr. Levesque points out to the Commission that the photos submitted by Mr. Ruta are of a mowed bordering vegetated wetland. He is unsure of the photo locations.

Vice Chairman Murphy asks about the location of the photos so when they go out to for a site visit they can look.

Director Meassick pulls up the property on GIS and asks if an area she points out is the area where the photos were taken.

Mr. Ruta states no. The Conservation Commission has been to his property numerous times because he wanted to put a pool in, and the wetland was never disclosed to him when purchasing the home.

Director Meassick asks Mr. Ruta to clarify if he is claiming he did not know about the wetland or restrictions on his property when he purchased it.

Mr. Ruta explains, yes, that's right.

Director Meassick states that the wetlands are deed recorded, and that the restrictions were set by a superseding order of conditions from the state, not the Commission.

Mr. Ruta asks if Director Meassick is the new person, he explains he has called her numerous times about this.

Director Meassick explains if he had called previously, she would not have known about the plan because she hadn't received the application for this project until 14 days ago.

Mr. Levesque explains the wetland and its location on the plan and the photos Mr. Ruta provided are not on the parcel where the project is proposed.

Mr. Sanford interrupts to claim that the construction of a home in this location is insanity. He is worried the septic system is going to leach into their pond.

Director Meassick explains that if anyone from the public would like to know more about the frontage issue on the road, they can submit a public records request to the city solicitor's office who can then provide them with the records.

Janice Dasso, 77 Whitaker Rd.

Mrs. Dasso explains where her home is in proximity to the proposed project. She explains her property is very wet and says they have bridge going over to the proposed project property. Her concern is there are laws to protect wetlands so why is this being discussed when there are so many people who have concerns. Has anyone considered how it would affect her land and the habitat around there. She asks how wildlife habitat will be addresses and if allowing construction in the wetland will cause her yard to flood.

Chairman Doe explains that the Commission can't act on anything until its presented to the Commission as an application and this is the first time it's been presented. The Commission is

just starting the process and will go out and do a site visit.

Mr. Dasso accuses Mr. Levesque and his company of doing and saying whatever to make the Commission happy to be able to pass this.

Mrs. Dasso asks who will monitor this property during and after the work is completed.

Director Meassick explains to the Commission they aren't building in the wetland, because in 2022 they established the 50ft no disturb zone. She explains it's her responsibility to monitor this work, which she takes seriously. Legally, the applicant could fill 5,000 square feet of wetland if they wanted to, but they are respecting the 50ft no disturb zone and staying out of it. Right now, they aren't dealing with any fill in the wetland which would be perfectly permissible with the Act.

Glenn Fuller, 97 Whitaker RD, He asks if there is an exception under Westfield new wetland regulations that allow work building a driveway within the 50ft non disturbed zone.

Director Meassick explains the language reads, that if it's an extremely unusual circumstance or the alteration is completely unavoidable yes, it is permissible. The ordinance gives the Commission discretion on whether they can build a driveway there or not. She explains that they could require it to be an impervious surface.

Jane Okscin, 341 Steiger Dr.

Mrs. Okscin explains she did some research on this lot and claims it is the drainage lot for the whole development, not a building lot or not a legal lot unless you go through the zoning board of appeal and planning board. She thinks the Commission needs to look at the stormwater.

Director Meassick explains the Commission doesn't have any purview on stormwater.

Mrs. Okscin explains it already on the map.

Chairman Doe explains that he remembers when the houses on Whitaker were built, they were built up, over the wetland, and those people who bought them understood that.

Mike Burns, 19 Kiely Lane, Ward 4 city councilor.

Mr. Burns explains he is all for new growth, but not here. The lot has been a problem since he became councilor. As far as the acceptance of the street, it went through superior court, it all was fair. He feels it is positively no place to put a home. He asks if it is purview to special permit through zoning.

Director Meassick explains she talked to the City Planner, and it doesn't need a special permits or variances. It is a by right use lot because it has the frontage.

Mr. Burns explains the driveway concerns him, maybe when they do the site visit the

Commission can invite him, he would love to go out there.

Chairman Doe explains it would be up to the property owner, we will get to Mr. Burns about that. He asks if anyone else from the public would like to speak.

Jon Tyler, 36 Fox Hill Dr.

Mr. Tyler explains there was never a driveway there, they can get in there because he has mowed that area. Anytime it rains it's always wet. If the Commission goes out there at this time of year it may seem fine but come spring it's completely wet. He asks if the Commission isn't using this 50ft disturb zone to keep driveways going through, what's is it for. Where do they draw the line to not disturb the 50 feet nearest to the wetland.

Chairman Doe asks if there is any more public comment. Seeing none he thanks the public for their concern and makes them aware they will have to continue this for a site visit.

Commissioner Grobe motions to continue to October 10,2023. Commissioner Prystowski seconds. CG=yes, JP=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

If the item is discussed, Vice Chairman Murphy and Commissioner Florek will have to recuse themselves. Chairman Doe explains that this item will have to wait because there isn't a quorum to vote on this item.

6. CERTIFICATE OF COMPLIANCE

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

Robert Levesque, from R. Levesque Associates is present as representative.

Chairman Doe explains the applicant request continuing until October 10,2023 for the restorations to occur. He entrains a motion to continue.

Mr. Levesque explains the applicant wants to withdraw their request for a COC to allow restoration and growing season to occur.

Vice Chairman Murphy motions to accept the withdraw with the condition restoration to finish by October 2024. Commissioner Prystowski seconds. CG=yes, JP=yes, JM=yes, RF=yes, DD=yes.

