



City of Westfield, Massachusetts

Municipal Conservation Commission

March 22, 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), Robert Florek (RF) and Lauren DiCarlo (LD). Also in attendance: Karen Leigh, Conservation Consultant and 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](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.

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. 240 Russellville Road (62R-)-Oscar Naula Installation of a new septic system.

The applicant is not in attendance at this time. The Commission states that they just received the information from the consultant that day and would like some time to read through it.

Vice Chairman Murphy motions to continue the Public Meeting until April 12, 2022 at 6:30 PM and is seconded by Commissioner Florek. RF-Yes, TS-Yes, CG-Yes, AF-Yes, DD-Yes

The motion passes.

- B. 153 Russell Road (41R-10)-Robert Hinckley-Installation of a 32' X 192' pole barn.
Mr. Corey Hinckley is present.

Chairman Doe asks for Mr. Hinckley to explain the compensatory storage for the piers. He states that he would remove the soil. The Commission asks for a consultant to compute the compensatory storage with a stamped plan.

Commissioner Sharp motions to continue the Public Meeting until April 12, 2022 at 6:30 PM and is seconded by Vice Chairman Murphy. TS-Yes, JM-Yes, CG-Yes, LD-Yes, AF-Yes, RF-Yes, DD-Yes

The motion passes.

- C. 291 East Main Street (28R-12)-Friendly's Restaurants-Repaving existing parking lot and construction of a hardscape patio.
Mr. Mike Zwilling of Friendly's Restaurants is present.

Commissioner Grobe states that the applicant must provide compensatory storage for the fence posts. Vice Chairman Murphy states that fences are an obstruction for flood waters. Coordinator Leigh asks for a stamped plan to be submitted. Chairman Doe asks if there are any comments or questions from the audience.

Commissioner Sharp motions to continue the Public Meeting until April 12, 2022 at 6:30 PM and is seconded by Vice Chairman Murphy. TS-Yes, JM-Yes, CG-Yes, LD-Yes, AF-Yes, RF-Yes, DD-Yes

The motion passes.

- D. 600 Montgomery Road (60R-10)-Benjamin Ivanchenco-Pump, crush and fill existing septic system and installation of new septic system.
Mr. Barry Searle is present representing Mr. Ivanchenco.

Mr. Searle states that this is a septic system replacement. He states that the placement is because of a wetlands and the well. Chairman Doe asks if there are any questions or comments from the audience. No one unmutes.

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

Commissioner Grobe motions:

1. Negative 3 with conditions.
 - a. Prior to any work, silt fence and straw bales shall be installed.
 - b. No work shall begin until erosion controls are approved of by members of the Commission.
 - c. No soils or materials generated from the project are allowed to be stored within any resource area either temporarily or permanently.
 - d. Prior to any work Health Department approval shall be sent to the Commission.

and is seconded by Commissioner Florek. TS-Yes, CG-Yes, JM-Yes, LD-Yes, AF-Yes, RF-Yes, DD-Yes
The motion passes.

- E. 296 Buck Pond Road (60R-10)-Vladimir Telelyuyev-Construction of attached garage.
Mr. Vladimir Telelyuyev is present.

Chairman Doe reads the legal language. Mr. Telelyuyev presents the project which is building a garage on the far side of the house. He states that this build will be in the outer 100-feet of the pond. Coordinator Leigh states that the area is very flat and is currently lawn. Chairman Doe asks if there are any questions or comments from the audience. No one unmutes.

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

Commissioner Grobe motions:

1. Negative 3 with conditions:
 - a. Prior to work, erosion controls shall be installed between the garden fence and house (as discussed in the field and noted on the plans)
 - b. No soils/materials from the project are allowed to be stored or placed within any resource areas or buffer zones.
 - c. Post construction any disturbed soils shall be stabilized with grass seed before removal of the erosion controls.

and is seconded by Vice Chairman Murphy. TS-Yes, CG-Yes, JM-Yes, LD-Yes, AF-Yes, RF-Yes, DD-Yes
The motion passes.

- F. 163 Union Street (42R-14)-Salt City-Milling and repaving of existing pavement. Mr. Phillippe Cravo of R. Levesque Assoc. Inc. and Mr. Mike Gaugh of Salt City are present representing Salt City.

