



City of Westfield Municipal Conservation Commission

FEBRUARY 14, 2023 AT 6:30PM
WESTFIELD CONSERVATION COMMISSION
MEETING MINUTES

RECEIVED

APR 3 2023

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Conservation Commission members in attendance: Chairman David Doe (DD), Carl Grobe (CG), Robert Florek (RF), Lauren DiCarlo (LD) and Thomas Sharp (TS). Also, in attendance: Anna Meassick, Conservation Coordinator and Christina Ramos, Conservation Clerk

1. CALL TO ORDER

Chairman Doe calls the meeting to order at 6:30 PM and takes attendance. Vice Chairman James Murphy is not in attendance.

2. OPEN PARTICIPATION

Chairman Doe asks if any members of the public who would like to address the Commission concerning items not on the agenda. Seeing none, he moves onto item 3, Public Meetings.

3. PUBLIC MEETINGS (RDAs)

- A. 0 Medeiros Way – Jay Virgilio
Proposal: Review and confirmation of delineation

Mike Pietras from Engineering & Land Solutions, Inc. is present as the representative.

Mr. Pietras explains StreamStats inaccuracy increases due to lack of stream gage sites, relatively low sloping basins, wrong basin interpretations, parameters outside the suggested range. This site has no local stream gage station. This site is a relatively low sloping basin, indicated with a mean of 4% slope. This site has known and identified basin interpretation issues, that if corrected, bring the drainage area below the 0.5 square mile requirement within 310 CMR 10.58(2)(a)1.c.i.

Commissioner Sharp explains the reason why Mr. Pietras is here, because Stream Stats doesn't have the proper information regarding stream classification.

Commissioner Grobe motions to close the Public Meeting. Commissioner Florek Seconds. RF-yes, TS-yes, CG-yes, LD-yes, DD-yes.

The motion passes.

Commissioner Sharp motions a positive 2A" The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid" and a positive 5:" The area described on the referenced plans and comments is subject to review and approval by the City of Westfield pursuant to the Westfield

Wetlands Protection Ordinance 1738” declaring the stream non-perennial. Commissioner DiCarlo Seconds. RF=yes, TS=yes, CG=yes, LD=yes, DD=yes.

The motion passes.

- B. 1090 Southampton Road – Pioneer Valley Fiberglass Pools & Spa, LLC
Proposal: Construction of prefabricated steel building within Buffer Zone

Ryan Nelson from R Levesque Associates Inc. is present as the representative.

Mr. Nelson explains the Commission did a site visit and the applicant wants to add a prefabricated storage building, inside the limit of work which already exist under Order of Conditions.

Commissioner Sharp asked if there was a condition in the order added about the applicant cleaning up a portion of the site.

Mr. Nelson explains there was some cleaning and adding of vegetation.

Commissioner Sharp motions to close the Public Meeting. Commissioner Grobe Seconds. RF=yes, CG=yes, TS=yes, LD=yes, DD=yes.

The motion passes.

Commissioner Grobe motions a negative 3 with the following conditions: “prior to any work, the coordinator shall be informed when work is to commence, erosion control shall be installed, remain in place, and maintained throughout the lifecycle of the project. Post construction, erosion controls are to remain in place until Coordinator and/or Commission gives permissions to remove them.” and a Positive 5 “the area and/or work described on referenced plans and documents are subject to review and approval of the Westfield Conservation Commission pursuant to Ordinance 1738.” Commissioner Sharp Seconds. RF=yes, TS=yes, CG=yes, LD=yes, DD=yes.

The motion passes.

- C. 175 Falcon Drive – Westfield-Barnes Regional Airport
Proposal: Review and confirmation of delineation

Coordinator Meassick explains delineations are accurate, and are almost identical to delineation from 2014.

Chairman Doe agrees with Coordinator Meassick that the delineations were very accurate.

Commissioner Grobe motions to close the Public Meeting. Commissioner DiCarlo Seconds. RF=yes, TS=yes, CG=yes, LD=yes, DD=yes.

The motion passes.

