



City of Westfield, Massachusetts

Municipal Conservation Commission



March 9, 2021

REMOTE MEETING MINUTES

Conservation Commission members in attendance: Chairman David Doe (DD), Vice Chairman James Murphy (JM), Thomas Sharp (TS), Carl Grobe (CG), Alex Fagnand (AF), 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 7:31 pm. He takes attendance. All Commissioners are in attendance.

2. OPEN PARTICIPATION

No one unmutes themselves.

3. PUBLIC HEARINGS

- A. 459 Russell Road (34R-4)-Tekoa Country Club-DEP File #333-800
Bank restoration along the Westfield River.

Applicant requests a continuance to March 23, 2021 at 6:30 PM.

Vice Chairman Murphy motions to continue until March 23, 2021 at 6:30 PM and is seconded by Commissioner Grobe. CG-Yes, JM-Yes, TS-Yes, AF-Yes, RF-Yes, CL-Yes, DD-Yes

The motion passes.

4.PUBLIC MEETINGS

- A. 93 Springfield Road (113-5)-Result in Wellness, LLC c/o Sofia Zanzarella
Installation of 200-square foot pre-fabricated wood shed in an existing lot within the 100-year floodplain.
Ms. Sofia Zanzarella is present.

Coordinator Borenstein states that there is extra Comp Storage associated with the Planet Fitness filing (333-770). She states that she will put a note in this Determination file and DEP File #333-770 stating that there has been Comp Storage subtracted from the excess from DEP File #333-770. Ms. Zanzarella states that the owner of Planet Fitness is willing to share the Comp Storage. Coordinator Borenstein presents a chart (added to the file) that shows the amount of Comp Storage needed.

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

Commissioner Sharp motions:

- a. Negative 2 with conditions.
 1. Coordinator will include the DOA in file 333-770 to document the net decrease in Comp Storage.
 2. The applicant will provide proof that only a 200 square-foot shed was installed
 3. Coordinator must be notified before work has begun and when work has been completed.
 4. No debris or trash is allowed to remain in the floodplain after the shed is installed.

and is seconded by Commissioner Grobe. CG-Yes, JM-Yes, TS-Yes, AF-Yes, RF-Yes, CL-Yes
The motion passes.

- B. 354 North Road (69R-5)-Joe Mancino
Installation of a new addition onto an existing home within the 100-foot Buffer Zone.

Chairman Doe reads the legal language. Mr. Mancino explains the project, which is an addition roughly 75 feet from the estimated wetland edge. The Commission asks that the removal and replacement of asphalt would be one to one. Coordinator Borenstein states that because she believes that the wetland is fed by a high ground water table and that this project would not affect the hydrology.

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

Commissioner Fagnand motions:

a. Negative 3 with conditions.

1. Plan must be updated and approved by the Coordinator with a 10-foot vegetated strip along the backside of the property adjacent to the wetland area and the Coordinator will work with the applicant to decide which wetland plants will be installed. Plan must also show the erosion controls.
2. Erosion controls shall be installed before work has begun.
3. Coordinator must be notified before work has begun and when work has been completed.
4. Any disturbed soils must be revegetated with native plants.
5. The erosion controls shall be removed upon completion of work and approval of the Coordinator.

and is seconded by Vice Chairman Murphy. CG-Yes, JM-Yes, TS-Yes, AF-Yes, RF-Yes, CL-Yes, DD-Yes

The motion passes.

5. ENFORCEMENT

- A. 1223 East Mountain Road (59R-2 and 59R-3)-Mark and Chris Dupuis, LLC
Stream crossing plan.

Coordinator Borenstein states that the updated stream crossing has not been submitted as of yet. She states that there was a meeting with Natural Heritage but no outcome or proposed work came from that meeting.

6. DISCUSSION

Commissioner Fagnand recuses himself and leaves the meeting at 8:22 PM.

- A. 1515 Granville Road-West Parish Filters-DEP File #333-782
Request for Certificate of Compliance
Melissa Coady of Tighe and Bond is present representing the West Parish Filters.

Ms. Coady states that this is the only open Order of Conditions on this property. She reminds the Commission that this project was for two bridge replacements. She states that the bridges were replaced according to the plans. Ms. Coady states that the wetland mitigation has been completed. She states that the builder was able to keep the footprint of the bridge smaller than what was permitted and the banks were not altered. Ms. Coady states that any areas that were disturbed are revegetating. Coordinator Borenstein has requested that half of the bond be released. Vice Chairman Murphy states that this is not something that the Commission typically does. He states that for the sake of consistency this should wait until one whole growing season passes.

