



City of Westfield, Massachusetts

Municipal Conservation Commission

May 24, 2022

REMOTE MEETING MINUTES



Conservation Commission members in attendance: Chairman David Doe (DD), Vice Chairman Jim Murphy (JM), Thomas Sharp (TS), Carl Grobe (CG), 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. 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.*

A. CALL TO ORDER/ROLL CALL

Chairman Doe calls the meeting to order at 6:30 PM and takes attendance. Commissioner Fagnand is not in attendance.

B. OPEN PARTICIPATION

Chairman Doe asks if there are any audience members that would like to address anything not on the agenda.

John Beltrandi speaks on the tree replacement policy. He has concerns as a member of the public and a developer that it is extreme and a bit of an over reach. He wants to Commission to take another look at the policy. Chairman Doe responds that this is on the agenda under section 8.

Commissioner Florek loses connection to the meeting

C. PUBLIC MEETINGS

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

Oscar Naula is present

Chairman Doe asks Coordinator Meassick for an update. Coordinator Meassick states it is illegal to build outside the building envelope, reached out to Mr. Naula to explain the situation, and that we left the RDA open so he could come back with new plans.

Mr. Naula states he was unaware of the building envelope and the engineer gave him the option of a tight tank which would have to be cleaned every week and he doesn't wish to do that. Chairman Doe reiterates that the building envelope means that he is limited to work from the previous enforcement. Coordinator Meassick informs the Commission that Mr. Naula's contractor was sent a copy of the Deed and that Angel Naula, the property owner, should have been informed of this by their closing attorney. Oscar says that he cannot contact his brother.

Chairman Doe asks the current status. Mr. Naula said he will work with the same consultant to develop a new plan, but he doesn't like the option he has and it is unfair that he cannot use the land he owns.

Vice Chairman Murphy asks for clarification. Mr. Naula states that he is going to keep the plans the same. Coordinator Meassick states again that his current plans are illegal and would result in penalties.

Commissioner Grobe motions to continue. Vice Chair Murphy seconds. JM-yes, CG-yes, TS-yes, LD-yes, DD-yes
The motion passes.

Commissioner Florek reconnects to the meeting

PUBLIC HEARINGS

- A. 0 Southampton Road (70R-8) - DEP File # 333-814 Ryan Geeleher/Geeleher Enterprises -
Installation of a new self-storage building
Rob Levesque and Ryan Geeleher are present

Chairman Doe asks for updates.

Coordinator Meassick states that she spoke with Mary Grover about the classification of Arm Brook as intermittent and it was determined that the brook does not meet the standards to be considered intermittent, all work is outside the 50 foot buffer zone, she met with Rob Levesque about the tree policy, and the Commission was looking for information on tree policy, snow removal, runoff, and hydrostatic pressure.

Levesque inquires if the items should be taken out of order on the agenda until after discussion of the tree policy. It is determined that the tree policy discussion shall not be about this project specifically and more generalize. The agenda remains in order.

Mr. Levesque explains the site plans to address the Commission's concerns and the project meets all of DEP's standards. Commissioner Sharp inquires on the metered flow of water out of the detention basin. Mr. Levesque explains there is no need to worry about changing the hydrology of the wetland. On hydrostatic pressure, Mr. Levesque says that ground water is 9 feet below the surface of the building so there is no concerns on increasing hydrostatic pressure. Mr. Levesque explains the layout of the detention basin, fore bay, and metered output.

On snow removal, he explains that snow will have to be brought offsite during the winter and recommends a snow removal plan in the Order of Conditions, and deicing methods will adhere to that which the city uses but they are open to whatever deems appropriate.

On storage of chemicals the Commission requested a defined list of forbidden storage materials to be in the lease. Consultant Leigh asks if they should install no dumping signs and a barrier to keep items from being shoved into the wetland.

Chairman Doe requests that the plans be updated with what Consultant Leigh mentioned and the lease be specified prior to closing the hearing. The tree policy is briefly discussed on its application to the project.

Mary-Ann Babinski provides her input as to how the public is very against the proposal. Coordinator Meassick reads a letter from Barbara Rokosz with concerns about the Pioneer Valley Project walking the waterway from Northampton to New Haven and if Arm Brook is part of the waterway. Coordinator Meassick states she will reach out to the project coordinator and request more information.

