



# City of Westfield, Massachusetts

## Municipal Conservation Commission

RECEIVED

By City Clerk's Office at 11:06 am, 2/11/22

January 25, 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), Cliff Laraway (CL) 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](http://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](http://westfieldtv.org) or online at [Youtube.com](https://www.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. All Commissioners are 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

#### **6:30 Commissioner Fagnand recuses himself and leaves the meeting.**

##### A. 45 Stuart Place (147-38)-DEP File #333-812-City of Westfield Department of Public Works

Replacement of the existing pump station infrastructure and milling and overlay of existing paved driveway.

Ms. Megan Woytik of Tighe and Bond is present representing the DPW.

Chairman Doe reads the legal language. Ms. Woytik explains the project which includes some tree removal, replacement of the existing pump station and milling and overlay of the existing paved driveway. She shows the Commission the plans and photos. The Commission asks for a site visit with the trees that are to be removed, tagged.

Commissioner Grobe motions to continue until February 8, 2022 at 6:30 PM and is seconded by Commissioner Florek. CG-Yes, JM-Yes, TS-Yes, RF-Yes, CL-Yes  
The motion passes.

**6:48 PM Commissioner Fagnand returns to the meeting.**

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

5. ENFORCEMENT

- A. 224-226 Russellville Road (62R-27-1)-William and Kristine Sheldon/Done Right Homes, LLC-DEP File #333-769  
Potential Violation  
Mr. William Sheldon is present.

Chairman Doe visited the site with Mr. Casey Berube from the Westfield DPW. He states that there is a new owner of the properties. He asks if the Order of Conditions goes with the property. The Commission is unsure how there was a closing on the property with an open OOC. Chairman Doe states that the properties that are involved in the DPW restriction are 226 and 232 Russellville Road. Not on 224 Russellville Road. He explains that the DPW is looking to install a shallow drain inlet structure to intercept water coming off the hill from between 226 and 232 Russellville Road. The drain structure would have one pipe conveying water northerly and daylighting at the existing headwall/culvert located between 232 and 240 Russellville Road. In order to run the pipe we'll need to cut, remove and replace the driveway apron at 232 Russellville Road within our right of way.

Commissioner Sharp motions to issue an Emergency Certification and is seconded by Commissioner Grobe. . CG-Yes, JM-Yes, TS-Yes, RF-Yes, AF-Yes, CL-Yes  
The motion passes.

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

Clerk Nunez states that Mr. Cote has contacted R. Levesque Assoc. Inc. and is waiting to hear back from them to set up an appointment.

- C. 277 Russellville Road (62R-12)-Justin and Candice Curran  
Potential Violation.

Clerk Nunez states that she received a call from a concerned citizen stating that the landowners were cutting trees in the Buffer Zone. Clerk Nunez states that she sent a Cease and Desist letter to the land owner but has not heard back from them yet.

Vice Chairman Murphy motions to ratify the Cease and Desist order for a potential violation and is seconded by Commissioner Grobe. CG-Yes, JM-Yes, TS-Yes, RF-Yes, AF-Yes, CL-Yes  
The motion passes.

## 6. DISCUSSION

- A. 224-226 Russellville Road (62R-27-1) -DEP File #333-769-William and Kristine Sheldon/Done Right Homes, LLC  
Request for Certificate of Compliance.

Chairman Doe states that the Commission will wait for this until the City Solicitor answers our questions.

- B. Russell Road (33R-3)-DEP File #333-158 and DEP File #333-181-Donald LaFogg- to Request for Certificate of Compliance.

Clerk Nunez states that for file #333-158 there is no file and for 333-181 there is a partial COC that has been issued. Commissioner Florek and Vice Chairman Murphy drove past and there is no obvious work being done on the property. Clerk Nunez states that finding paperwork from files that old is very difficult. Commissioner Fagnand states that seeing no other out but to issue a COC the Commission should issue these to clean up the paperwork.

Commissioner Fagnand motions to approve the Certificate of Compliance on both DEP File #333-158 and DEP File #333-181 and is seconded by Commissioner Grobe. CG-Yes, JM-Yes, TS-Yes, RF-Yes, AF-Yes, CL-Yes  
The motion passes.

- C. Russell Road (33R-25)-DEP File #333-557-Jean Doiron  
Request for Certificate of Compliance.

Clerk Nunez states that this is another old file, from 2004 she states that there are no plans in the file and the consultant that worked on the property does not have any plans. She shows photos of the building and the wetland area. Vice Chairman Murphy states that because of the age of the building, the COC should be issued.

Vice Chairman Murphy motions to approve the Certificate of Compliance and is seconded by Commissioner Florek. CG-Yes, JM-Yes, TS-Yes, RF-Yes, AF-Yes, CL-Yes  
The motion passes.

- D. West Road-City of Westfield Department of Public Works (DPW)  
Emergency Certificate for water on the road.

Chairman Doe states that he visited the site. He explains the problem which consists of around 300 feet of flow onto West Road. Chairman Doe states that Mr. Berube of the the DPW would like to create a swale to redirect the flow into an adjacent field and on in to the stream approximately 200 feet away. He states that he would like the DPW to get a professional opinion. A consultant would enable the work to be completed without damaging the wetlands. The Commission is unsure of the size of the resource area and is concerned about completely emptying the pond near the road.

Vice Chairman Murphy motions to have the DPW hire a wetland consultant to review this property, the wetland, the existing pond, the overflow on to the road and present a solution to the flow over the road and is seconded by Commissioner Sharp. CG-Yes, JM-Yes, TS-Yes, RF-Yes, AF-Yes, CL-Yes

The motion passes.

## 7. OTHER ITEMS

- A. Minutes of January 11, 2022.

Clerk Nunez states that she has made to corrections to the minutes. On was a spelling issue and the other was that Mr. Kopatz was not actually visually seen in the camera during his section of the Zoom meeting, so she removed him as being present.

Commissioner Sharp motions to approve the minutes of December 14, 2021 after the two corrections discussed are made and is seconded by Commissioner Grobe. CG-Yes, JM-Yes, TS-Yes, RF-Yes, AF-Yes, CL-Yes

The motion passes.

## 8. COMMISSION DISCUSSION

- A. Regulations and Procedures Q & A-There are none at this time.

- B. Wetland Ordinance Update

Chairman Doe states that the Ordinance is to go before the Natural Resources sub-committee on Thursday 1/27/2022.

- C. Coordinator Position

Chairman Doe states that there have been no viable applicants so far. He states that the Personnel Department will advertise on more looked at web sites. Vice Chairman Murphy states that he will call the head of Personnel to find out what these web sites are and to suggest putting the posting on places that would be more aimed toward the sciences.

D. Screening Committee

9. MOTION TO ADJOURN

Commissioner Sharp motions to adjourn at 7:57 PM and is seconded by Commissioner Florek. CG-Yes, JM-Yes, TS-Yes, RF-Yes, AF-Yes, CL-Yes  
The motion passes.

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

APPROVED