



City of Westfield, Massachusetts

Municipal Conservation Commission

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June 22, 2021

REMOTE MEETING MINUTES

Conservation Commission members in attendance: Chairman David Doe (DD), Vice Chairman Jim Murphy (JM), Carl Grobe (CG), Tom Sharp (TS), Robert Florek (RF) and Cliff Laraway (CL). Also in attendance: Meredith Borenstein, Conservation Coordinator 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. Commissioner Fagnand is not present.

2. OPEN PARTICIPATION-There is none at this time.

3. PUBLIC HEARINGS

- A. 459 Russell Road (34R-4)-Tekoa Country Club-DEP File #333-800
Bank restoration along the Westfield River.

Applicant requests a continuance to July 13, 2021 at 6:30 PM.

Vice Chairman Murphy motions to continue until July 13, 2021 at 6:30 PM and is seconded by Commissioner Grobe. JM-Yes, CG-Yes, TS-Yes, RF-Yes, CL-Yes
The motion passes.

- B. 81 Fowler Road (13R-42-2B)-Wally Czerniejewski-DEP File #333-806
Construction of single family home in the 100-foot Buffer Zone.
Mr. Ryan Nelson of R. Levesque and Assoc. Inc. is present representing Mr. Czerniejewski.

Chairman Doe reads the legal language. Mr. Nelson explains the project which consists of construction of a single family home and associated site improvements. He states that no clearing of vegetation will take place in the 50-foot Buffer Zone. Mr. Nelson addresses the DEP comments. Commissioner Sharp asks if the applicant understands that the 50-foot Buffer Zone is a “no touch” area. Mr. Nelson states that the applicant understands. Commissioner Sharp expresses concern about fertilizer being used within the 50-foot Buffer Zone. Chairman Doe requests a site visit and signage along the 50-foot line.

Commissioner Grobe motions to continue until July 13, 2021 at 6:30 PM and is seconded by Vice Chairman Murphy. TS-Yes, RF-Yes, JM-Yes, CG-Yes, CL-Yes
The motion passes.

4. PUBLIC MEETINGS

- A. 296 Buck Pond Road (273-1)-Vladimir Telelyuyev
Construction of a beach area on the shore of Horse Pond.
Mr. Telelyuyev is present.

Coordinator Borenstein discusses the site visit. She explains that the area appeared to be a sandy beach at one time, but vegetation is now growing on the pre-existing sand. She states that the sand to be added will be clean sand so no turbid water will enter the pond. Mr. Telelyuyev states that he is going to cut the vegetation very low and then add about six inches of sand so no soil will be removed. Coordinator Borenstein states that there is vehicular access to the area so there will be no disturbance because of a vehicle.

Commissioner Grobe motions to close the Public Meeting and is seconded by Commissioner Laraway. TS-Yes, JM-Yes, CG-Yes, CL-Yes, RF-Yes
The motion passes.

Commissioner Grobe motions:

1. Negative 3 with conditions:
 - a. The sand will only be distributed in the approved area as shown on the site plan.
 - b. Sand will be clean and only dispersed above the Mean Annual High Water Mark of the pond.
 - c. The Commission will be notified of the work start and work completion dates.

and is seconded by Commissioner Laraway. TS-Yes, JM-Yes, CG-Yes, RF-Yes, CL-Yes, DD-Yes

The motion passes.

- B. 317 Union Street (35R-9)-Mr. Whip's Golf Acres, LLC c/o Anthony Witman
Removal of vegetation and a trail installation in the 100-year Floodplain and removal of invasive species within the 200-foot Riverfront Area.
Mr. Anthony Witman is present.

