

**Meeting of the Conservation Commission
February 13, 2019
6:00 p.m. - East Longmeadow High School
School Committee Conference Room
180 Maple Street, East Longmeadow, MA**

MINUTES

Chairman Jernstrom opened the meeting at 6:00 p.m. and called the role.

Present: Craig Jernstrom, Chair
Jeffrey Bosworth, Clerk
Anthony Zampiceni
William Arment
Mary Ellen Goodrow
Robert Sheets

Absent: Thomas O'Brien

Staff Present: Bethany Yeo, Planning and Community Development Department,
Administrative Assistant

OLD BUSINESS

- 1. Ratification of WPA Enforcement Order: 53 Tanglewood Drive** (Assessor Parcel ID 72-7-11) for violation by Adriano and Giovanna Bocchino of 53 Tanglewood Drive in East Longmeadow, MA 01028 for removal of trees, alteration of terrain, and construction of a walls within the Riverfront Resource area adjacent to an unnamed tributary to the Mill River.

Letter provided to the Conservation Commission for approval of Katie A. Bednaz, Wetland/Soil Scientist (Wetland and Soil Sciences & Environmental Consulting, P.O. 233, Granville, MA 01034) for acceptance and approval under the stipulations of the Enforcement Order met with the satisfaction of the Commissioners. It was noted that the subsequent milestone for the delineation (03-13-2019) may require an extension for compliance, due to winter weather conditions.

[As the Conservation Commission did not vote to ratify the order; the matter will be added to the March 13, 2019 agenda.]

NEW BUSINESS

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 reasonably 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 #NOI 2019-02-Notice of Intent: 295 and 299 Maple Street (Assessor's Parcels 6-11-0 and 6-10-0) filed by Michael Carabetta of 202 Allen Street in East Longmeadow, MA for a Residential Subdivision project within a Buffer Zone of a Bordering Vegetated Wetland. Prepared by: Robert Levesque, R. Levesque and Associates, Inc., 40 School Street, Westfield, MA 01085.**

Applicant Michael Carabetta addressed his application before the Commission. Mr. Carabetta explained he had acquired the adjacent property at 299 Maple Street and intends to adjust the road alignment so the roadway will not encroach on the wetlands.

The Chair confirmed that the commission conducted a site visit on February 9, 2019 and noted that the proposed road will enter the site development at the approximate location of the gravel driveway for 299 Maple Street.

The Chair opened the hearing to comments from the public:

Shaun McGrady (29 Lessard Circle) commented that the original gravel driveway of 299 Maple Street appears to be encroaching within the buffer zone.

Response from the Chair indicated that the gravel driveway is definitely within the buffer zone, stating driveway installation may have occurred when the house was in 2002. The Chair opined that by introducing the roadway access in line with the original curb cut will mitigate storm water impact to the wetlands.

Frank Raschilla (329 Westwood Avenue) expressed his concern about protecting the wetlands and spoke of past violations, such as the original gravel driveway.

David Delvecchio (26 Lessard Circle) asked if any complaints were made by the workers who cleared the property at 295 and 299 Maple Street. Mr. Delvecchio stated that he witnessed the workers practicing improper methods to clear the properties of brush. He also expressed concerns about toxic fluids that were spilled on the ground, his home value, and the duration of the construction schedule.

Mr. Carabetta responded that there was a small fire that was dealt with appropriately by the fire department and that no complaints were made. The Chair made note of the possibility of soil contamination and the need to contact the Fire Department for their comment and information pertaining to the incident. [Response from Fire Chief Morrissette indicated that an accelerant was used and as a consequence, the Burn Permit was revoked.] The Chair explained that it is privately held property and permissible work. As for timing of construction and completion of the project the Chair explained that upon the Conservation Commissions issuance of Notice of Intent and Order of Conditions the applicant has up to three (3) years to complete the project. The Chair noted that the applicant is also allowed to apply for an extension if the project cannot be completed in that time.

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 reasonably 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.

Joe Lacopo (18 Waterman Avenue) asked for a clarification of the 100 foot buffer zone. The Chair responded that the Conservation Commission has jurisdiction over what is called the 100 foot buffer zone from the isolated wetland.

