

EAST LONGMEADOW CONSERVATION COMMISSION

Wednesday, October 14, 2020

6:00 PM Eastern Time (US and Canada)

Zoom Webinar



MINUTES

Chair Craig Jernstrom open the meeting at 6:05 PM and called the roll.

CALL THE ROLL

Present: Craig Jernstrom, Chair
Tom O'Brien, Vice Chair
Jeffrey Bosworth, Clerk
Anthony Zampiceni
Frances Corgnati
Erin Lynch

Staff Present: Bethany Yeo, Planning & Community Development Director;
Mark Stinson, DEP Circuit Rider

APPROVAL OF MINUTES

September 9, 2020

Motion to approve made by Clerk Jeffrey Bosworth; second by Commissioner Frances Corgnati and approved by roll call vote four (4)-zero (0). Erin Lynch abstained, as she was not present at the meeting.

September 23, 2020

Motion to approve made by Anthony Zampiceni; second by Commissioner Erin Lynch and approved by roll call vote five (5)-zero (0). Tom O'Brien abstained, as he was not present at the meeting.

PUBLIC HEARINGS

1. **Case RDA 2020-7: Request for Determination of Applicability for 10 Bella Vista Drive** (Assessor's Parcel ID 44-10-23) for the removal of a tree within Buffer Zone on a .98 +/- acre site.
Applicant: Carolyn Gernux, 10 Bella Vista Drive, East Longmeadow, MA 01028.

Applicant Carolyn Gernux was present for discussion. Chair Craig Jernstrom stated there was an open Order of Conditions on the lot and a Certificate of Compliance would need to be issued prior to the Commission taking action on the Request for Determination of Applicability. Applicant Carolyn Gernux stated she had spoken with developer, Anthony Carnevale and he had mentioned that he would be filing that paperwork soon. Planning Director Bethany Yeo also shared she had provided Mr. Carnevale with the application materials but had not received the completed filing back as of the meeting date.

Motion to continue to October 28, 2020 to allow time for Mr. Carnevale to submit the Request for Certificate of Compliance made by Clerk Jeffrey Bosworth; second by Commissioner Anthony Zampiceni and approved by a vote of six (6)-zero (0).

PROJECT MONITORING

Projects [See Project Monitoring spread sheet]

- a. 53 Old Farm Road

Chair Craig Jernstrom opined a second follow up letter should be sent if the Planning department in the following days received no response.

- b. 41 Avery Street

The Commission discussed a call inquirer made by the homeowner who would like to remove fallen trees/branches from Pecousic Brook on their property as the buildup of debris was disrupting the flow

of water. Vice Chair Tom O'Brien reported, he had conducted a site visit and advised the homeowner to remove the debris by hand to allow the flow of water to resume as before. Mark Stinson, DEP Circuit Rider advised the Commission that generally they should request an Emergency Permit in these types of circumstances to allow the homeowner to remove the debris as needed and have the Commission act on it at their next scheduled meeting. The purpose of filing the Emergency Permit is to ensure the work is followed out as directed by the Commissioners and to stand as a reference point should there be any question of violation in the future.

OTHER BUSINESS

2. Policies and Procedures of the Conservation Commission
3. Hidden Ponds

Discussion ensued regarding the functioning of the infiltration basin after the Commission received a complaint from an abutter regarding water run-off onto their property from the basin. Chair Craig Jernstrom shared photos taken two hours after a significant rain event of the infiltration basin and expressed his concern that the basin was not operating correctly and leading to erosion and water run-off issues in abutting properties. Mark Stinson, DEP explained the infiltration basin was designed for *post*-construction therefore it was not a surprise that during construction the basin experienced greater water volumes as there are greater amounts of exposed, bare soil during the construction phase. Mark Stinson also advised that both erosion controls such as hay bales and silt fences and sediment controls are tools that should be used jointly with sites that have fine sediment such as clay as in the Hidden Ponds case. Property owner/developer Al Joyce was present for discussion and stated he had been advised by the sediment consultant from GZA that the infiltration basin was functioning as designed. Tom Christensen, DPW Deputy Superintendent was in attendance and stated the Town will not accept the street if it is not up to the required Town standards however at this time the infiltration basin was still private property and issues should be address directly to the property owner/developer not the DPW. That said, Mr. Christensen reported the DPW conducted a site visit of the infiltration basin within 24 hours of a significant rain event and concluded the basin was functioning as designed. Mr. Christensen stated for the record, the Storm water Management Regulations required infiltration basins to have drained any water collected during a rain event within 72 hours, Mr. Christensen opined the infiltration basin in question would be drained by the following day and well within the 72 hour time frame. Chair Craig Jernstrom stated the Commission would continue to monitor the site as construction proceeded.

4. Mark Stinson, DEP Circuit Rider: Limit of Work Line and Resource Area Boundaries

Discussion ensued regarding the replacement of trees that had been felled in violation of the limit of workline on Lots 19. Al Joyce stated the trees had been felled by the previous property owner prior to the establishment of the Limit of Workline. Mark Stinson, DEP Circuit Rider advised the Commission that the season for plantings is closing with the first frost approaching and advised the Commission to ensure sediment and erosion controls are stabilized in preparation of the winter months. Developer Al Joyce shared his concern that the trees, if planted within the location proposed by the Commission, would not thrive due to the presence of ledge rock at the location. Mr. Joyce suggested planting the trees elsewhere where they may grow healthier. Chair Craig Jernstrom opined the proposed location for the trees was not entirely ledge rock and the trees would be able to grow successfully. Clarification was provided by Clerk Jeffrey Bosworth to Commissioner Erin Lynch on the location of the felled trees on Lot 19. Chair Craig Jernstrom recommended the Commission respond to Al Joyce and confirm the tree plantings were to be planted where the original trees had been removed from and the straw beyond the limit of workline would need to be removed from the stumps.

Discussion ensued regarding the correct method of measuring the Limit of Workline, specifically regarding Lot 15. Mark Stinson explained the correct method of measuring the Limit of Workline was to

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stake the flags according to the paper plan surveyed by the wetlands surveyor. Frances Corgnati inquired how the Commission could verify if flagging is misplaced. Vice Chair Tom O'Brien explained his method of measuring the Limit of Workline. Mark Stinson clarified that the legal top of bank does not change because when the Order of Condition is approved the contour will be the same all the way around the resource area and the boundary is fixed for the life of the Order. The Commission came to a consensus to drop the issue of if a potential tree felled in violation of the Limit of Workline on Lot 15 and focus on ensuring the wetlands flagging was positioned satisfactorily.

Motion to enter Executive Session only to return to public session to adjourn made by Vice Chair Tom O'Brien; second by Commissioner Frances Corgnati and approved by roll call vote six (6)-zero (0) at 7:49 PM.

EXECUTIVE SESSION

5. Pursuant to MGL Ch. 30A, §21 (a) (1) To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual

ADJOURN Motion to adjourn made by Commissioner Erin Lynch; second by Commissioner Frances Corgnati and approved by roll call vote six (6)-zero (0) at 8:07 PM.

Respectfully submitted.

Bethany Yeo,
Planning & Community Development Director