The motion passes.

B. 208 & 282 East Main Street – Starbucks – DEP File #333-825
Project: Construction of drive through

Robert Levesque, from R. Levesque Associates is present as representative.

Chairman Doe explains they are requesting for a partial COC.

Director Meassick explains the applicant didn't do all the work that was proposed, there's a difference in the compensatory storage table because it wasn't used.

Mr. Levesque explains there is a different amount of access compensatory storage. He explains it has been updated on the table.

Vice Chairman Murphy asks what the excess in compensatory storage is.

Mr. Levesque explains its 796 cubic feet.

Vice Chairman Murphy asks who is banking that amount of compensatory storage.

Director Meassick explains 208 & 282 East Main Street, its recorded to their parcel. In the past they have done compensatory storage reviews, however they just did a new drive-in sign and a dumpster covering area. She explains she just needs the new numbers to be recorded with the COC.

Chairman Doe asks the Commission if they have any other questions, seeing none he entertains a motion to issue a partial COC.

Commissioner Grobe motions to issue a partial COC. Commissioner Florek seconds. CG-yes, JP-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

C. 86 Court Street – Baystate Hospital – DEP File #333-828
Project: Demolition of home

Director Meassick explains there was a house, now there is not a house. The site is stable they still have their erosion controls up.

Commissioner Florek states they should keep up the erosion controls for a bit longer.

Director Meassick will reach out to them.

Chairman Doe asks if there is any other questions or comment from the Commission. Seeing none he entertains a motion to issue the COC.

Vice Chairman Murphy motions to issue the Certificate of Compliance. Commissioner

Prystowski seconds. CG-yes, JP-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

D. Old Long Pond Road – DPW – DEP File #333-821
Project: Culvert Replacement

Director Meassick explains that the work qualified under the bundle NOI, so it's a dead application. She isn't sure if they should withdraw or issue a COC because no work was done.

The Commission discusses if the DPW should withdraw the application or not, they decide the application should be withdrawn.

7. ENFORCEMENT ORDER

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

Director Meassick explains that there was a site visit with about 10 different city officials. There is fill in the intermittent stream which has caused a blockage of flow to 240 Russellville Road, so it has been a lot drier this year. She recommends hiring an environmental consultant for delineation and restoration plans, including removal of inground septic tank, removal of deposited soil and removal of concrete sidewalk should be included in the restoration plan. Under the enforcement order would be best. She explains that the intermittent stream isn't on the maps, but it is there. She shows the Commission pictures of the site and explains what needs to be done to restore the affected areas.

Chairman Does ask if the barn was newly built.

Director Meassick explains no, the barn has been there.

Chairman Doe explains to the owners the process of the permits and what they should have done, he explains they need to hire a consultant to help with the restoration plan. He also explains they can't do anything now until they have an approved restoration plan.

The Commission discusses how long they should give the owners to get a restoration plan, they decide the owners need to find a consultant by October 24, 2023, and propose a restoration plan by November 14, 2023.

Commissioner Grobe motions to give the owners to October 24, 2023, and propose a restoration plan by November 14, 2023. Commissioner Florek seconds. CG-yes, JP-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

B. 93 Sackett Road

Violation: Clearing of vegetation along intermittent stream

Director Meassick explains the Enforcement needs to be ratified, she explains she just reissued it with an officer and the tenant gave her the homeowner's living address and she mailed it out but she hasn't heard back yet.

Commissioner Grobe motions to ratify the Enforcement Order. Vice Chairman Murphy seconds. CG-yes, JP-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

C. 0 Bayberry Lane

Violation: Clearing of vegetation and disturbance of wetland

Director Meassick explains it needs to be continued to wait for peer review quotes.

Vice Chairman Murphy motions to continue to October 10, 2023 meeting. Commissioner Prystowski seconds. CG-yes, JP-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

8. COMMISSION DISCUSSION

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

Chairman Doe asks if the Commission has any comments or concerns.
Commissioner Grobe has a question about their forestry plan.

Director Meassick explains that it is all standard stuff, forestry plan would have to go through DCR. Very detailed.

Vice Chairman Murphy explains that he was surprised that there was a lot of maintenance they can do that make the land usable.

Director Meassick explains the state will have to give them permission for what they can do and not. She explains that there cannot be any permanent structures.

Vice Chairman Murphy explains the only thing he missed was the access.

Director Meassick explains with reasonable notice the Commission can access; the Dupuis family still owns the property.

Chairman Doe entertains a motion to accept the Conservation Restriction.

Commissioner Grobe motions to accept the Conservation Restriction. Commissioner Prystowski seconds. CG-yes, JP-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

B. Regulations & Procedures Q&A

None

C. Review and approval minutes

a. July 11, 2023

Vice Chairman Murphy motions to approve July 11, 2023, meeting minutes. Commissioner Florek seconds. CG-abstain, JP-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

b. July 25, 2023

The Commission can't approve at this time as there is no quorum.

c. August 8, 2023

Vice Chairman Murphy motions to approve August 8, 2023, meeting minutes. Commissioner Florek seconds. CG-abstain, JP-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

D. Review of any additional administrative items

a. Sign permits

9. MOTION TO ADJORN

Commissioner Grobe motions to adjourn the meeting at 8:02pm. Vice Chairman Murphy seconds. CG-yes, JP-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

A true record, Attest:

Christina Ramos, Conservation Department Clerk and Anna Meassick, Director of Conservation