Vice Chairman Murphy motions to deny the request for a Certificate of Compliance until one year growth cycle has been completed and is seconded by Commissioner Sharp. CG-Yes, JM-Yes, TS-Yes, RF-Yes, CL-Yes, DD-Yes
The motion passes.

Commissioner Fagnand returns to the meeting at 8:39 PM.

B. 34 First Street (278-17)-Jeanette Peretti-DEP File #333-799

Minor plan change for a single family home in the Buffer Zone to Pequot Pond.
Ryan Nelson of R. Levesque and Assoc. LLC is present representing Jeanette Peretti.

Mr. Nelson states that the pervious pavers were supposed to be installed on the existing apron at the end of the boat ramp but due to the proximity to the lake and the retaining wall, this is not advisable according to the Wall Engineer and the Hardscape Contractor. Heaving and water infiltration would destabilize the retaining wall. He proposes that the apron be repaved to its existing extent as is. Coordinator Borenstein requests a revised plan. The Commission ensures that the installed swale will catch the majority of sheet flow from entering directly into the pond.

Vice Chairman Murphy motions to accept the changes to the plan to eliminate the pervious pavers and is seconded by Commissioner Laraway. CG-Yes, JM-Yes, TS-Yes, RF-Yes, AF-Yes, CL-Yes, DD-Yes
The motion passes

C. 194-196 East Main Street (Map 107-6 and 107-7)-The Lagercia Family Limited Partnership-DEP File #333-752
Request for Extension for Order of Conditions.

Coordinator Borenstein states that the work had been started in the sense that the two old houses were torn down. She states that the building has not been built because the applicant cannot find a renter for the property at this time.

Commissioner Sharp motion to approve the Request for Extension of the Order of Conditions for three years and is seconded by Commissioner Grobe. CG-Yes, JM-Yes, TS-Yes, RF-Yes, AF-Yes, CL-Yes, DD-Yes
The motion passes

D. 457 and 467 Loomis Street (2R-122 and 2R-119)-DEP File #333-222
Request for Re-issue of Certificate of Compliance originally issued in 1992.

Coordinator Borenstein states that the COC was not recorded so this is just a re-issue to get the COC recorded.

Vice Chairman Murphy motion to re-issue the Certificate of Compliance and is seconded by Commissioner Grobe. CG-Yes, JM-Yes, TS-Yes, RF-Yes, AF-Yes, CL-Yes, DD-Yes
The motion passes.

- E. 103 Old County Road (270-27)-Rambling Acres Inc.-DEP File #333-016
Request for Certificate of Compliance.

Coordinator Borenstein states that the property is changing hands and the OOC needs to be closed out.

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

The motion passes.

7. OTHER ITEMS

- A. Cows Bridge, South Maple Street-MADOT Bridge Replacement Project.
Update for the Commission
Mr. Robert Natario is present representing MassDOT.

Coordinator Borenstein states that for some bridge state funded projects, an NOI may not be required. She states that she did a site visit and the site is stable. She states that trees were cut down adjacent to the river, but the stumps are in place. Chairman Doe states that the plan is on the City's Engineering website. Mr. Natario states that he didn't see anything that was of concern at the site. Coordinator Borenstein asks if an Environmental Monitor is required for this project. Mr. Natario states that there is an Environmental Monitor.

- B. 0 Union Street (35R-8)-Charles and Melissa Kielbasa

Coordinator Borenstein states that she saw some cutting along Powder Mill Brook. She is conducting a site visit but she believes that this is an agricultural exemption. She states that an RDA is always appropriate, but she will let the Commission know if any action must be taken.

- C. Minutes of February 23, 2021.

Commissioner Fagnand motions to approve the minutes of February 23, 2021 and is seconded by Vice Chairman Murphy. CG-Yes, JM-Yes, TS-Yes, AF-Yes, RF-Yes, CL-Yes, DD-Yes

The motion passes.

Commissioner Sharp requests that "Commissioner Discussion" section be added back on to the agenda. He states that he would like to have the committee that is in charge of removing the Water Chestnuts from the Brickyard Ponds attend the next meeting. He would like to have them explain how the City of Westfield benefits from this project.

7. MOTION TO ADJOURN

Commissioner Fagnand motions to adjourn at 9:19 PM and is seconded by Commissioner Grobe. CG-Yes, JM-Yes, TS-Yes, AF-Yes, CL-Yes, RF-Yes
The motion passes.

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

APPROVED