



City of Westfield Municipal Conservation Commission

AUGUST 8, 2023, AT 6:30PM
MEETING MINUTES

RECEIVED

OCT 13 2023

Conservation Commission members in attendance: Chairman Doe (DD), Vice-Chairman James Murphy (JM), Edward Finnie (EF), James Prystowski (JP) and Robert Florek (RF) Also, in attendance: Anna Meassick, Director of Conservation and Christina Ramos, Conservation Clerk

1. CALL TO ORDER

Commissioner DiCarlo and Commissioner Grobe are not in attendance.

2. OPEN PARTICIPATION

Chairman Doe asks if there are any members of the public to address the Commission on items not subject to a public hearing. Seeing none, he moves onto item 3, Public Meetings.

3. PUBLIC MEETINGS (RDAs)

Chairman Doe reads that there are none at this time and moves onto item 4, Public Hearings.

4. PUBLIC HEARINGS (NOIs)

A. Little River Levee – City of Westfield

Proposal: Removal of all vegetation on levee in riverfront area and flood zone

Chairman Doe reads the legal language.

Director Meassick explains that the proponent requested a continuance to August 22, 2023 due to lack of DEP comments.

Vice Chairman Murphy motions to continue to August 22, 2023. Commissioner Prystowski seconds. EF-yes, JP-yes, JM-yes, RF-yes, DD-yes

The motion passes.

B. 109 Medeiros Way & 0 Timberswamp Road – DEP File #333-835 – Sovereign Builders

Proposal: Construction of a self-storage facility in river front area, bordering wetlands

Ryan Nelson of R. Levesque Associates is present as the representative as well as the property owner, Todd Cellura of Sovereign Builders.

Mr. Nelson explains the site plans, that there has been a site visit, and several comments from DEP, the Planning Board, and the Commission have all been answered. He walks through the process of creating a wetland crossing followed by replication. 2,260sqft of wetland will be altered and over double that value will be replicated.

Vice Chairman Murphy inquires if the replication areas will have a hydraulic connection. Director Meassick and Mr. Nelson explain that the isolated wetland will be connected to the bordering vegetated wetland as well as an extension of the wetland will occur. It will all work as one large wetland. Water will come from ground water.

Chairman Doe asks for the DEP comments to be discussed. Mr. Nelson walks through all questions and addresses them with the Commission. All revisions to the site plans have been made in accordance with DEP comments. DEP comments are available in the public record.

Vice Chairman Murphy asks what the length of construction would be. Mr. Nelson differs to Mr. Cellura. Mr. Cellura is uncertain about a timeline, but it would most likely begin this winter with stumping. The length of construction is unknown because it is dependent on completion of other projects. Vice Chairman Murphy asks if the project will be phased. Mr. Cellura respond that it is a big "if" due to cost efficiency. If the project is phased, then the site would be stabilized in between. Director Meassick suggests if the plan changes to be phased, the Commission be notified. Chairman Doe is worried if the project starts then stops over and over the integrity of the wetland will be threatened. Mr. Cellura has no intention of phasing construction currently.

Chairman Doe asks how the slope of the grading will be maintained given the 8ft increase in elevation. Director Meassick clarifies it to mean if the slopes will be loamed and seeded. Mr. Cellura and Mr. Nelson agree that the slope will be loamed and seeded with straw mats or coconut mats in between the root structure being established.

Vice Chairman Murphy asks who will be doing the replication work. Mr. Cellura explains it will all be in-house. He plans on full compliance with the Order.

Director Meassick asks if infiltration will occur in the C-Horizon given the 2ft of fill brought in. Mr. Nelson explains the detailed plan to indicate where the fill will go and how it impacts the basin. Vice Chairman Murphy asks if all fill removed will be used again on site. Mr. Nelson explains some will be used again, while others will be removed.

Commissioner Florek asks if Mr. Cellura were to phase out the project what area would start first. Mr. Cellura answers they would build outwards, starting with the most inward point.

Vice Chairman Murphy asks what plants will be going into the replicated area. Mr. Nelson reads the list of plants.

Chairman Doe asks if there are signs proposed on the plans for where the wetland boundaries are. Mr. Nelson says they would be put along the permanent limit of work and the back of the basins.

