

**EAST LONGMEADOW CONSERVATION COMMISSION**

**MEETING NOTICE**

Date: June 26, 2019

Time: 6:00 PM

Place: School Committee Conference Room

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

**MINUTES**

Vice Chair Robert Sheets opened the meeting and called the roll at 6:02 PM.

**CALL THE ROLL:**

**Present:** Robert Sheets, Vice Chair; Jeffrey Bosworth, Clerk; Anthony Zampiceni; Mary Ellen Goodrow

**Staff Present:** Constance Brawders, Planning and Community Development Director; Bethany Yeo, Planning and Community Development Administrative Assistant

**Absent:** Craig Jernstrom, Chair; Thomas O'Brien

**APPROVAL OF MINUTES:**

May 22, 2019

Motion made by Commission member Anthony Zampiceni; second by Clerk Jeffrey Bosworth and approved by a vote of four (4)-zero (0).

June 12, 2019

Motion made by Commission member Anthony Zampiceni; second by Clerk Jeffrey Bosworth and approved by a vote of four (4) - zero (0).

**OLD BUSINESS:**

- 1. 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 July 10, 2019 as requested by applicant made by Clerk Jeffrey Bosworth; second by Commission member Mary Ellen Goodrow and approved by a vote of four (4)- zero (0).

- 2. 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.

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](mailto: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 to continue to July 10, 2019 as requested by applicant made by Commission member Anthony Zampiceni; second by Clerk Jeffrey Bosworth and approved by a vote of four (4)- zero (0).

3. **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; May 22, 2019; June 12, 2019).

Rob Levesque from Robert Levesque Associates, Inc. was present for discussion. Mr. Levesque provided the commission with an update that he is actively working with the Department of Public Works (DPW) to eliminate the water that runs to Shaker Road. He also shared that a site visit with the DPW had been conducted and they now had a viable option. Mr. Levesque stated he will confirm with DPW that they approve of the updated plans before the next Conservation meeting and requested a continuance until July 10, 2019 Conservation meeting.

**Motion to continue to July 10, 2019 as requested by applicant made by Clerk Jeffrey Bosworth; second by Commission member Mary Ellen Goodrow and approved by four (4) – zero (0).**

4. **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; May 22, 2019; June 12, 2019).

Joseph Ngaruiya [representing his mother Salome Njoroge and brother William Ngaruiya] and Rob Levesque from R Levesque Associates representing the home owner were present for discussion. Mr. Levesque re-capped the findings from the site visit and stated the property owner is requesting the limit of work line be twenty-eight (28) +/- feet off the back of the house for the subject property.

The Commission gave a summary of the site visit findings. Mr. Levesque illustrated the new proposed limit of work line on the plan noting that the existing limit of work line markers are consistently forty-five (45) +/- feet from the wetlands. Jeffrey Bosworth, Mary Ellen Goodrow and Anthony Zampiceni spoke in favor of the proposed limit of work line based on their findings from the site visit. Mary Ellen Goodrow confirmed that at the most the proposed limit of work line will extend past the existing limit of work line by approximately seven (7) feet.

The Commission gave the petitioner permission to remove large stones and logs with as little disturbance to the area as possible before the July 10, 2019 meeting. The Commission requested that Mr. Levesque stake out the new proposed limit of work line before the July 10,

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2019 meeting so Commission members can view it during site visits. Mr. Levesque stated he will show the proposed limit of work line on a revised plan to present at the July 10, 2019 meeting and will stake out the new proposed limit of work line on the property as discussed.

**Motion to continue to July 10, 2019 made by Commission member Anthony Zampiceni; second by Vice Chair Robert Sheets and approved by a vote of four (4)- zero (0).**

5. **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; May 22, 2019; June 12, 2019).**

The Commissioners discussed the violation ticketing process and the penalty fee. Director of Planning and Community Development Constance Brawders explained that the Commission must first petition the Town Manager and the Town's Attorney to enforce a violation penalty fee. The Conservation Commission may issue a fine of up to \$300 per day per violation incident. Ms. Brawders shared an example of petition for violation used by the town of North Andover, Massachusetts.

