

**Town of Westwood**  
Commonwealth of Massachusetts

John Rogers, Chairman  
Stephen David  
Helen Gordon  
Vesna Maneva  
Todd Sullivan  
Todd Weston



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**CONSERVATION COMMISSION**

**Minutes: Conservation Commission Meeting Date: March 10, 2021 at 7:00 p.m.**

**Location: Remote Meeting**

**7:00 p.m. – Call to Order**

Stephen David, acting chair for this meeting, states the Westwood Conservation Commission meeting of **Wednesday March 10, 2021 at 7:00 p.m.** is being held through Zoom due to the COVID-19 state of emergency and in compliance with the Governor's March 12, 2020 Order suspending certain provisions of the Open Meeting Law MGL C. 30A, §18 and the Governor's March 23, 2020 Emergency Order imposing limitations on the number of people that may gather in one place.

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The following members are present: Stephen David (acting chairperson), John Rogers, Todd Weston and Vesna Maneva. Todd Sullivan and Helen Gordon are absent. Conservation Agent, Karon Skinner Catrone was also present.

Mr. David announces this meeting is being recorded.

**Approval of Minutes:**

Consideration of minutes for meeting of May 13, 2020, June 10, 2020, June 24, 2020 and July 8, 2020, July 22, 2020, and December 9, 2020.

**Motion made by Ms. Maneva, seconded by Mr. Rogers, to table the minutes to the March 24, 2021 meeting at 7:00 pm. Unanimous.**

**Action Items:**

1. 150 Arcadia Road – DEP #338- 0659 - Request for Certificate of Compliance – Ms. Catrone states the ground is stabilized, the plantings are in and the downspouts are tied into the approved drainage system. The as-built plan, letter from the engineer and DEP form 8a have been submitted.

**Motion made by Mr. David, seconded by Mr. Weston to issue a Certificate of Compliance for 150 Arcadia Road, DEP #338-0659. Unanimous.**

2. 92 Birchtree Drive – DEP #338-0553 – Request for Certificate of Compliance - Ms. Catrone states this request was continued from the February 10, 2021 meeting because she was unable to observe if the ground was stabilized due to the snow. Ms. Catrone states she did a site visit yesterday and can confirm the rear yard is stabilized, downspouts are tied into the infiltration system and the plantings are in. The as-built plan, letter from the engineer and DEP form 8a have been submitted.

**Motion made by Mr. Rogers, seconded by Mr. Weston to issue a Certificate of Compliance for 92 Birchtree Drive, DEP #338-0659. Unanimous.**

3. Willett Pond – DEP #338-0664 – Request for Extension – Present is Colin Gosselin of Water and Wetland and is requesting a three year extension to continue vegetation management at Willett

Pond.

**Motion made by Mr. Rogers, seconded by Mr. Weston to grant the three year extension with the condition an annual report is submitted to the Commission each year. Unanimous**

**Public Hearings:**

**472 Summer Street – Land Disturbance Notice of Intent - SMP #338-048 – Anderson**

Continued from 1/27/2021

Present is Edmond Spruham of Spruham Engineering.

