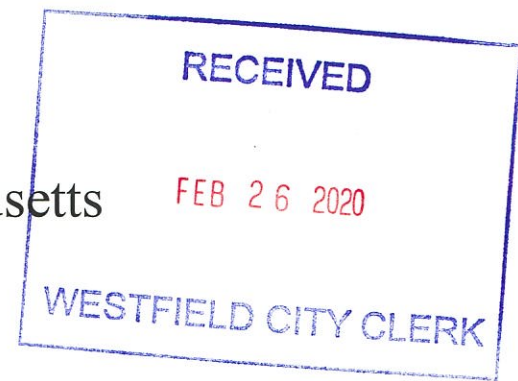




City of Westfield, Massachusetts

Municipal Conservation Commission

January 14, 2020
MEETING MINUTES



Conservation Commission members in attendance: Chairman David Doe, Tom Sharp, Carl Grobe and Clifford Laraway. Also in attendance: Meredith Borenstein, Conservation Coordinator and Colleen Fegan-Nunez, Administrative Assistant.

1. CALL TO ORDER

Chairman Doe calls the meeting to order at 6:30 pm.

2. OPEN PARTICIPATION

Mr. Jordan Phillips of Super Phipps Liquors steps forward. He states that there were structures built on his property without permission from him and it was not permitted. He states that now J & R Properties has filed an NOI to move the pergola and the fence that were built on his property. Coordinator Borenstein states that the pergola and fence were put in without a permit. She states that J & R has filed an NOI, which the Commission approved. She states that the work included removal of the fence from the neighbor's property. She states that the Consultant has stated that they are in the process of moving everything off Mr. Phillips property and that they are putting his property back to its original state. Mr. Phillips states that there is nothing in writing that to enforce the property being returned to its original state. Commissioner Sharp states that this is a matter for the police. Chairman Doe asks exactly what Mr. Phillips concerns are. Mr. Phillips states that he wants everything removed from his property and his property be returned to its original state. He states that he would like the grass put back. He states that he would like documentation of the abutter notices. Coordinator Borenstein is looking into the abutters notices. She states that there are no green cards but that she has an affidavit from the consultant stating that the notices were mailed out. Mr. Phillips asks how he can be certain that his property be returned to its original state. Mr. Phillips expresses his frustration with his neighbor and what he views as the Commission's lack of action. Commissioner Sharp states that Coordinator Borenstein will look in to this matter.

3. PUBLIC MEETINGS

- A. 132 Crane Avenue-Robert Hinckley
Building of farmhand house, septic installation and well installation.
Mr. Hickley is present.

Commissioner Doe reads the legal language. Mr. Hinckley states that he is on Agricultural Preservation Restriction (APR) property and is now trying to build a farmhand house. He states that this matter was all set but there are some changes that were made that required him to come before the Commission. He states that in the original plan he was connecting to City sewer and City water. He states that now they will be installing a septic system and a well. Coordinator Borenstein states that there is flood plain and Natural Heritage Endangered Species. She states that it appears that there is Riverfront on the property. Mr. Hinckley states that because the farmhand house is listed as a single family house he believes this is part of the issue. APR listed land does not allow homes to be built, that only buildings related to farming can be built. Coordinator Borenstein states that the plan does show Bordering Land Subject to Flooding and Natural Heritage Endangered Species mapping. The building and septic appear to be out of those areas but the 200 foot Riverfront Area is not shown on the plans, she states that a consultant is not present so she cannot question him. Chairman Doe asks if there is a two hundred foot line on the plans and how far away from the river the house will be built. Mr. Hinckley states that there is not and that it is 175 feet away. Chairman Doe states that the Commission needs to know what area is within the Commissions' jurisdiction. Mr. Hinckley states that he believes that APR land is exempt from the 200 foot Riverfront Area. Chairman Doe states that a dwelling is being built that is not under APR. Coordinator Borenstein states that it is her understanding that the APR does not apply to a dwelling. She questions whether a new dwelling is not exempt under the WPA farming exemptions. Chairman Doe states that the Commission needs to see how close the dwelling will be to the Riverfront Area. Commissioner Sharp states that documentation needs to be presented to the Commission as to how close the river is to the new dwelling. Commissioner Grobe states he is particularly interested in where the leach field and the septic system are in proximity to the river. Chairman Doe asks if there are any questions or comments from the audience. City Councilman Mike Burns states that he would like the 200 foot line certified by professional. Mr. Keith Swords asks if there was a perk test done. Chairman Doe states that that is the Health Department not the Conservation Commission. Mr. Hinckley states that it was done. Mr. Swords states that the septic system and the well are very close to the river. He states that he believes that this project needs to return to the Planning Board. Commissioner Sharp states that he is unsure if this project needs to go back to the Planning Board. Chairman Doe states that a site visit is needed.

