



EAST LONGMEADOW CONSERVATION COMMISSION

Wednesday, April 22, 2020

06:00 PM Zoom Webinar

MINUTES

Chair Craig Jernstrom opened the meeting at 6:12 PM and called the roll.

CALL THE ROLL

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

Staff Present: Bethany Yeo, Acting Planning & Community Development Director;
Ryan Quimby, IT Director

Absent: Anthony Zampiceni

APPROVAL OF MINUTES

March 11, 2020

Motion to approve made by Vice Chair Tom O'Brien; second by Commissioner Frances Corgnati and approved by a roll call vote five (5)—zero (0).

CERTIFICATE OF COMPLIANCE REQUESTS

1. **Case CC 2020-9: Request for Certificate of Compliance for 78 Dartmouth Lane (Mass DEP File # 150-0418)**—Request for Certificate of Compliance for 78 Dartmouth Lane (Assessor's Parcel ID 32-48-20). Applicant: Jeremy Shurtleff, 78 Dartmouth Lane, East Longmeadow, MA 01028.

Chair Craig Jernstrom stated there was a letter from the engineer in the file stating all conditions had been met and the property was in compliance with the Order of Conditions. No further discussion.

Motion to approve the Request for Certificate of Compliance made by Vice Chair Tom O'Brien; second by Clerk Jeffrey Bosworth and approved by roll call vote five (5) – zero (0).

NEW BUSINESS

2. **Case EP 2020-3: Request for Extension Permit for 108 Old Farm Road (Mass DEP File # 150-0393)**—Request for an Extension Permit for Order of Conditions Mass DEP File # 150-0393 at 108 Old Farm Road (Assessor's Parcel ID42-21-27) issued on May 10, 2017. Applicant: Ralph Capua, 72 Prospect Hills Drive, East Longmeadow, MA 01028.

Chair Craig Jernstrom stated he had spoken with the property owner, Ralph Capua regarding the requirement to post the DEP File number at the site and requested the cleanup of existing erosion controls. No further discussion.

Motion to extend the permit made by Vice Chair Tom O'Brien; second by Commissioner Erin Lynch and approved by roll call vote five (5) –zero (0).

3. **Vote and Ratification of WPA Enforcement Order #1: 15 Yorkshire Place (Mass DEP File #150-207)** for violation by Matthew C. Castanho, 15 Yorkshire Place, East Longmeadow, MA 01028 for unpermitted work in the Buffer Zone of a Bordering Vegetative Wetlands.

Clerk Jeffrey Bosworth recounted the events leading up to the issuance of the first and second enforcement order for the record. As a result of a tree cutting complaint filed with the Conservation Commission by a neighbor of 15 Yorkshire Place, a site visit was conducted by

Commissioner Bosworth on 3/24/2020. Clerk Bosworth confirmed a violation was taking place in the Buffer Zone of a Bordering Vegetative Wetlands and beyond the Limit of Work Line. The home owner, Matthew Castanho was verbally instructed to cease and desist. Subsequently, the neighbor called again on 3/25/2020 and reported the tree cutting continued after the cease and desist order was issued and into the morning of 3/25/2020. Therefore, the first Enforcement Order was hand delivered on 3/25/2020 by Clerk Jeffrey Bosworth and Commissioner Anthony Zampiceni as well as a member of the East Longmeadow Police Department. The second Enforcement Order, for violating the first Enforcement Order and moving the Limit of Work Line permanent markers was sent via certified mail from the Town Clerk's Office on 3/27/2020.

Chair Craig Jernstrom also reported his site visit findings from 3/25/2020 and noted the property owner had been very corporative and complied with all the Conservation Commission's requests to restore the area as well as acquired the services of wetlands consultant, Pete Levesque since the Enforcement Orders were issued. Vice Chair Tom O'Brien stated his opinion that one Enforcement Order was sufficient.

Motion to ratify the Enforcement Order #1 made by Clerk Jeffrey Bosworth; second Vice Chair Tom O'Brien and approved by a vote of five (5)-zero (0).

4. **Vote and Ratification of WPA Enforcement Order #2: 15 Yorkshire Place (Mass DEP File # 150-207)** for violation by Matthew C. Castanho, 15 Yorkshire Place, East Longmeadow, MA 01028 for unpermitted removal of permanent limit of work line markers and violation of existing enforcement order.

Chair Craig Jernstrom explained the cause of the second Enforcement Order based on the property owner's failure to comply with the first Enforcement Order. Commissioner Erin Lynch asked for clarification on the issue of the property owner replacing the Limit of Work Line markers. Clerk Jeffrey Bosworth stated that after he had explained the purpose and value of the permanent limit of Work Line markers, the property owner appeared to have relocated the markers closer to the Wetlands on a follow up site visit. Based on the evidence provided by Commissioners Bosworth and Jernstrom, Commissioner Frances Corgnati stated she was in agreement that both Enforcement Orders were necessary.