Mr. Spruham states he would like to go through the order of events. On October 5, 2020 our field crew was asked, by Mr. Anderson, to survey the site. On 12/9/2020 a hearing was held. There was a lot of comment at this hearing that forced us to change our design completely. On 12/22/20 he was on site to do test pits needed for the large site plan development and calculations. 12/30/20 we were on site, in snow, to collect the data that was discussed in the meeting. Additional detail was also collected. On 1/26/21 a meeting was held on site with Abby McCabe, Planning Board Agent, Nora Loughnane, Director of Community and Economic Development, BETA and myself. Most of the conversation was regarding whether work had been carried out within the buffer zone. At this meeting, I committed to send my crew back out to the site to locate all limits of work. Days later Ms. Loughnane received the plan which would be discussed at an upcoming Planning Board meeting. Ms. Loughnane agreed that this plan clearly showed the limits of work and a temporary occupancy was issued. Also discussed on site with BETA a temporary overflow from any drainage system to the wetland. While I was speaking with BETA Ms. Catrone called Phil Paradis of BETA to let him know the owners of 126 Westfield Street would like to speak with Mr. Paradis regarding the runoff going on to their property, most from the shared driveway. Both Mr. Paradis and I met with the neighbor and could clearly see the run off had created damage to her property. We walked up the driveway where the neighbor pointed out that a lot of fill had been imported to the property of 480 Summer Street. On 2/1/21 my field crew was on site to collect data regarding the buffer zone plan but were unsuccessful because of the snow on the ground. On 2/24/21 an attempt to collect more grading data on the properties of 126 Westfield Street, 480 Summer Street and 472 Summer Street. Mr. Paradis and I agreed that there was an original low point that the water ran into but this is now running down the shared driveway. On 3/5/21 another attempt was made to collect data on these properties. At this visit the owner of 126 Westfield Street asked my crew to vacate her property and not return without permission to enter the property. Before they were asked they did collect useful data to work toward a solution for this situation.

A plan of the site is shared.

Mr. Spruham states we have had to collect data from the three properties as requested by BETA.

Mr. David asks is it fair to say 472 Summer Street (owned by Brian Anderson) is much higher than the Westfield Street lots.

Mr. Spruham states 472 Summer Street was always higher. The Andersons have lifted the topo but it was always higher. In review, there is runoff from 472 and 480 Summer Street running toward 126 Westfield Street and the owners have asked us to vacate the property. The shared driveway that runs beside 126 Westfield Street is owned by 480 Summer Street (Michael Mouhanna) and Mr. Spruham is working for the owner of 472 Summer Street who does not have the right to work on the 480 Summer Street property. We have been working on 4 different solutions to this problem. The first is collecting runoff from 472 Summer Street and directing this to an infiltration system with overflow to the wetlands. The second is capturing runoff from 472 Summer Street and a portion of the runoff from 480 Summer Street. The third is the same as the second option but to divert the water from 480 Summer to a swale at a low point.

Mr. Rogers asks if anyone has researched if the low area was an Isolate Land Subject to Flooding (ILSF). An ILSF is a jurisdictional area.

Mr. Spruham states he has not.

Mr. David explains the Earth Material Movement bylaw. The amount of fill should be investigated.

Mr. Rogers asks if there was a building permit.

Ms. Loughnane states the Andersons filed for a building permit. That plan was based on the Special Permit plan which allowed for an approval not required plan that allowed the three lots. The original Special Permit plan does show grading.

Mr. Spruham continues with option 4 which is the same as the third option, with the addition, the shared driveway would be directed to a catch basin on 472 Summer Street. The best solution, in his opinion, is to collect the water coming down the shared driveway as well as the water from 472 and 480 Summer Street. He will recommend the owners of 472 Summer Street work with 480 Summer Street. Mr. Anderson has said many times he is willing to do whatever it takes to correct the situation.

Mr. David asked which option is recommended by BETA.

Mr. Spruham states BETA has not seen these options.

Mr. Rogers states the wetlands issues should be looked at.

Mr. David states it is admirable that Mr. Anderson is willing to do whatever he needs to do but how are you going to address this. BETA needs to get involved.

Mr. Spruham states he is going to recommend to Mr. Anderson that he put in a system that picks up water from both properties but there will have to be work on 480 Summer Street. The problem is if the owners of 480 Summer Street will not allow the work, we can only pick up the runoff from 472 Summer Street.

Mr. David asks if Mr. Spruham has spoken to the owner of 480 Summer Street.

Mr. Spruham states we have not.

Mr. David ask what disturbance would happen on 480 Summer Street.

Mr. Spruham states a catch basin would be added at the bottom on the driveway to catch the runoff.