Shaun McGrady questioned if there is any responsibility for the new owner of the 299 Maple Street parcel to remedy previously damaged portions of the wetlands upon completing the project. Mr. Carabetta stated that the new road will remedy past violations and bring the road up to code.

The Chair explained that if there was a previous enforcement order issued due to a reported violation the enforcement order would transfer over to the new ownership and the new owners would need to come into compliance with the enforcement order issued by the Conservation Commission.

Comments from the Commissioners follow.

Jeffrey Bosworth stated that he looked on the registry of deeds however did not find any attachments or restrictions pertaining to the Conservation Commission on any of the previous deed files for the property.

Chair restated his opinion that the new paved road with curbs, storm drains and proposed storm water management system the impact on the wetlands will be reduced. The Chair asked Carabetta for confirmation that there is a forty (40) foot distance between the wetlands and the proposed limit of work line. Carabetta replied that he believes that is the right-of-way; however, the asphalt will be twelve (12) feet less than that at approximate thirty-six (36) foot encroachment to asphalt. Therefore, the right-of-way will be fifty (50) feet with twenty-four (24) feet paved with asphalt down the middle. The Chair confirmed that based on the site plans, the minimal distance away from the resource area to the right-of-way and the road is twenty-five (25) feet.

Additional comments from the public.

David Delvecchio asked for clarification on the location of the proposed retention basin. Carabetta replied that it made the most sense to put the retention basin in that location as it is the lowest point in the near area and keeps water run-off away from the neighboring golf course.

The Chair requested a motion to close the public hearing. Motion made by Commission member R. Sheets and second by Commission member W. Arment; six (6)-zero (0).

The Chair requested a motion to approve **Case #NOI 2019-02-Notice of Intent: 295 and 299 Maple Street** (Assessor's Parcels 6-11-0 and 6-10-0) filed by Michael Carabetta of 202 Allen Street in East Longmeadow, MA for a Residential Subdivision project within a Buffer Zone of a

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 reasonably 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.

Bordering Vegetated Wetland as prepared by Robert Levesque, R. Levesque and Associates, Inc., 40 School Street, Westfield, MA 01085.

Motion to made by Commission member R. Sheets; second by Commission member A. Zampiceni by a vote of six (6) - zero (0).

- 3. Case #NOI 2019-03-Notice of Intent: Lot 16 Hidden Ponds Estates (Assessor's Parcel ID 23-77-0) filed by Al Joyce, Redstone Ponds, LLC, P.O. Box 79, East Longmeadow, MA 01028 for a single family home project within a Buffer Zone of a Bordering Vegetated Wetland. Prepared by: Al Joyce, Redstone Ponds, LLC, P.O. Box 79, East Longmeadow, MA 01028.**

Clerk Jeffrey Bosworth read the legal ad into the record.

Applicant Al Joyce was present for discussion.

The Chair explained the current phase of the project, stating that six months ago the Conservation Commission approved a Notice of Intent for the construction of the access roads in two different locations; one an extended road and the other a new road for the proposed subdivision. As part of that Notice of Intent, a buffer zone was established for the wetlands. The buffer zone currently being discussed is for land underwater, in other words the bank of the water is where the 100 ft. buffer zone begins-an area under the Conservation Commissions jurisdiction.

The Chair opened the hearing to the public for comments.

Janice Varelas (20 Redstone Drive) asked that the applicant clarify the location of the lots.

The Chair explained that the sites were closest to the entrance of Redstone Drive with lot #17 containing the existing house, lot #16 to the left of it, and lot #18 to the right. Ms. Varelas also inquired of what fell under the jurisdiction of the Conservation Commission besides wetlands. The Chair replied stating that activity within the 100 ft. buffer zone is under their jurisdiction including the removal of shrubs and trees.

