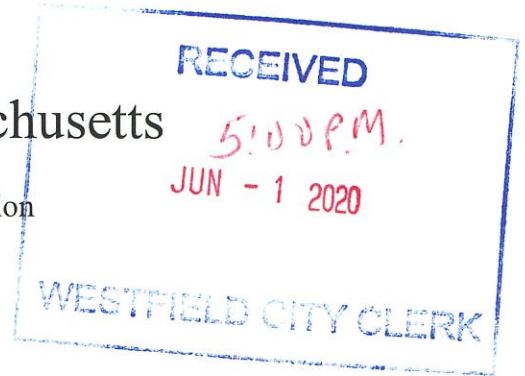




City of Westfield, Massachusetts

Municipal Conservation Commission

May 12, 2020
MEETING MINUTES



Conservation Commission members in attendance: Chairman David Doe, Vice Chairman James Murphy, Thomas Sharp, Carl Grobe, Alex Fagnand and Robert Florek. Also in attendance: Meredith Borenstein, Conservation Coordinator and Colleen Fegan-Nunez, Administrative Assistant.

Pursuant to Governor Baker's March 12, 2020 Emergency Order suspending certain provisions of the open meeting law as well as the additional Order by the Governor limiting the number of persons gathering in one place, this meeting of the City of Westfield Conservation Commission is being conducted solely through remote participation. Please know that persons who wish to listen to the meeting in progress can do so by tuning into Channel 15. If, despite our best efforts, we are unable to provide for real time access, a record of this meeting will be posted on the city's website as soon as possible.

1. CALL TO ORDER

Chairman Doe calls the meeting to order at 6:30 pm. He takes attendance. All Commission members are present except for Commissioner Laraway.

2. OPEN PARTICIPATION

A. 150 Sackett Road (13R-60-4)-Vitalii Ievdoshenko Potential tree cutting in BVW

Coordinator Borenstein states that she and Commissioner Florek were able to see, from a neighbors' property, that there has been some potential tree cutting in wetland. She states that Skunk Cabbage was visible. She asks if a letter would be appropriate. Coordinator Borenstein states that she would like a more comprehensive site visit. She states that looking at it from the neighbors' property makes it difficult to assess the damage. Commissioner Sharp states that a letter would be appropriate in this case. Chairman Doe asks how close she and Commissioner Florek were. She states that they were about 500 feet away. Commissioner Florek states that the owner of the property that they were on, stated that the homeowner is consistently cutting in the area.

Vice Chairman Murphy motions to issue a letter to the homeowner and is second by Commissioner Grobe. RF-Yes, JM-Yes, CG-Yes, AF-Yes, TS-Yes

B. 160 Sackett Road (13R-58-2)-Mary and Roy Lemire

New septic system installed in Buffer Zone with no permit.

Coordinator Borenstein states that while she was looking at the other property she noticed that a new septic system had been installed. There were no erosion controls installed and sediment was entering the BVW. Coordinator Borenstein asks if a letter would go to the homeowner or the contractor. Chairman Doe states that the landowner is responsible for anything that occurs on their property. Chairman Doe asks if there is some way that the Commission would need to sign off on every septic system that is installed or if the Health Department can notify the Coordinator of every septic system that is to be installed. Coordinator Borenstein states that she will follow up on this.

Commissioner Sharp motions to issue a letter to the homeowner and is second by Commissioner Grobe. RF-Yes, JM-Yes, CG-Yes, AF-Yes, TS-Yes

C. 0 Susan Drive/0 East Mountain Road (59R-30/59R-9)-Louis and Irene Scarfo
Potential replacement of two culverts on cell tower road and dumping in the Buffer Zone.

Coordinator Borenstein states that this appears to be an old road that crosses Barry Brook. She states that there was a report that new culverts were installed without a permit. Vice Chairman Murphy states that because the work is directly in the resource area and permit should have been filed. Chairman Doe states that a letter should be sent to them also. Commissioner Fagnand states that it appears that there is a cell phone tower on the road and he believes that a permit should have been filed. Coordinator Borenstein states that she and Clerk Nunez looked through our files and we were unable to find any permits. Clerk Nunez states that she is unsure as to who owns the tower so she is unsure of where to look. Vice Chairman Murphy asks if NHESP had a filing for it. Coordinator Borenstein states that NHESP asked her if we had permitted it because they did not have a filing for the road or the culverts. Vice Chairman Murphy asks if it is a public or private road. Coordinator Borenstein states that it is a private road. She states that there is a lot of dumping going on up there. She would like a site visit to further assess the situation on this property.

