



City of Westfield, Massachusetts

Municipal Conservation Commission

July 10, 2018
MEETING MINUTES



Conservation Commission members in attendance: David Doe, Chairman, Henry Bannish, Vice Chairman, Jim Murphy, Jason Bean, Tom Sharp and Carl Grobe. Also in attendance: Karen Leigh, Coordinator and Colleen Fegan-Nunez, Administrative Assistant.

1. CALL TO ORDER
Chairman Doe calls the meeting to order at 6:30 pm.
2. OPEN PARTICIPATION – Chairman Doe asks if there are any audience members that would like to address anything not on the agenda. There are none at this time.
3. PUBLIC MEETINGS

****Commissioner Sharp recuses himself.****

- A. Root Road (68R-12) & North Road (69R-1)-Thomas Sharp
Project: Proposal to remove water chestnut by hand from canoes.

Coordinator Leigh states that this is very similar to an RDA that has expired. The work consists of hand pulling the water chestnuts from canoes and kayaks and removal to an offsite location for decomposition. The volunteers are usually from the Fish and Wildlife Department. Chairman Doe asks if anyone in the audience would like to address the Commission. Mr. John Kielch of 354 Root Road expresses some concern about the influx of trespasser on the private property. He states that the trespassers then bring in garbage. He states that the owner of the property would like more control of the property because of the damage being done to this private property. Commissioner Bean asks if there is anything that they can do as the Commission. Coordinator Leigh states that she believes that the project itself is what has drawn attention to the ponds. Coordinator Leigh states that she thinks the best course of action is to coordinate with Cynthia Boettner who is coordinating this project.

Commissioner Murphy motions to close the public meeting and is second by Commissioner Bannish. AIF

Commissioner Bannish motions:

- a. Negative 2 (work)
- b. Positive 5 (ordinance) with “No Notice of Intent required” language

And is second by Commissioner Murphy. AIF

4. PUBLIC HEARINGS

A. 95 New Broadway-Barry Fedora-DEP File #333-762

Project: Renovation of existing single-family with site improvements.

Atty. John Moriarty and Mr. Barry Fedora are present representing Mr. Fedora.

Atty. Moriarty states that the renovations will not expand the foot print of the dwelling but will make it habitable. Coordinator Leigh states that the fees need to be updated. She then asks if the dock will still be put in. Mr. Fedora states that it will be removable. Coordinator Leigh asks if the limit of work will be the lawn. She states that it will need to be identified clearly on the plan. Mr. Fedora states that much of the property will be cleaned up and allowed to grow naturally. Near the dock will be lawn. Coordinator Leigh states that she needs specs for the dock. The fencing will be raised up six inches above the ground. Commissioner Grobe asks if the large trees next to the house will be removed. Mr. Fedora states that they will. Commissioner Bean asks if the stumps will be removed or ground. Mr. Fedora states that they will be ground.

Commissioner Sharp motions to continue until July 24, 2018 and is second by Commissioner Bean.

5. ENFORCEMENT-

A. 0 Pochassic Road-Bonnieventure Farms Inc.-William and Jeremy Sorel-assessor's parcel 39R-17

Alteration of wetlands.

Mr. William Sorel and Mr. Jeremy Sorel are present.

Mr. J. Sorel state that they are currently in talks with NCRS (Natural Resources Conservation Service) and APR (Agricultural Preservation Restriction) and have been put on a service list to get technical assistance. He presents some photos to show the erosion controls that have been installed. Mr. Sorel states that he will be getting a list of consultants that work in this area from APR. Coordinator Leigh states that though there is no consultant present it appears that the Sorel's are trying to comply. Mr. Sorel states that this project started with reestablishing a road to fifteen acres on a hill top of the property. Coordinator Leigh states that she had been to the property and asks Mr. Sorel to stake the straw bales, but it she is pleased with the progress so far.

Commissioner Murphy motions to continue to July 24, 2018 and is second by Commissioner Bean. AIF

B. 116 Fairfield Ave-Slavik Pylypenko-DEP File #333-733

Non-compliance with OOC

Coordinator Leigh states that she had made five requests for information on the replication area and has received nothing. She recommends issuing enforcement in

order to get the necessary reports. Coordinator Leigh recommends a cease and desist, requiring the submittal of appendix G forms and requiring the property owner and consultant attend the next meeting. Commissioner Bean agrees and states this should be included in the enforcement.

