



City of Westfield Municipal Conservation Commission

SEPTEMBER 27, 2022 AT 6:30PM
WESTFIELD CONSERVATION COMMISSION
MEETING MINUTES

RECEIVED

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WESTFIELD CITY CLERK

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

1. CALL TO ORDER

Chairman Doe calls the meeting to order and takes attendance. Vice Chairman Murphy and Commissioner DiCarlo are not present.

2. OPEN PARTICIPATION

- A. Chairman Doe asks if any members of the public who would like to address the Commission concerning items not on the agenda. Seeing none, he moves onto item 3, public meetings.

3. PUBLIC MEETINGS (RDAs)

- A. 231 East Main Street – Watergate Plaza – Brixmor Properties LLC
Proposal: Milling and repaving rear parking lot within flood zone

Mary Hollebeke of Brixmor Properties LLC is present as the representative for the company.

Chairman Doe reads the legal language. Ms. Hollebeke explains the project for milling and paving within the existing grade within 2-4 inches in the rear parking lot of Westgate Plaza. Coordinator Meassick explains it is a one for one replacement of paving with no displacement in bordering lands subject to flooding.

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

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

Commissioner Grobe motions to approve the work with conditions that the amount of fill to be removed is reported prior to work, the amount of fill brought in shall be reported to post construction, there shall be no change in grade or elevation, and all materials shall be removed from the site upon completion of work, and no notice of intent is required. Commissioner Florek seconds. AF-yes, TS-yes, RF-yes, CG-yes, DD-yes

The motion passes

B. 975 North Road – Window World – Tim Drost

Proposal: Modifying previous determination to include fencing on property

Tim Drost, the applicant, is present. He requests to reinstall the fence that was originally removed as part of the Determination of Applicability issued in 2021 in order to prevent trespassing. Local boaters have been walking through the bank, destroying the restoration process, in order to launch their boats.

Chairman Doe inquires as to the restoration process. Mr. Drost explains that the growth of the vegetation is growing extremely fast. The original planting plan will be held to around the fencing. Coordinator Meassick inquires to the type of fence. Mr. Drost explains that they will use the original chain link fence, painted black. Additional trees were left untouched even though they were marked for removal and the deck is no longer being constructed. Commissioner Grobe inquires if the fence can be installed 6 inches off the ground to allow wildlife passage. Mr. Drost agrees.

Chairman Doe asks for further questions from the Commission. Seeing none, he asks for comments from the audience. Seeing none, he entertains a motion to amend the RDA.

Commissioner Fagnand motions to allow the chain link fence to be reinstalled, six inches above the ground to allow for wildlife passage. Commissioner Sharp seconds. AF-yes, TS-yes, RF-yes, CG-yes, DD-yes.

The motion passes.

4. PUBLIC HEARINGS (NOIs)

A. Old Long Pond Road Culvert – DEP File #333-821 – DPW

Proposal: Replacement of culvert at Old Long Pond Rd

A continuance was requested.

Commissioner Fagnand motions to continue to October 11, 2022. Commissioner Sharp seconds. AF-yes, TS-yes, RF-yes, CG-yes, DD-yes.

The motion passes.

B. 280 & 282 East Main Street (Starbucks) – DEP File #333-825 – Peter LaPointe

Proposal: Drive-thru changes within flood zone

A continuance was requested.

Commissioner Fagnand motions to continue to October 11, 2022. Commissioner Grobe seconds. AF-yes, TS-yes, RF-yes, CG-yes, DD-yes.

The motion passes.

- C. 128 Crane Ave – DEP File #333-824 – Malerie and Corey Hinckley
Proposal: Installation of pool, patio, and fence

Nadia Wright from Juliano's Pools is present on behalf of the applicant

Chairman Doe reads the legal language. The project is exempt under the Wetlands Protection Act, but not local ordinance. Coordinator Meassick explains the project is located outside 75ft of the river, on flat land. Chairman Doe asks why it is exempt under the Act. Coordinator Meassick explains it falls under the exemptions of 310 CMR 10.02.

Ms. Wright explains the project. No trees will be removed, no equipment left behind, and erosion controls will be used.

Chairman Doe asks for further questions from the Commission. Commissioner Sharp wants further information on the exemption. Coordinator Meassick reads the exemption as stated in the Act.

Chairman Doe asks for further questions from the Commission. Seeing none, he asks for comments from the audience. Seeing none, he entertains a motion to close the public meeting. Commissioner Fagnand motions to close the public hearing. Commissioner Grobe seconds. AF-yes, TS-yes, RF-yes, CG-yes, DD-yes.
The motion passes.

The special conditions are reviewed.

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

5. ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION

- 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

A continuance was requested.

Commissioner Fagnand motions to continue to October 11, 2022. Commissioner Grobe seconds. AF-yes, TS-yes, RF-yes, CG-yes, DD-yes.
The motion passes.

