



City of Westfield, Massachusetts

Municipal Conservation Commission

April 12, 2016
MEETING MINUTES

RECEIVED

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WESTFIELD CITY CLERK

Conservation Commission members attending: Dr. David Doe, Chairman, Henry Bannish, Jr., Vice-Chair, Thomas Sharp, Dr. Jim Phillips, and Jason Bean. Absent: James R. Murphy and Cheryl Koval. 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. 403 West Road – Mark & Evelyn Strasfeld

Rob Levesque from RLA is present to re-submit a previously approved RDA that erroneously depicted an intermittent stream as perennial.

He submitted a new plan with the corrections made for the record.

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

Commissioner Bannish motions for a recommendation of:

- a. Positive 2a (boundaries) referencing the plans
- b. Positive 5 with “no Notice of Intent required”

Commissioner Bean seconds the recommendation. 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 public hearing was continued from 2-23-16. The applicant requests a continuance to April 26, 2016 at 6:30pm.

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

B. 403 West Road – Roger Martineau – DEP File #333-735

Project: Construction of a single family residence.

Rob Levesque from RLA is present representing the Martineau’s. He said a portion of the parent parcel will be sub-divided. He said that the Martineau’s want to build a house on lot #1 for their parents.

Mr. & Mrs. Strasfeld (property owners) are going through a process with the planning board for an open space sub-division. The process will allow for insufficient frontage under residential zoning regulations.

There is an existing culvert/crossing and there will be grading and tree cutting in the buffer zone.

Coordinator Leigh said that NHESP comments are needed before closing the application. She asked Mr. Levesque to pull the limit of work (clearing of trees) back at least to the 50' buffer zone line. She said the Riverfront area and the Limit of Work should be clearly marked out prior to any work.

Commissioner Bannish motioned and Commissioner Phillips second to a continuance until April 26, 2016 at 6:30pm. AIF

5. ENFORCEMENT

A. 0 Fowler Road – Yuriy & Eugene Rudenko

Violation: Non-compliance with Determination of Applicability.

Rob Levesque presented the commission with a narrative for a restoration plan. He reports that 60 trees were cut within the buffer zone and were identified by the diameter of the stumps. His team was unable to identify all the species.

Coordinator Leigh suggested that they make an assessment of the adjacent trees.

She suggests that they plant 30 trees this year and revisit the site next year.

The commission discussed the problems that arise when there has been a Determination on a property and it doesn't transfer with the closing documents when the land is sold.

It was decided that the boulders required in the conditions of the preceding Determination of Applicability need to be installed every 50 feet (or change in direction) to mark the buffer zone prior to any work being done.

The enforcement order will be revised to include the requirements of installation of permanent markers, a re-planting plan and a planting list by the next meeting.

Commissioner sharp motioned and Commissioner Bannish second to amend the order and to a continuance to April 26th at 6:30pm.AIF

B. 0 Fairfield Avenue – Helen Socha

Violation: Fill in a wetland.

Coordinator Leigh reports that she spoke with Gary Socha (Helen's son who is in Texas). Gary said he can have a plan submitted today or for the April 26th meeting.

Coordinator Leigh spoke with Gary again on 4-8-16 and updates the commission that a miscommunication between Gary and the contractor resulted in the wood being removed without submitting a restoration plan. Mr. Socha apologized for the error.

She displayed photos of the affected area.

The commission wants to perform a site visit and determine if any other cleanup is needed. They want to table the Enforcement Order until the next meeting.

C. 0 North Road – Gary Boisseau

Violation: Fill in a wetland.

Coordinator Leigh received a complaint from DEP of cutting and fill in a wetland. She investigated and found wetlands had been disturbed. Karen issued a letter to the owner asking him to contact her. She was then contacted by Mark Reed at Heritage Surveyors, who said he was contacted by the owner.

Mark said he and representatives from GZA will attend the April 26th meeting with delineations.

- D. 403 West Road – Mark & Evelyn Strasfeld
Violation: Fill in a wetland (culvert installed without a permit)
Coordinator Leigh received a complaint from DEP of a non-permitted culvert (viewed from aerial photos). She issued an enforcement order for culvert removal and restoration of BANK, LUW and any disturbance to buffer zones; and restoration plan to be submitted by tonight.
Karen said that the Enforcement Order needs to be ratified.
Rob Levesque from RLA is representing the Strasfelds. He spoke with Mr. Strasfeld who said he had built a culvert without knowing he was supposed to file paperwork. Rob advised Mr. Strasfeld of the options of obtaining a permit for the culvert or removing it. Mr. Strasfeld would prefer to remove it.
The commissioners' question whether the removal of the culvert may cause more damage than leaving it alone.
According to audience member Deborah Martineau, (4B), the culvert is used for agricultural purposes approximately four times a year.
Commissioner Sharp recommends a site visit before a decision is made.
Coordinator Leigh will speak further with Mark Stinson from DEP.
Commissioner Bannish motioned and Commissioner Phillips second to ratify the enforcement order. AIF

6. DISCUSSION

- A. Botticello Revocable Trust
John LaBelle and Jack Galanek, trustees of the Trust are present.
Mr. LaBelle spoke briefly with Susan Phillips in the law department and will speak with her further in the near future. He said her concerns were about liabilities and dumping. The maintenance portion of the property is the hold up in acceptance of the land donation.
Coordinator Leigh and commission members will meet with Ms. Phillips to further discuss the issue.
- B. 868 Southampton Road – Heritage Mobile Home Park & James Buratti
Request for Emergency Certification for (dangerous) tree removal
Commissioner Bannish motioned and Commissioner Bean second to approve the emergency certification.
- C. Community Preservation Act Committee updates
Commissioner Sharp updated the commissioners on current projects.

7. COMMISSION DISCUSSION

- A. Regulations & Procedures Q & A
B. Minutes
Commissioner Sharp motioned and Commissioner Phillips second to approve the minutes of March 22, 2016. AIF

8. MOTION TO ADJOURN

Commissioner Phillips motioned and Commissioner Bean second to adjourn the meeting at 8:11pm. AIF

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A true record, Attest:

Ruth Dunn

Westfield Conservation Administrative Assistant