

EAST LONGMEADOW PLANNING BOARD

Date: January 4, 2022

Time: 6:00 PM EST

Zoom Webinar



MINUTES

Chair Russell Denver opened the meeting at 6:00 PM.

Present Russell Denver, Chair
 George Kingston, Vice Chair
 Jonathan Torcia, Clerk
 Cassandra Cerasuolo
 Pete Punderson

Staff Present Nina Fazio, Planning & Community Development Administrative Assistant

APPROVAL OF MINUTES

- December 21, 2021

Motion to approve made by Vice Chair George Kingston; second by Board member Pete Punderson and approved by roll call vote five (5)-zero (0).

SITE PLAN WAIVERS

- 1. Case SPRW 2021-61:** Request for Site Plan Review Waiver for the construction of a 20 ft. x 10 ft. outdoor stage at 43 Chestnut Street (Assessor's Parcel ID 40-7-0) on a +/- 2.80 acre lot in the Residence A zoning district. Applicant: Javier Herrera, 50 Indian Spring Road, East Longmeadow, MA 01028

Petitioners Javier Herrera and Francis Herrera were present for discussion. Javier Herrera explained he is looking to construct a stage in the backyard of the Masonic Temple at 43 Chestnut Street as a requirement for advancement to Eagle Scout. Javier stated the stage would be multipurpose and be used for performances, band rehearsals, and lectures, among other things.

Vice Chair George Kingston asked if the Masonic Temple is currently holding outdoor entertainment or if this is a new venture. Javier responded this would be new to the area. Francis Herrera stated there were already outdoor activities taking place in the backyard; however, the gatherings have decreased and/or stopped due to the pandemic. Francis Herrera added the stage allows for better performances and improvement of the area. Vice Chair George Kingston voiced his concern of increased noise in a residential neighborhood. Francis Herrera stated he does not believe the level of noise will increase since there were already events taking place at this location; just the stage will be new.

Chair Russell Denver asked how many people are expected to attend the events that will take place on the proposed stage. Javier Herrera responded he does not have an exact number, but anticipates between 10-20 people based on the event. Chair Russell Denver stated there are only 37 parking spots at this location and voiced concern regarding overflow of parking going on to Chestnut Street. Chair Russell Denver stated he did not want the performances at this location to create a traffic issue or public safety hazard. Javier Herrera stated he has previously volunteered at the Masonic Temple,

serving monthly breakfast, and there has not been an issue with overflow of parking. Javier Herrera stated any overflow usually parks on the grassed areas of the property. Francis Herrera emphasized the events on the proposed stage would be small in size. Francis Herrera added the Masonic Temple usually hosts a car show every summer and they have adequate parking for the event; he is not aware of any former issues with parking.

Board member Cassandra Cerasuolo emphasized the safety concerns raised tonight and requested to hear from a representative of the Masonic Temple who can attest to the parking at 43 Chestnut Street. Vice Chair George Kingston concurred; he would like to hear from a representative who could better answer the Board's questions.

Francis Herrera asked if a written letter from a Mason would be acceptable. Vice Chair George Kingston asked if a representative could speak at the next meeting. Francis Herrera stated he will ask for a representative to be available for the next meeting.

There were no further comments or questions from the Board at this time.

Motion to continue to the next meeting of the Planning Board on January 18, 2022 at 6:00 PM via Zoom Webinar made by Vice Chair George Kingston; second by Board member Cassandra Cerasuolo and approved by roll call vote five (5)-zero (0).

- 2. Case SPRW 2021-62:** Request for Site Plan Review Waiver for Tire Group Tracking, a home office at 180 Kibbe Road (Assessor's Parcel ID 51-13-4) in the Residence AA zoning district. Application: Robert Guerin, 180 Kibbe Road, East Longmeadow, MA 01028

Applicant Robert Guerin was present for discussion. Mr. Guerin stated he is looking to open a home office for his company, Tire Group Tracking. Mr. Guerin stated there would be no storage of materials; the home office would only consist of a desk.

There were no comments or questions from the Board at this time.

Motion to approve made by Board member Pete Punderson; second by Vice Chair George Kingston and approved by roll call vote five (5)-zero (0).

OTHER BUSINESS

- 1. Request for consideration of final release of performance bond for Jeffrey Lane Extension Subdivision.** Applicant: Southern NE Real Estate Development, Inc. 45 Knollwood Drive, East Longmeadow, MA 01028

Chair Russell Denver stated the Board has received an email from DPW Deputy Superintendent, Tom Christensen, advising the Board retains 20% of the performance bond until the end of the winter season once the road has gone through a freeze-thaw cycle. Board member Pete Punderson added the email also stated a final revised plan set has not been submitted.

Applicant Jeff Bosworth and Attorney Larry Levine were present for discussion. Mr. Bosworth stated he is requesting the full release of the performance bond for Jeffrey Lane Extension since construction has been completed. Mr. Bosworth stated the construction has been inspected by the DPW who has

concluded that construction is 100% complete. Mr. Bosworth voiced his disagreement with Tom Christensen's advisement to hold on to 20% of the performance bond and does not believe there were any regulations that stipulate the necessity of holding any portion of the bond. Mr. Bosworth stated the regulations stipulate that the base coat of asphalt sit over one winter; the base coat is on its second winter, the final coat has been set for 2 months.

