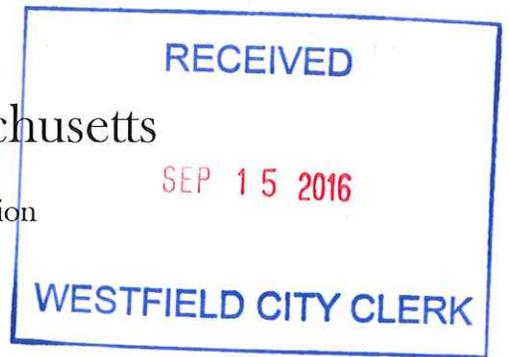




# City of Westfield, Massachusetts

Municipal Conservation Commission

August 23, 2016  
MEETING MINUTES



Conservation Commission members in attendance: Henry Bannish, Jr., Vice-Chair, James R. Murphy, Thomas Sharp, Dr. Jim Phillips and Jason Bean. Absent: Dr. David Doe, Chairman  
Also in attendance: Karen Leigh, Conservation Coordinator and Ruth Dunn, Administrative Assistant.

1. CALL TO ORDER

Vice Chairman Henry Bannish called the meeting to order at 6:30pm.

2. OPEN PARTICIPATION

Vice Chairman Henry Bannish asks if anyone in the audience would like to speak about anything not on the agenda

Audience member Barbara Rokoss, of 272 Lockhouse Road addressed the commission to ask about the differences between Public Meetings and Public Hearings.

Coordinator Leigh explained that Public Meetings addressed Request for Determination of Applicability (RDA's), while Public Hearings addressed Notice of Intent (NOI's) which are applications for a permit.

She also explained that legal notices to the public are published in the newspaper five business days before the Conservation Commission meetings.

3. PUBLIC MEETINGS

A. 56 City View Boulevard – Joseph & Valerie Zelez

Project: Construction of single family residence, driveway, septic system and site grading.

The meeting was continued from 8-9-16. Members of the commission have conducted a site visit.

Rob Levesque is present representing the Zelez's. He reports that work is in the outer buffer zone to a vegetated wetland.

Coordinator Leigh commented that the entrance to the property is on Butternut Road.

Rob said the address may change once the house is built.

Audience member Barbara Rokoss asked about the intermittent stream being piped.

Rob said that the intermittent stream was already piped to a haying field and is not involved in this project.

Coordinator Leigh displayed photos for the commissioners.

Commissioner Sharp motioned and Commissioner Phillips second to close the public meeting. AIF

Commissioner Sharp motioned to recommend:

- a. Negative 3 (work) with conditions:
  - i. **Prior to any work**, erosion controls shall be installed at the Limit of Work line;
  - ii. No work or materials generated from the project shall be placed beyond the Limit of Work line;
  - iii. Prior to removal of erosion controls, all soils shall be loamed, seeded and/or otherwise stabilized
- b. Positive 2a (boundaries)
- c. Positive 5 (ordinance) with "No Notice of Intent required"

Commissioner Murphy seconds the motion. AIF

B. City wide – City of Westfield/ Casey Berube

Project: Vegetation Management Plan.

The meeting was continued from 7-12-16. The applicant is awaiting final approval of revised plan from Agricultural Committee and requests a continuance to September 13, 2016 at 6:30pm. AIF

Commissioner Sharp motioned and Commissioner Murphy second to approve the continuance. AIF

C. Montgomery Road – Assessor's Parcel 54R-26-1) – Andrey Rudin

Project: Construction of single family residence.

The representative for this item is not yet present.

Commissioner Bean motioned and Commissioner Sharp second to postponing this item until the rep arrives. AIF

D. 994 Western Ave – Stephen & Susan Oleksak

The applicant is asking for approval of wetland delineation.

The meeting was continued from 8-9-16.

Rob Levesque is present representing Steve Oleksak.