Commissioner Sharp motions to continue until January 28, 2020 at 6:30 PM and is second by Commissioner Laraway. AIF

- B. 42 Russellville Road-Fedor Rotar
Determine whether the work to install a metal garage is subject to jurisdiction.
Mr. and Mrs. Rotar are present.

Commissioner Doe reads the legal language. Coordinator Borenstein states that she has done a site visit and measured the distance from Powdermill Brook. She states that the garage will be installed away from Commission jurisdiction and the 200 foot

Riverfront Area. She states that she just wanted to make sure that the Rotars' had the proper paperwork. Chairman Doe asks if there are any comments or questions from the audience. There are none.

Commissioner Grobe motions to close the public meeting and is second by Commissioner Laraway. AIF

Commissioner Grobe motions:

1. Negative 4-The work is not within an area subject to the Wetlands Protection Act.
and is second by Commissioner Laraway. AIF

4. PUBLIC HEARINGS

- A. 1090 Southampton Road-Clarence Kaye-DEP File #333-786
Construction of a pool/spa showroom with a paved parking area.
Mr. Clarence Kaye and Mr. Filipe Cravo of R. Levesque Assoc. Inc. are present.

Mr. Cravo states that the DPW and the Planning Board have both signed off this project. He states that there is one minor change of having pea stone near the back of the site rather than the original proposal of grass. Coordinator Borenstein asks if there will be pea stone in the buffer zone. Mr. Cravo states that in a small area along the tree line to the north. Coordinator Borenstein states that Mr. Ryan Nelson of R. Levesque Assoc. has confirmed via email that native shrubs will be planted on the access road around the IVW and boulders will be placed to block the access road. She states that the cinder block pile on the back of the property will be removed. Mr. Kaye states that this is acceptable. Chairman Doe asks if the issues address in the Enforcement Order have been addressed. Mr. Kaye states that it has not but that the silt fence has been put in properly. He didn't want to do any more work until he had the permit. Coordinator Borenstein states that the site appeared to be stable at the site visit. She asks when construction will begin. Mr. Kaye states that it will be as soon as the Commission gives approval. Commissioner Sharp asks when the felled trees will be addressed. Mr. Cravo suggests that the roots remain in place to help the slope to remain stable. He states that during construction the trees will be addressed. Chairman Doe asks if there are any questions or comments from the audience. There are none.

Commissioner Grobe motions to close the Public Hearing and is second by Commissioner Sharp. AIF

The Commission decides on a \$5000.00 Bond.

Commissioner Grobe motions to accept the Order of Conditions as written and is second by Commissioner Laraway. AIF

- B. 302 East Main Street-Nico Paolucci-
External building modifications.

Chairman Doe reads the legal language. Applicant requests a continuance to January 28, 2020 at 6:30 PM.

Commissioner Sharp motions to continue until January 28, 2020 at 6:30 PM and is second by Commissioner Murphy. AIF

- C. Replacement Structure 41040 on Existing Transmission Line and Reconstruction of Associated Access Road-Eversource Energy
Mr. Paul Knapik of is present representing Eversource Energy.

Chairman Doe reads the legal language. Chairman Doe states that a DEP File number is still needed. Mr. Knapik states that in its entirety this project is a replacement of the overhead shield wire. He states that there are two structures that span Route 20 and the Westfield River that need to be replaced. He states that both are double circuit lattice towers that are about seventy years old. These will be replaced by two single mono pole structures each carrying three wires. One structure is in Bordering Land Subject to Flooding (BLSF) and is partially in 200 foot Riverfront Area the other is in buffer zone. He states that there is work further up line associated with installing pole pads to string the optical ground wire in buffer zone only. He states that this work includes grading and leveling to create a level platform for the crews to work on. He states that the access road will be improved to reach the two new structures. He states that the area is level corn field and will have timber matting that will be placed on the ground. Because the foundations of the new structures is above or up to the flood elevation, there is an area at the end of the road that will have eighteen yards of material removed, below the existing grade to offset the area of the structures that will be taken. There is a small area of work that falls within the Natural Heritage Endangered Species Program(NHESP) area so a joint application has been sent to them. He states that NHESP has thirty days to respond but he doesn't believe that the work will impact any species, so he expects a favorable response from NHESP. He states that because this area is held under an Agriculture Preservation Restriction (APR), there was a meeting with the APR program before the holidays. He states that it is necessary to prove that any work done will improve the farm. This project does this by providing better access to the rear of the property. Mr. Knapik indicates the other area of work and states that this area is partially in the buffer zone. Chairman Doe asks how to access this area. Mr. Knapik states that access will be achieved by using the driveway of the existing residence. He states that a new driveway for the residence will be installed after the work is completed. Mr. Knapik requests a site visit. Chairman Doe asks when work would begin. Mr. Knapik states that it is scheduled to begin in April and will extend to September. Commissioner Grobe asks if the timber mats will be in place the entire time. Mr. Knapik states that they will. Commissioner Laraway asks if any trees will be removed to accommodate the timber mats. Mr. Knapik states that perhaps some shrubs but no trees. Commissioner Chairman Doe asks if there are any questions or comments from the audience. Mr.