Commissioner Bean motions to issue enforcement and is second by Commissioner Sharp. AIF

6. DISCUSSION

Vice Chairman Bannish recuses himself and leaves the meeting for the night at 7:34 PM.

- A. 54 Sunnyside Road-Lawrence Bannish
Request to accept "grant of Restriction Limiting Discharge of Dredged and Fill Material" document.
Mr. Jon Goddard is present representing Mr. Bannish.

Mr. Goddard states that the property straddles the Westfield and Southwick line. Mr. Bannish permitted through a NOI for a division of a portion of this property in association with the subdivision is a small amount of wetlands, about 53 square feet, fully in the Town of Southwick the project was approved with the condition that a Grant of Restriction be recorded under the 401 Water Quality Regulations. One lot was sold off from the group and the rest was sold off to Gregg Kudlik. When Mr. Kudlik started developing it was discovered that the former owner (Mr. Bannish) had not filed the Grant of Restriction. The Grant of Restriction is put in place to let new land owners know that there is no fill in the wetlands allowed on their properties. The Grant of Restriction applied to not only the land in Southwick, but the remaining acreage in Westfield. Mr. Goddard states that it is a bit problematic that one property has been sold. He states that DEP has a very standard template for the 401 Water Quality Regulations. Mr. Goddard states that there is a final document but that there has to be a willing recipient. He asks if the Commission is willing to receive such a restriction he will ask the lawyer to revert back to a document as it was in October of 2017 to a document that refers to Westfield and Southwick being part of the same document. Mr. Goddard states that the ultimate goal is a motion to receive this proposal contingent on the Legal Departments (for the City of Westfield) approval of the final restriction. He ask if the Commission can express their willingness to move forward. Commissioner Sharp states that Mr. Goddard is on the right track but he will feel more comfortable if Legal approve it. Coordinator Leigh is concerned that the Commission would be accepting a delineation that has not been approved by the Commission. Coordinator Leigh states that more information is necessary.

Commissioner Grobe motions to continue until July 24, 2018 at 6:30 PM and is second by Commissioner Bean. AIF

- B. 0 Southampton Road (70R-17-1A)-Craig Dwyer/Westfield Community Solar-DEP
File #333-755
Project: Request to withdraw permit.

Coordinator Leigh states that the plans were adjusted just before work began and they have removed all work from the jurisdiction of the Commission.

Commissioner Sharp motions to accept this withdraw and is second by Commissioner Bean. AIF

- C. Root Road & North Road Area
Discussion of beaver activity.

Coordinator Leigh states that the water level of the ponds was significantly lower. She believes that a beaver dam was removed by DPW to protect the road from flooding. She states that a discussion with DPW is needed to address emergency situations in the future.

- D. 238 Dox Road-Allyn Gieryk
Request for Emergency Certification-dangerous trees

Coordinator Leigh states that there is a grouping of three trees that are dropping branches on the house. She states that the trees are not large but very close to the house. So she did issue an Emergency Certification to remove them.

Commissioner Sharp motions to accept the Emergency Certification and is second by Commissioner Murphy. AIF

7. COMMISSION DISCUSSION

- A. Regulations & Procedures Q & A

Chairman Doe asks if the amendment for the Order of Conditions for the city has been looked at by the Law Department. Coordinator Leigh states that the Law Department is still looking at it. She hopes to have the finished amendment for the next meeting.

- B. Minutes June 26, 2018

Chairman Doe states that the date is incorrect. He states that after the date is corrected the minutes be approved.

Commissioner Murphy motions to approve the minutes of June 26, 2018 after the date is corrected and is second by Commissioner Bean. AIF

8. MOTION TO ADJOURN

Commissioner Sharp motions to adjourn the meeting at 7:53 pm and is second by Commissioner Murphy. AIF

A true record, Attest:
Colleen Fegan-Nunez
Westfield Conservation Administrative Assistant

PRRVED

