



City of Westfield Municipal Conservation Commission

SEPTEMBER 13, 2022 AT 6:30PM
WESTFIELD CONSERVATION COMMISSION
MEETING MINUTES

Conservation Commission members in attendance: Chairman David Doe (DD), Tom Sharp (TS), Robert Florek (RF), Carl Grobe (CG), and Lauren DiCarlo (LD), and Alex Fagnand (AF). Also in attendance: Anna Meassick, Conservation Coordinator

1. CALL TO ORDER

Chairman Doe calls the meeting to order at 6:30 PM to take attendance. Commissioners in attendance are Chairman David Doe (DD), Tom Sharp (TS), Carl Grobe (CG), Lauren DiCarlo (LD), Robert Florek (RF), and Alex Fagnand (AF). Also in attendance is Conservation Coordinator Anna Meassick

2. OPEN PARTICIPATION

- A. Any members of the public who would like to address the Commission concerning items not on the agenda.

3. EMERGENCY CERTIFICATIONS

- A. Ratify the emergency certification issued to install a beaver deceiver on Root Road

Coordinator Meassick issued an emergency certification for the installation of a beaver deceiver at the culvert on Root Road at the Brickyard Ponds. She explains the Westfield Health Department ruled the blocked culvert as a public health risk. The certification was issued on August 30, 2022 and work started and ended on August 31, 2022. Coordinator Meassick was on site during the installation and lowering the water levels. The ponds will need time to reestablish levels over the coming weeks.

Commissioner Sharp motions to ratify the emergency certification. Commissioner Grobe seconds. AF- abstained, RF-yes, CG-yes, TS-yes, LD-yes, DD-yes.
The motion passes.

4. PUBLIC MEETINGS (RDAs)

- A. 57 Jessie Lane (4R-140) – Frederick Bell
Proposal: Building a shed within riverfront area

Commissioner Doe reads the legal language. Edward Bell and Frederick Bell are present. Mr. Bell explains they would like to construct a 10ft by 20ft shed at the end of the driveway and a retaining wall at the top of the slope, leading to the river front area. The retaining wall will have a 2ft setback from the shed.

Chairman Doe asks for further questions from the Commission. Seeing none he asks for questions from the public. Seeing none, he entertains a motion to close the public meeting.

Commissioner Florek motions to close the public meeting. Commissioner Grobe seconds. AF-yes, RF-yes, CG-yes, TS-yes, LD-yes, DD-yes
The motion passes.

Chairman Doe entertains a motion for determination

Commissioner Fagnand motions to approve the project with the installation of erosion controls that must be approved by the Coordinator post and prior to construction and no NOI required. Commissioner Grobe seconds.
AF-yes, RF-yes, CG-yes, TS-yes, LD-yes, DD-yes

- B. 334 East Main Street (109-31) – Richard Porter
Proposal: Excavation and replacement of paving within flood zone

Chairman Doe reads the legal language. Commissioner Florek recuses himself. John Beltrandi is present as the representative on behalf of the applicant. Mr. Beltrandi explains the new vacuums and paving to take place on site. Flood storage will be gained during the work and all work will be at the exact same elevation pre and post construction. Commissioner Grobe asks a question on how the vacuums work. Coordinator Meassick asks to be provided elevation levels pre and post.

Chairman Doe asks for further questions from the Commission. Seeing none, he asks for questions from the public. Seeing none he entertains a motion to close the public meeting.

Commissioner Fagnand motions to close the public meeting. Commissioner Grobe seconds. AF-yes, RF-yes, CG-yes, TS-yes, LD-yes, and DD-yes
The motion passes

Chairman Doe entertains a motion to issue a determination.

Commissioner Fagnand motions to approve the project with the conditions of reporting pre and post elevations and there shall be no change in elevation post construction. -
Commissioner Grobe seconds. AF-yes, RF-yes, CG-yes, TS-yes, LD-yes, DD-yes
The motion passes.

Commissioner Florek returns

5. PUBLIC HEARINGS (NOIs)

- A. 558 and 590 Granville Road (26R-20 and 26R-21) DEP File #333-817 – John Patterson
Proposal: Dredging of land underwater and waterways

Commissioner Florek recuses himself

Ryan Nelson from RLA is present as the representative for the applicant. He provides updates from the last time the project was presented. A wildlife habitat study revealed that the project will not have adverse effects on habitat. They require a 401 water quality certification from DEP in order to do the project because more than 5,000sqft of land underwater is being dredged.

Commissioner Sharp asks about why the volume increased for alteration. Mr. Nelson explains that they decided to clear more of the stream in order to make it more manageable. Commissioner Sharp asks for clarification on the 401 certification. Mr. Nelson explains that it could take several months to get that, which is why under the conditions it would have to be pre-approved.

Commissioner Grobe inquires as to how often the clearing has to happen. Mr. Nelson explains every couple of years, the last time being 2003. Commissioner Grobe would like a small 1-2ft buffer along the edge of the stream. Mr. Nelson thinks that would not be beneficial because there would be more vegetation contributing to the stream defeating the purpose of the project.

