

**East Longmeadow
Conservation Commission
60 Center Square
East Longmeadow, Massachusetts 01028
(413) 525-5400- ext. 1700 - fax (413) 525-1656**



**Minutes
Meeting of the Conservation Commission**

May 9, 2018, 6:00 pm

Library Conference Room, 60 Center Square, East Longmeadow, MA 01028

Present: Chairman Craig Jernstrom; Vice Chair Robert Sheets; Jeffrey Bosworth; Anthony Zampiceni; Mary Ellen Goodrow; Thomas O'Brien (left at 6:40pm)

Also present: Planning and Community Development Director, Constance Brawdors

Absent: Will Arment

Chairman Jernstrom opened the meeting at 6:00pm.

New Business

- Notice of Intent: Shaker/South Brook Roads ROW – Eversource Energy

Chairman Jernstrom read the legal notice into the record and noted that Commissioners had been to the site immediately before the meeting to see the impact of the work proposed. Lori Benoit of Stantec Consulting provided the Certificate of Mailing for the abutter notices sent out prior to the hearing. She then presented the project plan to replace the only remaining wooden utility pole with a steel one in the Right of Way located closest to Shaker Road. Access to the ROW would be gained via the rear of 82 Deer Park Rd., through an agreement with the property owner at that address. Impact would be limited to the buffer zone. Chairman Jernstrom explained to the public that utility companies are exempt from filing a Notice of Intent, so Eversource Energy went the extra mile in doing so, rather than just a Request for Determination. Chairman Jernstrom then opened the hearing to public comment and none was offered.

Mr. O'Brien moved to close the public hearing; Mr. Bosworth seconded. **The motion to close the public hearing passed unanimously (6-0).**

Vice-Chair Sheets moved to approve the Notice of Intent for Shaker/South Brook Roads ROW as submitted; Mr. Bosworth seconded. **The motion to approve the Notice of Intent for Shaker/South Brook Roads ROW by Eversource Energy passed unanimously (6-0).**

- Notice of Intent: Somers Road, Lot #1 – Sovereign Builders

Chairman Jernstrom read the legal notice into the record. Rob Levesque of R. Levesque Associates presented the proposed Notice of Intent, explaining that this was just the first lot of 4 total being presented, and all but Lot #4 would be very similar to this one. An intermittent stream runs along the front of the parcel, and wetland that was delineated runs along the far back of the property. Driveways would be built across the intermittent stream “bridge-style” for each of the 4 proposed lots. Mr. Levesque explained the applicant’s intent to acquire Approval Not Required endorsement from the Planning Board once the Conservation Commission piece is complete. Chairman Jernstrom then opened the hearing to public comment. An unidentified individual asked how large the lots would be and if the woods would be disturbed. Mr. Levesque explained that each proposed lot would be less than an acre; however the actual lot division is not final yet. There would be no disturbance of the woods. Sandra Kowen of 117 Pinehurst Drive asked about distance between the lots and the wetlands. Chairman Jernstrom replied approximately 100-200 yards. Susan Shaffer-Bartley of 228 Pinehurst Drive asked if the work being done on the edge of the stream would have any impact on the wetlands. Mr. Levesque explained that Lot #1 would not have any impact on either the stream or the wetlands. Joann Dewrance of 115 Pinehurst Drive asked for clarification of where the wetlands and The Elms are in relation to the site and Chairman Jernstrom provided it pointing it out on the plan. Sandra Kowen of 117 Pinehurst asked for clarification of what the protection afforded wetlands actually is, and Chairman Jernstrom explained the gist of 310 CMR, the Wetlands Protection Act and the Commission’s jurisdiction and role. Kris Tower of 234 Pinehurst Drive asked how the wetlands will be protected from kids and dogs. Chairman Jernstrom explained that permanent markers would be put up to indicate the limit of work line and deed restrictions are put on each lot to indicate that no work can be done beyond that line. He also explained the Commission’s role in monitoring sites during construction, but that without a permanent officer for the Town, there is no ability to monitor sites beyond the construction phase. Mr. Levesque contributed that passive recreation is not prohibited in wetlands. Kevin Guthrie of 122 Pinehurst Drive asked if abutters in all units at The Elms were notified, and Mr. Levesque confirmed that they were. He also asked for an explanation of the difference between conservation land and wetlands and how to determine what the edge of The Elms property line actually is. Chairman Jernstrom said that property records are public record and available at Town Hall for viewing by anybody. Vice-Chair Sheets pointed out that not all abutters in The Elms are actually bordering this parcel, and asked Mr. Levesque to point out to the public which units would be abutting the parcel, which Mr. Levesque did. Planning and Community Development Director Constance Brawdars stated that there is an Active Forest Management Plan on the subject parcel until 2024 and is currently under Chapter 61A protection. Sandra Kowen of 117 Pinehurst Drive asked how to find out if the undeveloped land abutting The Elms is conservation land, and Chairman Jernstrom told her that it is privately held, so it is not conservation. Mr. O’Brien inquired if the developer had gone through the process of offering the property to the Town through Right of First Refusal. Mr. Levesque deferred to Jay Nomakeo who was present to represent the owner of the property who voiced his opinion that the property is no longer in Chapter 61A. James Haberern of 346 Pinehurst Drive, owner of the property, stated that he had approached the Town approximately a year and a half ago to offer them the purchase of the property, and was told that there was no money in the till to do so.

