

EAST LONGMEADOW CONSERVATION COMMISSION

MEETING NOTICE

Date: July 10, 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 6:00 pm and called the roll.

CALL THE ROLL:

Present: Craig Jernstrom, Chair; Jeffrey Bosworth, Clerk; Anthony Zampiceni;
Mary Ellen Goodrow

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

Absent: Robert Sheets, vice chair; Tom O'Brien

APPROVAL OF MINUTES:

June 26, 2019

Motion to continue the June 26, 2019 minutes to the July 24, 2019 meeting due to lack of a quorum of commissioners present at the June 26, 2019 meeting made by Commission member Anthony Zampiceni; second by Clerk Jeffrey Bosworth by a vote of four(4)- zero (0).

NEW BUSINESS:

1. **RDA 2019-08: Request for Determination of Applicability for 57 Capri Drive** (Assessor's Parcel ID 44-10-26) for the removal of wood chips, stump leveling, regrading and seeding of land within the 100 FT Buffer Zone on a 2.40 acre site subject to the Wetlands Protection Act. Applicants: Amy Longmoore and Steven Longmoore, 57 Capri Drive, East Longmeadow, MA 01028. Representative: Anthony Carnevale, AC Homebuilding, LLC, 1031 Tinkham Road, Wilbraham, MA 01095.

The Clerk read the legal notice into the record. Applicant representative Anthony Carnevale of AC Homebuilding was present for discussion. Mr Carnevale summarized the request stating that the proposed work was part of an agreement he had with the Longmoores' regarding the modification of Subdivision Plans for Bella Vista Estates approved by the Planning Board June 18, 2019. The Chair inquired if the original Notice of Intent (NOI) included lot 26 a.k.a. 57 Capri Drive as he was not sure if they could open a new request for determination if there was already an open NOI for the property. Mr. Carnevale explained the NOI is on file for the entire subdivision however, there is no Certificate of Compliance on file for the 57 Capri Drive. Clerk Jeffrey Bosworth confirmed the location of the project site as the strip of property to the side of

In accordance with the Americans with Disabilities Act (ADA), if any accommodations are needed, please contact Constance Brawdars at 413-525-5400 x 1701 or (constance.brawdars@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.

the house and inquired if the stumps in the wood chip area would be removed. Mr. Carnevale confirmed and stated he did plan on removing the stumps for better water flow.

The Chair inquired if there was a need for the Request for Determination if the property was under an open NOI with no Certificate of Compliance on file.

Discussion ensued on whether the NOI for the subdivision and subsequent Order of Conditions included Lot 26 or not. The discussion concluded with the Commission deciding to accept the Request for Determination filing for 57 Capri Drive to have the proposed changes on record despite the question regarding the Order of Condition for Lot 26 still unanswered.

Mary Ellen Goodrow inquired if work would go beyond the Limit of Work Line. Mr. Carnevale confirmed that no work was proposed beyond the Limit of Work Line.

The Chair entertained a motion for Negative Determination #2 as the proposed work did not fall inside the fifty (50) FT Limit of Work Line established by the previous Order of Conditions.

Motion made for a Negative Determination #2 by Clerk Jeffrey Bosworth; second by Commission member Anthony Zampiceni and approved by a vote of four (4)- zero (0).

- 2. RDA 2019-09: Request for Determination of Applicability for 203 Tanglewood Drive (Assessor's Parcel ID 74-17-59) for the installation of an above-ground pool on a .72 acre site subject to the Wetlands Protection Act. Applicant/Owner: Jeffrey and Jennifer Bouchard, 203 Tanglewood Drive, East Longmeadow, MA 01028.**

The Clerk read the legal notice into the record. Applicant Jeffrey and Jennifer Bouchard were present for discussion.

Mr. Bouchard explained the request is for an above ground pool approximately 13 feet from the back of the house and installed by Teddy Bear Pools. He also explained that the pool may be installed one of two ways: removal of the grass at the proposed location and 3-4 inches of soil removed with a bobcat or building up and creating a gravel pad which the pool is then placed upon. Mr. Bouchard noted it appeared that the previous owners also had an above ground pool on the property.

