



# City of Westfield, Massachusetts

Municipal Conservation Commission



May 10, 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.

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.*

### A. CALL TO ORDER/ROLL CALL

Chairman Doe calls the meeting to order at 6:30 PM and takes attendance.

### B. OPEN PARTICIPATION

Chairman Doe asks if there are any audience members that would like to address anything not on the agenda. No one unmutes.

### C. PUBLIC MEETINGS

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

Chairman Doe asks Consultant Leigh to explain the site visits.

Karen Leigh explains they met with the Law Department and determined the limit of work is recorded in the deed and they are held to that, as to where they are allowed to put their septic system.

Vice Chairman Murphy inquires about the distance from the well head. Coordinator Meassick differs to the Health Department to address those concerns.

Coordinator Meassick explains that the property owner Angel Naula should have been disclosed of the permanent limit of work during the closing on the property. The applicant needs to consider other options. Coordinator Meassick reads an email from Attorney Meghan Bristol concerning the legality of the limit of work.

Commissioner Sharp mentions the current state of the property has been disturbed and must be stabilized. Current erosion control measures have fallen.

Vice Chairman Murphy discusses a continuation of an RDA and an enforcement to stabilize the site. There is a consensus among the Commissioners.

Commissioner Sharps makes and motion to continue the meeting in two weeks. Commissioner Grobe seconds and amends the motion to have Coordinator Meassick reach out to the applicant to explain the current stage of the applicant. Commissioner Sharp accepts the amendment. JM-Yes, LD-Yes, AF-Yes, RB-Yes, TS-Yes, DD-Yes  
The motion passes.

Commissioner Grobe motions to issue an enforcement order asking cease and desist, along with hay bales and silt fence to be put up along the property. Commissioner Florek amends to stabilize the site. Commissioner Sharp amends to remain off the part of the property that is disturbed and remain within the building envelope. Vice Chairman Murphy amends hay bales to straw bales. Vice Chairman Murphy seconds. JM-Yes, LD-Yes, CG-yes, AF-Yes, RB-Yes, TS-Yes, DD-Yes  
The motion passes.

B. 291 East Main Street (28R-12)-Friendly's Restaurants-Repaving existing parking lot and construction of a hardscape patio.

Mike Zwilling is present on behalf of Friendly's. He has provided a pre and post survey of the site and a flood emergency evacuation report. The plan now has removable bollards instead of fencing. Chairman Doe tells Mr. Zwilling that the City Engineer has recently retire and he will need a new contact.

Commissioner Grobe motions to close the public meeting. Vice Chairman Murphy seconds. JM-Yes, RF-Yes, CG-Yes, TS-Yes, LD-Yes, AF-Yes, DD-Yes  
The motion passes.

Vice Chairman Murphy motions for a negative 3 with no materials generated from the project will remain on site and upon completion of construction there shall be no changes in elevation to the BLSF and a positive 5 with no NOI required. Commissioner Grobe seconds. JM-Yes, RF-Yes, CG-Yes, TS-Yes, LD-Yes, AF-Yes, DD-Yes  
The motion passes.

- C. 1515 Granville Road (20R-2)- Springfield Water and Sewer Commission-Removal of trees

***Commissioner Fagnand recuses himself.***

Nicole Sanford is present on behalf of Springfield Water and Sewer Commission.

Chairman Doe inquires on the site visit. Commissioner Grobe speaks on the trees that definitely need to be removed as they pose a hazard and the discussion of replacing the removed trees with shrubs to stabilize. Commissioner DiCarlo speaks of the invasive species and inquires if those would be addressed as well. Consultant Leigh expresses that all but one tree is to be removed, with mitigation. Commissioner Sharp mentions the use of the Tree Replacement Policy and if it can be applied to the project. Commissioner Grobe would prefer shrubs to trees in order to prevent future hazards.

Commissioner Grobe motions to close the public meeting. Commissioner DiCarlo seconds. JM-yes, RF-yes, CG-yes, LD-yes, TS-yes, DD-yes  
The motion passes.

Commissioner Sharp motions permission to start cutting with a negative 3 with a plan submitted of 30-50 wetland plant species and an invasive species management piece for approval by the Commission prior to any work starting and a positive 5 with no NOI required. Vice Chairman Murphy amends the plan to include a variety of wetland plant species. Vice Chairman Murphy seconds. CG-yes, RF-yes, TS-yes, JM-yes, LD-yes, DD-yes  
The motion passes.

