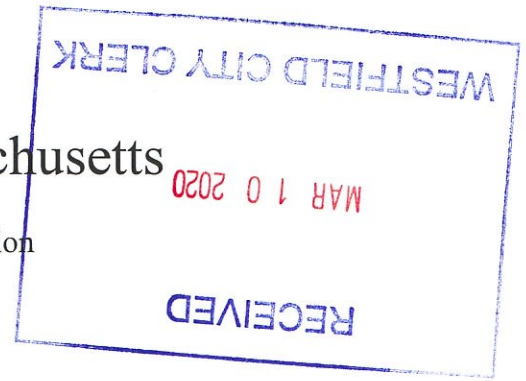




# City of Westfield, Massachusetts

Municipal Conservation Commission

January 28, 2020  
MEETING MINUTES



Conservation Commission members in attendance: Chairman David Doe, Vice Chairman Jim Murphy, Carl Grobe, Alex Fagnand 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

Chairman Doe asks if anyone would like to address the Commission on anything that is not on the agenda. No one steps forward.

## 3. PUBLIC MEETINGS

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

Mr. Hinckley states that he has received the paperwork from Planning. He presents the paperwork to Coordinator Borenstein. He states that the whole property has been zoned agricultural and within the DEP rules he is allowed to work one hundred feet from any wetland. Chairman Doe states that it is still two hundred feet from a stream or a river. Chairman Doe asks if there is a delineation. Coordinator Borenstein states that there is no plan with the exact location of the house and septic. Mr. Hinckley shows the Commission the plan that he has already presented. Coordinator Borenstein states that he is on the right track but that the Riverfront Area and exact location of the house and septic must be presented on a stamped plan. Mr. Hinckley states that he had to resubmit to Agricultural Preservation Restriction (APR) and that APR will complete this. He asks if this would do. Chairman Doe asks if an Engineer will be completing this. Mr. Hinckley states that it will. Coordinator Borenstein states that the plan should include the Natural Heritage line, the bordering land subject to flooding elevation and the 200 foot Riverfront Area lines. Mr. Hinckley states that his contact informed him that the hundred foot line for a new building would suffice. Coordinator Borenstein states that she needs a letter from that person. Chairman Doe states that the lines are very important because it will determine whether we can continue with the RDA or if a NOI needs to be filed. He states that if the house can be moved away from the hundred foot Buffer Zone than the RDA will

be fine. An unnamed audience member asks if it is just the house or if the septic needs to be moved as well. Vice Chairman Murphy states that it is all of it, driveway, house and septic. City Counselor Mike Burns states that he believes that this project should go back through Planning because of the changes in the plan. Chairman Doe states that we need a delineation. Chairman Doe asks if anyone in the audience has anything to add. Counselor Burns asks if Coordinator Borenstein can check with the Building Department to ensure that this project has met all of the city standards. He states that the area of building is of concern because it is not a matter of if it will flood, it is a matter of when it will flood. Mr. Hinckley states that in the seven years that he has owned this property the property has never flooded.

Vice Chairman Murphy motions to continue until April 14, 2020 at 6:30 PM and is second by Commissioner Grobe. AIF

#### 4. PUBLIC HEARINGS

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

Mr. Ryan Nelson of R. Levesque Assoc. is present representing Mr. Paolucci.

Mr. Nelson states that the building is currently vacant and Mr. Paolucci would like to reuse the building with modifications. He states that the five overhead garage doors on the side of the building will be closed off. The doors are recessed about a foot. He states that this will impact Bordering Land Subject to Flooding (BLSF). Mr. Nelson states that comp storage will be provided further down Route 20 in the same farm field that is used for 99 Springfield Road comp storage. He states that there will be some grades changed in the field to create the comp storage. He states that 11.67 cubic yards will be displaced. He states that the grading will create about 18 cubic yards of comp storage. Coordinator Borenstein asks if they are looking to use the banked storage from the other permitted building. Vice Chairman Murphy states that Mr. Nelson must provide proof of what was banked from the other permit and provide an audit trail. Coordinator Borenstein states that she will check the other permit to see if banking was permitted. Commissioner Fagnand states that he would also like a letter from the other permit holder stating that they understand that the banked comp storage will be used by another party. Vice Chairman Murphy asks if this is the complete project, if any other work outside of the building will be done. Mr. Nelson states that it is. Chairman Doe asks if there are any questions or comments from the audience. There are none.