Rick Scott states that he owns the driveway that will be used for access. He asks what type of equipment will be brought in. Mr. Knapik states that cranes, excavators cement mixers and drill rigs. Mr. Scott asks why matting will not be used on his property. Mr. Knapik states that he will look into this. Mr. Scott states that Eversource is not communicating with him. He asks for better communication. Mr. Knapik states that he is sorry about this and will make sure that communication is better on this project in the future.

Commissioner Sharp motions to continue until January 28, 2020 at 6:30 PM and is second by Commissioner Grobe. AIF

5. ENFORCEMENT

- A. 1223 East Mountain Road-Mark and Chris Dupuis
Working without a permit
Mr. Joe Rogers of GZA and Mr. Terry Reynolds of T Reynolds Engineering is present.

Coordinator Borenstein states that she approved two companies for site stabilization. One is SumCo and the other is NES. These two companies had biographies on their websites and both companies have wetland restoration experience. She also approved Marks Property Services only to remove the wood chip pile because this is the contractor that did all of the clearing. Mr. Rogers states that the two companies that were approved returned bids for the work. He states that because of the size of the property the bids were very high. Mr. Rogers states that removing the cement bags alone is over ten thousand dollars. He states that this is something that can be done by hand. Commissioner Sharp confirms that a contractor will be doing this work. Mr. Rogers states that it will be a contractor. Chairman Doe asks when it will be done. Mr. Rogers states that it will be done tomorrow. Mr. Rogers states that the site is stable right now but he does not want any one driving out there. He asks if the Cease and Desist (C&D) order can be lifted only to remove the cement bags and to remove the wood chip pile from the Riverfront Area. Commissioner Sharp asks if Mr. Rogers will be present while the work is being done. Mr. Rogers states that he will be there in the morning and that a colleague will be there for the afternoon. Coordinator Borenstein states that she will stop in. Commissioner Laraway states that he would also like to attend. Chairman Doe asks how the broken bag of concrete will be addressed. Mr. Rogers states that they will remove it with shovels and buckets. Chairman Doe asks if the cement bags will be placed in other bags in the event of breakage. Mr. Rogers states that the cement bags are completely solid. He states that they will break in chunks rather than powder. Mr. Rogers states that there will be no stock piling on the site. Everything will be removed. Coordinator Borenstein asks where the truck will be parked. Mr. Rogers indicates on the plan and states that the area is frozen but if there is any rutting plywood will be laid. Coordinator Borenstein ask if there are erosion controls available if needed. Mr. Rogers states that he doesn't anticipate erosion controls being needed. Commissioner Grobe expresses concern about excessive foot traffic in the area as opposed to putting in plywood. Mr. Rogers

states that he has looked for a good route that would cause the least amount of damage and the area is the main open corridor. He states that there are two by eight planks of wood on site that can be laid to create foot bridging.

Commissioner Grobe motions to partially lift the C&D Order only to allow the cement bags to be removed from the wetland and to remove the wood chip pile from the Riverfront Area and is second by Commissioner Sharp. AIF

Coordinator Borenstein states that Attorney is asking for a partial lifting of the C&D to allow work moving forward at a faster pace. In an email to Coordinator Borenstein, he states that because most of the work is weather dependent, coming before the Commission will cause delays. Mr. Rogers states that perhaps contacting Coordinator Borenstein for approval would be more effective.