Chair noted he was concerned with the limit of work line being at the bank at Lot #16; specifically, the removal of trees and vegetation could negatively impact the resource area. Additionally, residents would be allowed to plant grass all the way to the edge of the water which could pollute the water with pesticides, fertilizer, and reduce the shade coverage- negatively impacting breeding habitats for the wildlife in the water. The Chair stated that he would like to see at least a twenty-five (25) foot buffer zone starting at the bank of the water. Commission member Mary Ellen Goodrow concurred with the Chair adding that this body of water does not have a river flowing in or out therefore, it is vulnerable to run off containing herbicides and fertilizers. Anthony Zampiceni and Robert Sheets supported the opinion of their fellow commissioners.

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 reasonably 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.

Al Joyce expressed satisfaction with the twenty-five (25) foot buffer starting at the bank of the water.

The Chair requested a motion to continue the hearing to March 13, 2019 for a revised plan showing a twenty-five 25 foot buffer zone from the bank of the water. Motion to continue the hearing to March 13, 2019 made by Commission member A. Zampiceni and second by Commission member R. Sheets; motion carried six (6)-zero (0).

- 4. Case #NOI 2019-04-Notice of Intent: Lot 17 Hidden Ponds Estates** (Assessor's Parcel ID 23-77-0) filed by Al Joyce, Redstone Ponds, LLC, P.O. Box 79, East Longmeadow, MA 01028 for a single family home project within a Buffer Zone of a Bordering Vegetated Wetland.
Prepared by: Al Joyce, Redstone Ponds, LLC, P.O. Box 79, East Longmeadow, MA 01028.

The Clerk read the legal ad into the record.

Applicant Al Joyce was present for discussion.

The Chair opened the hearing to the public for comments.

Janice Varelas of 20 Redstone Dr. inquired if the aforementioned twenty five (25) ft. buffer zone requirement would continue to exist despite a change in ownership. The Chair confirmed that it is a notation that is recorded at the registrar of deeds and is put into the deed for the house.

The following questions and comments were made by the Commissioners:

Mary Ellen Goodrow inquired if there were any permanent markers on the site plans to illustrate the limit of work line. Al Joyce replied that there are no markers currently on the plan and asked what kind of markers the Commission would like to see.

Goodrow explained her reasoning behind the question was so new owners would clearly know where the limit of work line stands. Joyce stated that he will include permanent markers on the revised plans. Joyce asked the Commission if they would entertain making the proposed fence the limit of work line.

Commission member William Arment inquired how far up from the water is the proposed fence. Joyce replied that the proposed fence is approximately nine to ten feet from the resource area. Joyce mentioned that the house was built in the 1940s and activity has been allowed right up to the bank of the water for decades. He mentioned his concern that a twenty-five (25) foot buffer zone would place the limit of work line at the door of the house making the home less desirable.

The Chair shared his desire to see at least a twenty (20) foot buffer zone and is concerned with anything less than that. It was noted that the house stand at thirty (30) foot away from the resource area and is grandfathered; however, the addition on the house is not.

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 reasonably 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.

The Chair entertained a motion to continue the hearing March 13, 2019 for a revised plan showing a twenty-five 25 foot buffer zone from the bank of the water. Motion to continue the hearing to March 13, 2019 made by Commission member A. Zampiceni and second by Commission member R. Sheets; vote six (6)-zero (0).

- 5. Case #NOI 2019-05-Notice of Intent: Lot 18 Hidden Ponds Estates (Assessor's Parcel ID 23-77-0) filed by Al Joyce, Redstone Ponds, LLC, P.O. Box 79, East Longmeadow, MA 01028 for a single family home project within a Buffer Zone of a Bordering Vegetated Wetland. Prepared by: Al Joyce, Redstone Ponds, LLC, P.O. Box 79, East Longmeadow, MA 01028.**

Clerk Jeffrey Bosworth read the legal ad into the record. Applicant Al Joyce was present for discussion.

The Chair opened the hearing to the public for comments. No further comments in support or against were given.

The following comments were made by the Commissioners:

Goodrow reported that fences are an exempt minor activity as long as it does not create a barrier to wildlife.

The Chair entertained a motion to continue the hearing March 13, 2019 for a revised plan showing a twenty-five (25) foot buffer zone from the bank of the water.

