

EAST LONGMEADOW CONSERVATION COMMISSION

MEETING NOTICE

Date: May 22, 2019

Time: 6:00 PM

Place: School Committee Conference Room

East Longmeadow High School, 180 Maple Street, East Longmeadow, MA



MINUTES

Chairman Jernstrom opened the meeting at 6:01 pm and called the roll.

Present: Craig Jernstrom, Chair; Jeffrey Bosworth, Clerk; Anthony Zampiceni; Robert Sheets; Tom O'Brien; Mary Ellen Goodrow
Staff Present: Constance Brawders, Planning and Community Development Director; Bethany Yeo, Planning and Community Development Administrative Assistant

APPROVAL OF THE MINUTES

APRIL 10, 2019 EXECUTIVE SESSION MINUTES

Motion to approve executive session minutes made by Commission member Tom O'Brien; second by Commission member Anthony Zampiceni by a vote of five (5)-zero (0).

MAY 8, 2019

Approval of the May 8, 2019 meeting minutes continued to the June 12, 2019 meeting.

OLD BUSINESS

1. **Case #NOI 2019-06-Notice of Intent: 244 Shaker Rd** (Assessor's Parcel ID 18-35-0) filed by SIVAD Development Partners LP, 1 Monarch Place, Suite 1300, Springfield, MA 01144 for the construction of a proposed bank and commercial building within the Buffer Zone to Bordering Vegetated Wetlands and Isolated Vegetative Wetlands. Prepared by Robert Levesque Associates, Inc., 40 School Street, Westfield, MA 01085. (Cont. from May 8, 2019).

Motion to continue to the June 12, 2019 as requested by the applicant made by Commission member Jeffrey Bosworth; second by Commission member Anthony Zampiceni by a vote of 6-0.

2. **Enforcement Order: 101 Old Farm Road (a/k/a Lot 26)** (Assessor 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. (Cont. May 8, 2019)

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.

Joseph Ngaruiya, representing his family members William Ngaruiya and Salome Njoroge was present for discussion. Representing the petitioner was Robert Levesque of R. Levesque Associates, Inc.

Mr. Levesque presented the restoration plan for the violation and explained the complexity lies in the fact that there was work done in violation of the limit of work line by the former home owner as well.

Discussion ensued regarding the possibility of filing a new Notice of Intent and subsequent Order of Conditions for the property to alter the limit of work line to fall in a logical location so the home owner may have use of their backyard.

Mr. Ngaruiya presented his understanding of the events leading up to the violation and submitted copies of his email exchange with David Murphy of Western Mass Tree Care.

Mr. Ngaruiya stated his family would not have purchased the property if they had known of the restrictions beforehand.

The Chair stated while oversight of the Order of Conditions issued for the property may have been a problem before the current home owner bought the property (as indicated by the in-ground pool which was installed in violation of the limit of work line years prior), the responsibility for restoring the wetlands falls upon the current home owner.

Motion to continue to the June 12, 2019 made by Commission member Anthony Zampiceni; second by Commission member Jeffrey Bosworth by a vote of 6-0.

3. **Enforcement Order: 101 Old Farm Road (a/k/a Lot 26)** (Assessor Parcel ID 42-38-26) for violation by David Murphy of Western Mass Tree Care; P.O. Box 81001, Springfield, MA 01138 for removal of trees adjacent to an intermittent stream on a site located near a vernal pool and priority protection habitat. (Cont. May 8, 2019)

Motion to continue to the June 12, 2019 made by Commission member Anthony Zampiceni; second by Commission member Jeffrey Bosworth by a vote of 6-0.

Motion to take Other Business agenda item "Distribution of Open Meeting Law Handouts" out of order made by Commission member Anthony Zampiceni; second by Commission member Jeffrey Bosworth by a vote of 6-0.

- Distribution of Open Meeting Law Handouts

The Planning and Community Development staff shared an Open Meeting Law handout with the Commission members. The Chair stated he would like to receive a physical copy for future reference.

PROJECT MONITORING

- Bella Vista Estates

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Atty. Brian Fitzgerald the Trustee for Bella Vista Holdings Realty Trust was present for discussion. Atty. Fitzgerald updated the Commission on their progress application for modification of subdivision approval with the Planning Board.

Discussion of water runoff issues raised by abutters of Bella Vista Estates ensued. Mr. Fitzgerald stated Bella Vista Estates is working with the abutters to ensure they find solutions to the runoff concerns where the runoff is caused by the subdivision.

A site visit was scheduled between Conservation Commission, Applicant, and Department of Public Works.

- 53 Tanglewood
 - Motion to approve and ratify 53 Tanglewood Order of Conditions AZ; JB. Approved 6-0.
- Other projects as listed on spread sheet.
 - Motion to ratify Hidden Ponds Estates Lot 16 Order of Conditions JB; TO. Approved 6-0.
 - Motion to ratify Hidden Ponds Estates Lot 17 Order of Conditions TO; AZ. Approved 6-0.
 - Motion to ratify Hidden Ponds Estates Lot 18 Order of Conditions AZ; JB. Approved 6-0.
 - Motion to ratify Hidden Ponds Estates Lots 2, 19, 20 Order of Conditions JB; AZ. Approved 6-0.
 - Motion to ratify Hidden Ponds Estates Lots 4,5,6,7,8, 11 Order of Conditions JB; AZ. Approved 6-0.
 - Motion to ratify Hidden Ponds Estates Lot 12,13,14,15 Order of Conditions JB; AZ. Approved 6-0.
 - Motion to ratify Purves Street Order of Conditions JB; AZ. Approved 6-0.

OTHER BUSINESS

- Review and Comments for Planning Board from the Conservation Commission
- Discussion of Jeffrey Webster Letter

The Chair stated he would draft a letter in response to the Jeffrey Webster letter.

- Skilled Nursing Facility- modification to Storm Water Management System

Rob Levesque and Mike Crowley were present for discussion. Mr. Levesque presented plans to modify the storm water management system for the skilled nursing facility explaining there is an isolated wetland caused from drainage outfall from the building site. Mr. Levesque explained their purpose for the informal presentation was to see if the Commission was comfortable with the proximity to the isolated wetland regarding the storm water management modification they will be proposing in an upcoming Notice of Intent.

ADMINISTRATIVE

- Policies and Procedures of Commission

Mary Ellen Goodrow suggested implementing a policy requesting a certain design for the monuments marking the limit of work line so their purpose so their purpose may be more clear so future property owners. Discussion ensued.

The Director, Ms. Brawdors explained by raising administrative fees the Commission may be able to eventually hire a part time Environmental Agent to provide professional support specific to the needs of the Conservation Commission.

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ADJOURN Motion to adjourn made by Robert Sheets; second by Anthony Zampiceni at 8:07 PM by a vote of six (6) – zero (0).

DATE OF NEXT MEETING: June 12, 2019



Jeffrey Bosworth, Clerk

6/26/17

Date

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