

**EAST LONGMEADOW PLANNING BOARD**

Date: April 19, 2022  
Time: 6:00 PM EST  
Place: Zoom Webinar



**MINUTES**

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

**CALL THE ROLL**

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

Staff Present     Bailey Mitchell, Director of Planning & Community Development  
                         Nina Fazio, Planning & Community Development Administrative Assistant

**APPROVAL OF MINUTES**

- April 5, 2022

**Motion to approve made by Vice Chair George Kingston; second by Board member Cassandra Cerasuolo and approved by roll call vote four (4)-zero (0).** Board member Pete Punderson abstained from voting due to his absence at the April 5, 2022 meeting.

**Motion to take agenda out of order and being with Case SD-D 2022-1 made by Board Member Pete Punderson; second by Vice Chair George Kingston and approved by roll call vote five (5)-zero (0).**

**CONTINUED PUBLIC HEARINGS**

1. **Case SD-D 2022-1: Definitive Subdivision Plan for Happy Acres Subdivision:** Request by applicant for definitive subdivision approval for a twenty-three (23) lot subdivision on a 31.8 +/- acre lot at 43 South Bend Lane (Assessor's Parcel ID 54-6-0) located in the Residence A zoning district. Applicant: Marlene Goldstein, 43 South Bend Lane, East Longmeadow, MA 01028 (Cont. 3/15/2022)

The applicant was not present for discussion. Chair Russell Denver stated the applicant's representative has requested a continuance to allow for more time to meet with the ELPD Safety Enforcement Officer. Vice Chair George Kingston stated a few concerns relating to the stormwater parcels, lack of a long-term maintenance plan, and the lack of an HOA. Board member Pete Punderson reiterated his concerns regarding traffic at the intersection of Route 83 and South Bend Lane.

**Motion to continue the public hearing to May 17, 2022 at 6:00 PM made by Vice Chair George Kingston; second by Board member Pete Punderson and approved by roll call vote five (5)-zero (0).**

**SITE PLAN REVIEW WAIVERS**

1. **Case SPRW 2022-9:** Request for a Site Plan Review Waiver for East Car Sales, a home office at 389 Elm Street (Assessor's Parcel ID 34-28-0) located in the Residence A zoning district. Applicant: Wilfredo Gonzalez, 389 Elm Street, East Longmeadow, MA 01028 (Cont. 4/5/2022)

The applicant was not present for discussion. Chair Russell Denver stated he was not ready to vote on this matter until hearing from the applicant. Vice Chair George Kingston concurred.

**Motion to table the discussion to the next meeting on the Planning Board made by Vice Chair George Kingston; second by Clerk Jon Torcia and approved by roll call vote five (5)-zero (0).**

2. **Case SPRW 2022-10:** Request for a Site Plan Review Waiver for Play Tyme, an online clothing store at 6 Birchland Avenue (Assessor's Parcel ID 38A-12-8) in the Residence C zoning district. Applicant: Canda Thomas, 6 Birchland Avenue, East Longmeadow, MA 01028

The applicant was not present for discussion. Chair Russell Denver stated he was not ready to vote on this matter until hearing from the applicant. Vice Chair George Kingston expressed concern on inventory storage at the home office.

**Motion to table the discussion to the next meeting of the Planning Board made by Board member Pete Punderson; second by Vice Chair George Kingston and approved by roll call vote five (5)-zero (0).**

3. **Case SPRW 2022-12:** Request for a Site Plan Review Waiver for Laurie Lee Gibson Consulting, a home office at 92 South Brook Road (Assessor's Parcel ID 56-9-9) in the Residence AA zoning district. Applicant: Laurie Lee Gibson, 92 South Brook Road, East Longmeadow, MA 01028

Laurie Lee Gibson was present for discussion. Ms. Gibson provided details on her home office for an online corporate coaching business. There were no comments or questions from the Board at this time.

**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).**

4. **Case SPRW 2022-13:** Request for a Site Plan Review Waiver for Passingfriends.com, home office for online business at 409 Chestnut Street (Assessor's Parcel ID 7-43-41) in the Residence B zoning district. Applicant: Michael Meyer, 409 Chestnut Street, East Longmeadow, MA 01028

Michael Meyer was present for discussion. Mr. Meyer provided details on his home office for an online funeral preparations business. 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).**

## **ANR**

1. **Case ANR 2022-02:** Request by applicant for endorsement of a plan believed not to require subdivision approval under Subdivision Control Law for the creation of two parcels and remaining land: Parcel A, a +/- 49,406.91 sq. ft. (1.13 acre) lot containing a portion of 71 Hampden Road (Assessor's Parcel ID 65-27-0); Parcel B, a +/- 32,134.01 sq. ft. (0.74 Acre) lot containing a portion of 71 Hampden Road (Assessor's Parcel ID 65-27-0); all located in the

Residence A zoning district. Applicant: Diane Markham, 71 Hampden Road, East Longmeadow, MA 01028

The applicant was not present for discussion. Board member Pete Punderson stated he would like to hear from the petitioner before voting on the matter. The Board discussed the timeframe of voting on an ANR.