6. ENFORCEMENTS

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

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

Mr. Oscar Naula is present.

Mr. Naula explains that he has cleaned the site and located the iron pins which mark the permanent limit of work and building envelope. Coordinator Meassick agrees that the debris has been cleaned accordingly. There is dumping of lawn clippings and branches within the wetland, but this can serve as wildlife habitat as they have been there for some time. The Commission decides to allow the clippings and branches to remain.

Commissioner Sharp asks if the lawn was cut. Coordinator Meassick states the only disturbance was from Mr. Naula cutting a path in order to locate the iron pins; the rest of the lawn remains untouched and overgrown. She will speak to the health department in case this becomes a problem.

Mr. Naula asks what his options are for the property as far as the septic. Chairman Doe explains he cannot put a septic system outside the limit of work. Coordinator Meassick recommends hiring a consultant to compose a new plan to propose to the Commission.

Commissioner Fagnand motions to lift the enforcement order. Commissioner Grobe seconds. AF-yes, TS-yes, RF-yes, CG-yes, DD-yes.
The motion passes.

B. 77 Mill Street – Great Awakenings

Violation: Clearing of vegetation, establishing outdoor dining, installing fence, dumping within river front area

Mark Netzer from Great Awakenings and Rocky Allen of Crane Mills are present.

Chairman Doe expresses his concerns to him. He requests a letter explaining the work that has been completed. Coordinator Meassick advises the Commission they can require a notice of intent or request for determination of applicability under an enforcement order.

Mr. Allen explains the trees were removed as part of an analysis by Tighe and Bond performed in 2019 along the dam and embankment and it has been a picnic area for the past 25 years, with minor improvements over time.

Commissioner Fagnand motions to issue an enforcement order requiring the owner to write a letter to detail the work completed and requiring future projects to be applied for via an RDA. Commissioner Grobe seconds. AF-yes, TS-yes, RF-yes, CG-yes, DD-yes.
The motion passes.

C. 77 Mill Street – The Mills at Crane Pond

Violation: Dumping paint into storm drain

Chairman Doe explains the situation. Coordinator Meassick states the name of the owner of the vehicle which they suspect originally had transported the paint as the buckets inside are layered with it. Mr. Allen asks the photos to be forwarded to him so he can look further into it. An official enforcement order will not be issued, but Coordinator Meassick will keep tabs with Mr. Allen to inform the violator of the problem.

7. CERTIFICATE OF COMPLIANCE

- A. 161 Loomis Ridge – DEP File #333-241 – Old NOI from 1988
Permit: Construction of single family home

Coordinator Meassick drove by the property. There is a home there and no violations apparent.

Commissioner Sharp motions to issue a certificate of compliance. Commissioner Fagnand seconds. AF-yes, TS-yes, RF-yes, CG-yes, DD-yes.
The motion passes.

- B. Arm Brook Assistant Living Facility – DEP File #333-647
Permit: Construction of facility

No updates have been received.

Commissioner Fagnand motions to continue to October 11, 2022. Commissioner Sharp seconds. AF-yes, TS-yes, RF-yes, CG-yes, DD-yes.
The motion passes.

- C. Arm Brook Assistant Living Facility – DEP File #333-747
Permit: Fixing errors from previous construction

No updates have been received.

Commissioner Fagnand motions to continue to October 11, 2022. Commissioner Sharp seconds. AF-yes, TS-yes, RF-yes, CG-yes, DD-yes.
The motion passes.

8. COMMISSION DISCUSSION

- A. Regulations & Procedures Q&A
B. Review and Approval of September 13, 2022 Minutes

Commissioner Fagnand motions to approve the minutes of September 13, 2022.
Commissioner Florek seconds. AF-yes, TS-yes, RF-yes, CG-yes, DD-yes.
The motion passes.

C. Review of any additional administrative items

The Commissioners sign documents for Coordinator Meassick.

The new department clerk, Christina Ramos, will be starting on October 11, 2022. She is a Westfield native and relator and will be a great help with networking to future homeowners and other relators.

R. Levesque Associates is doing work at the end of Gold Street which a resident has a problem with and called Channel 22 news. Coordinator Meassick spoke with the news reporter and the resident. RLA is conducting test pits which is an exempt action under the Act. They will be delineating the wetland because it is not on the USGS map. City Planner Jay Vinskey informed Coordinator Meassick that the parcel is industrial zoned and there are talks of splitting it into a subdivision, but this is not confirmed.

9. MOTION TO ADJOURN

Commissioner Fagnand motions to adjourn at 7:40pm. Commissioner Grobe seconds. AF-yes, TS-yes, RF-yes, CG-yes, DD-yes.
The motion passes.

Upcoming Meeting Dates (subject to change): 10-11-2022, 10-25-2022, 11-8-2022, 11-22-2022, 12-13-2022, 12-27-2022

A true record, Attest:
Anna Meassick
Westfield Conservation Coordinator