Coordinator Meassick inquires as to if the applicant wants the NOI to be valid to dredge the ditch every 15-20 years or if this is just a onetime application for dredging. Mr. Nelson explains that it is currently a onetime dredging project.

Commissioner Sharp reads off questions to Mr. Nelson to get clarification. Mr. Nelson answer his questions and concerns. Commissioner Fagnand has concerns about change in elevation. Mr. Nelson explains that rip-rap stone and vegetation as well as the culvert being recessed will prevent zero change in stream elevation. Permanent check dams are considered to control velocity. Alternatives are reviewed but the dredging is the best option.

Commissioner Sharp would like to add a buffer zone around the stream of 25ft along the stream. Coordinator Meassick informs him that the Commission cannot require the applicant to stop mowing existing lawn as it is exempt under the Wetlands Protection Act.

The invasive species management plan is discussed.

Chairman Doe asks for additional comments from the Commission. Seeing none, he asks for questions and concerns from the audience.

Angela Derouin expresses her thanks for the work the Commission and Mr. Nelson has done to limit impacts and that the new owner of her former residence at 515 Granville Rd, Patrick Liptak, will be monitoring the work to determine if additional damages occur. Jim Liptak thanks the Commission and explains the video and photos from 2008 he submitted of the stream flowing rapidly during a storm. Coordinator Meassick shows the

video and passes around the photos to the Commission. He blames the flooding on the culvert being incapable of controlling the water.

Chairman Doe asks Coordinator Meassick her opinion on the flooding and erosion. She explains that during a flash flood, any stream or river would run at such speeds, that it is natural erosion occurring.

Chairman Doe asks for additional comments from the Commission. Commissioner Sharp inquires about DEP comments. Coordinator Meassick explains there were no comments.

Chairman Doe asks for any additional comments from the audience. Seeing none, he entertains a motion to close the public meeting.

Commissioner Sharp motions to close the public hearing. Commissioner Grobe seconds. AF-yes, RF-yes, CG-yes, TS-yes, LD-yes, DD-yes
The motion passes.

The special conditions are reviewed.

Commissioner Grobe motions to approve the project with the special conditions. Commissioner Fagnand seconds. AF-yes, CG-yes, TS-yes, LD-yes, DD-yes
The motion passes.

Commissioner Florek returns.

B. 300 Union Street (35R-22) – DEP File #333-820 - Custom Railing c/o Armand Cote
Proposal: Wetland and buffer zone restoration and parking improvements

Ryan Nelson from RLA is present as the representative for the applicant

Mr. Nelson explains that there is potential fill of BVW and the restoration plan has been adjusted accordingly. Once restoration work is completed the applicant wants to increase the gravel parking area between the 50-100ft buffer zone.

Coordinator Meassick inquires as to how many trees will be removed. Mr. Nelson explains it is mostly scrub-shrub growth, not mature trees. Commissioner Sharp agrees with the removal of the trees.

Commissioner Florek inquires when the paving will take place. It will be a condition that the restoration is completed prior to paving.

Chairman Doe asks for questions from the Commission. Seeing none, he asks for conditions from the audience. Seeing none, he entertains a motion to close the public hearing.

Commissioner Grobe motions to close the public hearing. Commissioner Fagnand seconds. AF-yes, RF-yes, CG-yes, TS-yes, LD-yes, DD-yes
The motion passes.

The special conditions are reviewed.

Commissioner Fagnand motions to issue the order of conditions with the approved special conditions. Commissioner Grobe seconds. AF-yes, RF-yes, CF-yes, TS-yes, LD-yes, DD-yes.
The motion passes.

- C. South Rd, Pochassic St, Ponders Hollow – DEP File #333-822 –Jeffrey Gamelli
Proposal: Ejector pump station replacements within floodplain and riverfront area

Commissioner Fagnand recuses himself.

Megan Woytik of Tighe and Bond is dialed into the meeting via phone.

Coordinator Meassick explains the site visit. It is confirmed that the fence around the pump stations are being removed. Commissioner Sharp believes it is a very straight forward request.

Chairman Doe asks for questions from the Commission. Seeing none, he asks for conditions from the audience. Seeing none, he entertains a motion to close the public hearing.

Commissioner Grobe motions to close the public hearing. Commissioner Florek seconds. RF-yes, CG-yes, TS-yes, LD-yes, DD-yes.
The motion passes.

The special conditions are reviewed.

Commissioner Grobe motions to approve the Order of Conditions with the special conditions. Commissioner Sharp seconds. RF-yes, CG-yes, TSS-yes, LD-yes, DD-yes
The motion passes.

- D. 280 & 282 East Main Street (108-17 and 108-37) – Bill Maxwell
Proposal: Drive-thru changes within flood zone

Ryan Nelson from RLA and Peter LaPointe, the applicant, are present.

Chairman Doe reads the legal language.

Mr. Nelson explains the project with compensatory storage accounted for from a previous project. The work is within existing paved area in flood zone.

Coordinator Meassick asks about the COC from the prior notice of intent in 2004 as this is required prior to construction. Mr. Nelson explains they will be submitting a form 8 to DEP in the upcoming weeks. At this time, the project has not file number or comments from DEP and must be continued.