***Commissioner Fagnand returns.***

- D. 57 Jessie Lane (4R-140)- Catherine and James Pelletier - Replacement of septic system

Chairman Doe reads the legal language.

Chairman Doe asks about a site visit. Coordinator Meassick explains the site is flat and provides the site plan. Vice Chairman Murphy asks which part is being replaced. Coordinator Meassick states the leach field and explains that have to file as according to the MWPA, but not the Ordinance.

James Pelletier explains that there is erosion control mapped on the site plan, and it is confirmed.

Vice Chairman Murphy motions to close the public meeting. Commissioner Grobe seconds. JM-yes, RS-yes, CG-yes, AF-yes, RF-yes, LD-yes, DD-yes  
The motion passes.

Commissioner Grobe motions to allow the replacement with negative 3, the installation of erosion control of silt fence and straw bales approved by the Coordinator prior to construction, stabilized soils and 75% regrowth post construction prior to removal of erosion control, positive 5 with no NOI required. Commissioner Sharp seconds. RF-yes, LD-yes, JM-yes, TS-yes, AF-yes, CG-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.

Arthur Allen from EcoTech and Laruen Frank and Alicia Mayer from Woodard and Curran are present on behalf of DPW.

Coordinator Meassick acknowledges receiving the documents on updated plans. Mr. Allen explains the additional information requested including compensatory storage located up the road from the site location and invasive species management near the building. Ms. Frank explains how the elevator will take on water. Ms. Mayer explains how they calculated the volume required for compensatory storage, how it is double that required, and why they chose the proposed location for the compensatory storage. Consultant Leigh expresses concerns about invasive species management within only 50 feet of the site and it should be to a larger extent. There is questions on licensing to use systemic herbicides to control invasive. Commissioner Florek recommends extending the area of management to 100 feet and cut invasive at the base of the stem, rather than using herbicides.

Commissioner Grobe motions to close the public hearing. Vice Chairman Murphy seconds. TS-yes, LD-yes, JM-yes, RF-yes, CG-yes, AF-yes, DD-yes  
The motion passes.

There is review of which Special Conditions shall be applied.

Commissioner Sharp motions to approve the project with special conditions.  
Commissioner Grobe seconds. TS-yes, JM-yes, CG-yes, AF-yes, LD-yes, RF-yes, DD-yes  
The motion passes.

B. 0 Southampton Road (70R-8) - DEP File # 333-814 Ryan Geeleher/Geeleher Enterprises -  
Installation of a new self-storage building

Ryan Nelson of RLA is present to represent Ryan Geeleher

There is discussion of the site visit attended by Chairman Doe, Commissioners DiCarlo and Grobe, Coordinator Meassick, and Consultant Leigh.

Mr. Nelson explains all construction is outside the 50 foot buffer zone, they have addressed all the Planning Board comments, the City Engineer had no comments, and submitted the wetland determination data form. No further updates or changes since the last meeting

Commissioner Sharp inquires to the application of the new Tree Policy. Mr. Nelson is unaware of any such policy. Commissioner Grobe has concerns over how close the buildings are to the 50 foot zone as well as the unmarked stream on the western side of the property. Mr. Nelson explains that there is a fence around the entire site and no work will occur outside of the fence, which is the permanent limit of work. Vice Chairman Murphy inquires to the groundwater level. Mr. Nelson states it is at about 20-30 inches below the basin.

There is brief discussion on former vernal pools on the site, but none currently remain.

Vice Chairman Murphy asks about hydrostatic pressure and how moving water elsewhere will impact the wetlands. Mr. Nelson believes that the buildings will not have an impact on pressure and all storm water will drain to the detention basin then meter out the flow to the same area, with no redirection of water.

Vice Chairman Murphy inquires about history for the parcel. Coordinator Meassick explains that it is no longer protected habitat, Arm Brook is intermittent. Consultant Leigh inquires about the amount of fill to be brought in. Mr. Nelson answers that material will be cut on the west side of the site and used to fill the east side, the eastern side will have a cut slope of 7 feet with riprap on a 1 ½ to 1 slope.