Commissioner Sharp motions to allow Coordinator Borenstein to temporarily lift the C&D Order for the straw, the stumps and the compost filter socks and is second by Commissioner Laraway. AIF

Mr. Rogers states that he spent some time in between the two impacted areas and cataloged the vegetation to try to find out what species were in the buffer zone and what were in the BVW, what the densities were and how far apart they were. This enabled him to make a list of relative density (he indicates a table on the plan). Using the information this provided a species list that would try to replicate the forest that has been disturbed. The proposal now is that about 290 plants will go into the wetland, 480 within the buffer zone and 10-12 in the Riverfront Area. He would like to put this out to bid as soon as possible. He states that GZA will work with the contractor by putting the plants out in some spacing and some clusters. Mr. Rogers states that he is proposing 100 plugs of Red Osier Dogwood and Silky Dogwood. These would be placed closest to the stream. He states that these plants grow very fast. This would provide protection and shading of the main stream area. He suggests that a monitoring criteria of three growing seasons to meet that part of the Enforcement Order (EO). Mr. Rogers states that an annual report of the success of the plants would be completed and a map of what was planted and where, will be provided. He states that there will also be invasive monitoring. He states that before any planting in the spring, GZA will refresh the flags. Mr. Rogers states that planting would not occur until late April at the earliest. Chairman Doe asks when approval is needed. Mr. Rogers states that perhaps next month that way it can be put out to bid. Chairman Doe asks about the number of Hemlock because of the Wooley Adelgid. Mr. Rogers states that Hemlocks are a foundation species in this area and that we shouldn't stop planting the plants that should be here because of what might happen. Chairman Doe asks about the sizing of the trees. Mr. Rogers states that they will be an inch in diameter and four to six feet tall. Chairman Doe asks what the success rate at that size is for a tree of that size. Mr. Rogers states that seventy five percent is the goal but he is not sure of the success rate of the different size trees. Commissioner Grobe asks if three years will be long enough for monitoring. Mr. Rogers states that that is up to the Commission. Coordinator Borenstein asks the Commission to

consider extending the monitoring to ten-fifteen years due to the fact that this will not be a forested wetland in three years. Coordinator Borenstein asks GZA to consider larger trees because the seed mix can shade out smaller trees. Mr. Rogers states that the proposal is to seed the Riverfront for stabilization and some in the BVW but the buffer zone is more naturally leaf litter and ferns. Chairman Doe asks what GZA is proposing for Barry Brook. Mr. Rogers states that there is very little herbaceous material on the bank therefore he is proposing raking of the ruts to flatten them out and just leave the area alone. He states that there is no reason to cross the brook and the Commission won't allow them to. Commissioner Sharp asks how to make the area less appealing to ATVs or snowmobiles. He suggests putting rocks across the trail. Coordinator Borenstein suggests using boulders and monumentation throughout the property, not signs though as these can be removed. She states that she will do a site visit on Wednesday, January 15th. Mr. Reynolds states that the crossing will be replaced with a metal arch open bottom system that can be installed in a day with minimal disturbance. He states that the span will be shorter and the road will be narrower. It meets the stream crossing standards by putting in natural substrate and recreating the channel that was generally there. He indicates on the plan where the disturbance will be. To replace the channel, they will install two feet of one foot minus gravel that will have fines watered into it in order to fill the voids and topped with four inches of two inch minus gravel that will come from on site. He states that flows will even out and fill in the odd areas. He made the banks as steep as possible to minimize the disturbances coming out. He states that it is a rip rap, with a hydro seeded compost filler blown in then it will be topped so there is no exposed stone. Commissioner Laraway asks how long the arch is. Mr. Reynolds states that it is seven feet long and three feet eight inches tall. He states that he does need to do test pits to design footings. He states that this would not happen until after spring flows so work can be done in dry conditions. Chairman Doe asks if Natural Heritage has seen this plan. Mr. Reynolds states that the plan went to them today. Mr. Reynolds states that he will also be providing the stormwater management plan for this property. Chairman Doe asks where he would like to do the test pits. Mr. Reynolds states that in the already disturbed area and as soon as possible. Commissioner Sharp asks if this is the best place for the stream crossing. Mr. Rogers states that because the disturbance is already in this area, yes this is the best place. Coordinator Borenstein states that she agrees.

