



**Meeting of the Conservation Commission
September 26, 2018**

5:15 pm: 216 Somers Rd. Site Visit

6:00 pm: East Longmeadow High School
School Committee Conference Room
180 Maple Street, East Longmeadow, MA

MINUTES

Chairman Jernstrom called the meeting to order at 6:00pm.

Present: Chairman Craig Jernstrom, Vice Chair Robert Sheets, Clerk Jeffrey Bosworth, Mary Ellen Goodrow, Thomas O'Brien, Anthony Zampiceni

Also Present: Director Constance Brawders, Administrative Assistant Tracy Berns

Absent: William Arment

Mr. Zampiceni moved to take the agenda out of order to address the Notice of Intent for 216 Somers Rd. first; seconded by Clerk Bosworth. **The motion to take the agenda out of order to address the Notice of Intent for 216 Somers Rd. first passed unanimously (6-0).**

APPROVAL OF MINUTES

The minutes of August 22, 2018 were reviewed. Mr. O'Brien moved to approve the minutes as written; seconded by Mr. Zampiceni. **The motion to approve the minutes of August 22, 2018 passed unanimously (6-0).**

The minutes of September 12, 2018 were reviewed. Mr. O'Brien moved to approve the minutes as revised; seconded by Mr. Zampiceni. **The motion to approve the minutes of September 12, 2018 with provided revisions passed unanimously (6-0).**

OLD BUSINESS:

- 1. Public Hearing Continuation: Notice of Intent (Case NOI 2018-02) for Somers Road, Lot #1** (Assessor's Parcel 79-30-J) by Todd Cellura of Sovereign Builders, Inc., 135 Southampton Road, Westhampton, MA 01027 (Case Continued from May 9, May 23, June 13, June 27, July 11, July 25, August 8, August 22, and September 12, 2018). As the applicant is still working out requirements for the MassDEP, a request for continuance dated September 21, 2018 was reviewed by the Commission. Discussion ensued regarding the applicant's seemingly unsettled filing with DEP, and the repeated continuances. Chairman Jernstrom stated that his understanding was that it is the DEP that is holding up the process, and not the applicant. It was revealed by the Town Collector's comments that the property has a tax delinquency that would prevent any permits from being issued. It was Chairman Jernstrom's belief that back taxes are not an issue that pertains to the Commission. Vice Chair Sheets moved to approve the request for continuance for Somers Rd. to the next meeting on October 10, 2018, on the condition that this will be the final request for continuance; seconded by Mr. O'Brien. **The motion to approve the request for continuance for Somers Rd. to the next**

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meeting on October 10, 2018, on the condition that this will be the final request for continuance, passed (5-1), opposed by Chairman Jernstrom.

2. **Public Hearing Continuation: Notice of Intent (Case NOI 2018-03) for Somers Road, Lot #2** (Assessor's Parcel 79-30-J) by Todd Cellura of Sovereign Builders, Inc., 135 Southampton Road, Westhampton, MA 01027 (Case Continued from May 9, May 23, June 13, June 27, July 11, July 25, August 8, August 22, and September 12, 2018). As the applicant is still working out requirements for the MassDEP, a request for continuance dated September 21, 2018 was reviewed by the Commission. Discussion ensued regarding the applicant's seemingly unsettled filing with DEP, and the repeated continuances. Chairman Jernstrom stated that his understanding was that it is the DEP that is holding up the process, and not the applicant. It was revealed by the Town Collector's comments that the property has a tax delinquency that would prevent any permits from being issued. It was Chairman Jernstrom's belief that back taxes are not an issue that pertains to the Commission. Vice Chair Sheets moved to approve the request for continuance for Somers Rd. to the next meeting on October 10, 2018, on the condition that this will be the final request for continuance; seconded by Mr. O'Brien. **The motion to approve the request for continuance for Somers Rd. to the next meeting on October 10, 2018, on the condition that this will be the final request for continuance, passed (5-1), opposed by Chairman Jernstrom.**
3. **Public Hearing Continuation: Notice of Intent (Case NOI 2018-04) for Somers Road, Lot #3** (Assessor's Parcel 79-30-J) by Todd Cellura of Sovereign Builders, Inc., 135 Southampton Road, Westhampton, MA 01027 (Case Continued from May 9, May 23, June 13, June 27, July 11, July 25, August 8, August 22, and September 12, 2018). As the applicant is still working out requirements for the MassDEP, a request for continuance dated September 21, 2018 was reviewed by the Commission. Discussion ensued regarding the applicant's seemingly unsettled filing with DEP, and the repeated continuances. Chairman Jernstrom stated that his understanding was that it is the DEP that is holding up the process, and not the applicant. It was revealed by the Town Collector's comments that the property has a tax delinquency that would prevent any permits from being issued. It was Chairman Jernstrom's belief that back taxes are not an issue that pertains to the Commission. Vice Chair Sheets moved to approve the request for continuance for Somers Rd. to the next meeting on October 10, 2018, on the condition that this will be the final request for continuance; seconded by Mr. O'Brien. **The motion to approve the request for continuance for Somers Rd. to the next meeting on October 10, 2018, on the condition that this will be the final request for continuance, passed (5-1), opposed by Chairman Jernstrom.**
4. **Public Hearing Continuation: Notice of Intent (Case NOI 2018-05) for Somers Road, Lot #4** (Assessor's Parcel 79-30-J) by Todd Cellura of Sovereign Builders, Inc., 135 Southampton Road, Westhampton, MA 01027 (Case Continued from May 9, May 23, June 13, June 27, July 11, July 25, August 8, August 22, and September 12, 2018). As the applicant is still working out requirements for the MassDEP, a request for continuance dated September 21, 2018 was reviewed by the Commission. Discussion ensued regarding the applicant's seemingly unsettled filing with DEP, and the repeated continuances. Chairman Jernstrom stated that his understanding was that it is the DEP