Vice Chair Tom O'Brien opined only one Enforcement Order was necessary as a restoration of the affected area was already required per the first Enforcement Order making the second Order redundant. Commissioner Erin Lynch argued the second Enforcement Order would set the precedent that Limit of Work Line markers cannot be removed or replaced.

Motion to ratify the Enforcement Order #2 made by Chair Craig Jernstrom; Vice Chair Tom O'Brien and approved by a vote of five (5) - zero (0).

Discussion ensued regarding the issuance of fines for the violations. The conclusion of the discussion was inconclusive with Vice Chair Tom O'Brien opining the property owner should have a chance to state their case prior to the Commissioners issuing a fine for the violations. The Chair stated the discussion should be continued at the following meeting.

Motion to continue the discussion of levying fines to the May 13, 2020 meeting with the property owner present made by Commissioner Frances Corgnati; second by Commissioner Erin Lynch and approved by a vote of five (5)- zero (0).

5. **Vote and Ratification of WPA Enforcement Order: Hidden Ponds Estates** for violation by Al Joyce, Rose-Bud Builders, P. O. Box 79, East Longmeadow, MA 01028 for inadequate erosion controls.

Chair Craig Jernstrom stated the reasons for the Enforcement Order, which were primarily inadequate erosion controls, unpermitted tree cutting, and inadequate wetland flagging in Lots 2, 18, and 19. Vice Chair Tom O'Brien requested the Commission act together on the issuance of Enforcement Orders and letters being sent out in the future and suggested three or four Commissioners should be making site visits as a group prior to issuing Enforcement orders. Discussion regarding logistics of site visits ensued. Commissioner Frances Corgnati stated, due to Covid-19 she would not be conducting site visits at this time. Clerk Jeffrey Bosworth explained site visits were usually conducted by himself, Anthony Zampiceni and Craig Jernstrom rather than a single Commissioner.

Vice Chair Tom O'Brien left the meeting at 7:09 PM.

Chair Jernstrom reported site visit findings of Lot 3 which he stated warranted a separate Enforcement Order which he would be drafting for the following meeting.

Motion to ratify the Enforcement Order made by Commissioner Erin Lynch; second by Commissioner Frances Corgnati and approved by a vote of four (4)-zero (0).

NEW PUBLIC HEARINGS

6. **Case OCC 2020-1: Request for Amendment to Order of Conditions (Mass DEP File # 150-429)**—Request for Amendment to Order of Conditions (Mass DEP File # 150-429) for 34 Halon Terrace (Assessor's Parcel ID 21-24-8) filed under the Wetlands Protection Act, DWW Policy 85-4 and Town of East Longmeadow Wetlands By-law for the approval of a smaller barn, increased parking, a fence and plantings. Applicants: Peter Sares and Michelle Sares, 34 Halon Terrace, East Longmeadow, MA 01028. (To be continued to May 13, 2020)

PROJECT MONITORING

7. Bella Vista Estates

Chair Craig Jernstrom reported on project monitoring for Phase I and Phase II including that he had spoken with Anthony Carnevale regarding fixing up erosion controls.

8. 108 Old Farm Road

9. 39 Pondview Drive

Chair Craig Jernstrom reported that a concrete patio had been installed by the in ground pool and expressed concerned that the patio was within the buffer zone.

10. Smith/Robin St

Chair Craig Jernstrom explained the situation and stated the property owner was complying with all Conservation Commission requests and is expected to submit an amended Notice of Intent.

11. 144 Mapleshade

Chair Craig Jernstrom reported on a potential violation and explained he has been in contact with the property owner and had instructed him to cease and desist.

12. Projects [See Project Monitoring spread sheet]

OTHER BUSINESS

13. Policies and Procedures of the Conservation Commission

- a. Review of Conservation Commission Accounts 8204 Con Com / Program, 8203 Con Com / Land Acq, and 2901 Wetlands Protection

14. Review and approval of draft letter to Fitzgerald's regarding land offer on Hampden Road

The Commission approved the draft letter as presented.

15. Review and approval of draft letters to prior enforcement order recipient's regarding notification of the start of the planting season

The Commission approved the draft letters. Clerk Jeffrey Bosworth clarified the letters should be sent to 101 Old Farm Road, 53 Tanglewood Drive, and 116 Elm Street.

ADJOURN Motion to adjourn made by Commissioner Frances Corgnati; second by Clerk Jeffrey Bosworth and approved by a vote of four (4)- zero (0) at 7:29 PM.

Respectfully submitted for the Commission.

Bethany Yeo
Acting Director of Planning & Community Development