

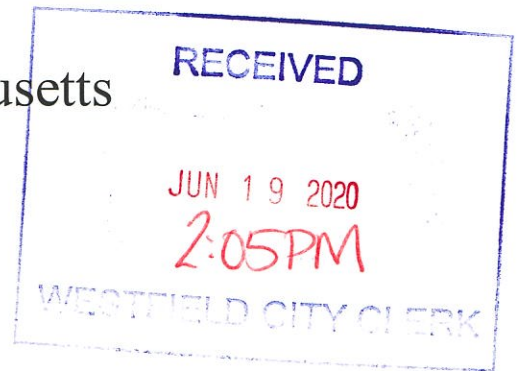


City of Westfield, Massachusetts

Municipal Conservation Commission

May 26, 2020

REMOTE MEETING MINUTES



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

Commissioner Doe reads: *Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, 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 online at westfieldtv.org. 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

Chairman Doe calls the meeting to order at 7:30 pm. He takes attendance. All Commission members are present except for Commissioner Laraway.

2. OPEN PARTICIPATION

Chairman Doe asks if there is any new business. There is nothing at this time.

3. PUBLIC MEETINGS

- A. 1657 Transmission Line Right-of-Way (ROW), between Summit Lock Road and Old Long Pond Road-Eversource Energy
Mr. Paul Knapik of BSC Group is present representing Eversource Energy

Chairman Doe reads the legal language. Mr. Knapik states that this is a continuation of the Optical Ground Wire project. He states that Coordinator Borenstein and he did a site walk. He states that following the site walk, Coordinator Borenstein submitted a letter with comments as a result of that visit. Mr. Knapik states that the project is replacing the Shielded Wire with Optical Ground Wire but in order to complete this each structure site must be accessed. There were a couple of locations identified where the access road and the work pads around the structures need to be updated

with gravel. Mr. Knapik reads the responses to the letter submitted by Coordinator Borenstein. Mr. Knapik notes that on a site walk today (5-26), with Commissioner Sharp, a violation of stumps and debris that were pushed into the wetland was noted and discussed with the property owner. He also states that a previously unnoticed and unmarked wetland was noticed. He states that it is under Local Ordinance and not protected under a State regulated wetland. Vice Chairman Murphy verifies that the access road will be widened. Mr. Knapik confirms that it will be. Commissioner Sharp asks Mr. Knapik to describe the erosion controls. Mr. Knapik states that silt fence will be installed and that would remain in place even after the work completed. This is to prevent any sediment from entering the wetland. Commissioner Sharp asks if there is a way to make this area unappealing to quads and dirt bikes. He asks if a gate will be put in. Mr. Knapik states that this hasn't been discussed. Commissioner Sharp states that he is concerned that with the road improvements, this will attract the motorized vehicles. Mr. Knapik states that a barrier can be installed after the site has been completed and Eversource will work with the landowner to prevent this. Commissioner Sharp asks if there will be some permanent markers around the newly discovered IVW. Mr. Knapik states that in the past signage has been installed. He states that signage can be part of the permit. Vice Chairman Murphy states that the Commission has a standard sign which the Coordinator will send to Mr. Knapik. Commissioner Fagnand states that this seems like a straight forward application. Chairman Doe asks if there are any other comments. There are none.

Vice Chairman Murphy motions to close the public meeting and is second by Commissioner Grobe. CG-Yes, AF-Yes, JM-Yes, RF-Yes, TS-Yes

Vice Chairman Murphy motions:

a. Negative 3 with conditions (work)

1. Coordinator shall be notified of work start date and shall inspect erosion controls prior to work commencing.
2. After swamp mats are removed, vegetation monitoring and reporting shall take place for two years after construction and BVW performance standards shall be met.
3. Weekly reports shall be sent to the Commission during construction documenting site conditions.
4. All exposed soils shall be re-vegetated after construction with native seed mix.
5. Signs shall be installed around the newly discovered IVW and adjacent to Resource Areas directly adjacent to the road.

b. Positive 5 (ordinance) with "No Notice of Intent required."

and is second by Commissioner Grobe. CG-Yes, AF-Yes, JM-Yes, RF-Yes, TS-Yes

B. 170 Pochassic Road-Kelly Lucas-Construction of a two story addition in the 100 ft Buffer Zone

Ms. Kelly Lucas is present and Mr. Bruno Antico is present representing Ms. Lucas.

