



# City of Westfield, Massachusetts

Municipal Conservation Commission

September 22, 2020  
REMOTE MEETING MINUTES

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OCT 30 2020

WESTFIELD CITY CLERK

Conservation Commission members in attendance: Chairman David Doe (DD), Vice Chairman James Murphy (JM), Thomas Sharp (TS) 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](http://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](http://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.

## 2. OPEN PARTICIPATION

Coordinator Borenstein states the Baystate had a delineation done by R. Levesque and Associates Inc. She states that she received a plan this afternoon and asks Mr. Ryan Nelson to present it. Mr. Nelson states that he can confirm that the gravel parking lot is in the Buffer Zone. Coordinator Borenstein states that the parking lot seems to be continually encroaching and does not appear stable. She states that there is gravel at the toe of the slope and rilling in the parking lot. She states that now it is up to Baystate to stabilize the parking lot and keep it from encroaching into the resource area. Mr. Nelson states that it is being worked on. He states that they are looking for the best solution. Chairman Doe asks if there are any other questions. The Commission decides that because Baystate is cooperating no EO is necessary at this time. Chairman Doe states that after the plans have been accepted an EO can be written.

### 3. PUBLIC HEARINGS

- A. Westfield River Floodway- City of Westfield-DEP File #333-0792  
Clearing vegetation in the Westfield River Floodway  
Mr. Ryan Nelson of R. Levesque and Associates Inc. is present.

Coordinator Borenstein states that there was a meeting between all of the players last week. She states that a vegetation management plan must be presented and in compliance with the performance areas for each resource area must be outlined. She states that they must also state how they are complying with the general performance standards. Coordinator Borenstein states that more documentation must be provided before the Commission can issue a coherent OOC. She states that DEP must also sign off on this project. Chairman Doe asks if there are any other questions or comments. There are none.

Commissioner Sharp motions to continue to October 13, 2020 at 6:30 PM and is seconded by Commissioner Grobe. CG-Yes, JM-Yes, RF-Yes, TS-Yes  
The motion passes.

**Vice Chairman Murphy motions to take 5A out of order and is second by Commissioner Grobe.**

**CG-Yes, JM-Yes, RF-Yes, TS-Yes**

**The motion passes.**

- 5A. 110 Union Street-Full Gospel Church

Mr. Ryan Nelson of R. Levesque and Associates Inc. is present Mr. Ryan Nelson of R. Levesque and Associates Inc. is present.

Mr. Nelson states that the survey crew has staked out the BVW line at the rear of the parking area and the no mow line approximate to the northern property boundary. Commissioner Sharp asks if there has been any work done on the signs. Mr. Nelson states that no work has been done, the signs have remained in place. Vice Chairman Doe states that four boulders and two signs for the monuments should be installed. Commissioner Grobe states that he would like to require the boulders but if the property owner wants to plant trees, he is good with that. The Commission decides to give them until October 20, 2020 to complete work. Mr. Nelson states that R. Levesque has a template for the Conservation sign. Chairman Doe asks if there are any other questions or comments. There are none.

Commissioner Sharp motions that the Coordinator send an updated letter and to continue to October 27, 2020 at 6:30 PM and is seconded by Vice Chairman Murphy. CG-Yes, JM-Yes, RF-Yes, TS-Yes  
The motion passes.

**Commissioner Grobe motions to return to normal order and is seconded by Commissioner Florek. CG-Yes, JM-Yes, RF-Yes, TS-Yes**  
**The motion passes.**

- B. 110 Union Street-Full Gospel Church DEP File #333-0793  
Expansion of a parking lot in the 100-foot Buffer Zone  
Mr. Ryan Nelson of R. Levesque and Associates Inc. is present representing the Full Gospel Church.

Chairman Doe states that the Planning Board is reviewing the project. He asks if there is any concern from the Planning Board. Coordinator Borenstein states that she does not think so. Coordinator Borenstein states that she feel comfortable that all aspects of the proposed project have been reviewed. Chairman Doe asks if there are any other questions or concerns. There are none.

Commissioner Grobe motions to close the Public Hearing and is seconded by Vice Chairman Murphy. CG-Yes, JM-Yes, RF-Yes, TS-Yes

The Commission decides on a \$5000.00 bond.

Commissioner Grobe motions to accept the Order of Conditions as written and is seconded by Vice Chairman Murphy. CG-Yes, JM-Yes, RF-Yes, TS-Yes

- C. 505 Hillside Road-Ralph DePalma-DEP File #333-793  
Construction of a single family home and associated site improvements within the 100-foot Buffer Zone.  
Mr. Ryan Nelson of R. Levesque and Associates Inc. is present representing Mr. DePalma.