Vice Chairman Murphy inquires on a snow storage area. Mr. Nelson explains snow will be stored on site and once filled to the maximum, snow will be trucked off site.

Chairman Doe asks if there are additional questions from the Commission. Director Meassick reads the list of prohibited items to be stored.

Chairman Doe asks if Mr. Cellura is allowed to police the storage facility. He answers that it would be very difficult to do so. If they see a violation, it will be addressed.

Director Meassick asks hours of operations. Mr. Cellura knows it will not be open 24/7. The facility is manned as their office is located on site as well.

Chairman Doe asks the Commission if they have any additional questions. Seeing none, he asks if the public has any questions. Seeing none, he entertains a motion to close the public hearing.

Vice Chairman Murphy motions to close the public hearing. Commissioner Florek seconds. EF-yes, JP-yes, JM-yes, RF-yes, DD-yes

The motion passes.

Special conditions are reviewed and read into the minutes.

Commissioner Finnie motions to issue the Order of Conditions with the specified special conditions. Commissioner Florek seconds. EF-yes, JP-yes, JM-yes, RF-yes, DD-yes

The motion passes.

C. 1515 Granville Road – Springfield Water and Sewer Commission

Proposal: Installation of pipeline and valve chamber within bank, land under water, and riverfront area

Director Meassick reads that the applicant has requested a continuance to August 22, 2023.

Commissioner Florek motions to continue to August 22, 2023. Commissioner Prystowski seconds. EF-yes, JP-yes, JM-yes, RF-yes, DD-yes

The motion passes.

D. 733 Montgomery Road – Anjanette Kelso

Proposal: Culvert and driveway repair within buffer zone to bordering vegetated wetland and intermittent stream

Chairman Doe asks about the site visit, there is no applicant present. Director Meassick reviews the site visit details. She is concerned with the redirection of water. Chairman Doe asks if we should continue. Commissioner Florek asks how difficult the project is. Director Meassick explains it's a straightforward project and pulls up photos of the culvert and explains the flow and problems with the current broken culvert. Chairman Doe explains what the applicant would like to do.

Commissioner Finnie motions to close the public hearing. Commissioner Prystowski seconds. Chairman Doe asks for additional questions. Vice Chairman Murphy asks if there is a written plan. Director Meassick explains yes. Chairman Doe calls the vote. EF-yes, JP-yes, JM-yes, RF-yes, DD-yes

The motion passes.

Special conditions are reviewed and read into the minutes.

Vice Chairman Murphy motions to issue the Order of Conditions with the specified special conditions. Commissioner Florek seconds. EF-yes, JP-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

- E. 0 Bayberry Lane – Serge Novenko
Proposal: Construction of single-family home within bordering vegetated wetland and associated buffer zone

Ryan Nelson of R. Levesque Associates is present as the representative for property owner Serge Novenko, also present.

Mr. Nelson explains where the project left off at the previous meeting and the site visit.

Vice Chairman Murphy asks how much of the land is within the 50ft no disturb zone. Mr. Nelson explains the entire site is mostly a 50ft buffer zone aside from the leech field which legally has to be 50ft from a wetland. Vice Chairman Murphy asks why development is being proposed within the 50ft to begin with? Mr. Nelson explains the lots well predate the wetland ordinance and the project would have been viable under the Act. Mr. Nelson explains that if denied, that results in taking private property. He feels flexibility in the ordinance is needed for other properties like this.

Chairman Doe expresses concern for loss of control given the enforcement order and restoration plan. The enforcement order gives the commission leverage to get work done, which has not yet been completed. Mr. Nelson explains the restoration work should be conditioned to occur prior to any other work. Director Meassick says that the enforcement can remain in place and be dated for completion prior to working on an Order of Conditions.

Commissioner Florek and Vice Chairman Murphy agree with Chairman Doe. Commissioner Florek explains that they asked for the restoration plan to be carried out and now they are changing what was proposed in a major way, after agreeing to the restoration. Mr. Nelson explains that under the Act there are limited projects which would be allowable. Director Meassick clarifies this was not submitted as a limited project.