Mr. Witman reminds the Commission of the project which consists of vegetation removal and a trail installation in the 100-year Floodplain and removal of invasive species within the 200-foot Riverfront Area. The Commission discusses the construction of the walking trail. A Brush hog will be used to create the path, but the path will not be paved. No stream crossing is included in this permit. Coordinator Borenstein states that at the site visit of 6/22 they looked at the area along Union Street. She states that it is within Bordering Land Subject to Flooding (BLSF) and there is a small stream or Bordering Vegetated Wetland adjacent to the site entrance. Mr. Witman states that the proposal is that all brush under a certain size will be removed. The Commission discusses whether the area along Union Street is beneficial to wildlife. Vice Chairman Murphy suggests having a Wildlife Biologist determine how significant this area is to wildlife. Chairman Doe states that he would like to do another site visit to look at the Northwest end of the property where additional work will be done. Chairman Doe asks if there is anyone in the audience that would like to comment. Ms. Melissa Kielbasa states that the pond was built because the original wetlands that were on the property were illegally removed. She states that there is significant wildlife on the property, she lives across the street and she sees many different species that are present. She states that the brush is an important sound and visual barrier. She questions the reason to take all of that brush that will be removed. She states that there is a huge sign on the street that advertises the business.

Vice Chairman Murphy motions to continue until July 13, 2021 at 6:30 PM and is seconded by Commissioner Laraway. RF-Yes, JM-Yes, CG-Yes, TS-Yes, CL-Yes, DD-Yes

The motion passes.

- C. 273 City View Boulevard (14R-35)-Arlene Roselli
Construction of an above ground pool in the 200-foot Riverfront Area to Jack's Brook.

Chairman Doe reads the legal language. Chairman Doe explains that the project is the construction of an above ground pool in the 200-foot Riverfront Area. Coordinator Borenstein states that the area of installation is currently lawn. She states that she estimates that the area of installation is at least 100-feet from the Mean Annual High Water Mark. The pool will be 27 square feet on existing lawn. Chairman Doe asks if there are any questions from the audience. No one unmutes.

Commissioner Sharp motions to close the Public Meeting and is seconded by Commissioner Laraway. RF-Yes, JM-Yes, CG-Yes, CL-Yes, TS-Yes
The motion passes.

Commissioner Sharp motions:

1. Negative 3 with conditions.
 - a. Any disturbed soils will be revegetated.
 - b. No trees are allowed to be cut.
 - c. No additional debris or lawn clippings are allowed to be dumped down the slope toward the river
 - d. The Commission will be notified of the work start and completion dates.

and is seconded by Commissioner Florek. RF-Yes, JM-Yes, CG-Yes, TS-Yes, CL-Yes, DD-Yes

The motion passes.

5. ENFORCEMENT

- A. 394 Northwest Road (107-6, 107-7)-William Barry
Clearing of vegetation within the 200-Foot Riverfront Area of Cook Brook.
Mr. Ryan Nelson of R. Levesque Assoc. Inc. (RLA) is present representing Mr. Barry.

Mr. Nelson states that the property owner was unclear of a couple of points from the previous meeting, so he asks for a continuance.

Vice Chairman Murphy motions to continue until July 13, 2021 at 6:30 PM and is seconded by Commissioner Grobe. RF-Yes, JM-Yes, CG-Yes, TS-Yes, CL-Yes, DD-Yes
The motion passes.

- B. 1760 East Mountain Road (65R-10)-Fiodor Artin and Victor Cosneanu
Clearing vegetation in the 100-foot Buffer Zone to Bordering Vegetated Wetlands (BVW) and Chapin Pond.

Coordinator Borenstein states that she is still working with the homeowner. She states that there is a language barrier. She states that straw has been installed adjacent to the pond so she is not concerned about erosion. Coordinator Borenstein states that the homeowner is in the process of looking for Blueberry shrubs for replication.

Commissioner Grobe motions to continue until July 13, 2021 at 6:30 PM and is seconded by Commissioner Sharp. RF-Yes, JM-Yes, CG-Yes, TS-Yes, CL-Yes, DD-Yes
The motion passes.

