



Town of West Springfield  
West Springfield Conservation Commission  
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Approved 1/23/19

**Minutes**  
**Wednesday**  
**November 14, 2018**  
**6:00 PM**

**Justin Morgan Auditorium**

<https://livestream.com/accounts/5714082/events/6341212/videos/184122947>

**Members present:** Kevin Cote, Maryellen Hammond, Danny Hannoush, Melissa Hensen, Deena Maniscalchi

**Members excused:** Virginia Danforth, Adam Jabber

**Others present:** Mark Noonan, Conservation Agent

#### **Introduction**

Chairman Cote opened the meeting at 6:02 P.M. He thanked everyone for attending and in accordance with MGL Ch. 30A, read the standard procedures for those intending to record meetings, the receiving of information by the Board, and documentation kept by the Board.

Commission members and staff introduced themselves for the general public.  
Meeting Procedures were reviewed.

#### **Agenda**

Motion to accept the agenda made by Hannoush. Second by Hensen. AIF

#### **Minutes**

Past minutes will not be reviewed until the next meeting.

#### **Public Participation:**

Cote asked if there was anything not on the agenda that needed to be discussed. There was nothing raised.

#### **Request for Determination of Applicability - 900 Elm St. - Tree(s) Removal**

Kevin Wedemeyer from Arborman tree Service took the podium asking permission to remove 7-8 trees.

Noonan asked his method of removal. Wedemeyer said it would all be done by hand. the board agreed on no site visit. Noonan had conditions which everyone accepted.

Cote moved to closed the hearing. AIF. Hannoush abstained.

Cote proposed a Negative 3 with conditions as written. AIF

### **Notice of Intent - 1333 Westfield St. - Dunkin Donuts Expansion**

John Goddard from R. Levesque Associates took the podium on behalf of Salmar Realty. These reconstruction proposals are in an effort to alleviate traffic congestion and optimize drive-thru flow. Goddard explained in detail. Cote asked about a fence in the back near the slope to further protect that resource area. Goddard stated that such a fence would be part of the final plans. Maniscalchi asked what had been done since the order of conditions was issued. Goddard said nothing was pursued. Noonan said it had been closed. A certificate of compliance was issued because no work had been done. Previous project was not viable. Hammond asked to see the difference between the old and new plans. Maniscalchi asked if the boundaries of the property had changed. Goddard said no. Cote asked Noonan if there were any additional questions. Noonan suggested a site visit based on the conditions. Stability is the questions. And there is overflow for the new infiltration system close to the slope. The neighbor was concerned with flooding. (There were no neighbors present at this meeting). Hannoush asked what the timeline was. Noonan said there was no decision yet. Monday 11/19/18 at 8:00 AM was agreed upon for a site visit.

### **Request for Determination of Applicability - 38 Humphrey Ln. - Tree Removal**

Noonan gave an update saying the site was looked by the commission, assist. building commissioner, and they issued an enforcement order because of the business being run there in violation of zoning. The commissioners there has no issue with the trees coming down. the problem is with the material that is dumped in the wetland, and the stuff being dumped by the brook. It is because of this material that the trees are dying. Pavel Duducal took the podium. He began to read the conditions asking to be shown where he can actually move the materials. Hensen commented that Duducal should work with the building department to remove the materials relating to the business. Noonan suggested adding a condition. Duducal has not read the zoning violation as yet. Hensen clarified that he can not take down the trees until the building materials are removed. Cote stated that the building violation needs to be addressed first. Then Noonan will be able to advise on the location of what remains, and Duducal must provide 48 hours notice prior to removing the trees. Noonan clarified that if all these things were dont done in the time specified the town could issue an enforcement order and fines would be incurred. Cote reiterated to Dudcal that he read and fully understand both the building department' and the conservation commission's conditions, and but sure to keep in touch with Noonan. Noonan encouraged Duducal to go and see the building inspector. Cote repeated his earlier recommendations as there are two departments involved.

Maniscalchi moved to close the hearing. AIF

Motion to issue a negative three determination with conditions as written made by Maniscalchi.

Second by Hensen. AIF.