Commissioner Grobe motions to issue a letter to the homeowner and is second by Vice Chairman Murphy. RF-Yes, JM-Yes, CG-Yes, AF-Yes, TS-Yes

D. Shaker Road off the bike path

Potential clearing of vegetation in the Buffer Zone.

Coordinator Borenstein states that she walked the bike path yesterday (5/11). She states that she did not see any recent cutting but that she did see some woody debris piled up between two wetland. Vice Chairman Murphy states that he is not sure who is responsible for this site. Coordinator Borenstein states that she believes that she has found the responsible party. Vice Chairman Murphy states that Coordinator

Borenstein should speak to Mark Cressotti before sending the letter to find out who is responsible. Commissioner Fagnand checks the City GIS and it appears to be a homeowner.

Commissioner Fagnand motions to issue a letter to the homeowner and is second by Commissioner Grobe. RF-Yes, JM-Yes, CG-Yes, AF-Yes, TS-Yes

3. ENFORCEMENT

A. 1223 East Mountain Road-Mark and Chris Dupuis Working without a permit

Coordinator Borenstein states that she was able to do a site visit on 5/11/2020 she was accompanied by Vice Chairman Murphy, Commissioner Sharp and Commissioner Florek. She states that they walked the Beehive West trail. She states that she did not see any wetlands but they did see an old dumping area that appeared to be from the forties fifties or sixties and some old perc tests. She states that they walked all the way to the property line where the gate was installed. Coordinator Borenstein states that there was minimal disturbance from the gate installation. Vice Chairman Murphy states that they did not go beyond that gate because of the land dispute. Coordinator Borenstein states that they walked up the newly installed road and that it is quite steep. Coordinator Borenstein states that they stopped at the stream crossing and noticed sediment piled about a foot high on the base of an Oak tree alongside the road. She states that now that the site is stabilized no more work can be done on the property per NHESP. Vice Chairman Murphy states that the sediment should be removed so that the Oak is not damaged. Commissioner Florek believe that that tree is stabilizing that whole edge of the bank at that point so if the tree were to fall over it would disturb the whole bank and cause a lot of sedimentation into the brook. Vice Chairman Murphy states that about 18 inches away from the tree can be cleared to create a well around it. Commissioner Florek states that it can be done by hand. Chairman Doe asks how close it is to the brook. Commissioner Florek states that it is right next to it. Commissioner Sharp suggests contacting the Consultant and allowing them to decide how much sediment should be removed. Chairman Doe states that the consultant should be told that the Commission is concerned that the tree will die. Chairman Doe asks if they walked to the restoration area. Coordinator Borenstein states that there are many stumps in the Buffer Zone and that a lot of trees, shrubs and ferns were planted. Coordinator Borenstein states that the landowner is switching consultants and she hopes that the scope of the monitoring is communicated to the new consultant. She states that she will forward the resume of the new consultant to the Commission. Commissioner Sharp states that the current consultant spoke highly of the new consultant. Chairman Doe states that when the new consultant is on board Coordinator Borenstein should contact him and discuss what the Commission expects. Vice Chairman Murphy was happy with how the restoration area looks. He states that there were more stumps then he expected. Commissioner Sharp states that it does look ugly at this point but that the stumps will rot. He states that he did see some frogs hopping around. Coordinator Borenstein states that the stumps provide

rodent habitat that will attract the protected species. Vice Chairman Murphy asks if NHESP is keeping her updated on the dialogue that the occurring with the landowners. Coordinator Borenstein states that they are. She states that she asked if the Hemp Farm was still on the table. Mr. Dupuis stated that he is unsure of that at this point. Commissioner Sharp states that even if NHESP states that all is well on the property that the City of Westfield still has a Cease and Desist order on the property. Commissioner Murphy states that some white piping will be added to the chains. Vice Chairman Murphy states that the landowner is still working with the Fire Department and the Planning Board to determine what the issues with the crossing are. Coordinator Borenstein states that it appears that everything that should have been done on the site has been done as far as the Commission is concerned and that the site is stable. There have been very few complaints from the Susan Drive neighbors but there have been complaints from the neighbors about the Right of Ways. Vice Chairman Murphy states that the mulch pile that needs to be removed is still there. Coordinator Borenstein states that no work can be done on the property as of May 1st without a monitor present or a snake protection plan in place. She states that she does not expect any more work to be done until the fall.