Commissioner Sharp motions to allow Coordinator Borenstein to approve the date of the digging of test pits and is second by Commissioner Grobe. AIF

Ms. Cathy Hillman asks how the land owner will be prevented from working more on the property. Chairman Doe states that the Conservation Commission is only able to mandate what occurs in the wetland areas. Ms. Hillman states that she is concerned that the property owner does not care about to the restoration plans. She is very concerned about the shooting and lead getting into the water system. Coordinator Borenstein states that she will contact Fish and Wildlife to inform them as to what is going on. Ms. Hillman asks what the weight limit of the bridge will be. Mr. Reynolds states that it will hold a fire truck. City Councilman Bill Onyski asks that

all permissions be in writing. He then asks if the City Conservation Commission and the State are working in parallel. Chairman Doe states that they are. Counselor Onyski asks when the permanent erosion controls will be addressed and will that be going through Conservation or Planning. Mr. Rogers states that the Fish and Wildlife Division has jurisdiction over the whole property. Mr. Reynolds states that the plan will be submitted by the end of the month. Mr. Onyski states that he is in agreement on the ten to fifteen year monitoring of the site. A citizen that did not give his name asks if the Commission is able to extend the C&D to firing weapons due to the lead getting in the soil and stream which leads to Well #2. Chairman Doe states that he will check with the City Solicitor. The unnamed citizen states that the Hemp license has expired as of December 31, 2019. Coordinator Borenstein states that she is in contact with someone at MDAR. A different unnamed citizen asks if it makes sense to take a water sample downstream of the shooting site. Commissioner Sharp states that he believes that this would be in the purview of the Health Department.

- B. 0 Russellville Road-Sergey and Anna Kafanov- DEP File #333-772
Non-compliance with permit, site conditions/erosion controls, sediment leaving property.

Coordinator Borenstein states that there is nothing new at this time.

6. DISCUSSION

Commissioner Grobe motions to take 6C out of order and is second by Commissioner Sharp. AIF

- 6C. Request for Certificate of Compliance-City of Springfield-DEP File #333-761
West Parish Filter Bridge #3

Ms. Melissa Coady of Tighe and Bond is present representing the City of Springfield.

Ms. Coady states that this project took the top off the original bridge and new abutments were constructed. A premade bridge was set on top. She states that this was completed in the 2018 growing season. Ms. Coady states that the plantings of native shrubs have been established. She shows photos of the three foot no mowing strip and the installed shrubs. Coordinator Borenstein states that it was clear that the area was being maintained as in the OOC. She states that the as built have been provided and Former Coordinator Leigh had approved the plantings.

Commissioner Grobe motions to approve the COC and is second by Commissioner Sharp. AIF

Commissioner Grobe motions to return to normal order and is second by Commissioner Laraway. AIF

6A. Emergency Certification-754 Russell Road-Kamp for Kids
Slope failure above school parking lot.

Coordinator Borenstein states that there is a steep slope leading up to the Westfield State University from Kamp for Kids. The slope has slipped. She states that the theory is a water main break on the campus has leaked into the slope and caused it to destabilize. She states that she issued an Emergency Certification for tree cutting. This was to stabilize the slope. Commissioner Sharp asks how many trees. Coordinator Borenstein states that it was twelve, but the stumps have been left. She states that she will speak to Jeremy Cigal of the City Engineering Department to file a Notice of Intent to restore the area.

Commissioner Sharp motions to ratify the Emergency Certification and is second by Commissioner Grobe. AIF

7. COMMISSION DISCUSSION

A. Regulations & Procedures Q & A-Commissioner Sharp mentions a property that he noticed that many trees were cut and that he is unsure as to whether there was permission to cut. He states that he would like Coordinator Borenstein to check in to whether there were wetlands on the property.

B. Minutes of November 26, 2019 and December 10, 2019.

Commissioner Sharp motions to approve the minutes of November 26, 2019 and is second by Commissioner Laraway. AIF

Coordinator Borenstein states that she was unable to read the Minutes of December 10, 2019 and would like to wait until January 28, 2020 to approve.

C. Membership Dues reimbursements (CESSWI, SWS, PWS)

Coordinator Borenstein asks if the Commission will reimburse her for her certifications for the year out of the NOI Fees.

Commissioner Grobe motions to allow the NOI Fees to pay for the Coordinators certification fees for the year and is second by Commissioner Laraway. AIF

D. Commission to complete the Conflict of Interest certificate.

Chairman Doe states that the Conflict of Interest certification are due by January 31st.

E. MACC Conference February 29, 2020.

Coordinator Borenstein asks if any of the Commissioners would like to go to the annual MACC meeting on the 29th. Chairman Doe recommends that any of the new Commissioners go.

8. MOTION TO ADJOURN

Commissioner Grobe motions to adjourn the meeting at 9:55PM and is second by Commissioner Laraway. AIF

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

APPROVED