Commissioner Grobe motions a Positive 5, "The area described on the referenced plans and documents is subject review and approval by the City of Westfield pursuant to the Westfield Wetlands Protection Ordinance 1738." And Positive 6 "the following area is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetland Protection Act- Wetlands identified on the site plans as Wetlands 1,2,3, and 4 are isolated wetlands and therefore protected under Westfield Wetlands Protection Ordinance 1738." Commissioner Florek Seconds. RF-yes, CG-yes, TS-yes, JM-yes, AF-yes, LD-yes, DD-yes.

The motion passes.

- D. 126 Union Street – Powdermill Village LLC
Proposal: Removal of overgrown vegetation along fence line

Chairman Doe Reads the Legal Language.

Coordinator Meassick explains applicant is asking for work and area/work under ordinance and will need to do a site visit.

Commissioner Grobe motions to continue to February 28, 2023 meeting to allow a site visit. Commissioner Florek Seconds. RF-yes, TS-yes, CG-yes, LD-yes, DD-yes.

The motion passes.

4. PUBLIC HEARINGS (NOIs)

- A. 227 East Main Street, 6 & 10 Mainline Drive – Ruth Aborjaily – DEP File #333-827
Proposal: Reuse of existing structures and associated site improvements within bordering land subject to flooding and riverfront area

Chairman Doe recuses himself.

Commissioner Sharp motions to appoint Commissioner Grobe as acting Chairman. Commissioner Florek Seconds. RF-yes, TS-yes, LD-yes, CG-yes.

The motion passes.

Ryan Nelson from R Levesque Associates Inc. is present as the representative.

Mr. Nelson explains that this was continued because it did not have a DEP number, which it now does and he has addressed DEP's comments which was sent over to Coordinator Meassick. There will be no changes in the elevation in the driveway same grade.

Commissioner Florek asked if they will change the size of the driveway.

Mr. Nelson explains yes, it will be 24ft wide.

Coordinator Meassick asked Mr. Nelson to elaborate on the DEP comments on the flood study and barn taken down in 1988, after the 1978 flood study.

Mr. Nelson explains they have confirmed with staff at FEMA the buildings were accounted for in the 1978 flood study as obstructions. Being that they are no longer there, the area can be used as compensatory storage.

Commission Sharp asks Mr. Nelson about how much compensatory storage is required and how much will they be banking.

Mr. Nelson explains there will be estimate of 19 cubic yards of displacement with a net surplus of 2,373 cubic yards.

Commissioner Sharp motions to close the Public Hearing. Commissioner DiCarlo Seconds. TS-yes, RF-yes, LD-yes, CG-yes.

The motion passes.

Commissioner Grobe acting Chairman goes over the Special Conditions.

Commissioner Sharp recommends a \$500,000 bond for the project.

Commissioner Sharp motions to issue Order of Conditions and approve the Special Conditions. Commissioner DiCarlo Seconds. TS-yes, RF-yes, LD-yes, CG-yes.

The motion passes.

Chairman Doe returns.

Commissioner Grobe motions to reappoint Chairman Doe as Chairman. Commissioner Florek Seconds. TS-yes, RF-yes, LD-yes, CG-yes.

The motion passes.

- B. 0 Cycle Street – Cycle Street Redevelopment, LLC
Proposal: Construction of self-storage facility within buffer zone to isolated wetlands, subject to local ordinance only

Chairman Doe reads the Legal Language.

Ryan Nelson from R Levesque Associates Inc. is present as the representative.

Mr. Nelson Explains the project, Construction of self-storage facility within buffer zone to isolated wetlands, subject to local ordinance only.

Commissioner Sharp asked for Mr. Nelson to point out the 50ft buffer zone.

Mr. Nelson explains the site plans and the 50ft and 100 ft buffer zone.

Chairman Doe asked where are the storm drain basins and test pits.

Commissioner Sharp asked why there are test pits.

Mr. Nelson explains test pits are to determine ground water level.

Chairman Doe asks if they have approval from the engineering department.

Mr. Nelson explains they are waiting to hear back from Engineering Department.

