



City of Westfield, Massachusetts

Municipal Conservation Commission

September 28, 2021

REMOTE MEETING MINUTES

RECEIVED

By City Clerk's Office at 9:31 am, 10/13/21

Conservation Commission members in attendance: Chairman David Doe (DD), Carl Grobe (CG), Tom Sharp (TS), and Robert Florek (RF). Also in attendance: Meredith Borenstein, Conservation Coordinator and Colleen Fegan-Nunez, Clerk.

Chairman Doe reads: *Pursuant to Chapter 20 of the Acts of 2021, certain Covid-19 measures as they relate to M.G.L. c. 30A, §20, the Open Meeting Law, were extended that had been adopted during the State of Emergency. 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 Channel 12 or online at westfieldtv.org or online at [Youtube.com](https://www.youtube.com) - Westfield Community Programming Channel. 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 6:32 PM and takes attendance. Vice Chairman Murphy, Commissioner Fagnand and Commissioner Laraway are not present.

2. OPEN PARTICIPATION

Chairman Doe asks if there are any audience members that would like to address anything not on the agenda. No one unmutes.

3. PUBLIC HEARINGS

- A. 459 Russell Road (34R-4)-Tekoa Country Club-DEP File #333-800
Bank restoration along the Westfield River.

Applicant requests a continuance to October 12, 2021 at 6:30 PM.

Commissioner Grobe motions to continue until October 12, 2021 at 6:30 PM and is seconded by Commissioner Florek. CG-Yes, TS-Yes, RF-Yes, DD-Yes
The motion passes.

- B. 898 Southampton Road (63R 13)-Heritage Residents Association Inc.-DEP File #333-0807

Mobile Home Park Improvements: Paving roadways, new waterlines, and stormwater management within the 200-foot Riverfront Area of Arm Brook.

Applicant requests a continuance to October 12, 2021 at 6:30 PM.

Commissioner Grobe motions to continue until October 12, 2021 at 6:30 PM and is seconded by Commissioner Florek. CG-Yes, TS-Yes, RF-Yes, DD-Yes
The motion passes.

6:34 Chairman Doe recuses himself and leaves the meeting. Commissioner Sharp takes over as Chairman.

- C. 0 South Meadow Road (28R-6)-Brixmor SPE 6 LLC-DEP File # 333-796

Request to amend the Order of Conditions: Additional Flood Compensatory Storage.

Mr. Ryan Nelson of R. Levesque and Assoc. LLC is present representing Brixmor SPE 6 LLC.

Commissioner Sharp reads the legal language. Mr. Nelson states that his client is looking to add to a previously approved Compensatory Storage Area for Aldi on South Meadow Road. He states that they would like to enlarge the area now so that the area would not be disturbed twice. He states that the majority of the additional work is outside of the 200-foot Riverfront Area. Coordinator Borenstein states that it makes sense to her to get this completed and revegetated now rather than disturbing the area again for future projects. She states that she believes that this should be seeded and stabilized by October 27, 2021.

Commissioner Florek motions to close the Public Hearing and is seconded by Commissioner Grobe. RF-Yes, CG-Yes, TS-Yes
The motion passes.

Commissioner Florek motions to amend the Order of Conditions, the new Bordering Land Subject to Flooding numbers and referenced plans and is seconded by Commissioner Grobe. RF-Yes, CG-Yes, TS-Yes
The motion passes.

6:50 PM Chairman Doe returns to the meeting and resumes as Chairman.

- D. 0 Russellville Road (67R-33)-Sergey Kafanov-DEP File # 333-772

Request to amend the Order of Conditions: Remove 3 trees to install electrical poles.

Chairman Doe reads the legal language. Commissioner Grobe show photos from his site visit. Commissioner Sharp suggests topping the trees to create additional wildlife habitat, but also states that he would expect these trees to die within a couple of years.

Commissioner Florek suggests planting Winterberry shrubs as replacements. Chairman Doe asks if there are any members of the audience would like to comment. Ms. Mona

Friberg is concerned that the landowner is not following the order. She is concerned with the number of trees that have been removed. She also expresses concern as to whether Mr. Kafanov has all of the required permits. Commissioner Sharp tells Ms. Friberg the departments that she would have to contact to make sure those permits are in place. Coordinator Borenstein suggests that the Commission Continue the Hearing and invite the applicant to the next meeting.

Commissioner Sharp motions to continue the Public Hearing until October 12, 2021 at 6:30 PM and is seconded by Commissioner Grobe. CG-Yes, RF-Yes, TS-Yes, DD-Yes
The motion passes.

4. PUBLIC MEETINGS

- A. 1515 Granville Road-Springfield Water and Sewer Commission (SWSC)/James Laurila
Request for Jurisdictional Status of the Sedimentation Basin and its Upstream and
Downstream Channels.

Mr. Tom Touchet of AECOM is present representing SWSC.