He also stated that there were no intentions of building into the wooded area of the parcel. An unidentified individual asked for an explanation of Mr. Levesque's role in this process, and Mr. Levesque explained his role as a consultant. Ms. Brawdors offered an explanation of the process of moving through Chapter 61A protection and onward to the Planning Board for the ANR of the four proposed lots. Mr. Levesque offered that the actual process of removing Chapter 61A protection does not happen until after the ANR has been endorsed by the Planning Board and prior to the actual conveyance of the lots. Mr. O'Brien excused himself from the meeting at 6:40pm for a prior family obligation. John Grimaldi of 625 Somers Road asked about how far back the homes are from Somers Road. Mr. Levesque showed him on the plan. Mr. Grimaldi also asked when construction is planned to begin. Mr. Levesque broke down the various steps that still need to be taken through the Planning Board and the Town before construction can begin, but offered possibly by mid-summer. There was then general discussion among the attendees and the Board regarding Conservation Commission roles and regulations.

Mr. Bosworth moved to close the public hearing; seconded by Mr. Zampiceni. **The motion to close the public hearing passed unanimously (5-0).**

Chairman Jernstrom turned it over to the Commission to then discuss and ask questions of Mr. Levesque. Ms. Goodrow asked if there would be monuments placed, and Mr. Levesque replied that there would, and they typically like to use birdhouses. Chairman Jernstrom stated that the DEP has not yet been able to issue DEP file numbers as there were unresolved issues with the Notices of Intent as submitted to them, so technically the Commission would be unable to approve them at this meeting. Ms. Brawdors reminded the Commission that under MGL and the Town's general bylaws (Section 10.011) they have the right to vote on sending any NOI for peer review at the expense of the applicant. Mr. Levesque reminded the Commission that since the public hearing for lot #1 had been closed, no new information from the public could be taken into consideration. Ms. Brawdors clarified that at any time, the Commission may request more information. Mr. Levesque pointed out that lot #1 does not present a need for peer review. Ms. Brawdors stated that since the parcel has not yet been divided into 4 lots, the entire parcel could still be recommended for peer review. There was a procedural discussion as to whether or not the public hearing was meant to be closed, and it was determined that the intent was to close the public comment portion of the hearing, but not the hearing itself.

Vice-Chair Sheets moved to rescind the vote to close the public hearing; seconded by Mr. Zampiceni. **The motion to rescind the vote to close the public hearing passed unanimously (5-0).**

Vice-Chair Sheets moved to continue the public hearing for Somers Road Lot #1 to May 23rd at 6:00pm; seconded by Mr. Zampiceni. **The motion to continue the public hearing for Somers Road Lot #1 to May 23rd at 6:00pm passed unanimously (5-0).**

- Notice of Intent: Somers Road, Lot #2 – Sovereign Builders

Chairman Jernstrom read the legal notice into the record. Rob Levesque of R. Levesque Associates presented the proposed Notice of Intent, explaining that this was the second lot of 4 total being presented and very similar to Lot #1. Chairman Jernstrom then opened the hearing

to public comment. Jay Nomakeo commented that the owner of the property has worked very hard and been through great expense to keep the parcel afloat, prior to coming to this point. There were no additional comments from the public for this lot.

Mr. Bosworth moved to continue the public hearing to May 23rd at 6:00pm; seconded by Vice-Chair Sheets. **The motion to continue the public hearing for Somers Road, Lot #2 to May 23rd at 6:00pm passed unanimously (5-0).**

- Notice of Intent: Somers Road, Lot #3 – Sovereign Builders
Chairman Jernstrom read the legal notice into the record. Rob Levesque of R. Levesque Associates presented the proposed Notice of Intent, explaining that this was the third lot of 4 total being presented, and very similar to Lot #1. Chairman Jernstrom then opened the hearing to public comment and there was none.

