

# *East Longmeadow Conservation Commission*

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*Michael Carabetta chair  
Thomas O'Brien, vice chair  
Craig Jernstrom, clerk  
René Reich-Graefe*

*Robert Sheets  
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February 24, 2016

Present were: Chair, Craig Jernstrom; Vice Chair, Michael Carabetta; Robert Sheets and Anthony Zampiceni. Rene Reich-Graefe, Thomas O'Brien and William Arment were not present.

## Public Hearing Bundled Notice of Intent - Department of Public Works

Chair. Craig Jernstrom opened the public Hearing for the Department of Public Works. Acting Clerk, Michael Carabetta read the legal notice into the record.

Present from the Department of Public Works were Daniel Murphy, Town Engineer & Robert Peirent, Superintendent. Mr. Jernstrom welcomed Mr. Murphy and Mr. Peirent and asked them to explain to the Commission what it is they would like to do.

Daniel Murphy said that they submitted a Bundled Notice of Intent for various routine maintenance and repair activities on municipal properties, rights-of ways. easements. roads and structures. He said that Bundled NOI's were established to eliminate confusion because there are so many things that the DPW does. He said that many towns in the area have them in place to provide clarity in a frame work by which they know exactly what they can do and it gives the Commission an understanding as well. Mr. Murphy went through the things that the DPW is responsible for and went through the typical work that they do broken down into categories as follows:

- Category I — Activities exempt under the Massachusetts Wetlands Protection Act.
- Category II – Activities exempt per the Massachusetts Wetlands Protection Act Regulations.
- Category III – Activities that occur in the Buffer Zone, but not within resource areas.
- Category IV — Activities that occur both in the Buffer Zone and certain resource areas.

- Category V — Activities that occur in both Buffer Zone and certain resource areas; and requires prior notification and approval from ELCC or their staff before any work can commence.
- Category VI — Activities not proposed under this GNOI.

Mr. Peirent said that they put that together partly for the Commission's benefit and partly for the DPW's benefit. He said internally their plan is to get all the foremen educated, get them to understand the things that are allowed and things that are not allowed. He said that he will be responsible for all activities under the General Notice of Intent and Mr. Murphy will handle other related mobilization activities. He said that they are both Engineers and will make certain things are done correctly and according to the act. Mr. Peirent said in addition to the table they might provide some photographs of examples of what they can and can't do so that everyone can clearly understand.

Mr. Murphy said that the NOI's are updated every 3 years and renewed and one notable change that happened in the regulation for them was that in 2009 sewer work was added and prior to 2009 sewer was exempt.

Mr. Peirent said that they discussed it with Mark Stinson from DEP and got some feedback from him. Mr. Murphy added that they received positive feedback from Mr. Stinson saying that it was a good document and also mentioned to them the Army Corp of Engineers for any culverts and he would be happy to answer any questions the Commission might have.

Mr. Jernstrom addressed the Commission for any questions being none addressed the audience for any questions.

Ralph Page, Prospect Street said that he is using Pease Road as an example from Lee Street to South Meadow Road. He said that there is a brook that runs along the edge and all of the trees overhang the road and believes it is in the jurisdiction of Conservation. Mr. Page asked if that would allow the DPW to go in and prune them back as necessary.

Mr. Peirent said a couple of things depend on whether or not it's within the rights-of-ways. He said that it does not give them permission to go onto private property and to maintain private drainage ditches.

Mr. Page said over the years he has asked because everything overhangs and when you turn the corner and look down the road it is difficult to see. He said that it's hanging over the road so far now that traffic is pushed towards the middle of the road and he was told that the property owner has always had problems with the trimming even though it's within the town's right-of-way.

Mr. Carabetta said that he thinks it's probably a safety issue and Mr. Murphy added it's probably a site distance issue also. Mr. Jernstrom added in the filing vista pruning is also included and is an allowed activity under a Bundled Notice of Intent.

There being no further discussion and upon motion duly made by Michael Carabetta and seconded by Anthony Zampiceni, the Commission voted unanimously (4-0) to close the public hearing. Mr. Jernstrom addressed the Commission for any comments.

Mr. Carabetta asked if their intent is to train others so that they aren't tied up with it all of the time.

Mr. Peirent said that they certainly want to be aware of every activity their workers do and are involved in. He said that they wouldn't be out there full time but would have a foreman with managerial responsibility and that foreman would have the onsite responsibility. Mr. Peirent said that they have talked about some training and talking them through what it means, what they can do, what they can't do and what best management practices should be taken. He said to be honest some of their guys are more in tune to it and some of them aren't and it's their job to make sure they have the right guys for the job so they don't have any problems. Mr. Murphy added that over time they will have an understanding how everything works.

Mr. Jernstrom said that he did speak with Mark Stinson from DEP about the filing and he really didn't have any problem with it and thinks they did a great job in preparing it. He said that one of the benefits of it is that it makes it's a lot easier for public notification and it streamline the process for everybody. Mr. Jernstrom said one thing he would like on an annual basis is some kind of list of scheduled activities assuming they have some kind of idea what streets are going to be paved that year or some major things scheduled within the year. Mr. Murphy said that they could certainly do that. Mr. Jernstrom said that he did make a list of Special Conditions and asked them to review them to make sure they were in agreement to them.

Mr. Peirent and Mr. Murphy reviewed them and were in agreement

Upon motion duly made by Michael Carabetta and seconded, the Commission voted unanimously (4-0) to approve the project with conditions.

### Minutes

The Commission reviewed the minutes of January 13, 2016 and upon motion duly made by Michael Carabetta and seconded by Robert Sheets, the Commission voted (4-0) to approve the minutes.

There being no further discussion and upon motion duly made by Michael Carabetta and seconded by Anthony Zampiceni, the Commission voted to adjourn at 7:45 p.m.

For the Commission,

Craig Jernstrom, Chair