**Motion to continue the discussion to May 17, 2022 at 6:00 PM made by Vice Chair George Kingston; second by Board member Pete Punderson and approved by roll call vote five (5)-zero (0).**

**NEW BUSINESS**

1. **Review and discussion of revocation of Special Permit (HBT SP 2009-0019)** for Paul Bunyan Wood Co., a Home Based Trade at 160 Mapleshade Avenue, East Longmeadow, MA 01028 c/o Thomas O'Brien due to violation of Special Permit Conditions.

Zoning Enforcement Officer Kevin Duquette was present for discussion. Mr. Duquette stated he received two official written Requests for Zoning Enforcement from abutters and has cited Mr. O'Brien for violation of Special Permit conditions #15, #18, and #22 for log trucking and log storage. Mr. Duquette stated he has visited the property and found evidence of log storage which is a direct violation of the Special Permit; however, he would like legal opinion on which aspects of the violations may be protected under the agricultural and forestry by-right uses on Mr. O'Brien's property.

Homeowner Thomas O'Brien and Attorney Larry Levine were present for discussion. Atty Levine provided a background and timeline of Mr. O'Brien's property. Atty Levine stated Mr. O'Brien has been operating his home-based trade since 2001 and has been operating under Special Permit since 2009. Atty Levine stated that since being granted the Special Permit in 2009, the volume of Mr. O'Brien's business is 25% of what it was originally. Atty Levine explained the process of Mr. O'Brien's business, which includes cutting trees off site, transporting them to his residence and getting them ready for transport again via tractor trailers. Atty Levine stated he does not believe there is any "harvesting" of trees being conducted and reiterated that Mr. O'Brien's property is under Chapter 61A and has certain by-right uses. Atty Levine stated Mr. O'Brien has tried to resolve the abutter complaints unsuccessfully, that there are no noise complaints on file with the ELPD, and that the property is in compliance with General By-law Section 8.090. Mr. Duquette had no comments at this time.

Dawn Currier, 195 Mapleshade Ave, provided complaints for the record. Ms. Currier stated Mr. O'Brien operates outside of the allotted hours, produces excess noise and nuisance, and the operation of the home-based trade has made being outside in the neighborhood unenjoyable. Ms. Currier stated her residence is on a hill above Mr. O'Brien's residence which enhances the noise. Ms. Currier stated she does not believe Mr. O'Brien is in compliance of his Special Permit based on the definition of "harvesting". Chair Russell Denver asked Ms. Currier if she agrees with the statement that Mr. O'Brien has reduced business operation to 25% since 2009; Ms. Currier responded "no".

Patricia Wholley, 209 Mapleshade Ave, provided complaints for the record. Ms. Wholley asked for clarification on the definition of "harvesting" wood listed in the Special Permit conditions. Ms. Wholley stated she has called the ELPD multiple times with noise complaints. Chair Russell Denver clarified that the Board is presiding over the citations Mr. Duquette has currently issued, which do not include excess noise or operating outside of allotted hours. Mr. Wholley expressed concern on over-weight trucks coming and leaving Mr. O'Brien's residence damaging the roads in residential neighborhoods.

Dominick Pellegrino, 150 Mapleshade Ave, provided no complaints for the record. Mr. Pellegrino stated he has not heard excess noise while living next door to Mr. O'Brien and is in support of Mr. O'Brien retaining his Special Permit.

Marc Oldenburg, 170 Mapleshade Ave, provided no complaints for the record. Mr. Oldenburg stated he has not heard excess noise or nuisance while living next door to Mr. O'Brien and does not have any knowledge of the violations in question.

Ray Kallaugher, 263 Elm Street, provided no complaints for the record. Mr. Kallaugher stated his property abuts Mr. O'Brien's conservation land and he has not experienced excess noise or nuisance.

Michael Mancuso, 212 Mapleshade Ave, provided no complaints for the record. Mr. Mancuso stated he has not heard excess noise and has not seen evidence of the violations of Special Permit conditions in question.