Commissioner Grobe motions to continue until February 11, 2020 at 6:30 PM and is second by Vice Chairman Murphy. AIF

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

Mr. Knapik reads the comments from and responds to DEP. He states that a site walk was done to the area between Northwest Road and Gorge Road. He states that a pull pad will be established in that area. Mr. Knapik states that there will be erosion controls established but they are not on the plan. He states that in the preconstruction meeting, those will be added. He states that most of the infrastructure is already present. Chairman Doe states that this is a Riverfront Redevelopment so the Commission can ask for improvements. Coordinator Borenstein states that DEP would like to see those improvements on an area that is not part of the Eversource easement. The Commission discusses this and decides against this. Vice Chairman Murphy asks if Eversource would be amendable to putting some trees or shrubs elsewhere in the City. Mr. Knapik states that Eversource would be. Mr. Knapik states that he will determine the cost of the plants and installation. Coordinator Borenstein states that she will talk to the City Tree Warden to determine where these trees will be needed. She states that monitoring the site is still necessary. Mr. Knapik asks how many trees. Vice Chairman Murphy suggests ten trees of six feet tall. Chairman Doe asks if Eversource has had contact with the owner of the property on Route 20 whose driveway will be used. Mr. Knapik states that they have. 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 Laraway. AIF

The Commission decides on a \$5000.00 bond.

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

## 5. ENFORCEMENT

- A. 1223 East Mountain Road-Mark and Chris Dupuis  
Working without a permit

Coordinator Borenstein states that the cement bags were taken out of the wetland. She states that it was done by hand and that none of the bags broke. She states that planks were laid and walked on. She states that the bag that had broken previously was removed also. She states that the wood chip pile has been moved out of Riverfront Area but is still on site. Coordinator Borenstein states that the proposal now is for site stabilization plan. She states that GZA has lined up Mark's Property Service to put the tree stumps back in the buffer zone only. GZA would like to begin next week and GZA will be present during all work. She states that there is a small wetland that plywood will be put across so that work may commence. Coordinator Borenstein states that the next step is to get the compost filter socks (CFS) installed.

She suggests that the CFS that go perpendicular in the wetland be extended to every fifty feet from every twenty five feet. She believes that at the smaller interval they will act as check dams. Commissioner Fagnand states that the channel will act like the channel and is concerned that the CFS will alter the buffer zone. He states that allowing the stabilization plan to proceed as written is the best option with the exception of widening the perpendicular CFS. Coordinator Borenstein states that she has some concerns along the side of the road. She states that check dams should be put in there. Commissioner Laraway states that it was very eroded. Coordinator Borenstein states that while the equipment is on site, the test pits will be dug in three locations, two of which are out of our jurisdiction. She states that straw mulch will occur on the exposed soils in the buffer zone. Vice Chairman Murphy asks if there will be seeding also. Coordinator Borenstein states that she will check with the consultant. She states that the culvert will be wider to meet the stream crossing standards. Chairman Doe asks if the Fire Department needs to know this. Coordinator Borenstein states that it does. Coordinator Borenstein states that she received comments back from Natural Heritage. She states that there was a Round Table meeting for all departments. She states that nothing has been submitted to the Planning Board yet. She states that she spoke to the Building Department and was told that no permits will be issued by them until all other departments sign off. Chairman Doe asks if the stream crossing plan has been submitted. Coordinator Borenstein states that it has not. She states that she would like to approve the stream crossing and the restoration plan at the next meeting. She then asks when the Commission would like to see the consultant again. Chairman Doe states that February 25<sup>th</sup> would be good. Chairman Doe asks if there are any questions from the audience. City Councilman Bill Onyski asks if the C&D has an expiration. Coordinator Borenstein states that it does not and must be lifted when the landowner is in compliance.