Commissioners Jeffrey Bosworth and Robert Sheets noted they were in favor of issuing a ticket of \$300 to David Murphy of Western Mass Tree Care for felling trees in violation of the Wetlands Protection Act. Jeffrey Bosworth stated it was a duty of Conservation Commission to enforce the Wetlands Protection Act. Robert Sheets supported Mr. Bosworth.

**Clerk Jeffrey Bosworth made a motion to forward the petition to the Town Manager to take further action on a fine of \$300; second by Commission member Anthony Zampiceni.**

Discussion continued. Commissioner Mary Ellen Goodrow stated she was in favor of ticketing for the violation but did not support \$300 as the amount and suggested a lower amount. The Commission decided to continue the discussion with a full board at the next Conservation Commission meeting to ensure all are on board with the petition to ticket the violator.

Vice chair Robert Sheets suggested adding a discussion item to future meeting agendas to discuss a fine schedule and scale for violations.

**Jeffrey Bosworth rescinded his motion to forward the petition to the Town Manager; second by Commission member Mary Ellen Goodrow by a vote of four (4) –zero (0) to rescind the motion by Commissioner Bosworth.**

**Motion to continue to July 10, 2019 made by Clerk Jeffrey Bosworth; second by Commissioner Mary Ellen Goodrow and approved by a vote of four (4)- zero (0).**

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**PROJECT MONITORING:**

- **53 Tanglewood Drive**

Property owner Adriano Bocchino was in attendance for discussion. Commissioner Mary Ellen Goodrow reported on her site visit findings, stating that the previous fill and debris had been removed and the gradient looked satisfactory. Ms. Goodrow distributed pictures taken at the site.

Commissioner Bosworth found after reviewing the photos that only two retaining wall sections had been removed. Mr. Boccino explained how the retaining walls are constructed and offered to show the Commission pictures he had taken of the site.

The Commission scheduled a site visit for Friday 6/28/2019 at 5:30 PM.

**Commissioner Bosworth requested a topography plan for the parcel site. Commissioners Robert Sheets, Anthony Zampiceni and Mary Ellen Goodrow concurred that a topography plan was necessary to show the contour of the land.**

Commissioner Bosworth distributed pictures of the property taken in 2012 illustrating the grade of the land had been altered drastically since then, which may have caused the drainage issues the current owner is presently experiencing.

Commissioner Bosworth stated he wanted to see an elevation and a rendered drawing. The Commission members agreed on the need for a topography plan. Jeffrey Bosworth stated he would draft a letter requesting such plans to be presented by the following meeting on July 10, 2019.

No other projects as listed on spread sheet were brought up for discussion.

**OTHER BUSINESS:**

- Review and Comments for Planning Board from the Conservation Commission

No Comments.

- Review of draft letter prepared by Chair of reply to Jeffrey Webster

No letter received from Chair Jernstrom for review by Commissioners.

- Policies and Procedures of Commission

The Commissioners present decided to wait until they had a full commission present to enter into a discussion on the process for issuing a ticket as a result of a violation.

Anthony Zampiceni inquired on a tool kit for commission members to bring to site visits that would contain items such as a 100 FT measuring wheel, bug spray, Conservation Commission identification etc. Ms. Brawders stated that some items were stored in the Planning

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Department and an inventory of the items would be created. The commission determined that Anthony Zampiceni would be responsible for caring for the site visit tool kit.

- Discussion with Al Joyce regarding Hidden Ponds Estates  
Al Joyce was not present for discussion. Discussion will take place at the July 10, 2019 meeting.

**ADJOURN:**

Motion to adjourn at 7:39 PM made by Vice Chair Robert Sheets; second by Commission member Anthony Zampiceni and approved by a vote of four (4)- zero (0).

**DATE OF NEXT MEETING: July 10, 2019**

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

  
\_\_\_\_\_  
Date

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