



City of Westfield, Massachusetts

Municipal Conservation Commission

July 28, 2020

REMOTE MEETING MINUTES

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WESTFIELD CITY CLERK

Conservation Commission members in attendance: Chairman David Doe (DD), Vice Chairman James Murphy (JM), Thomas Sharp (TS), Carl Grobe (CG), Alex Fagnand (AF), Cliff Laraway (CL) and Robert Florek (RF). 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/ROLL CALL

Chairman Doe calls the meeting to order at 6:30 pm. He takes attendance. All Commissioners are present.

2. OPEN PARTICIPATION-

Chairman Doe asks if there is anyone that has anything that could not reasonably make the agenda. Coordinator Borenstein states that Mr. Ryan Nelson is attending to apply for a Certificate of Compliance for DEP File #333-781, 994 Western Avenue. Mr. Nelson states that a stream crossing at 994 Western Ave has been completed. He states that the crossing has exceeded the Stream Crossing Standards. He states that the crossing meets all of the performance standards. The area is vegetated and stable. Coordinator Borenstein states that the erosion controls should remain until the area is more vegetated. Chairman Doe asks if there will be any planting. Coordinator Borenstein states that it has been seeded. She states that it is about sixty percent vegetated. Chairman Doe asks if there is any further discussion. There is none.

Vice Chairman Murphy motions to approve the Certificate of Compliance and is second by Commissioner Grobe. CG-Yes, RF-Yes, JM-Yes, TS-Yes, AF-Yes, CL-Yes

3. PUBLIC HEARINGS

- A. Westfield River Floodway- City of Westfield-DEP File #333-0792
Clearing vegetation in the Westfield River Floodway
Mr. Robert Levesque and Mr. Ryan Nelson of R. Levesque Assoc. Inc. and Mr. Mark Cressotti and Mr. Jeremy Cigal of the City of Westfield are present.

Chairman Doe reads the legal language. Mr. Mark Cressotti states that the application is for annual and regular grooming and maintenance in the floodway. He states that they are just looking to continue in the same manner as they have been. Mr. Nelson states that they are filing under a limited project, he states that there has been a "no take" letter received from Natural Heritage. Mr. Nelson states that work would be done twice a year with mowers, no heavy equipment will be taken into the river. He states that the area is mostly small herbaceous material but that there is one area, a small island, which has some larger mature trees that will be removed. He states that this is to prevent any obstructions in the river. There will be no disturbance to bank so erosion controls are not necessary. Mr. Levesque states that he has been in communication with David Foulis of Mass DEP and Mr. Foulis is comfortable with the project. Mr. Levesque states that he will get any communication from DEP to the Coordinator as soon as he receives it. Chairman Doe asks if the mature tree will be allowed to be removed. Mr. Levesque states that Mr. Foulis stated that it should be under 5,000 square feet of impact or it would have to be permitted as direct BVW impact. Mr. Nelson states that the island is about 6,000 square feet. Mr. Levesque states that the vegetation management on the island would remain under the 5,000 square feet. Mr. Cressotti states that the island is a lens of silted area that has been created around the abutment of the bridge. He states that this is similar for all the bridges. He states that only the large growth be removed in order to keep the waterway clear. Commissioner Florek asks how they will gain access to the island and what tools will be used. Mr. Cressotti states that there is a platform on the bicycle bridge and that will be used to access the bridge and all work will be done by hand. Chairman Doe asks how the woody debris will be removed. Mr. Cressotti is not sure at this point. Commissioner Sharp asks if the trees to be removed can be marked. Mr. Cressotti states that they will be marked. Vice Chairman Murphy asks if the stumps will remain. Mr. Cressotti states that they will. Chairman Doe asks if there are any questions or comments from the audience. There are none. Chairman Doe states that there are still some questions from Mass DEP that need to be addressed.

Commissioner Grobe motions to continue until August 11, 2020 at 6:30 PM and is second by Vice Chairman Murphy. CG-Yes, RF-Yes, JM-Yes, AF-Yes, TS-Yes, CL-Yes

B. 110 Union Street-Full Gospel Church DEP File #333-0793

Expansion of a parking lot in the 100-foot Buffer Zone

Mr. Robert Levesque and Mr. Ryan Nelson of R. Levesque Associates, Inc. are present representing the Full Gospel Church.