Chairman Doe has concerns for aesthetic of the property. Mr. Nelson agrees but the applicant needs to make do with what he has, given the violation and number of wetlands. He asks if the Commission is open to off-site mitigation to help with impacts to the 50ft no disturb zone. Chairman Doe expresses concerns about future projects seeking similar requests and having to approve those based upon approving that. Director Meassick points out that is why they have discretion in applying the ordinance. Mr. Nelson explains that the project is an unusual case per the ordinance exemption.

Chairman Doe addresses the drainage going into the replicated wetland. Director Meassick explains that it is a point source of pollution not allowable under the Act. Mr. Nelson explains why they are proposing the discharge into the wetland. Director Meassick states again that it would be considered illicit discharge into the wetland.

Chairman Doe asks about the well location. Mr. Nelson points it out of the plans. He asks if there are any regulations on wells and wetlands. Director Meassick answers there is not.

Chairman Doe asks about the intermittent stream restoration. Mr. Nelson explains that the area will also be restored.

Vice Chairman Murphy has concerns over negative impacts to the wetland outweighing the positive. Mr. Nelson provides perspective from the landowners not having financial standing and if denied it could be appealed and supported by DEP and end in superior court. Vice Chairman Murphy asks if the house can be shaped any other way to be out of the 50ft and restoration area. Mr. Nelson explains that all other options have been exhausted.

Commissioner Florek asks if they could start with the enforcement order work then come back to ask to build a home. The Commission asked for the restoration to be completed and progress towards that would be a sign of good faith that the work will be done.

Chairman Doe asks what the area where the house is to be located was proposed to be restored with. Mr. Nelson lists off the species of wooded vegetation to be planted. Chairman Doe asks if the woodchips could be removed from the site. He would like an effort to start the restoration. Mr. Novenko agrees he can do that work and understands that he messed up but is trying to salvage what he has.

Chairman Doe explains the hard efforts the Commission has made to protect wetlands and implement the 50ft no disturb zone. He asks if the city property was available for sale. Director Meassick answers no. She asks about additional replication areas. Mr. Nelson recommends this due to the slope of the land. He asks again about restoration off site.

Director Meassick suggests Whitney Park as a possible location. She will get more information.

The commission would like to see work on the enforcement prior to issuing an order. Director Meassick explains that since the enforcement isn't on the agenda, it cannot be amended, or a plan discussed further. The item will have to be continued to the next meeting.

Chairman Doe asks if there are any questions from the audience. Seeing none, he looks for a motion to continue to August 22, 2023 to work on the enforcement order.

Vice Chairman Murphy motions to continue to August 22, 2023. Commissioner Prystowski seconds. EF-yes, JP-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

5. REQUESTS TO AMEND AN ORDER

A. City View Road Culvert – DEP File #333-739

Proposed Amendment: remove failed Armortec and replace with riprap stone.

Alicia Mayer, from Woodard & Curran, is present as representative.

Ms. Mayer explains she is present to request an amendment to the Order of Conditions for the City View Rd culvert replacement project. It was continued from the last meeting; The project is to remove the failed Armortec flex erosion control at the outlet of the culvert with riprap which has been sized to accommodate the 100-year flood event.

Director Meassick explains the 462-day covid extension applies to this project.

Vice Chairman Murphy asks Ms. Mayer if the plan is to do the inlet side of the culvert as well, what size riprap should be used, would just the base be done and where will the equipment enter the site.

Ms. Mayer explains that DPW's plan is to do just the outlet. The inlet side remains stable. The entrance point would be the same as it was originally.

Commissioner Finnie asks if there is another way to enter the site.

Chairman Doe explains that's a neighbor's property.

Ms. Mayer explains there is an existing guardrail on the opposite side so unsure how that would work. She explains that anything disturbed on that property will be restored.

Director Meassick explains that she spoke with DPW and they will most likely keep one lane open on the road, because the work isn't being done on the culvert directly. The limit of work was extended and discussed new shrubs or trees to be planted or some type of vegetation. Director Meassick asks Ms. Mayer if that could still be done.

Ms. Mayer explains that could be a conservation with DPW if the Commission wants that done.

Chairman Doe asks how they plan to remove the Armortec.

Ms. Mayer explains that would be a question for DPW or contractor they hire.

Chairman Doe asks if they are bypassing the water or redirecting it.

