



City of Westfield, Massachusetts

Municipal Conservation Commission

January 11, 2022

REMOTE MEETING MINUTES



Conservation Commission members in attendance: Chairman David Doe (DD), Vice Chairman Jim Murphy (JM), Thomas Sharp (TS), Carl Grobe (CG) Alex Fagnand (AF) and Robert Florek (RF). Also in attendance: Colleen Fegan-Nunez, Clerk.

Chairman Doe reads: *Pursuant to Chapter 20 of the Acts of 2021, certain Covid-19 measures as they relate to M.G.L. c. 30A, §20, the Open Meeting Law, were extended that had been adopted during the State of Emergency. 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. For this meeting, members of the public who wish to listen to the meeting may do so by tuning into Channel 15 or Channel 12 or online at westfieldtv.org or online at Youtube.com - Westfield Community Programming Channel. 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 and takes attendance. Commissioner Laraway is not present.

2. OPEN PARTICIPATION

Chairman Doe asks if there are any audience members that would like to address anything not on the agenda. No one unmutes.

3. PUBLIC HEARINGS-There are none at this time.

4. PUBLIC MEETINGS

- A. 0 Timberswamp Road (69R-20-1A)-Lucky 7/Jeff Baska
Planting of native saplings for restoration.
Mr. Scott Jordan of EcoTec and Michael Schafer are present representing Lucky 7.

Chairman Doe reads the legal language. Commissioner Grobe and Vice Chairman Murphy went on a site visit. Mr. Jordan reminds the Commission of the project. Commissioner Grobe and Vice Chairman Murphy review the site visit. Mr. Jordan

reviews the plants to be installed. The Commission would like the applicant to leave 50 percent of the smaller slash and 50 percent of the downed logs. The stacks of slash can be removed.

Commissioner Sharp motions to close the Public Meeting and is seconded by Commissioner Fagnand. TS-Yes, RF-Yes, CG-Yes, JM-Yes, AF-Yes, DD-Yes
The motion passes.

Vice Chairman Murphy motions:

1. Negative 2 for the proposed building.
2. Negative 3 with conditions for restoration area:
 - a. Notify Conservation Office or Chairman Doe when work is starting and is completed.
 - b. All stumps in the Restoration Area shall remain in place.
 - c. 50% of the downed logs and slash piles may remain in the Buffer Zone to enhance habitat and reduce equipment in the Buffer.
 - d. Signs shall be installed every 50 feet at the limit of the Buffer Zone prior to work.
 - e. No heavy equipment shall be used in the Buffer Zone.
 - f. Planting shall be done at the beginning (4/15-6/30) or the end (9/1-11/15) of the growing season of 2022.

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

The motion passes.

5. ENFORCEMENT

- A. 33 Castle Hill Road(14R-53)-Willard and Patricia Kopatz
Large amount of soil dumped down the slope towards Jack's Brook.
Mr. Tim Sicard is present representing Mr. Kopatz.

Clerk Nunez shows photos of the work done. The Commission decides that because the ground is frozen they will let the project wait until the ground has thawed.

Commissioner Grobe motions to continue the Enforcement Order until March 8, 2022 at 6:30 PM and is seconded by Vice Chairman Murphy. TS-Yes, RF-Yes, CG-Yes, JM-Yes, AF-Yes, DD-Yes
The motion passes.

- B. 300 Union Street (35R-22)-Custom Railing Metal Fabricators
Violation.

Clerk Nunez updates the Commission on the communication with the property owner. She is concerned that the Commission is being pushed off. The Commission decides to have Clerk Nunez email the property owner to remind him that he could be fined.

Vice Chairman Murphy motions to email the property owner and is seconded by Commissioner Grobe. RF-Yes, JM-Yes, CG-Yes, AF-Yes, TS-Yes, DD-Yes
The motion passes.

- C. 226 Russellville Road (62R-27-1)-William and Kristine Sheldon/Done Right Homes, LLC-DEP File #333-769
Potential Violation.

Chairman Doe went on a site visit with Mr. Casey Berube from the DPW. Chairman Doe states that water is running off of a driveway and collecting on Russellville Road. He states that there is supposed to be a swale to help keep the water off the road. He states that this needs to be resolved. Mr. Sheldon states that there is no drainage under the road and the elevation is higher near 226 Russellville Road. He states that the driveway at 232 Russellville Road does not have a culvert under the driveway. He states that the culvert at 226 and 224 is only ten inches and cannot handle the amount of water. He offers to send the Commission photos. Chairman Doe states that Mr. Berube will contact Mr. Sheldon.

6. DISCUSSION

- A. 121 Summit Lock Road-City of Westfield DPW
Emergency Certification

Chairman Doe states that there is a blockage of a swale that is causing a lot of water in the road and in the parking lot of a business. Chairman Doe states that the DPW needed to clean the swale out as soon as possible so he issued an Emergency Certification that needs to be ratified.