Chairman Doe reads the legal language. Mr. Nelson states that this is west of the Full Gospel Church on a lot next door that has been previously cleared. He states that there is Bordering Vegetated Wetland (BVW) located off site to the rear and north of the property. He states that the applicant is proposing to construct a parking lot. Mr. Nelson states that it will be paved and stormwater will be managed by sheet flow that collects at low points within the parking lot where proprietary water quality units will then route water to a subsurface stormwater infiltration basin. He states that this subsurface system has been designed to fully capture and handle two and ten year storm events, in the event of a 100-year storm event, the system will surcharge and over flow will be directed across a rip rap break at the rear of the parking lot. The project is outside or above the 100-year flood plain. He states work is solely within the Buffer Zone. Mr. Nelson states that there is an area to the rear of the parking area (an area within the fifty foot Buffer Zone) which will be cleared of invasive species and seeded with a conservation wildlife seed mix and then left to revert to natural woods. Mr. Nelson reads the DEP comments and the answers to those comments. Chairman Doe asks Mr. Nelson to clarify on definition in the responses to DEP. Commissioner Grobe asks if the new proposed parking area is within the 100 foot Buffer Zone but outside of the 50 foot Buffer Zone. Mr. Nelson states that is correct. Chairman Doe asks if the City Engineer has reviewed the stormwater plan. Coordinator Borenstein states that he has not. Vice Chairman Murphy asks where the water will flow after the Rip Rap. Mr. Levesque states that it sheet flows toward the wetland. Coordinator Borenstein states that she would like a site visit. Chairman Doe asks if there are any questions or comments from the audience. There are none.

Commissioner Sharp motions to continue until August 11, 2020 at 6:30 PM and is second by Commissioner Grobe. CG-Yes, RF-Yes, JM-Yes, AF-Yes, TS-Yes, CL-Yes

C. PUBLIC MEETINGS

A. 57 Pequot Point (280-35)-Hank Girardin

Single family home tear down and rebuild within the 100-foot Buffer Zone of Pequot Pond.

Mr. Terry Reynolds of T. Reynolds Engineering and Mr. Hank Girardin are present.

Chairman Doe reads the legal language. Mr. Girardin states that he would like to tear down an existing single family home and replace it with a new single family home and garage. He states that they will be tearing down the existing garage and other out buildings and not replacing them. The retaining walls are in a significant state of disrepair so these will be removed and replaced. The retaining walls on the lake shore will be removed and returned to a natural slope and replanted with native grasses. There is another existing retaining wall that will be repaired. An existing sunken dock will be

removed and replaced with a new floating dock. He states that erosion controls will be installed and remain in place throughout the project. Mr. Girardin states that the demolition plan is set strictly in place to ensure that none of the materials migrate into the pond. He states that the existing foundation will be used as a containment basin and then materials will be removed for recycling and disposal. There will be three trees removed. Mr. Girardin states that the existing cottage is 1,200 square feet and it will be replaced with 2,000 square feet house with a walk out basement. Mr. Girardin states that the impervious surface will be reduced due to the installation of an infiltration system. Coordinator Borenstein asks about the material used in the retaining wall. Mr. Girardin states that it will be replaced in one day using large blocks that are designed for that purpose. Mr. Reynolds states that the area under the new deck will not be paved; it will be stone over matting. He states that it appears that there is a significant amount of impervious surface added, however, the whole front half of the house and the garage will be routed to the infiltration galley so no runoff will be running over land. He states that with all of the sheds, the garage, the house and all of the paved surfaces, he came up with 2,700 square feet of impervious surface. The new build out and half the house being sent to the infiltration system, it is 1,800 square feet. Commissioner Grobe asks if there is certainty that the soil closest to the shore line will be maintained as the walls are removed and planted. Mr. Reynolds states that initially it will be matted and seeded. He states that this will be done very quickly. Commissioner Doe asks if there is a concern about the square footage of the new house being greater than the old house. Coordinator Borenstein states that as far as stormwater, there is a reduction in square footages. Coordinator Borenstein asks if the compost filter socks will be tall enough to prevent erosion. Mr. Reynolds states that silt fence causes more disturbance on the bank. Commissioner Fagnand asks about phase two of the plantings. Mr. Girardin states that it will take several years but will begin at the areas that need stabilization the most quickly. Vice Chairman Murphy ask why this is not and NOI. Coordinator Borenstein states that there is no bank impact and that all work is in the Buffer Zone. She states that given the fact that there is an engineered plan, we can have some confidence that the project will be done correctly. Commissioner Sharp states that he doesn't believe we would gain anything by making it a NOI. Vice Chairman Murphy states that an NOI would provide a little more strength. Commissioner Sharp states that the owner seems to be a good steward to this property. Commissioner Sharp asks if the pieces of cement and falling down retaining wall from the old dock that are in the water will be removed. Mr. Girardin states that he will not remove that. Vice Chairman Murphy asks if there is a construction sequence. Coordinator Borenstein states that one was provided and that she would like it on the plan. Coordinator Borenstein states that she would like some native species planted on the other side of the erosion controls. Mr. Girardin states that the shore line is growing in nicely, he does not want to disturb what is coming in naturally. Chairman Doe asks if there are any questions or comments from the audience. There are none.