Ms. Mayer explains yes, to dry off the area and makes sure it was compacted appropriately.

Chairman Doe asks if they will be bringing in fill or reusing what is there.

Ms. Mayer explains they will be using the existing fill and removing any erosion sediment that has been picked up by the failed culvert.

Commissioner Florek asks why Ms. Mayer thinks this Arnotec had failed.

Ms. Mayer explains that this has been discussed thoroughly and there is not any exact reasoning, it was sized appropriately.

Commissioner Florek asks if Ms. Mayer has used this technology before.

Ms. Mayer explains no she has not, but rip rap was proposed at the first meeting for this project and the coordinator then wanted Armortec instead.

Chairman Doe asks the Commission if they have any additional questions. Seeing none, he asks if the public has any questions.

Mrs. Kathy Whippert owns the land of the culvert. She expresses her feelings/concerns she has for destruction of her property. She explains that it's unfortunate it failed because the vegetation has grown beautifully.

Chairman Doe asks if there are any more questions/concerns, seeing none he entertains a motion to amend the Order of Conditions.

Vice Chairman Murphy motions to amend the Order of Conditions for the repair of the failed Armortec. Commissioner Finnie seconds. EF-yes, JP-yes, JM-yes, RF-yes, DD-yes.

The motions passes.

6. CERTIFICATE OF COMPLIANCE

- A. 1090 Southampton Road – DEP File #333-786
Project: Construction of Pioneer Valley Pools and Spas

Commissioner Florek motions to continue to August 22, 2023. Commissioner Prystowski seconds. EF-yes, JP-yes, JM-yes, RF-yes, DD-yes.

The motions passes.

- B. 128 Crane Avenue – DEP File #333-824
Project: Construction of pool

Chairman Doe asks the Director if she received any as built for this project.

Director Meassick explains she doesn't have an as built but has gone over and reviewed the site with the property owner present. The site is stable, and she recommends issuing a certificate of compliance.

Commissioner Florek motions to issue the Certificate of Compliance. Vice Chairman Murphy seconds. EF-yes, JP-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

7. ENFORCEMENT ORDERS

- A. 65 Butternut Road
Violation: Dumping of fill in wetland

Andrey Krasun, the homeowner, is present.

Chairman Doe ask if he has any update.

Mr. Krasun explains he received the list of consultants and has been calling with no response. He explains that some of the numbers he called won't be able to help him, some phone numbers don't work.

Vice Chairman Murphy ask how many people are on the list.

Director Meassick explains about 12.

Commissioner Florek asks if the Commission ever received the answer about how many trucks brought in fill.

Mr. Krasun Explains about 28 trucks with some being only half filled, he wasn't present. He asked the company to bring in enough to make the corner of the lot even.

Director Meassick asks Mr. Krasun if she may have the number of the company who brought fill in so she can ask about how much was brought over.

Mr. Krasun explains he will ask the gentlemen because he only has his personal cellphone number and doesn't want to give it out without permission.

Chairman Doe explains that the Commission can't tell him who to contact specifically as they cannot endorse any one consultant.

Mr. Krasun explains he was able to contact Fuss & O'Neil of Connecticut and the lady transferred him to another department and they couldn't help.

The Commission and Mr. Krasun discuss the consultant and who from the list he has called.

Commissioner Florek asks Mr. Krasun to keep track of who he called and their response, just to show the Commission that he is trying because it's been 8 months.

Director Meassick explains she can email some consultants and have them reach out to Mr. Krasun.

Vice Chairman Murphy motions to continue to August 22, 2023 to allow additional time for a consultant to be hired. Commissioner Finnie seconds. EF-yes, JP-yes, JM-yes, RF-yes, DD-yes.

The motions passes.

B. 93 Sackett Road

Violation: Clearing of vegetation along intermittent stream

Chairman Doe asks if it's a wetland or intermittent stream.

Director Meassick explains to the right of the home is an intermittent stream, this was the property that was issued an emergency certificate to replace the culvert that was running under the road making a giant sink hole. She explains that the homeowners stated that a septic system was replaced and that is why all the vegetation was removed.

Vice Chairman Murphy asks if a septic system went near an intermittent stream.

