



**Meeting of the Conservation Commission
October 24, 2018
6:00 pm: East Longmeadow High School
School Committee Conference Room
180 Maple Street, East Longmeadow, MA**

MINUTES

Chairman Jernstrom opened the meeting at 6:00 p.m. and called the role. **Present:** Chairman Craig Jernstrom, Clerk Jeffrey Bosworth, Mary Ellen Goodrow, Thomas O'Brien, and Anthony Zampiceni.

Absent: William Arment and Bob Sheets.

Staff present: Constance Brawders, Planning & Community Development Director

APPROVAL OF MINUTES

The minutes of October 10, 2018 were reviewed. Mr. Zampicini moved to approve the minutes; seconded by Mr. O'Brien. The motion carried five (5) – zero (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, September 12, September 26 and October 10, 2018).**

Chair Jernstrom reopened the public hearing. Ryan Nelson of R A Levesque Associates (40 School Street, Westfield, MA 01085) presented the case to the Conservation Commission. Accompanying him was land owner, James Habern. The Commission was informed MassDEP has issued Notification of Wetlands Protection Act File number WE 150-0435 for Lot Number 1.

Final discussion ensued regarding correspondence received from the Commonwealth of MA Executive Office of Energy & Environmental Affairs, Department of Environment Protection dated October 22, 2018. A Grant of Restriction is to be recorded against the deed for the project locus (as defined at 310 CMR 10.04) as shown on the plan of record, provided to the Commission, titled, "Plan Depicting a Portion of the Waters of the United States in Massachusetts, Somers Road, Assessor's Parcel 79-30-1, East Longmeadow, MA (Sheet S-1), signed and stamped by Marc E. Shute, PLS, and dated October 16, 2018".

The Commission has agreed to place the following language as a Special Condition in the resulting Order of Conditions: "No work approved in this Order of Conditions shall proceed until such time as a Grant of Restriction acceptable to the Massachusetts Departmental Environmental Protection is duly recorded at the Hampden District Registry of Deeds, as confirmed by the Department in writing".

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.

Furthermore, the Applicant's representative has agreed that the proposed new stream crossing (an open bottom culvert) will be constructed without ANY temporary or permanent activity below the High Water Mark, as the Grant of Restriction will outright prohibit this. MassDEP has requested that the Commission clarify this in a Special Condition the Order of Conditions.

Finally, as this project proposes a discharge of dredged or fill material into the "Waters of the United States", it is potentially subject to the federal Clean Water Act. Per the Massachusetts General Permit (MAGP) issued under the federal Clean Water Act, the Applicant may be required to notify the US Army Corps of Engineers, New England District of this project.

Motion to close the public hearing was made by J. Bosworth; second by T. Zampiceni. Motion carried five (5) - zero (0).

Commissioner Bosworth moved to approve the Notice of Intent, with Special Conditions and Grant Restriction; second by Commissioner Zampiceni. Motion carried five (5) - zero (0).

- 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, September 12, September 26 and October 10, 2018).**

Chair Jernstrom reopened the public hearing. Ryan Nelson of R A Levesque Associates (40 School Street, Westfield, MA 01085) presented the case to the Conservation Commission. Accompanying him was land owner, James Haberern. The Commission was informed MassDEP has issued Notification of Wetlands Protection Act File number WE 150-0434 for Lot Number 2.

Final discussion ensued regarding correspondence received from the Commonwealth of MA Executive Office of Energy & Environmental Affairs, Department of Environment Protection dated October 22, 2018. A Grant of Restriction is to be recorded against the deed for the project locus (as defined at 310 CMR 10.04) as shown on the plan of record, provided to the Commission, titled, "Plan Depicting a Portion of the Waters of the United States in Massachusetts, Somers Road, Assessor's Parcel 79-30-1, East Longmeadow, MA (Sheet S-1), signed and stamped by Marc E. Shute, PLS, and dated October 16, 2018".

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Environmental Protection is duly recorded at the Hampden District Registry of Deeds, as confirmed by the Department in writing”.

Furthermore, the Applicant’s representative has agreed that the proposed new stream crossing (an open bottom culvert) will be constructed without ANY temporary or permanent activity below the High Water Mark, as the Grant of Restriction will outright prohibit this. MassDEP has requested that the Commission clarify this in a Special Condition the Order of Conditions.