Consultant Leigh asks about maintenance of the facility. Mr. Nelson is unsure of the policies. Commissioner Sharp inquires about wetland signs. Mr. Nelson is not opposed to such. Commissioner Florek asks about a snow removal plan and deicing. There is no specific snow areas designated. There is concern it may end up in the basin or outside the fence and into the 50 foot zone or brook. Chairman Doe has concerns over the discharge from the detention basin being to one spot, and not distributed to the entirety of the wetland, potentially effecting other parts of the wetland. Mr. Nelson states that the water has a metered outflow from the basin into the wetland.

Mr. Nelson explains the entire site was delineated as part of the project for potential future use and approval now. Chairman Doe states the delineations are accurate. Vice Chairman Murphy asks for Mr. Nelson to come back with how the owner will address the impact to the wetlands.

The Commission briefly discusses appealing USGS's determination of Arm Brook as intermittent. Commissioner Grobe expressing concern for the unnamed brook on the western side of the site. Mr. Nelson did not map it because it is already within the buffer zone of the BVW.

Chairman Doe opens comments and questions to the public. Mary Ann Babinski speaks her concerns and that of the general public, and the site is so close to Arm Brook that anything can flow to the resource water protection zone. She wants the Commission to continue the hearing as Arm Brook is not intermittent and we need to know when and why it changed. Coordinator Meassick states concerns of something blocking Arm Brook to consider it intermittent.

Commissioner Fagnand motions to continue the hearing until May 24, 2022.  
Commissioner Grobe seconds. JM=yes, AF=yes, RF=yes, LD=yes, TS=yes, CG=yes, DD=yes  
The motion passes.

C. 231 East Main Street (28R-10)- Brixmor SPE 6 LLC - Proposal for building a drive-thru restaurant

Chairman Doe reads the legal language.

Ryan Nelson is present to represent Brixmor. He explains the proposed site plans. Compensatory storage is already located offsite from the Order of Conditions in DEP file #333-0796. Commissioner Sharp asks for clarification on improvement of drainage in the lot. Mr. Nelson details the runoff. Vice Chairman Murphy asks what flood event the roof is designed for. Mr. Nelson states it is for the 100 year storm scenario and runoff will be better under constructed conditions. No comments have yet be received from Engineering or DEP. A site visit is required.

Commissioner Sharp motions to continue until May 24, 2022. Commissioner Fagnand seconds. CG=yes, JM=yes, TS=yes, AF=yes, RF=yes, LD=yes, DD=yes

5. ENFORCEMENT

A. 33 Castle Hill Rd Willard and Patricia Kopatz- Filling of wetland and working within 100-foot Buffer Zone

Mr. Kopatz is present, but connection to the call is unreliable.

Chairman Doe asks for an update from the most recent site visit. Vice Chairman Murphy, Commissioner Sharp, and Commissioner Grobe and Coordinator Meassick were in attendance at the site on 5/6/22. During the site visit, Coordinator Meassick requested Mr. Kopatz submit a written proposal and plans. She reads the proposal and explains the submitted plans. Vice Chairman Murphy notes the information provided is what was described at the site visit. Mr. Kopatz speaks up to say that he can have the restoration completed by the next meeting. Vice Chairman Murphy states that the plans make sense and should suffice. Commissioner Grobe states that it is best to get the slope repaired sooner rather than later.

Commissioner Grobe motions to let Mr. Kopatz try and repair the site on his own using the proposed plan and the Coordinator or Commission checks in next month.  
Commissioner Sharp seconds. CG-yes, JM-yes, TS-yes, AF-yes, LD-yes, RF-yes, DD-yes  
The motion passes

B. 0 Bayberry Lane (46R-68)-Sergey Novenko-Removal of trees near an intermittent stream.

Mr. Novenko and Mr. Ryan Nelson of RLA is present.

Mr. Nelson displays the delineation. Chairman Doe discusses the site visit on 5/9/22 showed stagnant water and an oily substance across the site and if the delineation is accurate due to the current status of the site. Site visit scheduled with Mary Grover from DEP, RLA, and the Commission scheduled for 5/11/22 to review the property. Mr. Novenko states that he received the enforcement order after the stumps were removed, that Greensite Tree Service took down more trees as written in the contract, and that he was not aware of wetlands based upon GIS and review from RLA prior to construction. Chairman Doe expresses concerns over restoration.