The Commission would like a site visit with the flags and corner flags out for them to see.

Chairman Doe ask if anyone from the public would like to address the Commission on this project.

Ward 2 City Councilman Ralph Figy is in attendance and would like to address the Commission on this project. Councilman Figy explains that the surrounding community met in regards to this project. He wants to make sure there is fencing surround the project and vegetation fencing for aesthetics. City Councilman Figy asked if the water basin will be fenced to avoid anyone from getting into it, if they would be open to providing trees else were in the city to replace the over 100 trees they will be removing. He would also like to attend the site visit if possible. He understands that this will be on the agenda for the planning broad but will be out of town when they meet.

Chairman Doe explains that they can only take care of issues in the Commissions jurisdictions and thanks Councilman Figy for his concerns and agrees to let him join the site visit.

Commissioner Sharp motions to Continue to February 28, 2023 to plan a site visit. Commission Florek seconds. RF=yes, TS=yes, CG=yes, LD=yes, DD=yes.

The motion passes.

5. ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION (ANRADs)

- A. 121 Medeiros Way and 0 Timberswamp Road – DEP File #333-823
Proposal Review and confirmation of delineation

Ryan Nelson from R Levesque Associates Inc. is present as the representative.

Mr. Nelson explains the applicant/owner is requesting the determination of wetland boundaries and partial of the perennial stream that runs through the properties. There was a site visit in October. The high-water delineation has not changed, but the boarding vegetation wetland flags were. Beavers were removed during legal season, in January.

Coordinator Meassick recommends an external consultant for peer review of delineation to assess damages which is also recommended by DEP.

Commission discusses if a peer review of the delineation is needed.

Mr. Nelson explains he would not mind doing another site visit to allow the Commission to see the markers. They have fixed the flags the beavers destroyed.

Commissioner Sharp asked the Coordinator Meassick why DEP would recommend a peer review.

Coordinator Meassick explains because the parcel is so big. She reads the DEP comments to the Commission.

Commissioner Sharp motions to continue to February 28, 2023 to allow a site visit. Commissioner Grobe seconds. RF-yes, CG-yes, TS-yes, LD-yes, DD-yes.

The motion passes.

Commissioner Grobe motions to move on to item 6C on the agenda. Commissioner DiCarlo Seconds. RF-yes, CG-yes, TS-yes, LD-yes, DD-yes.

The motion passes.

6. ENFORCEMENT ORDERS

C. 121 Medeiros Way and 0 Timberswamp Rd – Sovereign Builders

Violation: Breach of dam without permit

Coordinator Meassick explains timeline, delineations were done in July, site visit in October, requested extension from October to January, drought season ended in December, Beavers were removed and breaching of dam in January. She explains that she received an email that the water levels where to “normal condition” and beavers were removed during legal season.

Commissioner Sharp motions to lift Enforcement Order. Commissioner Grobe seconds. RF-yes, TS-yes, CG-yes, LD-yes, DD-yes.

The motion passes.

Commissioner Grobe motions to move back to item 6A on the agenda. Commissioner DiCarlo seconds. RF-yes, TS-yes, CG-yes, LD-yes, DD-yes.

The motion passes.

A. 65 Butternut Road

Violation: Dumping of fill, depositing soil, excavation, and disturbance of vegetation

Coordinator Meassick explains that on the site visit the home owner said he may not be able to attend the meeting. She explains the property slopes and drops down to a possible wetland. Property owner brought in clean fill, the soil changes in grade. Recommend amending EO to require hiring a consultant for restoration.

Commissioner Sharp motions to require the property owner to hire an outside consultant for a restoration plan and continue until March 14, 2023. Commissioner Grobe Seconds. RF-yes, TS-yes, CG-yes, LD-yes, DD-yes.

The motion passes.

Neighbors are in attendance and are still unclear of his motives with filling and explain the road has taken a beating because of the dump trucks.

Coordinator Meassick explains he stated that he wanted to give his children a level area to play and also has chickens.