Mr. LaPointe explains why the 2004 Notice of Intent was appealed and issued a superseding order of conditions by DEP. The superseding order required compensatory storage to be accounted for the construction of the building under the new regulations at that time.

Chairman Doe asks for questions from the Commission. Seeing none, he asks for conditions from the audience. Seeing none, he entertains a motion to continue to the next meeting.

Commissioner Fagnand motions to continue to September 27, 2022. Commissioner Grobe seconds. AF-yes, RF-yes, CG-yes, TS-yes, LD-yes, DD-yes. The motion passes.

6. ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION (ANRAD)

- A. 0 Timberswamp Road and 121 Medeiros Way (63R-14 & 63R-15) – DEP File #333-823 – Sovereign Builders c/o Todd Cellura
Proposal: To evaluate and accept the delineated wetland resource areas

Chairman Doe reads the legal language.

Mr. Nelson from RLA is present on behalf of the applicant.

Commissioner Sharp inquires as to what an ANRAD is. Mr. Nelson explains the process of the ANRAD for approval and how it is beneficial. He then explains the delineation along a perennial section of Arm Brook with bordering vegetated wetlands. It is unknown what amount of the property is actually useable for construction or what may be built here.

Coordinator Meassick offers dates for a site visit to walk the delineation.

Chairman Doe asks for questions from the Commission. Seeing none, he asks for conditions from the audience. Seeing none, he entertains a motion to continue to the next meeting.

Commissioner Fagnand motions to continue to September 27, 2022. Commissioner Sharp seconds. AF-yes, RF-yes, CG-yes, TS-yes, LD-yes, DD-yes. The motion passes

7. ENFORCEMENTS

- A. 0 Bayberry Lane (46R-68) – Sergey Novenko

Violation: Removal of trees within a bordering vegetated wetland without a permit

Ryan Nelson from RLA and Sergey Novenko, the property owner, are present.

Coordinator Meassick explains the delineation is within 5-10ft of accuracy based on vegetation of aster and bone splint only. The Commission can decide if they want to allow restoration under current conditions or wait until more certain on the wetland boundary. There can be no consideration at this time for construction a home on the property. She recommends removing the invasive species now while they are not fully established. Chairman Doe requests that Mr. Nelson revisits the site to adjust the delineation accordingly.

Coordinator Meassick explains the restoration cannot happen until the spring. A restoration plan is required and will be due December 13, 2022.

Commissioner Grobe motions to amend the enforcement order to identify and remove invasive species and develop a restoration plan. Commissioner Fagnand seconds. AF-yes, RF-yes, CG-yes, TS-yes, LD-yes, DD-yes
The motion passes.

B. 240 Russellville Road (62R-1) – Oscar and Angel Naula

Violation: working outside the permanent limit of work and dumping in the wetland

No one is present from the property. Coordinator Meassick explains that the Naulas were meant to attend tonight but called and requested an extension to September 27th so they can work on restoring the property by then. She explains the trouble that they are in with the building department. They did not pull any permits for several locations that they own and did work illegally. She recommends fining the violators since they are not working towards restoring the property.

The homeowners are attempting to sell the house, but potential buyers call either the Health Department, Building Department, or Conservation Department who explain the enforcements and the permanent limit of work on the property.

Commissioner Florek and Grobe want a fourth violation letter sent requiring all restoration by September 27th and attend the meeting that day.

8. COMMISSION DISCUSSION

A. Regulations & Procedures Q&A

Commissioner Sharp would like the meetings to be broadcasted on channel 15. Coordinator Meassick explained that there is nothing for now, but it is being worked on by the city to record and then post the video the next day.

Commissioner Sharp would like Coordinator Meassick to be more descriptive on the agenda in regard to the locations of work. She agrees to do so.

B. Review and Approval of Minutes

a. July 12, 2022

Commissioner Sharp motions to approve the minutes of July 12, 2022.
Commissioner DiCarlo seconds. AF-abstained, RF-abstained, CG-yes, TS-yes,
LD-yes, DD-yes
The motion passes

b. July 26, 2022

Commissioner Sharp motions to approve the minutes of July 26, 2022.
Commissioner Florek seconds. AF-abstained, RF-yes, TS-yes, LD-yes, DD-yes
The motion passes

c. August 9, 2022

Commissioner Sharp motions to approve the minutes of August 9, 2022.
Commissioner Grobe seconds. AF-yes, RF-yes, CG-yes, TS-yes, LD-abstained,
DD-yes
The motion passes

d. August 23, 2022

Commissioner Sharp motions to approve the minutes of August 23, 2022.
Commissioner DiCarlo seconds. AF-abstained, RF-yes, CG-yes, TS-yes, LD-
abstained, DD-yes
The motion passes

C. Review of additional administrative items

a. Coordinator Meassick inquires to attendance for the MACC Fall Conference.

9. MOTION TO ADJOURN

Commissioner Fagnand motions to adjourn at 8:57 pm. Commissioner Grobe seconds.
AF-yes, RF-yes, CG-yes, TS-yes, LD-yes, DD-yes.
The motion passes.

A true record, Attest:
Anna Meassick
Westfield Conservation Coordinator