Finally, as this project proposes a discharge of dredged or fill material into the “Waters of the United States”, it is potentially subject to the federal Clean Water Act. Per the Massachusetts General Permit (MAGP) issued under the federal Clean Water Act, the Applicant may be required to notify the US Army Corps of Engineers, New England District of this project.

Motion to close the public hearing was made by J. Bosworth; second by T. Zampiceni. Motion carried five (5) - zero (0).

Commissioner Bosworth moved to approve the Notice of Intent, with Special Conditions and Grant Restriction; second by Commissioner Zampiceni. Motion carried five (5) - zero (0).

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, September 12, September 26 and October 10, 2018).

Chair Jernstrom reopened the public hearing. Ryan Nelson of R A Levesque Associates (40 School Street, Westfield, MA 01085) presented the case to the Conservation Commission. Accompanying him was land owner, James Haberern. The Commission was informed MassDEP has issued Notification of Wetlands Protection Act File number WE 150-0436for Lot Number 3.

Final discussion ensued regarding correspondence received from the Commonwealth of MA Executive Office of Energy & Environmental Affairs, Department of Environment Protection dated October 22, 2018. A Grant of Restriction is to be recorded against the deed for the project locus (as defined at 310 CMR 10.04) as shown on the plan of record, provided to the Commission, titled, “Plan Depicting a Portion of the Waters of the United States in Massachusetts, Somers Road, Assessor’s Parcel 79-30-1, East Longmeadow, MA (Sheet S-1), signed and stamped by Marc E. Shute, PLS, and dated October 16, 2018”.

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Furthermore, the Applicant’s representative has agreed that the proposed new stream crossing (an open bottom culvert) will be constructed without ANY temporary or permanent activity below the High Water Mark, as the Grant of Restriction will outright prohibit this. MassDEP has requested that the Commission clarify this in a Special Condition the Order of Conditions.

Finally, as this project proposes a discharge of dredged or fill material into the “Waters of the United States”, it is potentially subject to the federal Clean Water Act. Per the Massachusetts General Permit (MAGP) issued under the federal Clean Water Act, the Applicant may be required to notify the US Army Corps of Engineers, New England District of this project.

Motion to close the public hearing was made by J. Bosworth; second by T. Zampiceni. Motion carried five (5) - zero (0).

Commissioner Bosworth moved to approve the Notice of Intent, with Special Conditions and Grant Restriction; second by Commissioner Zampiceni. Motion carried five (5) - zero (0).

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, September 12, September 26 and October 10, 2018).

Chair Jernstrom reopened the public hearing. Ryan Nelson of R A Levesque Associates (40 School Street, Westfield, MA 01085) presented the case to the Conservation Commission. Accompanying him was land owner, James Haberern. The Commission was informed MassDEP has issued Notification of Wetlands Protection Act File number WE 150-0437 for Lot Number 4.

Final discussion ensued regarding correspondence received from the Commonwealth of MA Executive Office of Energy & Environmental Affairs, Department of Environment Protection dated October 22, 2018. A Grant of Restriction is to be recorded against the deed for the project locus (as defined at 310 CMR 10.04) as shown on the plan of record, provided to the Commission, titled, “Plan Depicting a Portion of the Waters of the United States in Massachusetts, Somers Road, Assessor’s Parcel 79-30-1, East Longmeadow, MA (Sheet S-1), signed and stamped by Marc E. Shute, PLS, and dated October 16, 2018”.

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Furthermore, the Applicant's representative has agreed that the proposed new stream crossing (an open bottom culvert) will be constructed without ANY temporary or permanent activity below the High Water Mark, as the Grant of Restriction will outright prohibit this. MassDEP has requested that the Commission clarify this in a Special Condition the Order of Conditions.

In addition, as this project proposes a discharge of dredged or fill material into the "Waters of the United States", it is potentially subject to the federal Clean Water Act. Per the Massachusetts General Permit (MAGP) issued under the federal Clean Water Act, the Applicant may be required to notify the US Army Corps of Engineers, New England District of this project.