City council man Mike Burns is in attendance explains that he is happy the Commission is taking this issue serious and appreciates the work the Commission does.

B. 51 Egleston Road

Violation: Clearing of trees within river front area

Chairman Doe explains Coordinator Meassick and himself went out there for a site visit and asked her to bring up the photos. Chairman Doe continues to explain that one tree fell, the rest are considered "hazardous" by tree company because they were leaning towards the home.

Stephen Paiva, home owner is in attendance and explains the tree almost hit him while it was falling and crushed his shed. He cannot replant the trees removed due to the sewer line easement, He says he will rack, loam and seed for the growing season.

Commissioner Florek explains that the Commission would like the home owner to propose a narrative of his restoration plan.

Commissioner Sharp motions to continue to next meeting February 28, 2023 to give the home owner time to narrative a restoration plan. Commissioner Grobe Seconds. RF-yes, TS-yes, CG-yes, LD-yes, DD-yes.

The motion passes.

D. 11 and 19 Pontoosic

Violation: Clearing of vegetation within riverfront area and endangered species habitat

Coordinator Meassick explains she received an update from Jeff Smith of Salvini Associates. They will be submitting an Notice Of Intent in response to the Enforcement Order. Clearing in riverfront area, floodplain, and priority habitat. Small trees and brush to adjacent lawn cleared, put a majority of identified priority habitat was not cleared. Additional assessment to be completed in the spring when bristly buttercup blooms.

Commission decides to table this item until spring 2023.

7. CERTIFICATE OF COMPLIANCE

A. 91 East Mountain Road – Western MA Hospital – DEP File #333-803

Coordinator Meassick explains they have finally recorded their Order of Conditions and recommends the Commission issue the Certificate of Compliance.

Commissioner Grobe motions to issue Certificate of Compliance. Commissioner Florek Seconds. RF-yes, TS-yes, CG-yes, LD-yes, DD-yes.

The motion passes.

B. 0 City View Road – Andrew Liptak – DEP File #333-794

Andrew Liptak, owner is present.

Mr. Liptak explains he would like to ask about the possibility of not getting as-built plans due to costs. Hoping the Commission would accept either a site visit and photos instead of an as built.

Coordinator Meassick explains the modification to check dams along driveway, Riprap was used instead because check dams did not work. The only area within jurisdiction is the end of driveway. A Swale was created at the end of the driveway due to driveway runoff and work on City View culvert. Company that did work on culvert removed applicant's erosion controls and the applicant should not be responsible for fixing this.

Commission discuss what they should require home owner to submit instead of as built. Commission concludes to allow the home owner to give all the information from the city on what issue they caused, along with photos and narrative of work done.

8. COMMISSION DISCUSSION

A. Regulations & Procedures Q&A

- a. Cyber Security Training - Coordinator Meassick explains that the commission members who have not completed the training need to, she awards Chairman Doe and Commissioner Florek certificates of completion from IT department.
- b. Tree Policy

Commissioner Sharp motions to adapt the finalized tree policy. Commissioner Grobe seconds. RF-yes, TS-yes, CG-yes, LD-yes, DD-yes.

B. Review of any additional administrative items

- a. Earth Day
 - i. Coordinator Meassick explains she would like the Commission to save the date of April 22, 2023. Coordinator Meassick would like each

commissioner to be a team leader at each location that way we can get the vests returned to us.

- ii. Coordinator Meassick explains she has requested a transfer of \$7,000.00 from PT hourly pay to purchase of services/supplies to use towards purchasing extra supplies for Earth Day – goes before city council next week.

b. Municipal Trail

- i. Coordinator Meassick confirms an Ipad has been acquired.
- ii. Coordinator Meassick explains she is working on mapping potential trail location and refining for accuracy at Patoniak fields.

9. MOTION TO ADJOURN

Commissioner Grobe motions to adjourn the meeting at 8:49pm. Commissioner DiCarlo seconds. RF-yes, TS-yes, CG-yes, LD-yes, DD-yes.

The motion passes.

A true record, Attest:

Conservation Clerk Christina Ramos

APPROVED

