



City of Westfield, Massachusetts

Municipal Conservation Commission

January 12, 2021

REMOTE MEETING MINUTES

RECEIVED

FEB 10 2021

WESTFIELD CITY CLERK

Conservation Commission members in attendance: Chairman David Doe (DD), Vice Chairman James Murphy (JM), Thomas Sharp (TS), Carl Grobe (CG), Cliff Laraway (CL) and Robert Florek (RF). Also in attendance: Meredith Borenstein, Conservation Coordinator and Colleen Fegan-Nunez, Administrative Assistant.

Chairman 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. 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. 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 7:00 pm. He takes attendance. Commissioner Fagnand is absent.

2. OPEN PARTICIPATION

A. Emergency Certification-City of Westfield DPW-Road failure where Medeiros Way crosses Brickyard Brook.

Coordinator Borenstein explains that it was clear that the road was being eroded and had become dangerous. She states that there were no comments from DEP regarding the Emergency Certification and that work had begun yesterday (1/7/2021)

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

**Commissioner Grobe motions to take 6A out of order and is seconded by Commissioner Laraway. JM-Yes, CG-Yes, TS-Yes, CL-Yes, RF-Yes, DD-Yes.
The motion passes.**

6. DISCUSSION

- A. Request to amend the Order of Conditions issued to the City of Westfield for Vegetation Management within the Westfield River Floodway-DEP File #333-792
Mr. Mark Cressotti is present representing the City of Westfield.

Mr. Cressotti states that because of the mowing contracts the mowing time frame is off by a month. He explains that if mowing is done too early it will damage the area that is mowed. Coordinator Borenstein states that the site is a managed site so a change in the timing would not affect the wildlife. Changes include condition 55 and 56 dates to be amended are May 15th to June 15th and October 31st to October 15th as requested in a memo dated 1/4/202021 from Mark Cressotti, City Engineer.

Vice Chairman Murphy motions to accept the requested changes to the Order of Conditions and is second by Commissioner Laraway. JM-Yes, CG-Yes, TS-Yes, RF-Yes, CL-Yes, DD-Yes
The motion passes.

**Commissioner Grobe motions to resem to normal order and is seconded by Vice Chairman Murphy. JM-Yes, CG-Yes, TS-Yes, CL-Yes, RF-Yes, DD-Yes.
The motion passes.**

3. PUBLIC HEARINGS

Chairman Doe recuses himself and leaves the meeting at 7:16 PM.

- A. 231 East Main Street (28R-10) and 0 South Meadow Road (28R-6)-Brixmor SPE, LLC
c/o Reuben Twersky-DEP File #333-792
Construction of a retail store (Aldi's Market) and associated site improvements within the 100-year Floodplain
Mr. Robert Levesque and Mr. Ryan Nelson of R. Levesque and Associates Inc. are present representing Brixmor SPE, LLC.
Mr. Michael Chelminski of Stantec is present representing the City of Westfield Conservation Commission.

Mr. Chelminski explains the process he used to form his conclusion. He concludes that if the building is built on this lot it will increase the river velocity, but it will be by a very small amount. He also states that precedent should be considered for issuing this permit. He states that hydraulic connection of the Compensatory Storage is acceptable. He believes that by adding water it will improve the wildlife habitat in the area. He states that he would like more details on the plan as to the erosion controls and how the new Comp Storage area will be managed after the work is completed. Mr. Chelminski would also like a track pad put in for construction of the Comp Storage area. Coordinator Borenstein asks for some invasive species control and that one White Oak that was marked to be felled, be spared because of its health and benefits to the local wildlife. The Commission requests clarification to Mr. Chelminskis' memo for the next meeting.

Commissioner Sharp motions to continue until January 26, 2021 at 6:30 PM and is seconded by Commissioner Grobe. CG-Yes, TS-Yes, CL-Yes, RF-Yes, JM-Yes
The motion passes.

Chairman Doe returns to the meeting at 8:32 PM.

