

EAST LONGMEADOW CONSERVATION COMMISSION

MINUTES

Date: January 8, 2020

Time: 6:00 PM

Place: School Committee Conference Room

East Longmeadow High School, 180 Maple St., East Longmeadow, MA

MINUTES

The Chair Craig Jernstrom opened the meeting at 6:00 PM and called the roll.

CALL THE ROLL:

Present: Craig Jernstrom, Chair
Tom O'Brien, Vice Chair
Jeffrey Bosworth, Clerk
Anthony Zampiceni
Frances Corgnati

Staff present: Constance Brawders, Planning & Community Development Director (arrived at 6:01PM);
Bethany Yeo, Planning & Community Development Administrative Assistant

APPROVAL OF MINUTES:

December 11, 2019

Motion to approve the minutes of December 11, 2019 made by Vice Chair Tom O'Brien; second by Commission member Anthony Zampiceni and approved by a vote of five (5)-zero (0).

NEW BUSINESS:

1. **Case RDA 2020-1: Request for Determination of Applicability for Rear Pease Road** (Assessor's Parcel ID 33-1-0) for whether the area depicted on the plan is an area subject to jurisdiction of the Wetlands Protection Act. Applicant: Steve Broyer, PLH, LLC, 222 South 9th Street, Ste. 1600, Minneapolis, MN 55402.

The Clerk Jeffrey Bosworth read the legal notice into the record. Atty. Jim Martin [Robinson Donovan, P.C., 1500 Main Street, Suite 1600, Springfield, MA 01115] and civil engineer and wetlands specialist Julian Votruba [New England Environmental Design, LLC, P.O. Box 376 Rutland, MA 01543] were present for discussion. Atty. Jim Martin provided a description of the wetland in question which was evaluated by a Wetlands Specialist in 2015 and again in 2018.

Mr. Votruba provided his site visit findings stating that the area was a farm pond with wetland species caused by high ground water in the depressed area with no water source in or out. Mr. Votruba gave his determination that based on the criteria and presented findings the farm pond does not fall under the Wetlands Protection Act.

Atty. Martin added evidenced based on photographs of the site taken over a span of years also illustrate that the farm pond has not changed in size nor depth and was most likely hand dug at the time of its creation.

Chair Craig Jernstrom reported on his site visit findings stating he noted invasive species in the area, no flow of water or endangered species and, agreed with the petitioner that the area consisted of a ground-water pond not subject to the Wetlands Protection Act. No further discussion.

Motion for a Negative 1 Determination made by Commission Anthony Zampiceni; second by Clerk Jeffrey Bosworth and approved by a vote of five (5)-zero (0)

In accordance with the Americans with Disabilities Act (ADA), if any accommodations are needed, please contact Constance Brawders at 413-525-5400 x 1701 or (constance.brawders@eastlongmeadowma.gov) or MassRelay 711. Requests should be made as soon as possible but at least 48 hours prior to the scheduled meeting. The matters listed are those reasonable anticipated by the Chair to be discussed at the meeting. Not all items listed may, in fact, be discussed. Other items not listed may be brought up for discussion to the extent permitted by law. Massachusetts General Laws, chapter 30A, Section 20(e) requires any person making a video or audio recording of the meeting to notify the Chair at the start of the meeting.

2. **Case EP 2020-1: Request for Extension Permit for 12 Chatham Circle (Mass DEP File # 150-352)**—Request for an Extension Permit for Order of Conditions Mass DEP File #150-352 at 12 Chatham Circle (Assessor's Parcel ID 51-22-6) issued on September 14, 2005. Applicant: Jeffrey Burack, 12 Chatham Circle, East Longmeadow, MA 01028.

The Chair Craig Jernstrom reported that according to information provided by Mark Stinson, DEP Circuit Rider, the Extension Act was rewritten and is was permissible for the petitioner to apply for an extension to the Order of Conditions Mass DEP File #150-352. No further discussion.

Motion to approve the extension permit and extend the Order of Conditions Mass DEP #150-352 until January 7/2022 made by Clerk Jeffrey Bosworth; second by Commission member Jeffrey Bosworth and approved by a vote of five (5)-zero (0).

3. **Case NOI 2020-1: Notice of Intent for Robin Street/Smith Avenue** (Assessor's Parcel ID 3B-62-131) for the construction of a single family home with associated grading and appurtenances within the 100' Buffer Zone on a 0.23 +/- acre site. Applicant: Alston Graham, Graham's Construction Inc., 91 Ames Road, Hampden, MA 01036.