Chairman Doe reads the legal language. Mr. Antico states that the first floor level will be the garage. The excavation will be minimal and existing materials will be used as backfill. Coordinator Borenstein states that the addition will be in an existing lawn area. She states that the house is built on a mound and the area around the home is utilized as hay fields. Commissioner Grobe asks how deep the foundation will be. Mr. Antico states that it will be four feet with a garage floor. Chairman Doe asks if the addition will be twenty feet off the house. Mr. Antico states that it will be. Commissioner Sharp asks how far the addition will be from the wetland. Mr. Antico is unsure. Ms. Lucas states that the land behind the house is almost never wet. She states that it is a working hay field. Coordinator Borenstein states that the wetland is pretty far down the road. She states that it the area behind the house is marginal. Vice Chairman Murphy requests a plot plan with a sketch of the addition. Coordinator Borenstein states that erosion controls would need to be installed. Commissioner Sharp states that he doesn't feel a delineation is necessary. Commissioner Fagnand states that it appears that the addition is in the outer fifty feet. Vice Chairman Murphy states that he just wants to know where the fifty foot line is. Chairman Doe asks how much further out from the edge of the deck the addition would be. Mr. Antico states that it will be four feet. Commissioner Florek asks what the Limit of Work is. Mr. Antico states that it would be at the thirty feet away from the house mark. This would only be disturbed during work. Coordinator Borenstein states that she will provide them with a map so that they can draw the addition and fifty foot mark it.

Commissioner Sharp motions to close the Public Meeting and is second by Vice Chairman Murphy. CG-Yes, AF-Yes, JM-Yes, RF-Yes, TS-Yes

Vice Chairman Murphy motions:

a. Negative 3 with conditions (work)

1. Erosion Controls (silt fence and straw bales or wattles shall be installed around the Limit of Work.
2. Coordinator shall be notified of work start date and shall inspect erosion controls prior to work commencing.
3. Applicant will provide a more complete plot plan.

and is second by Commissioner Sharp. CG-Yes, AF-Yes, JM-Yes, RF-Yes, TS-Yes

Commissioner Laraway joins the meeting at 8:24 PM.

4. ENFORCEMENT

- A. 312 Montgomery Road (48R-75)-Stefan Paladi
Review Restoration Plan/Review site walk findings.

Coordinator Borenstein states that she did a site walk. She states that Mr. Paladi has installed the plantings. She states that the plantings look really good. She got confirmation that the house and all site improvements will be outside of the 100 foot Buffer Zone to the BVW. She states that Mr. Paladi installed a fence at the hundred foot Buffer Zone mark in order to protect the resource area. Coordinator Borenstein states that she would like to continue monitoring this property. Commissioner Sharp asks how Coordinator Borenstein will be able to monitor this property if the EO is removed. Coordinator Borenstein states that more informal over site would be acceptable. Vice Chairman Murphy suggest that the EO stay in force while the project being worked on. He suggests a letter stating this. Chairman Doe states that the letter should include that what has been completed so far is acceptable but that the EO will stay open to monitor the situation. Coordinator Borenstein reiterates that the letter shall state what has been completed so far and what the Commission expects in the future. Commission Fagnand suggest that Coordinator Borenstein be clear on what should be reported on.