Director Meassick explains it could have been there a long time ago, so replacing it is completely legal. The homeowners planned on just adding some grass, she suggests the homeowner come to the next meeting because the Commission may recommend shrubs instead of just grass seed.

Chairman Doe entrains a motion to continue.

Commissioner Florek motions to continue to August 22, 2023. Commissioner Prystowski seconds. EF-yes, JP-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

C. 246 Russellville Road

Violation: Working in 50ft no disturb zone without a permit

Director Meassick explains they built the barn back in 2007, they got a permit from the building department in December to replace the siding. Instead, the owners remodeled the inside of the entire barn as well as installed a septic tank right next to the intermittent stream. They didn't get permits for any of the new work. Up the hill from the location where the house was, it has since been taken down. They did perc it and pull the permits for the house rebuild but not for this barn.

The Commission discusses the location of this address and what it was in the past. In 2007 the then owners built an access road through the wetland, which resulted in the restrictions put onto 240 Russellville Road. Director Meassick plays the old videos from the 2007 violation showing how the water flows rapidly down slope.

Commissioner Finnie motions to ratify the enforcement order for cease and desist. Vice Chairman Murphy seconds. EF=yes, JP=yes, JM=yes, RF=yes, DD=yes.

The motion passes.

8. COMMISSION DISCUSSION

- A. Reissue Order of Conditions for 167 Springfield Road
Project: Bertera Dodge paving of parking lot – DEP File #333-733

Director Meassick explains that the Commission voted previously, but she forgot to have it signed. The Commission signs the Order.

- B. Regulations & Procedures Q&A
a. Filing Fees

The Commission struggled to access the SharePoint page where the information on the filing fees is located.

Vice Chairman Murphy asks what the money will be used for. Director Meassick explains she believes it will go into the general fund – but the Auditor is looking into this. It will aid in budget requests. He wants to know the anticipated income that would be generated. Director Meassick ballpark \$8,750.00 based on the category 2 fee and the 35 applications received so far, this fiscal year. The notice of intent categories is reviewed. ANRAD fees will be \$1 per square foot.

Vice Chairman Murphy suggests charging for site visits. Commissioner Florek inquires as to what other towns do. Director Meassick explains the towns which do charge, the initial site visit is free, and any additional ones are \$25.00. Commissioner Finnie does not agree with a site visit fee since the Commission is requesting to go, not the applicant.

Vice Chairman Murphy suggests an overall fee for re-issuing forms.

Commissioner Florek asks what Director Meassick spends the most time doing. She answers reviewing applications and learning terminology. He thinks this is what should be charged for. She disagrees because that is her job to do.

b. Local Ordinance Only Applications

Chairman Doe asks if these will have to be added to the Ordinance. Director Meassick will look into it.

C. Review and approval minutes

a. April 25, 2023

A quorum from this meeting is not present. The minutes are not approved.

b. May 23, 2023

A quorum from this meeting is not present. The minutes are not approved.

c. June 13, 2023

Commissioner Florek motions to approve the minutes of June 13, 2023.
Commissioner Finnie seconds. EF=yes, JP=yes, JM=yes, RF=yes

The motion passes.

d. June 27, 2023

Vice Chairman Murphy motions to approve the minutes of June 27, 2023.
Commissioner Florek seconds. EF=yes, JP=yes, JM=yes, RF=yes, DD=yes

The motion passes.

D. Pitoniak Fields Scope of Work

Director Meassick walks through a timeline of events for mowing, treatment, and bird nesting season. She explains she had to reach out to EP and Tighe & Bond for a second quote because part of the field is in endangered species habitat per NHESP.

E. Review of any additional administrative items

a. Sign permits

The Commission signs all issued permits for the evening.

b. Required NOI copies.

Director Meassick explains that 4 NOI application copies are not necessary because the Commission does not review the physical copies. Chairman Doe agrees on 2 applications and 2 sets of site plans.

9. MOTION TO ADJORN

Commissioner Florek motions to adjourn at 8:44pm. Commissioner Prystowski seconds. EF-yes, JP-yes, JM-yes, RF-yes, DD-yes.

The motion passes.

A true record, Attest:

Director of Conservation Anna Meassick & Conservation Clerk Christina Ramos