- B. 34 First Street (278-17)-Jeanette Peretti-DEP File #333-799
Single family home in the Buffer Zone and Flood Zone of Pequot Pond.
Mr. Robert Levesque and Mr. Ryan Nelson of R. Levesque and Assoc. Inc. are present representing Ms. Jeanette Peretti.

Coordinator Borenstein states that the updated plans have addressed the concerns of the Commission and summarizes the solutions. Mr. Nelson explains the Rip Rap near the driveway.

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

The Commission decides on a \$2000.00 Bond.

Commissioner Grobe motions to accept the Order of Conditions as written and is seconded by Commissioner Sharp. JM-Yes, CG-Yes, CL-Yes, TS-Yes, RF-Yes
The motion passes.

- C. 459 Russell Road (34R-4)-Tekoa Country Club-DEP File #333-800
Bank Restoration along the Westfield River.
Mr. Robert Levesque and Mr. Ryan Nelson of R. Levesque and Assoc. Inc. are present representing Tekoa Country Club.

Chairman Doe reads the legal language. Mr. Levesque explains that this will be a Bank Stabilization project. He requests a continuance to the meeting of January 26, 2021 at 6:30 PM. Chairman Doe requests a site visit.

Commissioner Sharp motions to continue until January 26, 2021 at 6:30 PM and is seconded by Commissioner Grobe. JM-Yes, CG-Yes, CL-Yes, TS-Yes, RF-Yes
The motion passes.

- D. 301-303 East Main Street (28R-11) and 0 Little River Road (116-23)-ABASK, LLC c/o Ronald Abdow
Construction of a drive-through facility located within the 100-year Floodplain.
Mr. Robert Levesque and Mr. Ryan Nelson of R. Levesque and Assoc. Inc. are present representing ABASK, LLC.

Chairman Doe reads the legal language. Coordinator Borenstein states that a DEP File # is still needed. Mr. Levesque explains the site and the general compensatory storage area.

He states that there are three open OOCs that need to be closed out before the new permit can be issued. Chairman Doe requests a site visit.

Commissioner Grobe motions to continue until January 26, 2021 at 6:30 PM and is seconded by Commissioner Laraway. JM-Yes, CG-Yes, TS-Yes, CL-Yes, RF-Yes
The motion passes.

4. PUBLIC MEETINGS-There are none at this time.

5. ENFORCEMENT

- A. 0 South Broad Street (25-1)-Sullivan Westfield Properties Group, LLC
Sedimentation from gravel parking lot into adjacent Wetland Resource Areas.

Coordinator Borenstein explains that there is stormwater entering a BVW without being treated. She states that the parking lot for the building is partially paved, but has mostly hard pack and the fines are washing out into the adjacent wetland.

Commissioner Grobe motions to issue and Enforcement Order and is seconded by Vice Chairman Murphy. JM-Yes, CG-Yes, TS-Yes, CL-Yes, RF-Yes, DD-Yes
The motion passes.

6. DISCUSSION-Already discussed out of order.

7. OTHER ITEMS

- A. Minutes of December 8, 2020.

Vice Chairman Murphy motions to accept the Minutes of December 8, 2020 and is seconded by Commissioner Laraway. JM-Yes, CG-Yes, TS-Yes, RF-Yes, CL-Yes, DD-Yes
The motion passes.

- B. Vote to accept the donation of 12 bat boxes from Alex Dawicki, aspiring Eagle Scout.

Coordinator Borenstein explains that any donation must be accepted by the Commission and then forwarded to City Council to be accepted by them.

Commissioner Grobe motions to accept the bat boxes and is seconded by Commissioner Laraway. JM-Yes, CG-Yes, TS-Yes, CL-Yes, RF-Yes
The motion passes.

7. MOTION TO ADJOURN

Commissioner Grobe motions to adjourn at 9:49 PM and is seconded by Commissioner Laraway. JM-Yes, CG-Yes, TS-Yes, CL-Yes, RF-Yes
The motion passes.

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

APPROVE