Ms. Maneva states it would be nice to have a plan showing the options.

Ms. Loughnane states several years ago the owners of 480 Summer Street received a special permit. One of the requirements of this permit was that the owners of 480 Summer Street record the easement and Operation and Maintenance plan (that covers all the lots) while they still owned the all the lots. This was never done. The owner of 480 Summer Street then sold 472 Summer Street to the Andersons. The Andersons filed for a building permit and a note was put on the online permitting portal that if land disturbance exceeded 5000 sq. ft. a Land Disturbance Permit was required. This filing was never received. To date an occupancy permit has not been received and the Andersons are being fined. The owners are having difficulties cooperating. A draft Operation and Maintenance plan has been developed.

Ms. Loughnane discusses the conditions of the Operation and Maintenance plan. In order to get a full occupancy permit a Land Disturbance Plan was also required. While we are working to get to this point, the water is running onto 126 Westfield Street. A deadline must be set for the Land Disturbance Permit.

Mr. David states he is looking for a global solution for this problem.

Mr. Spruham states the water is coming from the driveway which is not on the Anderson's property.

Ms. Loughnane states the driveway is on the Mouhanna's property. The best resolution is to construct a system on the Mouhanna's property to catch the water. If this cannot happen the Andersons should be instructed to capture the water on their property and the Mouhanna's can take responsibility for their runoff. We cannot risk a long battle between the parties.

Mr. David asks Mr. Spruham how long it will take to complete the plan.

Mr. Spruham states this can be done within a week.

Mr. David ask that this be put on the next agenda.

Rosemary Traini, counsel for the owner of 472 Summer Street, is present and states she feels the best action is to develop the plan with work only on the Anderson's property. The Mouhanna's have refused to sign the maintenance agreement.

Scottie Cochran states when my daughter spoke with the surveyor she was under the impression they would be notified if work was going to happen on our property. Who will fix the erosion?

Mr. David states cooperation with all parties would be helpful.

Ms. Traini has not spoken to her client about the erosion.

Michael Gillis is present and states there are plans that Mr. Mouhanna's should have filed. Until he is fined he will not think this is his problem. We are being left with the problem.

Ms. Loughnane states the information was required to be recorded prior to the sale of the land. This was not done. There was a misunderstanding. The planning Board agent is working with the owners to get

this recorded. This easement must be signed by both owners. The town is working on this. The other requirement is figuring out who altered the land. If more than 200 cubic yards of material was brought in they will have to file for an Earth Material Movement permit.

Mr. David states Ms. Loughnane is suggesting we have Mr. Spruham submit a plan.

**Motion made by Ms. Maneva, seconded by Mr. Weston, to continue this hear to March 24, 2021 at 7:00 pm. Unanimous.**

**42 Mill Street – Notice of Intent - DEP #338-0706 – Delapa**

**Motion made by Mr. Rogers, Seconded by Mr. Weston, to continue this hearing to the March 24, 2021 meeting at 7:00 pm with the condition the applicant re-notify the abutters and re-advertise because there have been so many continuances. Unanimous.**

**1 Park Circle – Request for Determination of Applicability – Shanshiry**

Fence in yard for dog

DEP Form 1, site plan and associated documents

Rabilh Shanshiry, owner of 1 Park Circle, states we would like to get a Whippet (dog). These dogs like to chase small animals. We would like to put a fence around the property.

Mr. Shanshiry shares his screen. He will be using a square grid fence with a wire mesh gate. There are also 2 aluminum gates which look nicer.

Mr. Rogers state this looks good.

**Motion made by Mr. Rogers, seconded by Ms. Maneva, to approve this project under a Negative Determination #3. Unanimous.**

**Upcoming Meeting: 3/24/2021 REMOTE PARTICIPATION**

**Motion made by Mr. Rogers, seconded by Mr. Weston, to adjourn the meeting. Unanimous.**