Mr. Zampiceni moved to continue the hearing to May 23rd at 6:00pm; seconded by Vice-Chair Sheets. **The motion to continue the public hearing for Somers Road, Lot #3 to May 23rd at 6:00pm passed unanimously (5-0).**

- Notice of Intent: Somers Road, Lot #4 – Sovereign Builders
Chairman Jernstrom read the legal notice into the record. Rob Levesque of R. Levesque Associates presented the proposed Notice of Intent, noting that there is a little more involvement with this lot in comparison to the other three lots proposed. He described the work to be done to add a sewer line connection, which would disturb the bordering vegetated wetland and results in a requirement to add a replicated wetland, of which he pointed out the location for on the plan. Kevin Guthrie of 122 Pinehurst Drive asked where the stream originates and ends. There was general discussion from several attendees offering assumed beginnings and endings. Kris Tower of 234 Pinehurst Drive asked how a wetland is replicated. Chairman Jernstrom described the general process as being quite involved. Mr. Levesque went into more technical detail to describe the work to be done. Terri Weiner of 234 Pinehurst Drive inquired as to the ratio used for the replicated wetland. Mr. Levesque replied that it would be the required 2:1. John Grimaldi of 625 Somers Road asked if the sewer line is going across the stream currently and what protections would be provided against flooding. Mr. Levesque replied that the Wetlands Protection Act provides for compensating for any displacement to bodies of water. He also described other preventive measures such as grading and bolting manhole covers and explaining the various elevation differences planned to prevent flooding. Chairman Jernstrom thanked the public for their participation and reminded them of their right to stop at the Planning Office and review plans during business hours. Ms. Brawdors reminded the Commission of their right to send plans for peer review. Chairman Jernstrom said his opinion was that Lot #4 would be the only lot with a need for peer review and there was no opposition from the other members.

Mr. Bosworth moved to send the NOI for Somers Road, Lot #4 to a consultant for peer review; seconded by Mr. Zampiceni. **The motion to send the Notice of Intent for Somers Road, Lot #4 to a consultant for peer review passed unanimously (5-0).**

Vice-Chair Sheets moved to continue the hearing to May 23rd at 6:00pm; seconded by Mr. Zampiceni. **The motion to continue the public hearing for Somers Road, Lot #4 to May 23rd at 6:00pm passed unanimously (5-0).**

- Request for Determination of Applicability, 5 Amalfi Place – Paul Heath
Chairman Jernstrom read the legal notice into the record. Eric Levesque of Juliano’s Pools presented the plans to install an 18’x36’ in ground swimming pool on the property. Chairman Jernstrom expressed concern as to how close the pool comes to the riprap pad. Mr. Levesque stated that the location is about 25’ from the retention pond. Ms. Brawdgers expressed concern that the pool would be encroaching on another party’s property. Chairman Jernstrom suggested that since there were still questions about the site, that the hearing be continued.

Vice-Chair Sheets moved that the hearing for the Request for Determination of Applicability for 5 Amalfi Place be continued so that commissioners may visit the site to May 23rd at 6:00pm; seconded by Mr. Bosworth. **The motion to continue the public hearing for 5 Amalfi Place to May 23rd at 6:00pm passed unanimously (5-0).**

Old Business

- Certificate of Compliance: 9 Euclid Ave, Michael Torcia Jr
Mr. Torcia has not yet responded to Chairman Jernstrom regarding the curbing.

- Order of Conditions Follow-up: 108 Old Farm Road
Environmental Consultant Michael Mocko stated that land clearing is now complete and reassured the Commission that the silt fence would be up relatively soon. Ralph Capua provided the Commission with the recorded Order of Conditions, apologizing for the delay. He then explained that the silt fence hadn’t been put up yet because it would have hindered their ability to get to the other side to remove invasive plantings and trees. Now that clearing is done, in the next two to three weeks the silt fence will be up. Mr. Capua also confirmed that the DEP sign would be up immediately since he now had found the DEP #.

Approval of Minutes

- Vice-Chair Sheets moved to approve the minutes of April 25, 2018; Mr. Zampiceni seconded. **The motion to approve the minutes of April 25, 2018 passed unanimously (5-0).**

Director’s Report

Ms. Brawdgers informed the Commission of the staff’s intent to have a sign-in sheet for future Conservation Commission meetings. She then asked that the Commission empower the department to forward Notices of Intent along to peer review consultants in advance of the Commission voting on utilizing peer review services, in the interest of efficiency. The Commission, however, would still need to vote on whether or not to give the green light for peer review. She also pointed out that there was a great need to revise the bylaw regarding

fees for such peer reviews, as they are excessively low, and she would like to begin the process of researching currently accepted fee thresholds to revise the bylaws. Discussion of the peer review process was tabled to the next meeting, as the library needed to close. Ms. Brawders also reminded the Commission of the State Ethics Training that needed to be completed.

Update on Monitored Projects

394 Pease Road wooden structure was considered within the property boundaries by the Building Commissioner.

Mr. Bosworth moved to adjourn at 8:00pm; seconded by Mr. Zampiceni. **The motion to adjourn the meeting at 8:00pm passed unanimously (5-0).**

Respectfully Submitted,

Tracy Berns
Recording Secretary