Motion to continue the hearing to March 13, 2019 made by Commission member J. Bosworth and second by Commission member R. Sheets; moved by a vote of six (6)-zero (0).

OTHER BUSINESS

Board Member William Arment left the meeting.

Review and Comments for Planning Board – none given for the Planning Board's consideration.

Report by Commissioner T. O'Brien regarding the Vegetation Management Plan Public Hearing held February 4, 2019 11:00 a.m. -12:30 p.m. Northampton City Hall

Submission of 2018 Town Report by Chair Jernstrom (due February 11, 2019 to Town Manager) was completed by on 2/11.

Correspondence received from Atty. Bradford F. Martin of Fitzgerald Attorneys at Law, PC regarding right of first refusal for New Parcel F as shown on Plan of Land recorded at HCRD Plan Book 385, Page 36.

The chair asked for a motion to recommend to the Town of East Longmeadow against the purchase of purchase New Parcel F as shown on the plan submittals.

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 reasonably 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.

Motion made by J. Bosworth and second by A. Zampiceni, by a vote of five (5)-zero (0) to waive the right of first refusal for the purchase of the land as shown on plans submitted for consideration for New Parcel F as shown on Plan of Land recorded at HCRD Plan Book 385, Page 36.

PROJECT MONITORING

Bella Vista Estates

A site visit had been conducted on January 31, 2019 with WMass DEP Circuit Rider Mark Stinson, Planning & Community Development Director Connie Brawders, DPW Assistant Superintendent Tom Christensen, and Commissioners Bosworth and Jernstrom.

Atty. Brian Fitzgerald (Fitzgerald, Attorneys at Law, 46 Center Square) trustee for Bella Vista Estates Phase II definitive subdivision and Anthony Carnevale, general contractor, were present to update the Commission on Phase II of the plan.

Carnevale explained that he had received a follow up letter describing the findings of the site visit from the department director and noted an enforcement order was being issued for certain violations of the Order of Conditions. The applicant was now before the Commissioners to discuss and describe measures to be taken. Carnevale explained that when they got involved in the subdivision project a month ago they were given the green light to go ahead and build the proposed road. Carnevale believed this meant that the Conservation Commission had already approved the project. Carnevale stated that he contacted Smith Associates to retrieve their field notes and personally walked the property line to ensure the stakes were in place. He distributed the copy of Smith Associates field notes to the Commission. Carnevale continued stating that he had noticed some erosion control waddles had fallen of which he had put back into place.

The Chair explained that during the site visit he and the other Commission members were not as concerned because the property was not near a resource area. The Chair explained that the main violation was that nothing was done to erect a temporary bridge over the wetland area during construction and the wetlands had been filled in with bark mulch. Carnevale referred to the Sediment and Erosion Control Plan and explained his assumption was that the water and sewer lines would be put in prior to the bridge to test the pressure. The Chair explained that a temporary bridge is generally put in place made up of 12 X 12 timbers or a pre-made steel bridge to drop over the crossing to protect the wetlands as opposed to driving through them. The Chair also pointed out a fence that cuts through the resource area and impedes the natural water flow.

Carnevale offered to hand rake out the mulch providing warmer weather.

34 Halon Terrace

Jeffrey Bosworth described minor violations of brush piled up by silt fence. Jeffrey Bosworth will draft a letter to the applicant informing them of the minor violations.

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 reasonably 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.

Other projects as listed on spread sheet.

- Avery St. has not begun constructing.
- Hidden Ponds
- Bentley Ave.

APPROVAL OF MINUTES

January 9, 2019 - Approved amended minutes four (4) - zero (0). Motion made by A. Zampiceni and second by J. Bosworth.

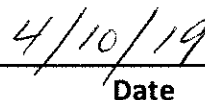
January 30, 2019 -Motion to move approval to March 13, A. Zampiceni; second by J. Bosworth by a vote of four (4)-zero (0).

ADJOURN : Motion to adjourn the meeting by A. Zampiceni and second by J. Bosworth; vote four(4)-zero (0) at 7:40 PM.

DATE OF NEXT MEETING: March 13, 2019



Jeffrey Bosworth, Clerk



Date

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 reasonably 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.