Coordinator Borenstein states that she met with the applicant on the property and found some Bordering Vegetated Wetlands that are connected to the Intermittent Stream that was originally labeled non-jurisdictional. Mr. Touchet states that he agrees with the findings and has updated the plans to ensure the streams are labeled jurisdictional.

Commissioner Grobe motions to close the Public Meeting and is seconded by
Commissioner Florek. RF-Yes, CG-Yes, TS-Yes, DD-Yes
The motion passes.

Commissioner Sharp motions:

1. Positive 1-Area
2. Positive 2A-This Determination only approves the following resources:
 - a. Bank of the Sedimentation Basin and its associated 100-foot Buffer Zone.
 - b. Bordering Land Subject to Flooding as shown on the site map dated 9-28-2021.
 - c. Bank associated with the two mapped intermittent streams and their 100-foot Buffer Zones.
 - d. Land Under Water associated with the Sedimentation Basin.

NOTE: The wetlands and streams shown on the plan are not all inclusive and other jurisdictional areas exist on the property.

and is seconded by Commissioner Grobe. RF-Yes, TS-Yes, CG-Yes, DD-Yes
The motion passes.

- B. 137 Sander Road (276-26)-Jorge Barbosa
Request to remove an existing garage and construct a new garage in its place located in
the 100-foot Buffer Zone to Horse Pond.

Chairman Doe reads the legal language. Coordinator Borenstein states that there is an existing garage in the spot now. The replacement will be slightly larger than the existing building. The Commission discusses the walkway around the garage. Chairman Doe states that it is not on the plan and the Commission approves only what is on the plan. Chairman Doe asks if there are any questions or comments from the audience. No one unmutes.

Commissioner Grobe motions to close the Public Meeting and is seconded by Commissioner Sharp. CG-Yes, RF-Yes, TS-Yes, DD-Yes
The motion passes.

Commissioner Grobe motions:

1. Negative 3 with conditions.
 - a. Erosion controls must be installed prior to the removal of the garage.
 - b. The Commission will be notified when the work will take place and will approve the erosion controls prior to start of work.
 - c. Lawn may continue to be mown up to 5-feet from the pond edge.
 - d. Erosion controls to stay in place until the new lawn is established.

and is seconded by Commissioner Sharp. CG-Yes, RF-Yes, TS-Yes, DD-Yes
The motion passes.

5. ENFORCEMENT-There are none at this time.

6. DISCUSSION

- A. Pochassic Street to Medeiros Way-Eversource Energy-DEP File #333-0763
Request for Certificate of Compliance.
Mr. Paul Knapik is present representing Eversource Energy.

Mr. Knapik states reminds the Commission of the scope of the project. He states that Coordinator Borenstein and he walked the site on September 24, 2021. He states that the project has been completed.

Commissioner Grobe motions to approve the COC and is seconded by Commissioner Florek. CG-Yes, RF-Yes, TS-Yes, DD-Yes
The motion passes.

- B. 89 Fairfield Avenue (71-11)-Edward Champigny-DEP File #333-0225
Request for Certificate of Compliance.

Coordinator Borenstein states that this is an old project and no COC was requested.

Commissioner Grobe motions to approve the COC and is seconded by Commissioner Florek. CG-Yes, RF-Yes, TS-Yes, DD-Yes
The motion passes.

C. 75 Ridgeway Street-Westfield DPW

Ratify Emergency Certification for replacing an old brick manhole structure with a new headway by Department of Public Works.

Commissioner Sharp motions to ratify the Emergency Certification and is seconded by Commissioner Grobe. CG-Yes, RF-Yes, TS-Yes, DD-Yes
The motion passes.

D. 34 First Street-Jeanette Peretti-DEP File 333-799

Request to remove 5 trees outside of the limit of work, due to construction activities and site constraints.

Chairman Doe states that according to DEP if the Commission believes that this is a minor change. As such, the change can be noted in the minutes. Commissioner Sharp states that he does not like this method because there is no public input. Coordinator Borenstein states that she does not believe that cutting a few trees in the Buffer Zone is a major change. The Commission does not feel that this is a minor change, they would like the applicant to file an RDA for this project.

7. OTHER ITEMS

A. Minutes of September 14, 2021

Commissioner Sharp motions to accept the minutes of July 27, 2021 and is seconded by Commissioner Grobe. CG-Yes, RF-Yes, TS-Yes, DD-Yes
The motion passes.

8. COMMISSION DISCUSSION

A. Regulations and Procedures Q & A-There are none at this time.

B. Wetland Ordinance Update

Coordinator Borenstein states that the City Solicitor returned the draft of the Ordinance with comments. She asks the Commission to read through them for our next meeting.

C. Discuss continuation of Zoom meetings

The Commission decides to continue Zoom meetings as long as possible.

9. MOTION TO ADJOURN

Commissioner Grobe motions to adjourn at 8:12 PM and is seconded by Commissioner Florek. CG-Yes, RF-Yes, TS-Yes, DD-Yes
The motion passes.

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