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

Commissioner Grobe motions:

Negative 3 with conditions:

1. Coordinator to approve installed erosion controls prior to the commencement of work.
2. The Coordinator is provided a list of native plantings proposed for the slope.
3. Coordinator to approve removal of erosion controls and plantings after work is complete.
4. Remove existing sunken dock.
5. Immediately stabilize slopes with the erosion control blanket after the retaining walls have been removed.
6. Apply for a chapter 91 permit for the newly proposed dock.
7. The construction sequence shall be added to the stamped plans.
8. No materials can be stored on site.
9. Stamped plan shall be provided before work begins.
10. Before installation of the dock, the approved Chapter 91 permit be shown to the Coordinator.
11. Preconstruction meeting with the Coordinator.

and is second by Vice Chairman Murphy. CG-Yes, RF-Yes, JM-Yes, AF-Yes, CL-Yes, TS-Yes

- B. 251 Hampden Ave (274-2)-Philip and Katia Ball
Installation of dock on Horse Pond.
Mr. Philip Ball and Ms. Katia Ball are present.

Chairman Doe reads the legal language. Mr. Ball states that he is in a wheel chair and would like to build a ramp and a dock for him to have access to the pond. Coordinator Borenstein states that she, Commissioner Sharp and Commissioner Laraway visited the site. She states that there are no trees or shrubs that will be removed. Coordinator Borenstein asks Mr. Ball to explain how they will get the dock into the pond. Mr. Ball states that they will be using concrete deck supporters with 4X4 posts in them to hold up the dock that will be a foot above the water. Coordinator Borenstein asks if they have filed for a Chapter 91 permit. Mr. Ball states that they have, but that they have received acknowledgement of receipt but no approval as of yet. Coordinator Borenstein asks if the plan has changed. Mr. Ball states that the dock is now T shaped rather than L shaped. He states that it is the same basic square footage just a different shape. Commissioner Grobe asks if the concrete pillars are legal in areas subject to freezing. Mr. Ball is unsure. Commissioner Grobe believes that cylinders imbedded in the soil should be used. He states that the applicant should ensure the legality of their building materials. Chairman Doe asks if it is a permanent dock. Mr. Ball states that it is. Coordinator Borenstein asks how the dock will be attached to the shore. Mr. Ball states that it will be 2X6 under the decking material that will be cut down and attached to the concrete block where the dock will be. Coordinator Borenstein asks if the soil will be disturbed at all. Mr. Ball states that it will not be. Chairman Doe states that this should not be approved yet because the

positioning of the dock may move due to Chapter 91 regulations causing a new RDA to be submitted. Commissioner Sharp asks if erosion controls should be installed. Coordinator Borenstein states that there will be no soil disturbance. Commissioner Fagnand asks if the applicant understands why we recommend continuing. Mrs. Ball asks the Commission to explain. Chairman Doe states that pursuant to Chapter 91, if the plan is approved as it has been presented to the Commission, if Chapter 91 won't approve the dock where the applicant wants it, then the applicant would have to submit a new RDA to the Commission. RDA's cannot be changed or amended once they have been approved. Chairman Doe asks if there are any questions or comments from the audience. There are none.

Commissioner Grobe motions to continue to August 11, 2020 at 6:30 PM and is second by Commissioner Fagnand. CG-Yes, RF-Yes, JM-Yes, AF-Yes, TS-Yes, CL-Yes

- C. 155 Loomis Ridge, Westfield, MA (Map2R-89 Parcel 28) – Scott and Diane Hodges- Septic system replacement within the 100-foot Buffer Zone
Mr. and Mrs. Hodges is present.

Chairman Doe reads the legal language. Mr. Hodges states that his septic system has failed. He states that they are within 100 foot Buffer Zone. He states that he would like to move the septic system further away from the wetlands. Coordinator Borenstein states that the plan has been approved by the Board of Health. Mrs. Hodges states that they are increasing the size of the septic and the old one will be left in place as a reserve tank. Commissioner Sharp asks how many trees will be taken down. Mr. Hodges states that three possibly four and one is already dead. Commissioner Sharp asks if the applicant will have any issues if asked to plant some trees to replace the ones taken down. Mr. Hodges states that plantings are fine. Coordinator Borenstein states that there are wetlands surrounding the entire back yard. She states that there is a drainage easement on the property. Mrs. Hodges states that it only flows when there is a very heavy rain. She states that because of that drainage, the left side of the yard is generally wetter. She states that there are more wetland plants on the left side. Coordinator Borenstein states that the new septic will be further away from the wetland. Commissioner Grobe asks if tree replanting can be discussed. Mr. Hodges states that he will not know exactly where they can be planted due to the location of the new septic system. Chairman Doe suggests that the number and location be planned between the Coordinator and the Applicant.