### **Request for Determination of Applicability - 530 Rogers Ave.. - Wetland Lines**

John Goddard from R. Levesque Associates took the podium and requested a continuance. There was a difference of opinion after the site visit. Hoping that Noonan and Levesque can get out to the site

together. Noonan explained that his argument that the pond and the lower wetlands are indeed connected. He has documented the run offs and it is important to know where they are located when you plan a project. It would be in the best interest of everyone if it is managed properly. If the parties cannot agree, an outside firm will be required. Hannoush asked for clarity on the wetland connection. Noonan explained the situation regulation in detail. Cote reviewed on the map with Hannoush.

Cote asked if there as anyone from the public that wanted to speak. Dave Roland og 466 Gooseberry Rd took the podium and agreed that the situation is just how Noonan described. THE pond overflows and the stream runs down to the bottom of the hill. There is a lot of wildlife in that area including deer, fox, coyote, nesting hawks and other. Noonan said the concern is the wetlands, but not that they don't care about the wildlife. Roland is also concerned about how much boundary the neighbors will get.

Cote said the setting of these lines and boundaries is an important first step to any wetland project and thanked Roland for speaking. Will be continued until the next meeting. Noonan commented that if the commission wanted to consider wildlife they would have to review 10.60.

### **Request for Certificate of Compliance - 757 Riverdale St. (330-0306)**

Noonan said he had spoken with Attorney Channing but is still waiting on missing information. This will be continued at the next meeting.

### **Other Business - Piper Green Drainage (330-0328)**

Cote asked Noonan for an update on this situation. Noonan said he was contacted by Anthony Douglas with some concerns. John Goddard from R. Levesque Associates took the podium stating he is here to gather information. Anthony and Theresa Douglas, owners of the abutting property at 65 Duke St. took the podium and handed out pictures of the flooded areas to the commissioners. Mrs. Douglas said they never had water issues until the development went in. Mr. Douglas thanked Noonan for coming out to the property so quickly. He provided NWS rainfall totals for the past several years, stating in prior years with higher rainfall they had no water issues. There is a stream of running water behind their home. He is unable to use his tractor to mow the lawn because of the wetness. Said Attny. Sypek made them lots of promises about remedying the situation, and now he is no longer involved. Cote said the environmental engineers need to assess this issue and come back with recommendations. Noonan reiterated they are only exploring at this point. Will get updates at the nex meeting.

Kevin Collins of 85 Duke St. took the podium. Stated he has always had random intermittent pools of water on his property, but now this water has shown up earlier than before and does not recede. The is always 2" of water in this yard. He can't mow. And in the fall the mosquitoes we a problem. He is losing the ability to use some of his property. And now he has damage to deal with. Cote said the property owner is here along with the commission and they are doing what they can to get answers. Collins asked about the amount of dirt that was brought in to build the new homes which has seemingly changed the pitch of the land now causing this issue. He would like it fixed soon, as these issues did not exist prior to the homes being built.

Mr. Douglas added that the town can come onto his property at any time.

Peter Aldrich of 45 Duke St. took the podium. This has been going on since 2014. Stated the town knows there is something going on. It should have been fixed a long time ago. LETs work together because we are tired of it. Thanks the commission for their time.

Donna Aldrich of 45 Duke St took the podium. She is disappointed in the town and in conservation because she has had to live with these issues for the past three years. Tired of getting the runaround and being told it is a little problem. It is not a little problem to her. She is sick of it and something has to be done. Appalled by the town being too passive. Noonan said the commission is investigating to find out if there is a problem. Cote said he understood her frustration. As a commission they have certain areas of control but with rules to follow. The commission is made up of volunteers who do this because we care about conservation. Said they will do what the can do but they have to follow the rules. Aldrich stated again that she is frustrated and disappointed.

Cote reviewed the overall procedure for issues such as this. Is there a point of failure? If so, what is it? Noonan argued that everyone is assuming there is problem.

Aldrich said she mentioned to Mr. Levesque that if he pitched the land toward their property that they would have water. The land is not the same as it was four years ago. Just looking for resolution.

Noonan said they can not stop the water from running toward the wetland. The wetland existed before and it needs to continue to exist, so you can not alter it's flow.

Cote intervened to stop the argument and explained about a question regarding sediment. He also said they have to follow their process, work with the environmental folks. Mr Aldrich said someone made a big mistake. Noonan disagreed.

Hannoush suggested this should continue at the next meeting once they have more information. Made a motion to adjourn.

Cote adjourned the meeting at 7:20 PM

Respectfully submitted,  
Darleen Dubiel