Commissioner Grobe motions to allow Coordinator Borenstein permission lift the C&D for CFS installation, the geotechnical test pits, stump placement in the buffer zone and the hydro straw mulching for one week with the option to extend the time limit as necessary and is second by Commissioner Fagnand. AIF

- 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

- A. 487 East Main Street-Tin Bridge Brewery-DEP File # 333-782  
Reconstruction of outdoor dining area.

Coordinator Borenstein states that she received a letter from the Salvini and Assoc. stating that they sent the abutters notices out. But that the green cards are discarded

once the ten day appeal period is over. She states that she did a drive by and the fence has been removed and it appears that the Brewery is working on fixing Mr. Phillips property.

- B. 82 Fowler Road-Richard Conroy and Westfield Vocational High School  
Restoration plantings and invasive species removal.  
Mr. Richard Conroy and Mr. Nate Speary are present.

Coordinator Borenstein states that she did a site visit with Mr. Conroy and Mr. Speary. Mr. Conroy states that he is interested in doing some invasive species removal and restoration of the stream bank of an intermittent stream on his property. He states that the Horticulture Department at the Westfield Technical Academy is interested in taking on the project. He is looking for guidance on how to proceed. Mr. Speary states that there is a percentage of native species mixed in with the invasives. Mr. Conroy states that it is quite a lengthy site. Mr. Speary states that most of the invasives are at the "jog" in the stream. He suggests sheet mulching the area in sections over a few years and then replanting native plants. He states that in doing this he is unsure as to how to handle the native plants. Mr. Speary states that it would be easier to do twenty foot sections over a length of years and replant as it goes. Chairman Doe states that sheet mulching takes a long time. Coordinator Borenstein states that she thinks it's a good idea to get the school involved. She states that it is a wetland and that there is wildlife living in there. She thinks that an NOI is necessary to do invasive removal. Vice Chairman Murphy states that he would like to get more information on the direction to send them before any decision is made. He states that he would like an inventory of the types of plants that are there. Chairman Doe suggests pulling out invasives and the planting a native in its place. He states that he would like an NOI filed for the paper trail. The Commission discusses the option of waiving the NOI fees. No decision is made.

- C. 312 Montgomery Road-  
Potential new Enforcement Order

Coordinator Borenstein states that a well construction permit was requested but after she did a site visit it appears that there has been cutting in the buffer zone without a permit. She states that she spoke to the land owner and told him to cease all work immediately. She states that the well site appears to be in the wetland or the buffer zone. She states that a delineation is needed.

Commissioner Grobe motions to issue an Enforcement Order and is second by Vice Chairman Murphy. AIF

- D. 116 Fairfield Ave-DEP File #333-733

Coordinator Borenstein states that other city departments have brought up some issues on this project. She states that there is no occupancy permit and the house is occupied. She states that she must look through the OOC and that this happened

today. Coordinator Borenstein states that there will be a round table meeting this week to go over the whole project. She suggests holding the COC until the other departments have signed off. She states that the landowner is not connected to City water so it is believed that there is an illegal well on the property as well.

7. COMMISSION DISCUSSION

- A. Regulations & Procedures Q & A-There are none at this time.
- B. Minutes of December 10, 2019.

Commissioner Fagnand motions to approve the minutes of December 10, 2019 and is second by Vice Chairman Murphy. AIF

- C. Commission to complete the Conflict of Interest certificate.
- D. Vice Chairman Murphy mentions Home Depot. He states that at this time the entire lot is empty. He states that this is what the parking lot should look like. He states that he believes that the store manager does not know about the OOC. He states that we need to be more diligent about holding them to the legal contract of the OOC. Chairman Doe offers to go with Coordinator Borenstein to the store and talk to the manager. Commissioner Fagnand suggests talking to the regional manager.

8. MOTION TO ADJOURN

Commissioner Fagnand motions to adjourn the meeting at 8:47 PM and is second by Commissioner Grobe. AIF

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