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

Commissioner Grobe motions:

Negative 3 with conditions:

1. Coordinator to approve installed erosion controls prior to the commencement of work
2. Native plantings number and species to be determined by the Coordinator and the applicant.
3. Coordinator to approve removal of erosion controls and plantings after work is complete.

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

D. ENFORCEMENT-There is none at this time.

E. DISCUSSION

A. 810 Southampton Road

Work in the Riverfront Area without a permit.

Coordinator Borenstein states that she spoke to Mr. Kurtz. She states that this is within the 200-foot Riverfront area for Arm Brook and there is a BVW directly behind the building. She states that she, Chairman Doe and Commissioner Sharp did a site visit. Coordinator Borenstein states that work done was the disconnection and compaction of the septic system. She states that she didn't notice any soil migration, but there is some stockpiling in the Buffer Zone. Commissioner Grobe states that if Mr. Kurtz is willing to work with the Commission, starting with a letter is favorable.

Commissioner Grobe motions to send a letter to the owner of 810 Southampton Road asking that trash and stockpiles be removed, the area behind the building is revegetated, gutters are installed and erosion controls are removed after the work is complete and is second by Vice Chairman Murphy. CG-Yes, RF-Yes, JM-Yes, AF-Yes, CL-Yes, TS-Yes

B. 565 North Road (70R-22)-Patrick Smith

Re-grading a gravel lot without a permit or erosion controls.

Coordinator Borenstein states that she and Commissioner Sharp met with Mr. Smith. She states that Mr. Smith was adamant that nothing had changed. She states that it appears that gravel was entering the BVW. She states that there is a lot of water flow off of North Road into the site. Coordinator Borenstein states that there was some woody debris piled in the Buffer Zone and the fence that Mr. Smith was ordered to install has been knocked over. She states that that it seems that Mr. Smith wants to work with the Commission. She asks if a letter would appropriate. Chairman Doe states that it is. Coordinator Borenstein asks if asking to have a fence installed would be a good starting place. Vice Chairman Murphy suggests a very low guard rail.

Commissioner Sharp motions to send a letter to Mr. Smith stating that the fence needs to be repaired, suggest a guard rail, there is to be no more stockpiling near the fence and that trash is to be removed and is second by Commissioner Grobe. CG-Yes, RF-Yes, JM-Yes, AF-Yes, TS-Yes, CL-Yes

- C. Potential mowing at the Pitoniak Conservation Area, Northwest Road (Map 21R-8, 9, 10) and the "Sampson" Property on Montgomery Road.

Coordinator Borenstein states that the NOI Fees cannot be used for upkeep of the Conservation Areas. She states that she is waiting to hear from DPW. Her next step is to asks farmers in the area if they would like to hay the fields. Vice Chairman Murphy suggests contacting the Purchasing Department to ask how to put this out to bid.

F. OTHER ITEMS

- A. Minutes of July 14, 2020

Clerk Nunez states that the minutes did not get completed.

- B. Approval of the Head of Department Contract Signature Authorization Form.

Clerk Nunez states that this form is to allow Coordinator Borenstein and Chairman Doe to sign contracts, payroll and other miscellaneous items.

Commissioner Fagnand motions to allow Coordinator Borenstein and Chairman Doe to be authorized signers and is second by Commissioner Grobe. CG-Yes, RF-Yes, JM-Yes, AF-Yes, CL-Yes, TS-Yes

Chairman Doe asks if there is anything else. Commissioner Sharp asks for signs to put in vehicles and IDs for the Commission so that while on site it is more official.

Commissioner Fagnand states that he would like to caution the Commission on discussions about other department permits and jurisdictions, we need to stick to our own jurisdiction and our own permits. Coordinator Borenstein states that it is the applicants' responsibility to comply with all of the regulations.

G. MOTION TO ADJOURN

Commissioner Fagnand motions to adjourn the meeting at 9:12 PM and is second by Commissioner Laraway. CG-Yes, RF-Yes, JM-Yes, AF-Yes, TS-Yes, CL-Yes

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