The Clerk read the legal notice into the record. Environmental Consultant Michael Mocko [36 Hampden Road, Stafford Springs, CT 06076] was present for discussion to represent the applicant. Mr. Mocko provided an overview of the proposed project and project site stating that there will be Buffer zone activity within the 100 FT Buffer Zone however; there will be no disturbance within the 50 FT buffer zone. Mr. Mocko stated standard erosion controls would be placed along the border of the lot.

Hearing opened for public comment.

- Abutter Jim Kimberly at 135 Patterson Avenue expressed erosion concerns reporting existing, severe erosion issues from the stream running through the back of his property. Mr. Kimberly stated conditions have noticeably worsened over time and may present health hazards from pooling water attracting mosquitos in warmer weather.
- Abutter Amie Miarecki at 141 Patterson Avenue also reported severe erosion conditions on her property and spoke to the threat of an increase in water run-off from the impervious surfaces the proposed home would create.

The Chair Craig Jernstrom stated based on the abutters concerns; he would like to conduct a thorough site visit of the property prior to making a determination. The Commission concurred. A site visit was scheduled for Saturday, January 11, 2020 at 12:30 PM.

Motion to continue to January 22, 2020 made by Anthony Zampiceni; second by Vice chair Tom O'Brien and approved by a vote of five (5)-zero (0).

4. **Vote and Ratification of WPA Enforcement Order: 36 Redstone Drive (Lot 16)** (Assessor's Parcel ID 23-77-0) for violation by Al Joyce, Rose-Bud Builders, P. O. Box 79, East Longmeadow, MA 01028 for inadequate erosion controls within the resource area and failure to comply with Conditions 17,18, and 19.

Motion to ratify the Enforcement Order made by Commission member Anthony Zampiceni; second by Clerk Jeffrey Bosworth and approved by a vote of five (5)-zero (0).

Violator, Al Joyce [Redstone Ponds, LLC, P.O. Box 79, East Longmeadow, MA] was present for discussion.

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The Chair explained the Commission felt compelled to order the Enforcement Orders due inadequate erosion controls which resulted in noticeable run off containing red clay sediment into the resource area and abutting properties. The wetland flagging was also found to be insufficient.

Al Joyce argued the erosion was from the root balls of fallen trees in the vicinity, not from inadequate erosion controls. The Commission referred to photographs of the site taken that day January 8, 2020 illustrating erosion controls that had been compromised. The Conservation Commission opined runoff into the resource area containing red clay sediment must be prevented. It was pointed out to Al Joyce that the Commission can make recommendations, but it is not responsible for the design of erosion controls. Discussion ensued regarding responsibility for ground disturbance and run off caused by downed trees at the site with the conclusion that the Commission and Al Joyce would conduct a site visit Thursday, January 9, 2020 at 11:00 AM to inspect erosion controls, wetland flagging and ground disturbance from recently felled trees.

- 5. Vote and Ratification of WPA Enforcement Order: 36 Redstone Drive (Lots 13 and 14)(Assessor's Parcel ID 23-77-0) for violation by Al Joyce, Rose-Bud Builders, P. O. Box 79, East Longmeadow, MA 01028 for inadequate erosion controls within the resource area and failure to comply with Conditions 17,18, and 19.**

Motion to ratify the Enforcement Order made by Clerk Jeffrey Bosworth; second by Commission member Anthony Zampiceni and approved by a vote of five (5)-zero (0).

Site visit scheduled for Thursday, January 9, 2020 at 11:00 AM.

- 6. Vote and Ratification of WPA Enforcement Order: 36 Redstone Drive (Lots 8 and 11)(Assessor's Parcel ID 23-77-0) for violation by Al Joyce, Rose-Bud Builders, P. O. Box 79, East Longmeadow, MA 01028 for inadequate erosion controls within the resource area and failure to comply with Conditions 17,18, and 19.**

Motion to ratify the Enforcement Order made by Commission member Anthony Zampiceni; second by Clerk Jeffrey Bosworth and approved by a vote of five (5)-zero (0).

Site visit scheduled for Thursday, January 9, 2020 at 11:00 AM.

- 7. Vote and Ratification of WPA Enforcement Order: 36 Redstone Drive (Lot 19)(Assessor's Parcel ID 23-77-0) for violation by Al Joyce, Rose-Bud Builders, P. O. Box 79, East Longmeadow, MA 01028 for inadequate erosion controls within the resource area and failure to comply with Conditions 17,18, and 19.**

Motion to ratify the Enforcement Order made by Clerk Jeffrey Bosworth; second by Commission member Anthony Zampiceni and approved by a vote of five (5)-zero (0).