Coordinator Leigh and Commissioner Sharp performed a site visit and report no issues with the delineation.

Commissioner Murphy motioned and Commissioner Bean second to close the public meeting. AIF

Commissioner Murphy motioned and Commissioner Bean second to a determination of Positive 2 (boundaries); and list flag numbers. AIF

*Commissioner Bean motioned and Commissioner Murphy second to return to item 3C.*

C. Montgomery Road – Assessor's Parcel 54R-26-1) – Andrey Rudin

Project: Construction of single family residence.

The meeting was continued from 8-9-16.

Environmental Consultant Michael Mocko is present to represent the applicant.

He reports that the work will be performed 100 feet away from adjacent wetlands on another property.

He submitted an NHESP "no take" letter to the commission.

Commissioner Murphy motioned and Commissioner Sharp second to close the public meeting. AIF

Commissioner Murphy motioned and Commissioner Bean second to a determination of Positive 1 (area); and Negative 4 (work). AIF

E. 110 Union St – Full Gospel Church of Westfield

Project: Construction of parking lot.

The meeting was continued from 8-9-16.

Rob Levesque is present to represent the applicant, who wants to expand the parking lot by adding a gravel area for additional parking spaces.

Coordinator Leigh said that during a site visit, it was discovered that the adjacent garden has expanded beyond the limit.

Pastor Wally is present and said that the garden will be eliminated.

Commissioner Sharp motioned and Commissioner Phillips second to close the public meeting. AIF

Commissioner Sharp motioned for a determination of:

- a. Negative 3 (work) with conditions:
  - i. The applicant shall immediately cease vegetable garden activities in the wetland;
  - ii. **Prior to any work**, applicant will cover all exposed soils in the vegetable garden with a wetland seed mix;
  - iii. **Prior to any work**, silt fence shall be installed as shown on the plans;
  - iv. No materials generated from this project shall be placed beyond the erosion controls and/or in any resource area;
  - v. **Prior to any work**, applicant shall install two wetland signs (template to be supplied by the Commission) at the edge of the pavement/wetland;
  - vi. Signage may include bird houses on top of posts; and
  - vii. Within Bordering Land Subject to flooding (100 year floodplain), no changes to existing grades are allowed. As such, **post construction**, R. Levesque Associates will assess this requirement and report their findings to the Commission.

- b. Positive 5 (ordinance) with “No Notice of Intent required”

Commissioner Bean seconds the determination and conditions. AIF

F. 264 Union Street – Doug Fuller Construction, Inc.

Project: Installation of a garden.

The meeting was continued from 8-9-16.

Rob Levesque is present representing Mr. Fuller. He said that the garden will be approximately 170' x 40'. The garden will be 8 feet from a wetland.

Coordinator Leigh reports that the bird houses are installed but not the signage.

Commissioner Murphy motioned and Commissioner Bean second to close the public meeting. AIF

Commissioner Murphy motioned for a determination of:

- a. Negative 3 (work) with conditions:
  - i. Prior to any work, erosion controls shall be installed between the wetland and work area;
  - ii. Erosion controls shall remain in place until the garden area is

stabilized with plants, mulch or other soil stabilization.

- iii. No work, soil or materials generated from this project shall be placed beyond the erosion controls or in any resource area
- iv. composting invasives is prohibited
- v. use of chemicals, pesticides, herbicides and/or fertilizers are prohibited

b. Positive 5 (ordinance) with "No Notice of Intent required"

Commissioner Bean seconds the determination and conditions. AIF

*Note for the record: Commissioner Bean recused himself from the next item, and left the room.*

- G. 219 East Main Street – MassDOT Maintenance Depot – Patrick Paul  
Project: Installation of detention basin and slope stabilization.  
Representative Rob Natario has not yet arrived to the meeting.  
Commissioner Sharp motioned and Commissioner Phillips second to move to the next item until Rob's arrival. AIF
- H. Southampton Road Parcel #70R-10 – Paul Dion  
The applicant requests approval of wetland delineation.  
An error occurred in the legal notice and will require republishing for the next meeting.  
Coordinator Leigh will schedule a site visit.

