



# City of Westfield, Massachusetts

Municipal Conservation Commission

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April 26, 2016  
MEETING MINUTES

WESTFIELD CITY CLERK

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

1. CALL TO ORDER

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

2. OPEN PARTICIPATION

Vice Chairman Bannish 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 – None at this time.

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 May 10, 2016 at 6:30pm.  
Coordinator Leigh is awaiting the stream crossing plan.  
Commissioner Murphy motioned and Commissioner Bean second to approve the continuance. AIF

B. 403 West Road – Roger Martineau – DEP File #333-735  
Project: Construction of a single family residence. The hearing was continued from 4-12-16.  
Coordinator Leigh is awaiting NHESP comments. The applicant requests a continuance to May 10, 2016 at 6:30pm.  
Commissioner Murphy 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 submitted a restoration plan.  
Coordinator Leigh reports that the owner is requesting to cut additional 10+/- trees that were already limbed when they had to stop cutting. As these trees will die and become a hazard, removal is probably necessary. However, she

recommends adding 10 trees to the planting list to cover these.  
Photos taken by Coordinator Leigh also show lots of wood chips in the buffer zone that need to be manually removed. The photos also show that the sizes of the placed boulders are small.

Commissioner Sharp motioned and Commissioner Bean second to a continuance to May 10, 2016 at 6:30pm and to schedule a site visit. AIF

*Vice Chairman Bannish asked for a motion to proceed to Discussion item 6A. Commissioner Murphy motioned and Commissioner Bean second to move to item 6A. AIF*

6. DISCUSSION

A. Botticello Revocable Trust

City Solicitor, Sue Phillips is in attendance to discuss concerns regarding the Conservation Restriction property.

Jack Galanek, Botticello Trustee, is present.

Ms. Phillips explained that the process begins with the Conservation Commission's recommendation, then to the Mayor, then to the Council. She said the City Council, by law, controls all real estate in the city

Ms. Phillips has reviewed all the documents which include the Declaration of Restrictions and plan which are recorded with the registry or deeds. It is also part of the Division of Fisheries.

The concern for the city involves the financial and state enforceable obligations to police the property.

She said there are no benefits to the city, since the land is already restricted. The subject was discussed at Round Table and departments were asked to consider the offer.

Mr. Galanek asked for a time table and Ms. Phillips said she will give the department heads until May 10<sup>th</sup> to respond.

Commissioner Bean motioned and Commissioner Murphy second to a continuance to May 10, 2016 at 6:30pm. AIF

*The commissioners return to the original order of agenda items.*

5. ENFORCEMENT

B. 0 Fairfield Avenue – Helen Socha

Violation: Fill in a wetland.

Coordinator Leigh will take a second look at this to see its regrowth.

C. 0 North Road – Gary Boisseau

Violation: Fill in a wetland.

Coordinator Leigh reports that GZA was to be in attendance tonight with a delineation plan but requests a continuance to May 10, 2016 at 6:30pm.

D. 403 West Road – Mark & Evelyn Strasfeld

Violation: Fill in a wetland (culvert installed without a permit)

The Strasfelds' and RLA would like to move forward with the culvert removal. Jon Goddard is present and submitted a proposed construction and coordination items list.

Coordinator Leigh asked for an additional requirement of seeding exposed soils at the end of the project to the list.

Audience member Roger Martineau of 342 West Road spoke in opposition of the removal of the culvert citing the need to cross the fields for the purposes of haying and fertilizing.

Commissioner Sharp motioned and Commissioner Murphy second to approve the removal plan and a completion date of September 1, 2016. AIF

E. 264 Union Street – Doug Fuller/Fuller Construction

Violation: Cutting vegetation in a wetland and buffer zone.

Coordinator Leigh reports that she noticed cutting had been done, called the owner and requested he attend tonight's meeting to discuss the cutting.

Doug Fuller of Fuller Construction is present and explained what had occurred. He was cutting vines in the woods with the help of his excavator. The next day, the excavator went back with a brush hog and cleared the area.

Coordinator Leigh recommends issuing an enforcement order requiring delineation and installation of boundary markers by the meeting on May 24, 2016.

Commissioner Sharp motioned and Commissioner Murphy second to the enforcement order and completion date. AIF

6. DISCUSSION

B. 59 Pequot Point Road – Victor Rosario

Coordinator Leigh received a request for Emergency Certification for removal of downed tree. She displayed a photo of the downed tree.

Commissioner Murphy motioned and Commissioner Sharp second to ratify the Emergency Certification. AIF

7. COMMISSION DISCUSSION

A. Regulations & Procedures Q & A

Commissioner Sharp acknowledged the efforts Coordinator Leigh put into the Earth Day clean-up.

B. Minutes

Commissioner Sharp motioned and Commissioner Bean second to approve the minutes of April 12, 2016. AIF

8. MOTION TO ADJOURN

Commissioner Murphy motioned and Commissioner Bean second to adjourn the meeting at 7:21pm. AIF

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A true record, Attest:

Ruth Dunn

Westfield Conservation Administrative Assistant