

EAST LONGMEADOW CONSERVATION COMMISSION

**MEETING NOTICE**

Date: June 12, 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; Robert Sheets, Vice Chair; Jeffrey Bosworth, Clerk; Anthony Zampiceni; Tom O'Brien; Mary Ellen Goodrow

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

- Election Of Officers

Commission member Tom O'Brien made a motion for the current structure of the Conservation Commission to remain the same. The motion was second by Commission member Anthony Zampiceni and unanimously approved by the Commission six (6) - zero (0).

- Appointment To The Community Preservation Commission

Jeffrey Bosworth made a motion to nominate Commission member Anthony Zampiceni to the Community Preservation Commission. Motion was second by Commission member Tom O'Brien and unanimously approved by the Commission six (6) - zero (0).

**APPROVAL OF MINUTES:**

May 08, 2019

Motion to approve the May 8, 2019 minutes made by Clerk, Jeffrey Bosworth; second by Commission member Anthony Zampiceni by a vote of six (6)- zero (0).

May 22, 2019

Approval of the May 22, 2019 meeting minutes continued to the June 26, 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 and May 22, 2019)

Motion to continue to June 26, 2019 as requested by the applicant made by Clerk, Jeffrey Bosworth; second by Commission member Anthony Zampiceni by a vote of six (6)- 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 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. **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 and May 22, 2019)

Motion to continue to June 26, 2019 as requested by the applicant made by Clerk, Jeffrey Bosworth; second by Commission member Anthony Zampiceni by a vote of six (6)- zero (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 and May 22, 2019)

Petitioner David Murphy was present for discussion. The Chair stated that no action would take place as the Commission was waiting upon legal advice regarding the case.

Mr. Murphy expressed his confusion about what the Conservation Commission wanted from him and expressed his regret for neglecting to double check the proper permits had been granted before beginning work at 101 Old Farm Road.

Commissioner O'Brien spoke in support of Mr. Murphy and shared his opinion that the enforcement order issued to Mr. Murphy be rescinded on the premise that the Commission has not, in recent history, issued enforcement orders for both the home owner and the contractor. Commissioner O'Brien also spoke to the fact that although there were other contractors involved in the work done in violation on the property, the Commission was only holding Mass Tree Care in violation. Mr. Murphy shared that he had updated his contract to include language that will prevent future violations of this kind and submitted a copy of the new contract to the Commission.

Anthony Zampiceni, Mary Ellen Goodrow, Jeffrey Bosworth, Robert Sheets and the Chair rebutted the point stating that their concern in rescinding the enforcement order issued to Mr. Murphy was that his account of how the violation unfolded differed from the home owner's account of the violation. Discussion ensued.

Commissioner O'Brien motioned to rescind the enforcement order against David Murphy of Western Mass Tree Care. Motion second made by Commission member Anthony Zampiceni Motion did not carry; not approved by a vote of one (1) to five (5).

Mary Ellen Goodrow inquired what the penalty would be for a contractor like Mr. Murphy. Discussion ensued.

Motion to continue the case to June 26, 2019 made by Clerk, Jeffrey Bosworth; second by Commission member Anthony Zampiceni by a vote of six (6) – zero (0).

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**NEW BUSINESS:**

4. **CC 2019-04: Request for Certificate of Compliance for 30 Heritage Circle (Mass DEP File # 150-205)**—Request by applicant for Request for Certificate of Compliance for 30 Heritage Circle (Assessor's Parcel ID 47-84-8). Applicant: Doherty, Wallace, Pillsbury and Murphy, P.C., 1414 Main Street, Suite 1900, Springfield, MA 01144 representing Michael A. Zwirko and Patricia Zwirko.

Motion to continue to June 26, 2019 as submittal is not complete made by Clerk, Jeffrey Bosworth; second by Commission member Anthony Zampiceni by a vote of six (6)- zero (0).

5. **CC 2019-05: Request for Certificate of Compliance for 9 Sherwood Lane (Mass DEP File #150-271)**—Request by applicant for Request for Certificate of Compliance for 9 Sherwood Lane (Assessor's Parcel ID 75-76-40R). Applicant Lori DiGennaro, 44 Plantation Drive, Suffield, CT 06078.