*Commissioner Sharp motioned and Commissioner Murphy second to return to item 3G.*

- G. 219 East Main Street – MassDOT Maintenance Depot – Patrick Paul  
Project: Installation of detention basin and slope stabilization.  
Representative Rob Natario, from MassDOT, is present to describe the project. He said the project is basically stormwater work within Riverfront Area, Bordering Land Subject to Flooding, Buffer Zone and Bordering Vegetated Wetland.  
Coordinator Leigh said that the application is in response to her request to fix the runoff problem which is causing Bank erosion.  
She displayed photos of the affected area which indicated salt and sediment going into the river.  
Rob reports that there are 2600 cubic yards of banked compensatory storage elevations from two previous NOI's in the same general area.  
Coordinator Leigh said that MassDOT is proposing installing a 24" berm (2300 cubic yards) in a floodplain area, which triggers a NOI with documented comp storage.  
Rob is proposing alteration of floodplain for an infiltration stormwater structure, with no point source discharge.  
Coordinator Leigh recommends continuing the RDA to look into the issues more closely. She also asked Rob to document the calculations.  
Commissioner Sharp motioned and Commissioner Murphy second to a continuance until to September 13, 2016 at 6:30pm. AIF

*Note for the record: Commissioner Bean returned to the meeting.*

4. PUBLIC HEARINGS

- A. 0 Fairfield Avenue (Parcel #71-1) – Slavik Pylypenko DEP File #333-733  
Project: Construction of a single family residence, driveway & wetland replication. The hearing was continued from 8-9-16.  
Representative Mike Mocko is present to address the issues raised by the commissioners at the last meeting regarding salting the driveway; and protecting the replicated wetland.  
He proposed posting signs on the driveway indicating a “No Salt Zone”. The private driveway has been granted as an easement to the town.  
Addressing the wetland replication, he said there will be 1740 filled and 2098 replicated. As a solution to plowing snow into wetlands, Mr. Mocko proposed to install 4x4 wooden guardrails as a visual guide for snowplowing.  
The commissioners suggested either 6x6 or 8x8 post fences with reflectors.  
Mr. Mocko presented a plan indicating the locations of the signs and fencing.  
Audience member Barbara Rokoss commented that the snow plowing on Fairfield Avenue is uphill and will distribute salt and debris from the road into the protected area.  
The property owner, Slavik, said that Casey Berube, DPW, assured him that nothing will be plowed into the driveway.  
Commissioner Phillips motioned and Commissioner Sharp second to close the public hearing. AIF

*Note for the record: Commissioner Phillips left the meeting at 8:00pm.*

- The remaining commissioners reviewed the Orders of Conditions, the Special Conditions; and agreed on a performance bond of \$5,000.  
Coordinator Leigh recommends that the replication be completed first or early in construction sequence. She also suggested the following special conditions:
1. **Prior to any work**, all dumped materials (trash bags, leaves, yard waste, old Christmas trees, etc.) shall be removed and properly disposed of;
  2. **Prior to any work**, permanent markers shall be installed at the Limit of Work line (LOW) as shown on the plans;
  3. **Prior to any work**, the plans shall be recorded on the deed, with proof of recording submitted to the Commission;
  4. **Prior to construction of the building**, the replication area shall be completed and reported to the Commission;
  5. During all jurisdictional work (stream crossing, replication and trash removal), Environmental consultant shall submit weekly written updates/reports to the Commission;
  6. Environmental consultant shall use Appendix 4 of the Replication Guidelines for monitoring reports;
  7. Environmental consultant shall be on site for removal of dumped leaves near culvert in order to ensure proper removal and to remove down to native soils;

8. Environmental consultant shall be on site for all culvert installation and replication work;
9. The 3 trees in the proposed wetland replication area shall remain if possible.