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

- B. 231 East Main Street (28R-10)- DEP File # 333-816 - Brixmor SPE 6 LLC Proposal:
Building a drive-thru restaurant
Rob Levesque and Marc Newman are in attendance to represent the project.

Chairman Doe asks for an update. Coordinator Meassick states that there was no site visit because the location is a paved lot. Response to comments from DEP were received on 5/24/22. Mr. Levesque explains the proposal. Chairman Doe inquires to the snow removal. Mr. Levesque states the owners of the lot will have to find a different location for snow storage. Vice Chair Murphy asks how much compensatory storage remains for future projects. Mr. Levesque states there is a lot remaining and more can be created as needed. There were no comments from engineering.

Mr. Newman speaks up to represent Brixmor. He requests that the Commission closes the hearing tonight and issue the permit so that they do not have to work further into the late fall/early winter season if the proposal is pushed back again.

Consultant Leigh wants the documentation of the compensatory storage in all projects, past and future. This will be recorded in the Order of Conditions for this project, tying it back to the previous amendment to DEP File #333-796. Mr. Levesque states that they will need to provide “as built information” when applying for their Certificate of Compliance. Commissioner Florek inquires about outdoor dining. There will be none.

Commissioner Sharp motions to close the meeting. Commissioner Grobe seconds. RF-yes, TS-yes, JM-yes, CG-yes, LD-yes, DD-yes

Vice Chair Murphy motions to approve the Order of Conditions as written. Commissioner Grobe seconds. JM-yes, CG-yes, LD-yes, RF-yes, TS-yes, DD-yes
The motion passes.

Vice Chairman Murphy leaves the room

5. ENFORCEMENT

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

A request for extension was asked for.

Commissioner Sharp motions for extension. Commissioner Florek seconds. LD-yes, CG-yes, RF-yes, TS-yes, DD-yes
The motion passes.

Vice Chairman Murphy returns

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

A request for extension was asked for

Commissioner Sharp motions for extension. Commissioner Florek seconds. LD-yes, CG-yes, RF-yes, TS-yes, JM-yes, DD-yes
The motion passes.

C. 300 Union Street (35R-22) – Custom Railing/Armand Cote- Filling of wetland and clearing trees

A request for extension was asked for.

Commissioner Florek motions for extension. Commissioner DiCarlo seconds. LD-yes, CG-yes, RF-yes, TS-yes, JM-yes, DD-yes
The motion passes.

- D. 240 Russellville Road – Oscar Naula – Violation: Working outside the permanent limit of work

Mr. Naula has left the meeting. Coordinator Meassick states that she is unsure if Mr. Naula has received the enforcement order. Commissioner Sharp questions if Angel Naula should receive the enforcement being the property owner. Vice Chair Murphy agrees.

Commissioner Grobe motions to continue. Vice Chairman Murphy seconds. LD-yes, CG-yes, TS-yes, RF-yes, JM-yes, DD-yes
The motion passes.

- E. 291 Loomis Street (12R-18) – Kristen and Stephen Sgroi - Violation: Clear cutting trees without a permit and potentially in the 200 foot riverbank area

Coordinator Meassick states that she is unaware if the Sgrois received the letter. Commissioner Sharp recommends either sending another certified letter or hand delivery with help from the police department.

Commissioner Florek motions to continue. Commissioner Sharp seconds with an amendment to notify the Sgroi via hand delivery. Commissioner Florek accepts the amendment. LD-yes, CG-yes, RF-yes, TS-yes, JM-yes, DD-yes
The motion passes.

- F. 33 First Street (278-17) – Jeanette Peretti - Violation: Noncompliance with OOC issued January 21, 2021

Coordinator Meassick states that the construction has completed without following several conditions of the Order. She is unaware if Ms. Peretti received the violation letter. There is discussion on if the Commission should issue fines for breaking the Order. Consultant Leigh says that an enforcement order should be issued.

Commissioner Grobe motions to issue an enforcement to cease and desist, hire a consultant to show compliance with the Order, contact the Coordinator immediately and attend the next meeting. Commissioner Sharp seconds. LD-yes, CG-yes, TS-yes, RF-yes, JM-yes, DD-yes
The motion passes.

6. CERTIFICATE OF COMPLIANCE

- A. 39 Pequot Point Road (280-58) – Lee and Erin Masters
Lee Masters is present to represent the property

Coordinator Meassick explains the site visit and that there is no longer a slope, and the Masters would like to know if other vegetation would be required.