Specific to Lot 4, Mass DEP added the following comments for the Conservation Commissions consideration:

Connection of sewer service to an existing sewer line located within Riverfront Area appears to be the least environmentally damaging practicable alternative, and therefore would comply with 310 CMR 10.58(4)(c);

As alteration of Riverfront Area is restricted to that necessary to provide a sewer connection, and will occupy 3.1% (2,397 square feet) of Riverfront Area at the "Project Locus" (as defined at 310 CMR 10.04); and is a linear feature that will be revegetated upon sewer installation, the proposal appears to meet the General Performance Standard at 310 CMR 10.58(4)(d);

The proposal to excavate and refill 880 square feet of Bordering Vegetated Wetland, which may then be subject to further alteration for sewer line maintenance, requires compliance with 310 CMR 10.55(4)(b);

Should the ELCC agree that the proposed Replacement Area is compliant with 310 CMR 10.55(4)(b)1. through 7., the East Longmeadow Conservation Commission should minimally require that a wetland scientist fill out and submit a "Replication Checklist" (Appendix 3) from Massachusetts Inland Wetland Replication Guidelines (MassDEP March 2002), based upon site-specific evidence. This will be essential in insuring the success of the proposed Replacement Area.

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The Applicant or its designated agent will schedule a meeting with the Conservation Commission to implement the program, and process of introducing and maintaining the Replication Checklist which is to be monitored by a wetlands scientist.

Motion to close the public hearing was made by J. Bosworth; second by T. Zampiceni. Motion carried five (5) - zero (0).

Commissioner Bosworth moved to approve the Notice of Intent, with Special Conditions, Grant Restriction and pre-site meeting with logs to be maintained for one year by soil scientist; second by Commissioner Zampiceni. Motion carried five (5) - zero (0).

NEW BUSINESS:

5. Request for Certificate of Compliance (Case #CC 2018-10) for 50 Fields Drive (Assessor Parcel ID 7-5-5/2). MassDeP File #150-363. Applicant: Ann Marie Alexander, Esq., - Devlin, Peters & Tarpey, LLC, PO Box 400, Somers, CT 06071.

The Conservation concurred that there were no concerns with issuance of the Certificate of Compliance and hearing no comments, voted unanimously **five (5) – zero (0)** to approve the request by the applicant. Motion was made by Commission Member J. Bosworth; second by Commissioner A. Zampiceni.

6. Request for Certificate of Compliance (Case #CC 2018-11) for 52 Fields Dr. (Assessor Parcel ID 7-5-5/3). MassDeP File #150-363. Applicant: Ann Marie Alexander, Esq., - Devlin, Peters & Tarpey, LLC, PO Box 400, Somers, CT 06071.

The Conservation concurred that there were no concerns with issuance of the Certificate of Compliance and hearing no comments, voted unanimously **five (5) – zero (0)** to approve the request by the applicant. Motion was made by Commission Member J. Bosworth; second by Commissioner A. Zampiceni.

7. Request for Certificate of Compliance (Case #CC 2018-12) for 17 Ribbon Grass Lane. (Assessor Parcel ID n/a). MassDeP File #150-363. Applicant: Ann Marie Alexander, Esq., - Devlin, Peters & Tarpey, LLC, PO Box 400, Somers, CT 06071.

The Conservation concurred that there were no concerns with issuance of the Certificate of Compliance and hearing no comments, voted unanimously **five (5) – zero (0)** to approve the request by the applicant. Motion was made by Commission Member J. Bosworth; second by Commissioner A. Zampiceni.

8. Request for Determination of Applicability (Case #RDA 2018-07) for 44 Holy Cross Circle. The request is to determine whether the work done on a .26 +/- acre parcel located at 44 Holy Cross Circle (Assessor's Parcel ID 3-87-24) in the Residential C zoning district is subject to Wetlands Protection. Applicant: Columbia Gas of Massachusetts, 2025 Roosevelt Ave., Springfield, MA 01102.

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.

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The request by applicant to withdraw request without prejudice was granted.

ADMINISTRATIVE MATTERS:

9. Conservation Commission Meeting Dates:

- a. Cancellation of November 28 and December 26, 2018
- b. Calendar Year 2019

PROJECT MONITORING

There were no updates to projects being monitored.

ADJOURN 7:00 p.m.

DATE OF NEXT MEETING:

The next scheduled meeting of the Conservation Commission is November 14, 2018

A handwritten signature in cursive script, appearing to read "Jeffrey Brewster", written over a horizontal line.

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