Commission Fagnand motions to issue a letter outlining that Mr. Paladi has satisfied his EO, that he can begin construction, that the EO will stay in place until the project is complete , that the Commission maintains the right to monitor the site and that the Commission requests regular reporting on the restoration area and is second by Commissioner Laraway. CG-Yes, AF-Yes, JM-Yes, RF-Yes, TS-Yes, CL-Yes

- B. 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 Commissioner Sharp, Commissioner Grobe, Commissioner Laraway, Mr. Kafanov, Mr. George Duncan and Engineer Mr. Bucky Sparkle all attended a site visit. She states that there was no sediment leaving the site and that the site is encompassed by erosion controls. She states that the stream was clear and there was no sedimentation in the Buffer Zone. Coordinator Borenstein states that there was no obvious sedimentation outside of the Limit of Work (LOW). She states that Mr. Kafanov gave Mr. Duncan permission to go on to his property and take pictures if his pond did start receiving sedimentation at any point. She states that the bond has been received. Coordinator Borenstein states that if the Commission lifts the Cease and Desist (C&D) Mr. Kafanov has a driveway to install and a small mitigation area. She states that the mitigation area is in Westfield and the area to be filled is in Southampton, but the Coordinator will be monitoring it and the Consultant will be on site during the install. Commissioner Sharp states that Mr. Duncan stated that during the next big rain event, if there was any evidence of sedimentation, he would contact the Commission. Commissioner Fagnand asks if Mr. Sparkle sent the

letter, that was sent to the Commission (presented in the meeting of 5/12/2020), to DEP and the EPA as stated in the letter. Coordinator Borenstein states that the letter was sent to both agencies but that she has already spoken to both of them. She states that she sent them the timeline and that they know that the Commission has been working with the landowner. Commissioner Laraway states that at the site visit, they noticed a number of trees were knocked down that could have caused the sedimentation and a pipe was discovered. Coordinator Borenstein states that the start of the stream begins at a culvert. She states that she does not know where the inlet is and that could have been the cause of the sedimentation into Mr. Duncan's pond. She stated that it appears to be quite old. Commissioner Laraway states that the inlet to the culvert goes underground to a different street that is six hundred or seven hundred yards away. Commissioner Sharp states that many trees were taken down and he and Mr. Sparkle believe that this has impacted the local groundwater level and has affected the next door neighbors' fruit trees.

Commissioner Grobe motions to lift the Cease and Desist and is second by Vice Chairman Murphy. CG-Yes, JM-Yes, AF-Yes, RF-Yes, CL-Yes, TS-Yes

5. DISCUSSION

- A. 710 Southampton Road-Sovereign Builders-DEP File #333-745
Request for OOC Extension

Coordinator Borenstein states that it is a proposed sewer connection. She states that the OOC expired in May. She states that she is unsure where this project is. She states that she will ask Mr. Ryan Nelson to attend the next meeting and explain where this project stands.

- B. 810 Southampton Road (63R-11)-Marvon Construction and Development
Possible work in Riverfront Area of Armbrook without a permit.

Coordinator Borenstein states that we receive a complaint. She has driven past and all of the work appears to be happening in front of the existing building. She states that it appears to be a hotel that is being converted to apartments. She states that she has been unable to contact the Contractor. Coordinator Borenstein states that she and Clerk Nunez were unable to find a permit for construction. She states that she will contact some of the other department to determine if there were permits pulled with them. Chairman Doe states that we will continue this to the next meeting when there is more information available.

6. OTHER ITEMS

A. Minutes from May 12, 2020

Commissioner Sharp asks Clerk Nunez to add the names of who attended the site walk for the East Mountain Road property.

Vice Chairman Murphy motions to accept the Minutes of May 12, 2020 after the requested change is made and is second by Commissioner Grobe. CG-Yes, JM-Yes, AF-Yes, RF-Yes, TS-Yes, CL-Yes

B. Discuss the possibility of remote Public Hearings starting on June 9th.

Coordinator Borenstein states that the Pequot Pond NOI is time sensitive. Commissioner Sharp states that he feels comfortable doing a couple of NOIs and RDAs in our next meeting. Commissioner Fagnand states that perhaps two RDAs and one NOI would work for our next meeting.

7. MOTION TO ADJOURN

Commissioner Fagnand motions to adjourn the meeting at 9:11 PM and is second by Commissioner Grobe. CG-Yes, AF-Yes, JM-Yes, RF-Yes, TS-Yes, CL-Yes

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