Mr. Nelson states that Coordinator Borenstein and Commissioner Sharp did a site visit. Commissioner Sharp asks if the driveway touches the fifty-foot line. Mr. Nelson states that it does, but it is utilizing the existing driveway that is there now. Commissioner Sharp asks how the storm runoff will exit the property. Mr. Nelson states that in a storm event, sheet flow goes off the property in a southeasterly direction, hits the swale and then is conveyed along the property line into a gully and culvert near where the driveway meets Hillside Road. Commissioner Sharp asks if there is a worry about sheet flow running onto the road. Mr. Nelson states that there is an existing storm drain in the drive way that directs water to a culvert that goes underneath Hillside Road and then discharges into the hay field across the road. Coordinator Borenstein asks if building the home puts this in the change of use category. She states she is concerned about flooding

on Hillside Road. Vice Chairman Murphy suggest some type of retention/detention basin. Coordinator Borenstein states that she will have the City Engineer look at the project. Chairman Doe agrees. Commissioner Sharp would like to designate a no cut area near the driveway. Coordinator Borenstein agrees. She states that the change in use of this would allow for this. Chairman Doe asks if there are any other questions or comments. There are none.

Vice Chairman Murphy motions to continue until October 13, 2020 at 6:30 PM and is seconded by Commissioner Grobe. CG-Yes, JM-Yes, TS-Yes, RF-Yes  
The motion passes.

4. PUBLIC MEETINGS-None at this time.

## 6. DISCUSSION

### A. Bayberry Lane-Samuel Shokov

Question from potential property owner about developing this property.

Mr. Shokov states that he is looking at buying this property. He states that he would like permission to build in the 50 foot Buffer Zone. He states he would like to build on lot 3 in the back corner. Commissioner Grobe asks where a drive way would be installed. Mr. Shokov states that he is hoping to get an easement from the City to put his driveway on the City owned lot next door. Coordinator Borenstein states that because this is a sketch, she is unsure where the exact resource lines are. She states that she spoke to the Law Department and it doesn't seem that the City is in the position to sell or grant access to that property. She asks if the lot was perc tested or if it was on city sewer. Mr. Shokov has not had the property perc tested yet and it is not on sewer. Commissioner Grobe states that the Commission has not allowed new builds to be within the 50-foot Buffer Zone. Coordinator Borenstein states she will visit the site and update the Commission. Chairman Doe asks if there are any other questions or comments. There are none.

### B. 157 City View Road (131-30)-Christopher Lowe

5 Butternut Road (131-28)-Jason Desormier and Elizabeth Darling

Potential violation in the Riverfront Area of the Little River-Complaint about ATVs in the Riverfront Area-City Councilor Mike Burns.

Coordinator Borenstein states that she got a call about some ATVs and dirt bikes in the Riverfront area. Councilor Burns states that he receive numerous complaints about this issue. He states that he spoke to the Police Department, they are not able to respond because it is on private property. Coordinator Borenstein states that she will do a site visit before she sends a letter to the property owner. Chairman Doe asks if there are any other questions or comments. There are none.

C. 51 Deer Path

Complaint from DEP regarding trees being cut without a permit. No response to a site visit letter-Site visit to 43 Deer Path indicated work in the Buffer Zone to an intermittent stream at 51 Deer Path Lane

Coordinator Borenstein state that she has sent two certified letters but has not heard back. She states that the work is being done in the Buffer Zone of an intermittent stream. The bank is devoid of vegetation and soil is moving into the channel. She states that since both letters have been returned, she will ask the police to drop it off. Chairman Doe asks if there are any other questions or comments. There are none.

Commissioner Grobe motions to approve the Enforcement Order and is seconded by Commissioner Sharp. CG-Yes, JM-Yes, RF-Yes, TS-Yes  
The motion passes.

D. Request to waive the bond for Kamp for Kids project located at Westfield State University.

The Commission discusses this project being considered a special state project and that the OOC should be amended to allow the use of a surety bond.

Commissioner Sharp motions to amend the OOC and is seconded by Vice Chairman Murphy. CG-Yes, JM-Yes, RF-Yes, TS-Yes  
The motion passes.

6. OTHER ITEMS

A. Minutes of August 17, 2020 and August 25, 2020.

Vice Chairman Murphy motions to accept the minutes of August 17, 2020 and is seconded by Commissioner Sharp. CG-Yes, JM-Yes, RF-Yes, TS-Yes  
The motion passes.

Vice Chairman Murphy motions to accept the minutes of August 25, 2020 and is seconded by Commissioner Grobe. TS-Yes, RF-Yes, JM-Yes, CG-Yes  
The motion passes.

B. Conservation Restriction for 466 Montgomery Road.

Clerk Nunez states that the CR is in final legal review with the state and will be provided to the Commission when it has been approved.

7. MOTION TO ADJOURN

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

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

APPROVED