No comment from the Commission.

The Chair noted that there are wetlands in the back corner of the lot but that the project location does not show significant grade changes or impact to the resource area.

Motion made for a Negative Determination #2 by Clerk Jeffrey Bosworth; second by Commission member Anthony Zampiceni and approved by a vote of four (4)- zero (0).

OLD BUSINESS:

- 3. 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. (Cont. June 12, 2019 & June 26, 2019)**

The Director of Community Development and Planning, Constance Brawders explained that a formal request for withdrawal of Request for Certificate of Compliance by the applicant was

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.

forthcoming. The Chair proposed continuing the case to the July 24, 2019 meeting as they had not yet received the formal request for application withdrawal.

Motion to continue case to the July 24, 2019 made by Clerk Jeffrey Bosworth; second by Commission member Anthony Zampiceni and approved by a vote of four (4)- zero (0).

4. **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. (Cont. June 12, 2019 & June 26, 2019)

The Director of Community Development and Planning, Constance Brawders explained that a formal request for withdrawal by the applicant was also forthcoming. The Chair again proposed continuing the case to the July 24, 2019 meeting as they had not yet received the formal request for application withdrawal.

Motion to continue case to the July 24, 2019 made by Clerk Jeffrey Bosworth; second by Commission member Anthony Zampiceni and approved by a vote of four (4)- zero (0).

5. **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; June 26, 2019)

The Clerk read the legal notice into the record. Rob Levesque of R Levesque Associates, Inc. and Atty. Jim Martin from Robinson Donovan were present for discussion. Mr. Levesque updated the Commission on the progress of the project since the last hearing explaining they had added a subsurface storage system to accommodate the Department of Public Works request and concerns regarding the existing clay drainage pipe. Mr. Martin clarified that a site visit had been conducted by the Department of Public Works to discuss the changes. Mr. Levesque stated the revised plans were awaiting final approval from the Department of Public Works.

Clerk Jeffrey Bosworth noted from the site visit conducted prior to the meeting it is evident that there is no canopy toward the center of the project location.

The Chair asked Mr. Levesque how they would control the migration of invasive species back to the site after initial removal during construction. Mr. Levesque stated it is unlikely they will remove all of the invasive species as it could create more harm than good in the process. In general he stated it is a challenging task to removal *all* of an invasive species from a site although there are a few high-in-demand companies who specialize in the activity.

No comment in favor or against the Notice of Intent heard from the public.

Motion to continue the Notice of Intent to July 24, 2019 made by Clerk Jeffrey Bosworth; second Anthony Zampiceni and approved by a vote of four (4)- zero (0).

Motion to take 53 Tanglewood out of order made by Commission member Anthony Zampiceni; second by Clerk Jeffrey Bosworth and approved by a vote of four (4)- 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.

Adriano Bocchino was present for discussion.

Discussion regarding removal of fabric cover over the storm drain located in the driveway ensued. Mr. Bocchino explained that in heavy rain storms the water sheeted off of the fabric instead of draining through it. The Chair recommended keeping the fabric in place over the drain to catch any debris that may clog the drain however, in the event of a large storm Mr. Bocchino may remove the fabric to control the flow of water into the drain.

Jeffrey Bosworth noted that the Commission is still waiting on professionally drawn plans. Mr. Bocchino explained they are waiting on the surveyor who was on vacation.

Motion to take 39 Pondview Drive out of order made by Clerk Jeffrey Bosworth; second by Commission member Anthony Zampiceni and approved by a vote of four (4)- zero (0).

The Chair asked staff to draft a letter stating that erosion controls have been inspected and approved by the Conservation Commission thus work may commence.

Discussion of other projects on the project monitoring list ensued.

The Commission noted erosion controls at Avery Street site are intact. Commission members suggested a site visit was necessary at Halon Terrace as the dirt from grading is almost up to the top of the silt fence.

Confirmation was made by staff that letters were sent to 99 Mapleshade regarding erosion controls, as well as 108 Old Farm Road regarding the posting of required DEP sign with DEP assigned case number on the property.