Terri Leone, 205 Mapleshade Ave, provided complaints for the record. Ms. Leone stated she spoke in opposition during the April 13, 2009 public hearing when the Special Permit was originally being granted. Ms. Leone stated the 2009 public hearing did not adequately reflect the level of work that is currently being conducted on Mr. O'Brien's property. Ms. Leone stated she has witnessed the violations in question and has called the ELPD with noise complaints.

Beth Welch, 21 Breezy Knoll Road, provided no complaints for the record. Ms. Welch stated she has never heard excess noise or nuisance coming from Mr. O'Brien's property.

Tina Randall, 197 Elm Street, provided no complaints for the record. Ms. Randall stated she has never had noise complaints or witnessed proof of the violations in question.

Mike Bednaz, 144 Mapleshade Ave, provided no complaints for the record. Mr. Bednaz stated he has witnessed trucks entering and leaving Mr. O'Brien's property but has not heard noise that would indicate the processing of logs.

Chair Russell Denver asked for comments from the Board.

Vice Chair George Kingston disclosed that he knows Tom O'Brien personally. Vice Chair George Kingston reiterated that sound travels differently to various properties based on the topography of Mapleshade Avenue. Vice Chair George Kingston stated he is not sure how to interpret the comments made tonight at this time.

Board member Pete Punderson disclosed that he knows Tom O'Brien personally. Board member Pete Punderson reiterated that he was at the April 13, 2009 public hearing and stated the moving of logs across properties was not allowed as part of the Special Permit.

Clerk Jon Torcia disclosed that he knows Tom O'Brien personally. Clerk Jon Torcia stated that as a resident who frequents Mapleshade Ave, he has not witnessed anything out of the ordinary. Clerk Jon Torcia reiterated that sound travels differently based on the topography of the street and would like further information prior to taking a stance on the situation.

Chair Russell Denver stated that as a resident who frequently walks past the residence in question, he has not witnessed anything out of the ordinary. Chair Russell Denver asked for the Planning Department to review the records for any taping of the April 13, 2009 meeting or correspondences between the members of the Planning Board at that time. Chair Russell Denver stated he is interested in learning the Board's definition of "harvesting" and the level of operation anticipated when the Special Permit was granted in 2009. Chair Russell Denver asked for more information on the noise complaints reported to the ELPD.

Atty Levine reiterated that excess noise was not a part of the violations cited. Atty Levine asked about violation of Special Permit condition 15. Mr. Duquette stated "harvesting of logs" was the main concern which led to the citation.

**Motion to continue to May 17, 2022 at 6:00 PM made by Vice Chair George Kingston; second by Board member Pete Punderson and approved by roll call vote five (5)-zero (0).**

- 2. Recommendation of Street Acceptance for Jeffrey Lane Extension Subdivision** Applicant:  
Southern NE Real Estate Development, Inc. 45 Knollwood Drive, East Longmeadow, MA 01028

Applicant Jeff Bosworth and Attorney Larry Levine were present for discussion. The Board and Director Bailey Mitchell discussed the process of recommending street acceptance to the Town Council. Board member Pete Punderson asked if all conditions of approval have been met. Chair Russell Denver reiterated that the DPW provided a statement that all work had been satisfactorily completed and the performance bond has been released.

**Motion to recommend street acceptance to the Town Council made by Vice Chair George Kingston; second by Board member Pete Punderson and approved by roll call vote five (5)-zero (0).**

#### **OTHER BUSINESS**

1. Discussion pertaining to out-of-town subdivisions with only access roads through East Longmeadow

The Board discussed the logistics of potential future projects and agreements between abutting towns. Chair Russell Denver asked Director Bailey Mitchell to provide a checklist of issues that may arise. Vice Chair George Kingston suggested reaching out to the PVPC for guidance.

2. Director's Report

The Board and the Planning Department staff discussed general house-keeping issues including drafting EV Charging Station by-laws, upcoming public hearings, meeting schedules, and topics of conversation from the PVPC.

Director Bailey Mitchell read his memo to the Planning Board regarding the questions that the independent RF consultant had when reviewing Verizon Wireless' Special Permit application.

3. Discussion of Subdivision Performance Bond Releases and Street Acceptance Procedure

#### **ADJOURN**

6-5

**Motion to adjourn made by Vice Chair George Kingston; second by Board member Pete Punderson and approved by unanimous vote five (5)-zero (0) at 7:40 PM.**