Commissioner Sharp motioned and Commissioner Bean second to approval of the conditions, the special conditions; and the bond amount. AIF

B. 112 City View Road – City of Westfield – DPW – DEP File #333-739

Project: Culvert replacement.

The hearing was continued from 8-9-16.

Coordinator Leigh reports that the consultant needs to contact DEP to apply for a 401 WQC.

Paul Jacques PE, from Woodard and Curran of Enfield Ct., is present representing the applicant. He submitted draft plans for the project.

The culvert runs from Jakes Brook under City View Road to Little River.

He is proposing to replace the existing, deteriorating, culvert which is corrugated metal pipe with a precast concrete box culvert.

Work is proposed in two pockets of BVW, BANK, RA, BLSF, and LUW.

There is an existing 18” water line running below the culvert and a 4” gas line that runs just above the culvert and off the side. A shallow ledge was also encountered.

He reports the following impacts:

- Permanent alterations to BANK and floodplain for the installation of wingwalls.
- Temporary alterations to the BLSF, BANK and LUW.
- Wetland impacts of less than 5,000 square feet

He also reports that the floodplain elevation is 168’.

Mr. Jacques discussed DEP comments regarding three alternatives. He responded to their comments in a letter.

He said that NHESP has issued a letter stating that the project contains no impacts. He has also submitted to Army Corp.

Coordinator Leigh displayed photos of the current conditions which indicate a lot of erosion.

Audience member Barbara Rokoss asked if the new culvert would go further down into the streambed. Mr. Jacques said it could not due to the pipe under the culvert.

Commissioner Sharp motioned and Commissioner Murphy second to a continuance until to September 13, 2016 at 6:30pm. AIF

5. ENFORCEMENT - None at this time.

6. DISCUSSION

A. 49 Pequot Point Road – Barbara Peretti

Coordinator Leigh reports two trees were hit by lightning and need to come down. She requests ratification for an Emergency Certification (EC).

Commissioner Murphy motioned and Commissioner Sharp second to ratify the EC. AIF

- B. 0 Bayberry Lane – DEP #333-704  
Applicant requests a Permit Extension  
Coordinator Leigh recommends issuing a three year extension.  
Commissioner Murphy motioned and Commissioner Sharp second to approve the three year extension. AIF
- C. Montgomery Road – DEP #333-714  
Applicant request for a Certificate of Compliance  
Coordinator Leigh displayed photos of the site. She said the plans show 5 signs/houses, only 4 were installed. One bird house needs to be replaced.  
Commissioner Murphy motioned and Commissioner Sharp second to postpone the approval of the request.
- D. West Road – Parcel #45R-1  
Coordinator Leigh received a first right of refusal request.  
She recommends passing on the acquisition. She displayed photos of the property.  
Commissioner Murphy motioned and Commissioner Bean second to passing on the acquisition. AIF
- E. Montgomery Road – Parcel #48R-2  
Coordinator Leigh received a first right of refusal request. She recommends passing on the acquisition.  
Commissioner Murphy motioned and Commissioner Bean second to passing on the acquisition. AIF
- F. 457 East Main Street – DEP #333-736 DEVCON  
Coordinator Leigh received a request for a Certificate of Compliance.  
Coordinator Leigh displayed photos and recommends issuing a COC.  
Commissioner Murphy motioned and Commissioner Bean second to approve the issuance of a COC. AIF

7. COMMISSION DISCUSSION

- A. Regulations & Procedures Q & A
- B. Minutes  
Commissioner Bean motioned and Commissioner Murphy second to approve the minutes of August 8, 2016. AIF

8. MOTION TO ADJOURN

Commissioner Murphy motioned and Commissioner Bean second to adjourn the meeting at 8:52pm. AIF

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A true record, Attest:  
Ruth Dunn  
Westfield Conservation Administrative Assistant