Site visit scheduled for Thursday, January 9, 2020 at 11:00 AM.

- 8. Ratification of the Order of Conditions: 101 Old Farm Road (a/k/a Lot 26) (Assessor's Parcel ID 42-38-26) for violation by William Ngaruiya and Salome Njoroge of 101 Old Farm Road in East Longmeadow, MA 01028 for removal of trees adjacent to an intermittent stream on a site located near a vernal pool and priority protection habitat.**

Planning & Community Development staff explained, according to their DEP Circuit Rider, Mark Stinson, the only action left for the Enforcement Order issued to 101 Old Farm Road is to mail a letter lifting the Enforcement Order to the home owner. The Commission stated this action would take place in the spring after plantings have been inspected and found satisfactory by the Conservation Commission.

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OLD BUSINESS:

9. **Enforcement Order: 116 Elm Street (Assessor Parcel ID 25-116-A)** for violation by Patricia A. Aleks and Evelyn Vecchiarelli of 177 Vineland Ave, East Longmeadow, MA 01028 for removal of all vegetation and grading within a Bordering Vegetative Wetland and riverfront area including approximately 2,100 sq. ft. of alternation within the river front area on the East and West sides of the river.

The Chair Craig Jernstrom explained no further action would take place with the filing until the spring 2020.

PROJECT MONITORING:

10. **34 Halon Terrace**

The Chair Craig Jernstrom requested a letter to be sent to the property owner requesting the DEP File Number sign be posted at the work site as required by the Order of Conditions.

11. Projects as listed on the Project Monitoring spread sheet.

Vice chair Tom O'Brien and Clerk Jeffrey Bosworth agreed to schedule a meeting with the Department of Public Works Superintendent Bruce Fenney for a follow up conservation to the letter sent to DPW in response to erosion issues reported by Alice Widmer, 81 Harwich Road.

OTHER BUSINESS:

12. Review and Comments for Planning Board from the Conservation Commission

Determination of **Case RDA 2020-1: Request for Determination of Applicability for Rear Pease Road** to be sent to the Planning Board for their information and records.

13. Review of Conservation Commission Financial Statement

Planning & Community Development Director, Constance Brawders provided the Commission with a financial statement report of their available funds and offered a description of the use and operation of the funds. Planning & Community Development Director, Constance Brawders also shared that the Pioneer Valley Planning Commission was working on attaining the services of a Conservation Agent to be shared amongst several towns; Her hope being that East Longmeadow would be one of the towns to be receive this service.

14. Website Updates

Planning & Community Development staff explained IT had helped to combine the Conservation webpages into one in the hope it would prevent confusion in navigating the Town website and invited the Commission to test it out and notify staff of any glitches they may find.

15. Policies and Procedures of the Commission

The Chair Craig Jernstrom inquired if it would be possible to cast images/text from a laptop to the TV screens in the meeting room. Don Maki, ELCAT Director stated images could only be cast to the center screen. Planning & Community Development staff offered to look into whether a compatible laptop is available to use for that purpose.

The Chair also inquired if meeting minutes could be distributed to the Commission 3-4 days after a meeting. The Planning & Community Development director stated staff is given 10 days to deliver the meeting minutes to the Commission/Boards under the department's purview.

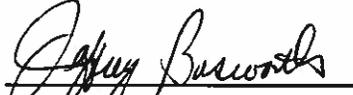
16. Chair Craig Jernstrom explained the Commission had been approached by a land owner offering of a parcel of land on Hampden Road to the Conservation commission. Vice chair Tom O'Brien stated he would not be in favor of acquiring the land unless it was put to an active use such as recreational fields. Commission member Frances Corgnati offered to conduct research on possible conservation uses/projects that could be done on the land if acquired by the

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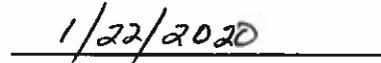
Commission. The Commission decided to add the topic to the next meeting agenda for further discussion. Chair Craig Jernstrom to communicate interest with the land owner.

ADJOURN: Motion to adjourn at 8:30 PM made by Commission member Anthony Zampiceni; second by Commission member Frances Corgnati and approved by a vote of five (5)- zero (0).

DATE OF NEXT MEETING: January 22, 2020



Jeffrey Bosworth, Clerk



Date

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