- B. 312 Montgomery Road (48R-75)-Stefan Paladi
Cutting trees within the 100 foot Buffer Zone (BZ).

Coordinator Borenstein states that she is waiting for the landowner to stake out the leach field for the septic system and then she needs to do a site visit.

Commissioner Sharp motions to continue until May 26, 2020 at 6:30 PM and is second by Commissioner Fagnand. RF-Yes, JM-Yes, CG-Yes, AF-Yes, TS-Yes

- C. 0 Russellville Road (67R-33)-Sergey and Anna Kafanov-DEP File #333-772
Complaint from neighbor/letter from ZENgineer Civil Engineering

Coordinator Borenstein states that the EPA and Mass DEP have also contacted her regarding this site. She states that she and Ryan Nelson, the Consultant, did a timeline about everything that has happened on this property. Chairman Doe states that any time he had been on this property, he has not seen any evidence of sediment going into the brook. Coordinator Borenstein state that she has not seen any either. Mr. Nelson states that he has seen no run-off. Chairman Doe asks if the sedimentation could be coming from further upstream. Coordinator Borenstein states that it could be, but in the photos, the water was very brown and appeared to be tannin laden. She states that she walked as far as she could up the stream and still saw no sedimentation into the stream. She states that she will do another site visit to ensure that the site is still stable. She notes that there is still a Cease and Desist on this property. Commissioner Sharp states that when he visited he did not see any sedimentation leaving this site.

D. 60 Lewis Road (65R-30)-Sergiy Suprunchuk
Clearing in the Buffer Zone to Buck Pond

Coordinator Borenstein states that she took photos from across the pond and it looks like the hillside down to the pond has been cleared. She states that it is a new landowner. Chairman Doe states that a letter should be sent in order to get a site visit.

Commissioner Grobe motions to issue a letter to the home owner and is second by Vice Chairman Murphy. RF-Yes, JM-Yes, CG-Yes, AF-Yes, TS-Yes

4. DISCUSSION

Commissioner Murphy states that the new Big Y convenience store does not have a gasoline storage permit as of yet. He is concerned that no permit will be issued and work has already began. He would like Coordinator Borenstein to bring this up at the next round table meeting. Commissioner Fagnand states that he feels that the issue is more a monetary issue for Big Y. He states that if the permit is not approved, the site will have to be returned to the way it was.

5. OTHER ITEMS

A. Minutes of April 14, 2020 and April 28, 2020.

Commissioner Sharp states that his name was spelled incorrectly.

Vice Chairman Murphy motions to approve the minutes of April 14, 2020 after Commissioner Sharps name is corrected and is second by Commissioner Grobe. RF-Yes, JM-Yes, AF-Yes, TS-Yes, CG-Yes,

Commissioner Sharp states that he would like the statement about it being a virtual meeting added.

Commissioner Fagnand motions to approve the minutes of April 28, 2020 after the virtual meeting statement is added and is second by Vice Chairman Murphy. RF-Yes, JM-Yes, CG-Yes, AF-Yes, TS-Yes

B. Discuss the possibility of remote public meetings starting May 26, 2020.

Chairman Doe states that RDAs can be discussed without public comment. Coordinator Borenstein states that having RDA hearings would be ok. Commissioner Fagnand is in favor of this. Commissioner Sharp is against it. Commissioner Fagnand states that he feels that all of the projects cannot be held up in Westfield. He states that we could be using this format for quite a while. He states that he does not want to silence the public but the RDA is only asking if we have jurisdiction over a project. Commissioner Sharp asks if there is a way for the public to join the Zoom meeting. Vice Chairman Murphy agrees. He ensures that Coordinator Borenstein is

able to present plans. She states that she can. Coordinator Borenstein states that she wants the public to communicate with the Commission. Mr. Peter Cowles of the control room states that this is possible. Vice Chairman Murphy asks who would be in control of the phone calls. Mr. Cowles states that the call would go to the waiting room and then the person would identify themselves and then be renamed on the screen. The Commission decides to entertain two RDAs in the next meeting.

Coordinator Borenstein asks if a RDA or NOI is necessary for new docks. Vice Chairman Murphy states that as long as it is a floating dock a RDA is acceptable.

6. MOTION TO ADJOURN

Commissioner Fagnand motions to adjourn the meeting at 8:11 PM and is second by Vice Chairman Murphy. RF-Yes, JM-Yes, AF-Yes, TS-Yes, CG-Yes

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

APPROVED