Commissioner Sharp motions to continue until May 24, 2022. Commissioner Grobe seconds. JM-yes, TS-yes, CG-yes, RF-yes, LD-yes, AF-yes, DD-yes.  
The motion passes

C. 0 Bayberry Lane (46R-59 & 46R-60)-Samuel Shokov-Cutting trees and disturbing soils in or near a resource area.

Mr. Samuel Shokov and Mr. Ryan Nelson of RLA is present.

Mr. Nelson explains the delineation, plans for restoration, and that they would be coming forward with an NOI shortly. Chairman Doe expresses concern over the seep in the delineation. Mr. Nelson determined that it is not part of the delineation. Chairman Doe asks where the house will go. Mr. Nelson indicates to the location, outside the 50 foot Buffer Zone.

Consultant Leigh recommends restoration up to the 50 foot line and then handling future development in future filing. Coordinator Meassick reminds the Commission the EO requires a restoration plan by the May 24, 2022 meeting. Commissioner Grobe mentions extending the restoration to 100 feet. Mr. Nelson states that it would be counterproductive as the construction of the home would require that to be torn up. Consultant Leigh asks if the Commission wants signage and Vice Chairman Murphy agrees. Chairman Doe states that there should be one sign every 50 feet. Vice Chairman Murphy states 6 signs should do and Commissioner Sharp agrees.

Commissioner Sharp motions to issue a second letter stating that the restoration will begin within the 50 foot buffer, there should be signs along the 60 foot buffer and that no additional activity occurs until approved. Commissioner Grobe seconds. RF-yes, JM-yes, TS-yes, CG-yes, LD-yes, AF-yes, DD-yes  
The motion passes.

- D. 62 South Meadow Road (28R-43) – Anatoliy and Valentyna Danyuk - Large dirt piles in flood zone

Coordinator Meassick states the soil piles look like they have either been removed or spread and reseeded. Being that there was no additional info on the site, the Commission cannot assume the soil was removed or dispersed.

Commissioner Sharp motions to end the enforcement order. Commissioner Grobe seconds. RF-yes, TS-yes, JM-yes, LD-yes, CG-yes, AF-yes, DD-yes  
The motion passes.

- E. 300 Union Street (35R-22) – Custom Railing/Armand Cote- Filling of wetland and clearing trees  
Ryan Nelson from RLA represents the applicant.

The enforcement was issued over the winter time and they are working on evaluating the applicants options and if compensatory storage is available or to just restore the site.

Commissioner Sharp motions to continue until the next meeting. Vice Chairman Murphy seconds. JM-yes, TS-yes, RF-yes, CG-yes, LD-yes, AF-yes, DD-yes  
The motion passes.

## 6. COMMISSION DISCUSSION

- A. Regulations & Procedures Q & A

- B. 240 Union Street Request for extension of OOC

### ***Commissioner Fagnand recuses himself***

Melissa Cody from Tighe and Bond is present on behalf of the City of Westfield. She states the committee is ready to continue and are looking to get ahead of the extension deadline.

Commissioner Sharp motions to extend the project 333-779 for the requested 3 years. Commissioner Grobe seconds. RF-yes, JM-yes, CG-yes, TS-yes, LD-yes, DD-yes  
The motion passes.

### ***Commissioner Fagnand returns***

- C. Potential violation: 291 Loomis Street

Coordinator Meassick states she issued them a violation letter on 5/10/22 for cease and desist and violation of clear cutting in the NOI zone and potentially back to Munns Brook in the riverbank without a permit. She states to leave it with a letter for now until hearing back from the home owners.

D. Potential violation: 395 North Road

Coordinator Meassick states that it is not a real address. She drove down North Road and found no violation on such property. Vice Chairman Murphy confirms the address is not there. The Commission has a consensus to let go of the potential violation.

E. Signature Authority Contract

Coordinator Meassick states she needs the Commissioner's to sign a document acknowledging that she can sign paperwork on behalf of the Commission. The Commissioners decide to stop into the Conservation Office over the week to sign.

F. Returning to in-person meetings or remaining on Zoom

The Commission wishes to remain on Zoom for meetings until July for now. Vice Chairman Murphy expresses he would like to return to in person meetings but understand that not everyone is comfortable.

7. MOTION TO ADJOURN

Commissioner Fagnand motions to adjourn at 10:02 PM and is seconded by Commissioner Grobe. JM-yes, RF-yes, TS-yes, CG-yes, LD-yes, AF-yes, DD-yes  
The motion passes.

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A true record, Attest:  
Anna Meassick  
Westfield Conservation Coordinator