Board member Pete Punderson stated he does not have enough understanding of engineering to make his own determination of how long the road should sit and he will follow advisement from Tom Christensen. Board member Pete Punderson stated the petitioner has not submitted the final set of revised plans and would wait until that condition has been fulfilled. Mr. Bosworth stated during his request for a modification to the Definitive Subdivision Plans, a single sheet of modification was submitted. The modification was approved by the Planning Board in July of 2020, contingent on the submission of an entire revised plan set being submitted. Mr. Bosworth stated he does not believe an entire revised plan set is necessary. Mr. Bosworth explained he cannot obtain an entire revised plan set due to the retirement of his original engineer. Mr. Bosworth stated an "As Built" plan has been submitted which Tom Christensen reviewed this afternoon and voiced a few modifications; Mr. Bosworth can provide copies of the revised "As Built" plans. Board member Pete Punderson asked if the "As Built" will accurately display the modification approved in July of 2020. Mr. Bosworth stated the record contains the original set of plans, one sheet of modifications, and a revised "As Built" plan. Mr. Bosworth stated the nine (9) paged original plan set only contains one page of modifications. Board member Pete Punderson stated he is satisfied with just the one page of modifications.

Atty Levine stated he has not received the comments from Tom Christensen. Atty Levine stated he was not aware of any requested modifications to the "As Built" plans from his last conversation with the engineer, Dan O'Brien of Smith Associates. Atty Levine suggested a continuance of the hearing until further information regarding the modifications to the "As Built" plans can be explained.

Atty Levine asked about the release of the full performance bond. Chair Russell Denver stated Tom Christensen recommended holding 20% of the total bond until after the street has gone through a freeze-thaw cycle, allowed by the Subdivision Rules and Regulations. Atty Levine stated he does not believe the Subdivision Rules and Regulations are applicable to this case since the base layer is in its second winter. Mr. Bosworth stated there are no stipulations on the amount of time a top coat must sit. Mr. Bosworth quoted Tom Christensen's notes which state, "The DPW has found construction to be complete."

Chair Russell Denver asked Atty Levine if he was previously made aware of the possibility of the DPW requesting to hold 20% of the performance bond. Atty Levine stated he was made aware of that possibility approximately a month ago, but does not believe the DPW has the authority to request waiting another winter. Chair Russell Denver stated the possibility of hold 20% of the performance bond should not have been a surprise to Mr. Bosworth. Mr. Bosworth stated he was not aware of any further holding of the bond until he received the comments from Tom Christensen via an email from Administrative Assistant Nina Fazio at 3:50 PM on Tuesday, January 4, 2022. Mr. Bosworth stated he believes 20% of the bond was already held in his previous bond reduction.

Board member Pete Punderson stated he agrees with the petitioner that no more of the bond should be held. Vice Chair George Kingston stated due to his experience on the Planning Board he is reluctant to go against any advisement from the DPW and release the full bond.

Mr. Bosworth stated the Town does not employ a registered professional engineer who is qualified to make the judgment to hold a portion of the performance bond. Chair Russell Denver stated no one disagrees with that statement.

Board member Pete Punderson stated he is inclined to agree with the petitioner since the base coat of the road has already sat through one winter. Board members Jon Torcia and Cassandra Cerasuolo stated they are not ready to make a decision without further hearing from Tom Christensen.

Atty Levine directed the Board to the Subdivision Rules & Regulations Section 7.2.2(1) which stipulates the base layer of asphalt sitting for one winter. Atty Levine stated waiting one winter for the top layer to sit would be unfair to the applicant. Chair Russell Denver stated throughout his tenure the Planning Board has routinely held 20% of the performance bond until the final sign off from the DPW. Atty Levine stated this specific case is not applicable to that routine. Atty Levine voiced his concern that comments were made to the "As Built" plans just two hours prior to the hearing.

Atty Levine suggested continuing the hearing until further comment from Tom Christensen. Vice Chair George Kingston concurred; he believes only one half of the conversation is being heard tonight. Chair Russell Denver asked Mr. Bosworth if he would like to continue. Mr. Bosworth stated he would like to continue to the next meeting of the Planning Board. Chair Russell Denver asked Administrative Assistant Nina Fazio to request Tom Christensen's attendance at the next Planning Board meeting.

There were no further comments or questions from the Board at this time.

Motion to continue to the next meeting of the Planning Board on Tuesday, January 18, 2022 made by Board member Pete Punderson; second by Vice Chair George Kingston and approved by roll call vote five (5)-zero (0).

2. Director's Report

Chair Russell Denver asked for an update on the status of the Planning Director position. Administrative Assistant Nina Fazio stated she has not been made aware of any updates on staffing since the departure of former Director Yeo. Chair Russell Denver asked for Town Council Marilyn Richards, a zoom attendee, to join the meeting to provide an update. Ms. Richards stated she has been aware of a few interviews taking place.

Administrative Assistant Nina Fazio notified the Board of two more public hearings concerning the codification of the Town Zoning Bylaw Amendments. The Board would like to schedule those public hearings as soon as possible.

ADJOURN:

Motion to adjourn made by Board member Pete Punderson; second by Vice Chair George Kingston and approved by roll call vote five(5)-zero(0) at 6:42 PM.