Motion to continue to June 26, 2019 as submittal is not complete made by Clerk, Jeffrey Bosworth; second by Commission member Anthony Zampiceni by a vote of six (6)- zero (0).

6. **RDA 2019-07: Request for Determination of Applicability for 54 Capri Drive** (Assessor's Parcel ID 44-10-8) for the installation of 3 yard drains connected by 6 inch pipe outletting down slope to alleviate standing water at low point pockets within the 100 ft. Buffer zone on a 1.22 acre site subject to the Wetlands Protection Act. Applicant/Owner: Daniel Plotkin, 54 Capri Drive, East Longmeadow, MA 01028.

Applicant Daniel Plotkin summarized the project stating that it was a 100 feet of pipe in a trench with some stone to mitigate flooding issues potentially caused by Bella Vista Estates Phase II. Chair Jernstrom confirmed that the work had already been completed prior to receiving permission from the Conservation Commission. Mr. Plotkin apologized for completing the work before gaining permission.

Mr. Jernstrom stated the work does not have a major impact on the resource area however; he stressed the need for future work done within the 100 ft. Buffer zone to have permission from the Commission before the work begins. Commissioner O'Brien spoke in favor of request citing reasons that the work that was completed was in the grassy section of the lawn, the applicant had standing water on his property, and it appears the work was installed professionally.

The Chair entertained a motion for Negative Determination #2. Motion made by Commission member Tom O'Brien; second by Commission member Anthony Zampiceni and unanimously approved by the Commission six (6) - zero (0).

**PROJECT MONITORING:**

- **Bella Vista Estates**

Anthony Carnevale was present for discussion. The Chair asked what the plan was for removing the silt fences. Anthony Carnevale clarified they were to remove the silt fences and straw bales

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then when they installed water and sewer they would install extra waddles and then loam seed it. Jeffrey Bosworth added that the wood chips also need to be removed. Anthony Carnevale confirmed.

- Other projects as listed on spread sheet.  
No other projects were discussed.

**OTHER BUSINESS:**

- Review and Comments for Planning Board from the Conservation Commission
- Review of draft letter prepared by Chair of reply to Jeffrey Webster  
The Chair stated he had not drafted a letter in response to Jeffrey Webster yet.
- Discussion of format for project presentation  
The Chair expressed his desire to have applicant present their case before the board asks them clarifying questions or state concerns.
- Discussion of Cost of Community Service analyses received from the University of Massachusetts Amherst  
The Chair summarized the letter to the commission stating the letter argued that in some ways it is less expensive to have open space rather than developed land.

- Policies and Procedures of Commission

Tom O'Brien suggested the Commission hold all involved in violations to the same standard no matter the home owner or the contractor. He emphasized his discomfort and concern with practicing double standards. Mary Ellen Goodrow, Anthony Zampiceni and the Chair stated that they must evaluate violations on a case by case basis. Robert Sheets suggested taking time to research what falls within the Commissions purview when it comes to violations and enforcement acts. Discussion concluded with the understanding that enforcement orders are formal requests by the Commission to stop work so the Commission can make informed determinations of the severity of the violation(s).

- Draft Open Space and Recreation Plan: Preparation of letter of review to be included in final submittal to DCS.

Motion to endorse the Open Space and Recreation Plan made by Vice Chair Robert Sheets; second by Commission member Anthony Zampiceni by a vote of six (6) –zero (0).

**ADJOURN:**

Motion to adjourn made by Commission member Anthony Zampiceni; second by Clerk, Jeffrey Bosworth at 7:08 PM by a vote of six (6) - zero (0).

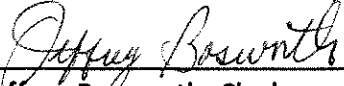
**DATE OF NEXT MEETING: June 26, 2019**

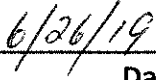
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\_\_\_\_\_  
Jeffrey Bosworth, Clerk

  
\_\_\_\_\_  
Date

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