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that is holding up the process, and not the applicant. It was revealed by the Town Collector's comments that the property has a tax delinquency that would prevent any permits from being issued. It was Chairman Jernstrom's belief that back taxes are not an issue that pertains to the Commission. Vice Chair Sheets moved to approve the request for continuance for Somers Rd. to the next meeting on October 10, 2018, on the condition that this will be the final request for continuance; seconded by Mr. O'Brien. **The motion to approve the request for continuance for Somers Rd. to the next meeting on October 10, 2018, on the condition that this will be the final request for continuance, passed (5-1), opposed by Chairman Jernstrom.**

NEW BUSINESS:

- 5. Public Hearing: Notice of Intent (Case #NOI 2018-08) for 216 Somers Rd.** (Assessor Parcel ID 40-25-31). Application to construct a single family home on a 1.5 acre (+/-) lot at 216 Somers Rd. in the Residential A zoning district. Applicant: Oak Ridge Custom Home Builders, Inc., PO Box 63, East Longmeadow, MA 01028. Clerk Bosworth read the legal notice into the record. Several members of the Commission were present at the site visit. Upon conclusion of the site visit, the Commission reconvened for their regular meeting. Michael Mocko, Environmental Consultant for the applicant presented the proposed Notice of Intent for 216 Somers Rd. The wetlands to the east will have driveway construction and utilities brought in. Proposed limit of work is 50' from bordering vegetated wetlands at its closest point. Silt fence will be used there during construction. Permanent seeding will take place after construction is complete. The structure itself would be approximately 150' from the bordering vegetated wetlands at its closest point.

No public comment was offered. Mr. O'Brien asked if the Planning Board had signed off yet on the subdivision, and it was determined that it had not yet. Mr. Mocko indicated that it was their hope that the NOI hearing would be delayed until such time as the Planning Board gave their approval. Steven Souse, owner of the property at 216 Somers Rd. asked for clarification of the process between Conservation and Planning. Mr. Mocko provided a satisfactory explanation of the difference between the roles of the Conservation Commission and the Planning Board in this process, and how the Planning Board's decision could have an effect on the Conservation filing.

Chairman Jernstrom expressed concern that if the Planning Board requires it, then the road could go into the buffer zone as far as 25' from the wetlands. Charles Robertson of 37 St. Joseph Drive questioned if more than one home would be built on the lot, and it was confirmed that as this is being submitted, it is only one home. Chairman Jernstrom expressed concern that if there are changes that need to be made per the Planning Board, then the applicant would have to come back again, if the Commission were to vote tonight. He also asked if the other Commission members who attended the site visit were able to see delineation markers, and Mr. O'Brien stated that they were present and accurate. **Vice Chair Sheets moved to close the public hearing; seconded**

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by Mr. Bosworth. The motion to close the public hearing passed unanimously (6-0). Vice Chair Sheets moved to approve the Notice of Intent for 216 Somers Road as submitted; seconded by Mr. Bosworth. **The motion to approve the Notice of Intent for 216 Somers Road as submitted passed unanimously (6-0).**

ADMINISTRATIVE MATTERS:

6. Discussion of DRAFT revisions to the General By law under 10.011 Conservation Commission – Consultant Fees – Definitions

Director Brawders informed the Commission that it is the Finance Director's wish to not take money in for consultant fees, but rather have the applicant pay the consultant firm directly. Clerk Bosworth asked why only two firms are on the Town's list of qualified vendors for peer review and who makes that decision. Director Brawders explained her past experience as well as common municipal practice. Mr. O'Brien asked for confirmation that the Commission could choose which firm to use and Director Brawders answered affirmatively and informed the Commission how to go about it. Chairman Jernstrom asked for clarification on next steps, should the Commission approve the proposed language changes, including removal of the fee schedule from the by law. Mr. O'Brien asked for clarification of where the fee schedule would be located. Director Brawders explained it would stand alone, outside of the general by law. Director Brawders will correct a typographical error on the memo before sending to the Town Clerk. Mr. O'Brien moved to approve the proposed general by law revisions; seconded by Vice Chair Sheets. **The motion to approve the proposed general by law revisions for section 10.011 Conservation Commission – Consultant Fees – Definitions passed unanimously (6-0).**

7. Discussion of Community Preservation Committee delegate

There was discussion regarding a possible discrepancy in the Town Manager's office's record of who the Conservation Commission delegate is on the CPC. The spreadsheet provided to Director Brawders by the Town Manager's office indicates Ms. Goodrow is the Conservation Commission delegate, but she has been a member at large for years, prior to becoming a member of the Conservation Commission. If she was switched as a Conservation delegate, it was done without her knowledge. Mr. O'Brien stated that he is currently the Conservation Commission delegate and would like to step down, as he is already the DPW delegate. As Ms. Goodrow is currently a member at large, there should be another Conservation member to represent. Chairman Jernstrom will discuss with the Town Manager how these changes took place.

8. DCR Forest Cutting Practices Act – MOU with DEP (letter)

The letter from MassDEP describing their collaboration with DCR with regard to Forest Cutting Practices was distributed for members' information.

Mr. Zampiceni moved to adjourn at 7:15pm; seconded by Vice Chair Sheets. **The motion to adjourn at 7:15pm passed unanimously (6-0).**

DATE OF NEXT MEETING:

The next scheduled meeting of the Conservation Commission is October 10, 2018

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