- C. 88 Furrowtown Road (48R-1)-Roy and Estelle Streeter
Clearing vegetation in the 100-foot Buffer Zone to Bordering Vegetated Wetlands.
Mr. Ryan Nelson of R. Levesque Assoc. Inc. (RLA) is present representing Mr. and Mrs. Streeter.

Applicant requests a continuance until July 13, 2021 at 6:30 PM.

Commissioner Sharp motions to continue until July 13, 2021 at 6:30 PM and is seconded by Commissioner Grobe. RF-Yes, JM-Yes, CG-Yes, TS-Yes, CL-Yes, DD-Yes
The motion passes.

6. DISCUSSION

8:09 Chairman Doe recuses himself and is put in the Zoom waiting room. Vice Chairman Murphy takes over as Chairman.

- A. 170 Pontoosic Road (8R-15)-Michael Bryant
Potential Violation
Mr. Michael Bryant is present.

Coordinator Borenstein reminds the Commission of the violation which consists of an unpermitted fire pit area next to a stream and an unpermitted bridge. The Coordinator states that although this is not Mr. Bryants' property he is the violator and is responsible according to the Enforcement Form. There is also a carport in the Riverfront Area. She states that Mr. Bryant has filed an RDA for a new shed and he will be removing the carport and transferring all of the items from the carport into the new shed. Mr. Bryant states that removal of the stone from the unpermitted fire pit will be difficult due to the nature of the Blue Stone. Commissioner Grobe questions whether the solar lights are causing light pollution. Coordinator Borenstein states that she would not like to see any more disturbance. The Commission would like a second site visit.

Commissioner Grobe motions to issue a formal Enforcement Order requesting that the solar lights removed, a letter from the land owner, a restoration plan and no further disturbance and is seconded by Commissioner Florek. TS-Yes, RF-Yes, CL-Yes, CG-Yes, JM-Yes
The motion passes.

8:33 Chairman Doe returns to the meeting and resumes as Chairman.

- B. 22 Woodland Avenue (69-19)-Nikolay Stepchuk-DEP File #333-765
Request for Order of Conditions Extension.

Coordinator Borenstein states that the applicant has not started the project and the applicant would like to do the project in the future.

Commissioner Sharp motions to issue the extension of the Order of Conditions until November 29, 2024 and is seconded by Commissioner Grobe. JM-Yes, CG-Yes, TS-Yes, RF-Yes, CL-Yes, DD-Yes
The motion passes.

- C. 312 Northwest Road (23R-11)
Ratify Emergency Certification for a failed septic system.

Coordinator Borenstein states that a failed septic system needs to be repaired right away. The applicant had a contractor ready to start and the plans were approved by the Health Department.

Vice Chairman Murphy motions to ratify the Emergency Certification and is seconded by Commissioner Grobe. JM-Yes, CG-Yes, TS-Yes, RF-Yes, CL-Yes, DD-Yes
The motion passes.

7. OTHER ITEMS

- A. Minutes of June 8, 2021

Commissioner Grobe motions to approve the minutes of June 8, 2021 and is seconded by Vice Chairman Murphy. JM-Yes, CG-Yes, RF-Yes, CL-Yes, DD-Yes
The motion passes.

8. COMMISSION DISCUSSION

- A. Regulations and Procedures Q & A

Clerk Nunez states that she needs the Commission to stop in to City Hall to sign some paper work.

- B. Discuss continuing remote meetings or in person. Option for remote until April 2022 or a date the Commission chooses.

The Commission would like to continue remote meetings until September.

- C. Wetland Ordinance Update

Chairman Doe states that he has sent out his changes and asks that the Commission look through the document and suggest any changes.

9. MOTION TO ADJOURN

Commissioner Grobe motions to adjourn at 8:45 PM and is seconded by Vice Chairman Murphy. JM-Yes, CG-Yes, TS-Yes, RF-Yes, AF-Yes, DD-Yes
The motion passes.

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