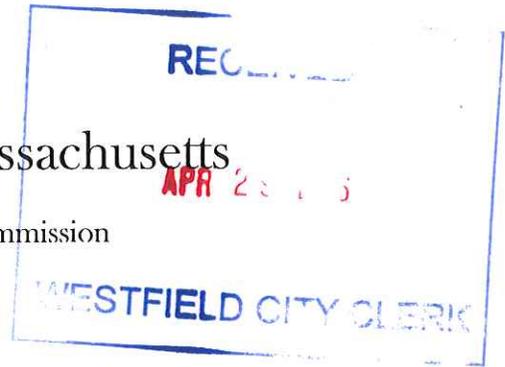




# City of Westfield, Massachusetts

Municipal Conservation Commission

March 22, 2016



Conservation Commission members attending: Dr. David Doe, Chairman, Henry Bannish, Jr., Vice-Chair, Thomas Sharp, Dr. Jim Phillips, and Jason Bean. Absent: Cheryl Koval and James R. Murphy. Also in attendance: Karen Leigh, Conservation Coordinator and Ruth Dunn, Administrative Assistant.

1. CALL TO ORDER

Chairman Doe called the meeting to order at 6:36pm.

2. OPEN PARTICIPATION –

Chairman Doe asks if anyone would like to address the commission regarding items not currently on the agenda. There being no items brought forward the Chairman proceeds to their next agenda item.

3. PUBLIC MEETINGS

A. 323 Lockhouse Road - Richard Realty LLC c/o Brian Archibald

The applicant requests approval of wetland delineation.

Jon Goddard from RLA is present representing the applicant.

Coordinator Leigh performed a site visit and reports that everything looks acceptable.

Audience member Barbara Rokosz of 271 Lockhouse Road inquired about the identity of the building. It was determined to be Agway South States distribution.

Commissioner Bannish motioned and Commissioner Bean second to close the public meeting. AIF

Commissioner Bannish motioned and Commissioner Phillips second for a determination of Positive 2a (boundaries), referencing the plan. AIF

4. PUBLIC HEARINGS

A. 0 Fairfield Avenue (Parcel #71-1) – Slavik Pylypenko DEP File #333-733

Project: construction of a single family residence, driveway & wetland replication.

The hearing was continued from 2-23-16. The applicant requests a continuance to April 12, 2016 at 6:30pm.

Commissioner Bannish motioned and Commissioner Bean second to approve the continuance. AIF

5. ENFORCEMENT

A. 0 Fowler Road – Yuriy & Eugene Rudenko

Violation: non-compliance with Determination of Applicability.

Jon Goddard from RLA is present representing the land owners. He said it appears that there's been some clearing within the 50 foot buffer. The number of

trees is yet to be determined and he plans to have that information for the next meeting, which will be held on April 12, 2016 at 6:30pm.

Coordinator Leigh says that the wetland lines need to be re-established and a restoration plan completed by that time as well.

Commissioner Sharp inquired if signage is present on the property for the protected area as required by the determination. Receiving a negative response, he asked the commissioners who is the responsible to adhere to the conditions of the Determination of Applicability. He said it needs to be determined as to whether it is the responsibility of the seller or buyer of the property.

B. 0 Fairfield Avenue – Helen Socha

Violation: Fill in a wetland.

Coordinator Leigh reports these findings:

- Logs were left in place across stream in violation of Forestry Cutting Act.
- The forestry cutting plan has expired; therefore, the enforcement falls back to the commission and subsequently to the land owner.
- Since the ground is no longer frozen, a removal and stabilization plan must be submitted for approval.

Commissioner Sharp motioned and Commissioner Bannish second to approve the issuance of an Enforcement Order, requiring the submission of a removal and stabilization plan by the next meeting on April 12, 2016 at 6:30pm. AIF

6. DISCUSSION

A. Hampton Ponds Association – DEP File 333-661

Request to extend Order of Conditions

Coordinator Leigh said she the Order of Conditions is from 2009; extended by the Permit Extension Act.

She met with members of the Hampton Ponds Association to discuss the aquatic management program. She also spoke with Jim Straub from DCR who coordinates the chemical applications.

Michael Lennon from Solitude Lake Management is present and said the original order was from DSS in 2006 and expired in 2008. He said Solitude Lake Management re-applied for an extension in 2009.

Coordinator Leigh is concerned with the amount of chemicals being introduced into the environment. She said the target species is milfoil which is difficult to remove.

She said that she had not received any reports in the past and recommends having all reports furnished to the commission as they are generated. She has reviewed copies of the old reports.

Mr. Lennon provided some background regarding the 50 acres treated in 2006 with Reward herbicide. He said the number of acres treated has decreased over the years.

Mr. Lennon acknowledged that he can see that reports have not been forthcoming from his predecessors, and assures the commission that he plans on sharing all information with all stakeholders.

He discussed the residue testing and life cycle of herbicide in the sediment with the commissioners; and fielded questions.

Audience member, Art Lawrence from the Southampton Conservative

Commission commented that they also would like to receive reports. Commissioner Bannish motioned and Commissioner Phillips second to approve the extension of the permit for three years' time, after which a new permit application is required. AIF

- B. Botticello Revocable Trust  
Mark Reed from Heritage Surveys is present to discuss the possibility of donating a parcel of land to the city. The 60.2 acres of land is Parcel G on Summit Lock and Root Roads.  
He introduced John LaBelle and Jack Galanek, co-trustees of the trust. Mr. Reed displayed a copy of the recorded plan. He said he has been in contact with NHESP regarding the restriction on the property. The suspected endangered species includes spotted, eastern & wood turtles.  
The trustees have been looking for someone to hold the conservation restriction on the land since 2007.  
In response to a question posed by Commissioner Phillips regarding responsibilities, Mr. Reed said that there is a management plan which includes some limited mowing.  
Coordinator Leigh referred to copies of an email from NHESP that was distributed to the commissioners. She asked the commissioners to review the two options for the legal transfer.  
Coordinator Leigh spoke with law today regarding the NHESP 3/17/16 email. Atty. Reed said that:
- Option #1: more complicated & a longer process
  - Option #2: quicker, more doable than option one
- Her concerns include the cost to city; and the repercussions if city is unable to fulfill the commitment in the future.  
Since this is the first discussion, the commissioners would like to take time to further explore the undertaking.

- C. Site visit reminder  
246 Russellville Road – March 25<sup>th</sup> at 2:00pm

7. COMMISSION DISCUSSION

- A. Regulations & Procedures Q & A  
B. Minutes

Commissioner Phillips motioned and Commissioner Bean second approval of the March 8, 2016 minutes. AIF

8. MOTION TO ADJOURN

Commissioner Bannish motioned and Commissioner Phillips second to adjourn the meeting at 7:43pm. AIF

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A true record, Attest:

Ruth Dunn

Westfield Conservation Administrative Assistant