Mr. Masters explains that they thought there would be a slope, but the ground level was higher than intended so the wall is level. Chairman Doe inquires to further planting. Mr. Masters has planted several native plants and ornamental grasses. The Order did not specify the number of plants required. Coordinator Meassick recommends the erosion control be removed and the oak sapling should be relocated.

Consultant Leigh asks for Form 8A and as built plans with a letter stating that the wall was built to the plans. Coordinator Meassick only has Form 8A. We need the additional information to approve the Certificate of Compliance.

Commissioner Sharp motions to no longer require vegetation as the slope does not exist, remove the erosion control from the site, and continue to the next meeting. Commissioner Grobe seconds. LD-yes, CG-yes, RF-yes, TS-yes, JM-yes, DD-yes
The motion passes.

B. 109 North Road (67R-60-1A)

Coordinator Meassick states that upon the site visit, there was hydroseed but no regrowth and mulch had been distributed across the slope causing some instability and concerns of erosion of the mulch into the wetland. The signs have been put into place marking the wetlands. There is no notice in the plan of the spread that will be put over the slope. Chairman Doe states that there was originally intentioned to grass the slope. Coordinator Meassick states the Order is not specific as to what has to be used to stabilize. Consultant Leigh asks how close the slope is to the wetland. Coordinator Meassick states the nearest point is the 50ft buffer.

Commissioner Sharp motions to communicate to the applicant more information is needed to issue the Certificate of Compliance and the slope needs to be vegetated prior to the Certificate of Compliance issued and a proper submission of Form 8A. Commissioner Grobe seconds. TS-yes, JM-yes, CG-yes, RF-yes, LD-yes, DD-yes
The motion passes.

7. OTHER ITEMS

A. Minutes from April 26, 2022

Commissioner Grobe motions to approve the minutes. Vice Chairman Murphy seconds, with the following corrections: the date of the minutes is incorrect. TS-yes, JM-yes, CG-yes, RF-yes, LD-yes, DD-yes
The motion passes.

B. Minutes from May 10, 2022

Commissioner Sharp motions to approve the minutes with the following corrections.
6A- Commissioner Sharp is listed as making the motion and the second.

Coordinator Meassick disconnects

Commissioner Grobe amends the minutes to add his positive vote to items 3A and 3B

Commissioner Grobe seconds. TS-yes, CG-yes, LD-yes, RF-yes, JM-yes, DD-yes
The motion passes.

8. COMMISSION DISCUSSION

A. Regulations & Procedures Q & A

B. Reminder to stop into the office and sign WPA forms by 5/30/2022

C. Permission to use funds for Coordinator to attend upcoming MACC classes

Commissioner Grobe motions to use NOI funds to attend MACC classes for the Coordinator and Commissioners. Commissioner Florek seconds. Vice Chairman asks to amend that the Commissioners can also use the funds. Commissioner Grobe accepts the amendment. CG-yes, LD-yes, TS-yes, RF-yes, JM-yes, DD-yes
The motion passes.

Coordinator Meassick Reconnects

D. Tree policy – concerns from the public – are we open to redrafting it?

Commissioner Sharp suggests Coordinator Meassick send out the current copy and a new draft. Coordinator Meassick states she has already composed a new draft based upon tree policies in Weston and Wakefield and explains the policies. She states that the policy needs to balance economics and conservation. The new draft is reorganized and combines the current policy with policies from other towns. She displays the tree policy on screen and walks through that the policy needs to be specified to certain scenarios. Commissioner Grobe states that the proposed draft provides specificity and concrete guidelines and likes the idea of a waiver. There is general consensus from the Commission about how to apply the current policy and to modify it to apply more efficiently as the intention of the initial policy was to replace trees cut without authorization. The Commission requests the policy draft be sent to them for review. Mr. Levesque comments that the draft seems to be headed in the right direction.

E. Website Revamp

Coordinator Meassick states that she is working on redoing the Conservation page of the city website with WebMasters and requests that the Commissioners send a photo of each of them to display on the site.

9. MOTION TO ADJORN

Commissioner Sharp motions to adjourn at 9:26pm. Commissioner Grobe seconds. CG-yes, RF-yes, LD-yes, JM-yes, TS-yes, DD-yes
The motion passes.

A true record, Attest:
Anna Meassick
Westfield Conservation Coordinator

APPROVED