Chairman Doe reads the legal language. Mr. Cravo explains the project which consists of milling and paving a portion of the existing paved area at the exact same elevation in addition some pot holes in the paved area will be filled. Chairman Doe asks if there are any questions or comments from the audience. No one unmutes.

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

Commissioner Sharp motions:

1. Negative 3 with Conditions.

- a. Prior to any work, applicant shall submit a plan prepared by an environmental consultant or engineer that shows current elevations in the areas of proposed work;
- b. Immediately post construction, applicant shall submit a plan prepared by an environmental consultant or engineer that shows post-construction elevations in the areas of work.
- c. Post construction, there shall be no increases to any elevations within BLSF.
- d. No material shall remain on site.

2. Positive 5 “no NOI required”

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

- G. 1618 East Mountain Road (65R-112)-Removal of bittersweet vines and removal of three tree stumps.

Coordinator Leigh states that she is unsure of how the applicant would like to proceed with the removal of the vines.

Commissioner Sharp motions to continue the Public Meeting until April 12, 2022 at 6:30 PM and is seconded by Commissioner Grobe. TS-Yes, CG-Yes, JM-Yes, AF-Yes, LD-Yes, RF-Yes, DD-Yes
The motion passes.

The Commission realizes that there was no legal language read for any of the new applications. Chairman Doe reads the legal language for all of the new meetings, items B-G.

5. ENFORCEMENT

A. 0 Bayberry Lane (46R-67)-Sergey Novenko-Removal of trees near an intermittent stream.

Chairman Doe and Coordinator Leigh visited the site. There have been trees removed and stumped. There was visual evidence of hydric soils and flow going toward the direction of an adjacent property. She states that she believes that there is jurisdiction on the property. A letter was sent and the owner and the owner has contacted the office. Coordinator Leigh recommends a cease and desist, an Enforcement order be issued and also a letter to be sent to the tree service that was on site. She states that she would like the owner to contact a consultant and provide a restoration plan.

Commissioner Grobe motions to send the land owner an Enforcement Order with an immediate Cease and Desist Order, request a Consultant be hired, a restoration plan be prepared for the end of the growing season of 2022 upon receipt of this order erosion controls should be installed around the entire property immediately and that the owner attend the meeting of April 12, 2022 at 6:30 PM, also that a letter be sent to the tree service asking that they attend the meeting as well and is seconded by Commissioner Sharp. TS-Yes, CG-Yes, JM-Yes, AF-Yes, LD-Yes, RF-Yes
The motion passes.

6. DISCUSSION

A. North Road (66R-13)-Conversion of zoning from 61A to residential.

The Commission decides that they have no interest in the property at 0 North Road. They discuss the idea of preparing for properties that they are interested in such as 0 North Road (67R-6).

Commissioner Sharp motions to express no interest in 0 North Road (66R-13) and is seconded by Commissioner Grobe. TS-Yes, CG-Yes, JM-Yes, LD-Yes, AF-Yes, RF-Yes
The motion passes.

7. OTHER ITEMS

A. Minutes of March 8, 2022.

Clerk Nunez states that she made a change to 3A, she removed Commissioner Fagnand from the votes as he had recused himself.

Commissioner Fagnand motions to approve the minutes of February 22, 2022 and is seconded by Vice Chairman Murphy. TS-Yes, JM-Yes, CG-Yes, AF-Yes, RF-Yes, DD-Yes, LD-abstains.
The motion passes.

8. COMMISSION DISCUSSION

A. Regulations and Procedures Q & A

Vice Chairman Murphy asks that that a letter be sent to the Mayor, City Council and the Natural Resources Committee thanking them for their support on the Ordinance update.

B. Coordinator Position

Chairman Doe states that final interviews are on Thursday 3/24/2022.

9. MOTION TO ADJOURN

Commissioner Fagnand motions to adjourn at 8:26PM and is seconded by Commissioner Grobe. TS-Yes, CG-Yes, JM-Yes, AF-Yes, LD-Yes, RF-Yes, DD-Yes
The motion passes.

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