Commissioner Grobe motions to ratify the Emergency Certification and is seconded by Vice Chairman Murphy. RF-Yes, JM-Yes, CG-Yes, AF-Yes, TS-Yes, DD-Yes
The motion passes.

- B. 224-226 Russellville Road (62R-27-1) -DEP File #333-769-William and Kristine Sheldon/Done Right Homes, LLC

Chairman Doe states that the City Attorney advised the Commission to not issue this COC until the issue with the swale has been resolved.

Commissioner Sharp motions not to issue the Certificate of Compliance and is seconded by Commissioner Grobe. RF-Yes, JM-Yes, CG-Yes, AF-Yes, TS-Yes
The motion passes.

- C. Columbia Greenway to Country Club Drive along Shaker Road-DEP File #333-780-City of Westfield/Mark Cressotti
Request for Certificate of Compliance.

7:14 PM Commissioner Fagnand recuses himself and leaves the meeting.

Chairman Doe states that this is a City project. Clerk Nunez shows photos. She states that she spoke to Mr. Mark Cressotti, City Engineer, about the erosion controls that are still in place. He told her that he feels that less damage will be caused if they are removed in the spring when the ground has thawed.

Commissioner Grobe motions to approve the Certificate of Compliance and allow erosion controls to be removed after the spring thaw and is seconded by Commissioner Florek. RF-Yes, JM-Yes, CG-Yes, AF-Abstains, TS-Yes, DD-Yes
The motion passes.

7:17 PM Commissioner Fagnand returns to the meeting.

- D. 0 South Meadow Road (28R-6)-Compensatory Storage for East Main Street

Clerk Nunez states that this property has been mistakenly mapped as an APR, with the help of Mr. Mark Noonan, West Springfield Coordinator, the head of the APR program with the Commonwealth of Massachusetts verified that this property is not part of the APR program. Commissioner Sharp states that there is a property next door to this property that has a stock pile. Clerk Nunez says she'll send a letter.

7. OTHER ITEMS

- A. Minutes of December 14, 2022.

Commissioner Grobe motions to approve the minutes of December 14, 2021 and is seconded by Vice Chairman Murphy. TS-Yes, CG-Yes, JM-Yes, RF-Yes, DD-Yes, AF-abstains.
The motion passes.

Commissioner Sharp asks if he can discuss an issue with Timberswamp Road. He states that an unknown subject dumped some roofing shingles on the road. He asks that Clerk Nunez write a thank you letter to the two people that were instrumental in getting the shingles removed.

Commissioner Sharp motions to send thank you letters to Mr. Jay Virgilio and Mr. Casey Berube for their efforts in cleaning up illegal dumping on Timberswamp Road and is seconded by Commissioner Grobe. TS-Yes, CG-Yes, JM-Yes, RF-Yes, AF-Yes, DD-Yes
The motion passes.

8. COMMISSION DISCUSSION

A. Regulations and Procedures Q & A

Commissioner Sharp, Commissioner Grobe and Commissioner Laraway need to submit a letter of intent and a resume to the Mayor because their Commission is expiring in February.

B. Wetland Ordinance Update

Chairman Doe states that he is unsure as to when City Council Sub-Committee be reviewing the Ordinance. City Councilor Mello states that the Sub-Committee will be moving forward with the Law Department and she expects that there will be a meeting of that Sub-Committee within the next couple of weeks.

C. Tree replacement policy (TRP)

Clerk Nunez states that she has mailed out a copy of the approved TRP and asks that the Commission adds them in to the Commission Handbook.

D. Invasive Species Management Plan for the Pitoniak Property.

Clerk Nunez States that the date of the site visit has changed to 1/26/2022 at 10:30 AM.

E. Coordinator Position

Chairman Doe states that there have been no applicants so far. The personnel Director is attempting to get funds from the City to advertise on other websites. Commissioner Sharp asks if the NOI Fees can be used to place advertisements. Clerk Nunez states that she will inquire as to whether the fees can be used for this purpose.

F. Screening Committee

Clerk Nunez states that it has been many years since the Commission has voted in the Chair and Vice Chair.

Commissioner Sharp motions to continue with Dr. David Doe as Chairman and Mr. Jim Murphy as Vice Chairman and is seconded by Commissioner Fagnand. TS-Yes, CG-Yes, RF-Yes, AF-Yes
The motion passes.

Vice Chairman Murphy states that he and Commissioner Grobe did a site visit at the Westfield Water treatment plant on January 5th. He states that if there is a application submitted the area will be flagged as a wetland. He states that he and Commissioner Grobe were not there to approve any delineation or make any determination as to what the area is (wetland or stream).

9. MOTION TO ADJOURN

Commissioner Fagnand motions to adjourn at 7:50 PM and is seconded by Commissioner Grobe. RF-Yes, CG-Yes, JM-Yes, TS-Yes, AF-Yes, DD-Yes
The motion passes.

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

APPROVED