



City of Westfield, Massachusetts

Municipal Conservation Commission

April 12, 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: Anna Meassick, Conservation Coordinator, 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 MEETINGS

A. 240 Russellville Road (62R-)-Oscar Naula

Installation of a new septic system.

Mr. Mike Pietras of Engineering, Land Solutions is present representing Mr. Naula.

Continued from March 22nd. Mr. Pietras describes the area and the plan. The septic system is a raised system. He states that the property is a disturbed area. The Commission discusses the type of septic system that will be installed. It will be an above ground system. Consultant Leigh express concern about a continued violation on the property. She wants to do a site visit to ensure that this septic system will not cause and damage to

the replication that was done because of the previous violation. To her it appears that the new septic system will disturb the depression on the property. The Commission would like to look at the property again to see what the function of the depression on the property before they allow alterations. Chairman Doe asks if there are any questions from the Commission and the audience. No one unmutes.

Commissioner Sharp motions to continue the Public Meeting until April 26, 2022 at 6:30 PM and is seconded by Vice Chairman Murphy. RF-Yes, TS-Yes, AF-Disagrees, CG-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, Mr. Robert Hinckley and Mr. Bobby Hinckley are present.

The Commission discusses the compensatory storage presented on the plan. Trenches will be installed alongside the new barn and will be maintained. The Commission would like spoils moved out of flood plain. Consultant Leigh reminds the applicant that the soil removal will be at the same elevation as the barn piers. Chairman Doe asks if there are any comments from the Commission and the audience. No one unmutes.

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

Vice Chairman Murphy motions:

1. Negative 3 with conditions:
 - i. Post construction, there shall be no increases to any elevations within BLSF
 - ii. Post construction, the compensatory storage area shall be maintained in perpetuity.
 - iii. Post construction, applicant shall submit to the Commission for approval a stamped plan prepared by an environmental consultant or engineer that shows location of compensatory storage.
 - iv. Post construction plan shall be recorded on the deed and a copy shall be furnished to the Commission.
2. Positive 5 "no NOI required"

and is seconded by Commissioner Grobe. 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. Ryan Nelson of RLA and Mr. Mike Zwilling of Friendly's Restaurants are present.

Mr. Nelson states that RLA has been engaged to do a preconstruction survey. The Commission discusses the change in fencing and Mr. Nelson states that he will add the

new fencing to the plans. The Commission would like a procedure in the event of a flood. Chairman Doe asks if there are any comments from the Commission and the audience. No one unmutes.

Vice Chairman Murphy motions to continue the Public Meeting until April 26, 2022 at 6:30 PM and is seconded by Commissioner Fagnand. CG-Yes, JM-Yes, RF-Yes, LD-Yes, AF-Yes, TS-Yes, DD-Yes
The motion passes.

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

Ms. Donna Brown is present.

Consultant Leigh states that this is just a “brush hog” job. Ms. Brown would like to remove two tree stumps that are holding up the bittersweet vine. Chairman Doe asks if there are any comments from the Commission and the audience. No one unmutes.

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

Commissioner Sharp motions:

1. Negative 3
2. Positive 5 “no NOI required”

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

4. PUBLIC HEARINGS

A. 149 Neck Road (35R-15)-DEP File # 333-813-City of Westfield DPW
Installation of a new administrative building.

Mr. Arthur Allen of EcoTech Inc., Ms. Lauren Frank and Ms. Alisha Mayer of Woodard and Curran are present representing the City of Westfield DPW.

Chairman Doe reads the legal language. Mr. Allen describes the site. He responds to DEP comments. Ms. Mayer the project which is the installation of a new administrative building within the 100-foot flood plain. They discuss the soils and the positioning of the building. The building will be built on piers. Mr. Allen feels that there is no need for compensatory storage because the piers and the vestibule of the elevator are considered a “de-minimus” increase in flood storage. The Commission asks for some calculations to back this up. The Commission asks for a site visit, to have the limit of work marked for the visit, to have any trees to be removed, marked and paperwork on the elevator’s flood ability. Chairman Doe asks if there are any comments from the Commission and the audience. No one unmutes.

Commissioner Grobe motions to continue to the Public Hearing until April 26, 2022 at 6:30 PM and is seconded by Commissioner Florek. AF-Yes, Cg-Yes, JM-Yes, TS-Yes, LD-Yes, RF-Yes, DD-Yes
The motion passes.

5. ENFORCEMENT

- A. 0 Bayberry Lane (46R-68)-Sergey Novenko-Removal of trees near an intermittent stream.
Mr. Ryan Nelson of RLA is present.

Consultant Leigh states that the Enforcement Order was issued. Mr. Nelson states that the site had been cleared and stumped. He states that it appears that silt fence was installed but not properly. He will contact the owner to let them know how to install properly. Mr. Nelson states that he has not seen any erosion leave the site. He states that RLA and the owner will assess the situation and decide how to file in the future. The Commission asks for a delineation and an existing conditions for the meeting of April 26th.

Vice Chairman Murphy motions that for the meeting of April 26, 2022 the site be stabilized, with hay bales and any other technology needed to stabilize the site and a delineation be presented and that May 10th a site restoration plan be presented to the Commission and is seconded by Commissioner Grobe. RF-Yes, JM-Yes, LD-Yes, TS-Yes, CG-Yes, AF-Yes, DD-Yes
The motion passes.

- B. 0 Bayberry Lane (46R-59 & 46R-60)-Samuel Shokov-Cutting trees and disturbing soils in or near a resource area.
Mr. Ryan Nelson of RLA is present.

Consultant Leigh states that the site has been partially cleared, she asks that the Commission issue an Enforcement Order. She states that Mr. Shokov states that he spoke to the former Coordinator and was told to move ahead with the project.

Commissioner Sharp motion to issue an Enforcement Order requiring:

- i. cease and desist
- ii. upon receipt of the order install erosion controls (silt fence and straw bales) around the perimeter of disturbance
- iii. hire an environmental consultant to delineate and submit a plan to the commission by April 26, 2022; and
- iv. all restoration under the order shall be completed by the end of the growing season of 2022 (October 31, 2022)

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

6. DISCUSSION-Nothing at this time.

7. OTHER ITEMS

A. Minutes of March 22, 2022.

Clerk Nunez states that she has not completed the minutes yet.

8. COMMISSION DISCUSSION

A. Regulations and Procedures Q & A

B. Motion to express interest in 1237 Russell Road (31R-6)

Commissioner Grobe motions to express the Commissions interest in conserving the property at 1237 Russell Road (31R-6) and is seconded by Commissioner Sharp. RF-Yes, JM-Yes, LD-Yes, TS-Yes, CG-Yes, AF-Yes, DD-Yes

The motion passes.

Chairman Doe welcomes the new Coordinator Anna Meassick.

9. MOTION TO ADJOURN

Commissioner Sharp motions to adjourn at 8:43 PM and is seconded by Commissioner Grobe. RF-Yes, JM-Yes, LD-Yes, TS-Yes, CG-Yes, AF-Yes, DD-Yes

Yes

The motion passes.

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