6. **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; June 26, 2019)

Rob Levesque from R Levesque Associates was present for discussion. Mr. Levesque gave an overview of the site visit that had occurred prior to the meeting stating he and commissioners had reviewed the placement of the existing and proposed limit of work line markers. Mr. Levesque also noted that there is natural vegetation growth in the disturbed resource area and suggested leaving the natural growth rather than replanting the area with grass as originally proposed. Clerk Jeffrey Bosworth stated he is in favor of the minor adjustment to the original limit of work line as it is not significantly different as only three monuments are been moved back from the house a short distance and brings the limit of work line in line with the grading by the pool. Commissioners Mary Ellen Goodrow and Anthony Zampiceni also stated their support for the proposed limit of work line location. Clerk Jeffrey Bosworth and the Chair noted the natural vegetation growth should not be removed. The Chair stated that a site visit would be necessary in the future to determine the number of 8-10 foot high trees should be planted in the area to restore the canopy. The Chair also stated his previous concerns that a large adjustment of the limit of work line would cause a chain reaction had been elevated by the minimal adjustment of the limit of work line.

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.

Motion to approve the restoration plan of W1A and D1 submitted to the East Longmeadow Conservation Commission on June 8, 2019 with the condition that the location and quantity of trees that will be planted outside the limit of work line is to be determined by the Conservation Commission made by Commission member Anthony Zampiceni; second by Clerk Jeffrey Bosworth and approved by a vote of four (4)-zero (0).

7. **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; June 26, 2019)

Petitioner was not present for discussion. Commission member Mary Ellen Goodrow summarized the discussion at the previous meeting regarding the option of ticketing the violator and future violators for their violations of the Wetlands Protection Act.

The Chair determined that as the Commission does not have a procedure or policy in place they should not proceed with the enforcement order against Western Mass Tree Care or ticket the company for the violation. The Chair and Clerk spoke in favor of establishing a fine policy and procedure for future violators.

Motion to not proceed any further with the enforcement order issued to David Murphy of Western Mass Tree Care made by Clerk Jeffrey Bosworth; second by Commission member Mary Ellen Goodrow and approved by a vote of four (4)-zero (0).

OTHER BUSINESS:

- Review and Comments for Planning Board from the Conservation Commission
 - The Chair asked staff to provide a memo to the Planning Board stating that the Conservation Commission is in favor of the proposed changes (installation of subsurface water storage unit).
- Policies and Procedures of Commission
 - The Chair suggested edits to the application deliverables form created to guide applicants through the application process and available on the East Longmeadow Conservation Commission webpage. In particular the Chair expressed his desire to have a full sized 24 X36 plan to review at the table for applicable cases.
- Discussion with Al Joyce regarding Hidden Ponds Estates
 - Continued to the July 24, 2019 meeting at Al Joyce's request
- Discussion of Fine and Fee Schedule
 - The Director suggested using the Enforcement Officer's fee schedule as a template. Mary Ellen Goodrow suggested creating tiers of infractions with criteria and examples of past violations. The Chair reminded the Commission that they also have the option of referring violations to the DEP. The Director Ms. Brawders explained the process applicants have to appeal an enforcement order.
- Draft Fine Petition

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.

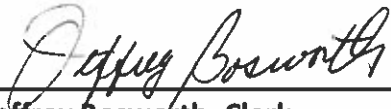
Massachusetts General Laws, chapter 30A, Section 20(e) requires any person making a video or audio recording of the meeting to notify the Chair at the start of the meeting.

- o The Commission agreed to a tentative schedule of drafting the Fine Petition at the July 24, 2019 Conservation Commission meeting.

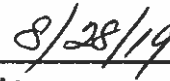
ADJOURN:

Motion to adjourn made by Commission member Anthony Zampiceni; second by Clerk Jeffrey Bosworth and approved by a vote of four (4) - zero (0) at 7:45 PM.

DATE OF NEXT MEETING: July 24, 2019



Jeffrey Bosworth, Clerk



Date

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.