



CONSERVATION COMMISSION MEETING

Wednesday, September 13, 2023 6:00 PM EST

Pleasant View Senior Center; Media Room
328 North Main Street, East Longmeadow, MA 01028

MEETING MINUTES

1. CALL THE MEETING TO ORDER

Vice Chair Elizabeth Stoughton opened the meeting at 6:08 PM

2. CALL THE ROLL

Present	Elizabeth Stoughton, Vice Chair Michael Carabetta, Clerk Anthony Zampiceni (arrived at 6:09 PM) Nicholas Turnberg Jason Gumpert
Absent	William Arment, Chair
Staff Present	Nina Fazio, Planning & Community Development Administrative Assistant

3. APPROVAL OF MINUTES

A. August 23, 2023 – Open Session Minutes

Motion to approve made by Clerk Michael Carabetta; second by Commissioner Nicholas Turnberg and approved by unanimous vote four (4)-zero (0).

4. NOTICES OF INTENT

A. **NOI-2023-01:** Notice of Intent at 61 Devonshire Terrace (Assessor's Parcel ID 31-10-6A) for the construction of a single family home and associated site improvements subject to the Wetlands Protection Act and local wetland protection bylaws. Applicant: David Brown, 55 Devonshire Terrace, East Longmeadow, MA 01028 (cont. 08/23/2023)

The Commission conducted a site visit at 5:30 PM on September 13, 2023.

Applicant David Brown and Patrick Lord, GZA Environmental, were present for discussion. Mr. Lord presented to the site plans for a proposed building envelope to include a future single family home and associated lawn space outside of the 50 ft. buffer zone.

Clerk Michael Carabetta raised concern on the determination that the abutting stream was intermittent rather than perennial. The Commission expressed they believe the stream to be perennial. Mr. Lord stated the stream is considered intermittent based on the Wetland Protection Act regulations.

Clerk Michael Carabetta questioned if permanent monuments have moved or changed since the delineation conducted in or around 2001 for the development of the Devonshire Terrace subdivision. Mr. Lord stated permanent monuments are in place from the 2001 delineation; however, a new delineation was conducted to confirm accurate placement.

Commissioner Nicholas Turnberg questioned if a grading and erosion control plan was submitted. Mr. Lord stated a building envelope is being proposed and any grading would be reviewed during construction at a later time.

Vice Chair Elizabeth Stoughton opened the hearing to public comment. There were no comments or questions from the public at this time.

Motion to close the public hearing made by Clerk Michael Carabetta; second by Vice Chair Elizabeth Stoughton and approved by unanimous vote five (5)-zero (0).

Clerk Michael Carabetta expressed disagreement with the stream being classified as intermittent rather than perennial; Commissioner Anthony Zampiceni concurred. Clerk Michael Carabetta expressed interest in a peer review of the application.

The Commission discussed the logistics of a peer review and asked for the Department of Planning & Community Development to gather information on the process for their review.

Motion to reopen the public hearing to allow for further information to be submitted into the record made by Commissioner Anthony Zampiceni; second by Commissioner Nicholas Turnberg and approved by unanimous vote five (5)-zero (0).

Motion to continue the public hearing to September 27, 2023 at 6:00 PM to research the peer review process made by Clerk Michael Carabetta; second by Commissioner Nicholas Turnberg and approved by unanimous vote five (5)-zero (0).

Motion to take the agenda out of order and move to the Request for Certificate of Compliance then RDA-2023-07 made by Clerk Michael Carabetta; second by Commissioner Nicholas Turnberg and approved by unanimous vote five (5)-zero (0).

5. REQUESTS FOR CERTIFICATE OF COMPLIANCE

- A. DEP File #150-0060:** Request for Partial Certificate of Compliance for 132 Millbrook Drive (Assessor's Parcel ID 87-42-6). Applicant: Michael Molinari, 132 Millbrook Drive, East Longmeadow, MA 01028

Applicant Michael Molinari was present for discussion. The Commission reviewed the Order of Conditions issued to the entirety of the Millbrook Drive subdivision. The Commission noted the subject property was located outside of jurisdiction.

Motion to approve the Request for Partial Certificate of Compliance made by Clerk Michael Carabetta; second by Commissioner Nicholas Turnberg and approved by unanimous vote five (5)-zero (0).

6. REQUESTS FOR DETERMINATION OF APPLICABILITY

- A. RDA-2023-07:** Request for Determination of Applicability at 362 Parker Street, 368 Parker Street, Fernwood Drive, and Rear Fernwood Drive (Assessor's Parcel IDs 75-11-0, 62-31-A+B, 75-10-1A, and 63-26-0) for whether the area depicted is subject to the jurisdiction of the Wetlands Protection Act and local wetlands bylaws. Applicant: Thomas L. Bretta, 32 Eastwood Drive, Wilbraham, MA 01095

Applicant Thomas Bretta and Rob Levesque, R Levesque Associates, Inc., were present for discussion. Mr. Levesque stated the Request for Determination of Applicability was submitted as part of the requirement for subdivision approval. Mr. Levesque stated multiple test pits were dug across the site which showed no wet soils present. Mr. Levesque stated a wetlands specialist has reviewed the site and determined the subject property does not contain any resource areas or associated buffer zones. Clerk Michael Carabetta and Commissioner Nicholas Turnberg stated they have been to the site and confirmed the lack of jurisdiction.

Motion to issue a Negative 1 Determination made by Clerk Michael Carabetta; second by Commissioner Nicholas Turnberg and approved by unanimous vote five (5)-zero (0).

- B. RDA-2023-05:** Request for Determination of Applicability at 11 Hidden Ponds Drive (Assessor's Parcel ID 23-77-13) for whether work depicted is subject to the jurisdiction of the Wetlands Protection Act and local wetlands bylaws. Applicant: Kevin Randall, Beyond Pools Inc., 309 South Lane, Granville, MA 01034

Vice Chair Elizabeth Stoughton recused herself from the agenda item. The Commission conducted a site visit at 5:15 PM on September 13, 2023.

The applicant was not present for discussion. Commissioner Nicholas Turnberg noted the silt fence has not been properly maintained and water is flowing underneath. Commissioner Nicholas Turnberg suggested requesting straw wattle. The Commission discussed adding a condition of approval that wattles remain in place until the lawn is established to avoid runoff into the neighboring pond and abutting properties.

Motion to issue a Negative 3 Determination with conditions noted made by Commissioner Nicholas Turnberg; second by Commissioner Anthony Zampiceni and approved by unanimous vote four (4)-zero (0).

- C. RDA-2023-06:** Request for Determination of Applicability at 13 Hidden Ponds Drive (Assessor's Parcel ID 23-77-12) for whether work depicted is subject to the jurisdiction of the Wetlands Protection Act and local wetlands bylaws. Applicant: Robert DeMaria, 13 Hidden Ponds Drive, East Longmeadow, MA 01028

Vice Chair Elizabeth Stoughton recused herself from the agenda item. The Commission conducted a site visit at 5:15 PM on September 13, 2023.

The applicant was not present for discussion. The Commission noted the Limit of Work line has not been maintained and there is approximately nine (9) feet of disturbed soil between the pond and Limit of Work line. The Commission expressed concern that maintenance or erosion control beyond the Limit of Work line may disturb the area further. The Commission discussed conditioning approval that wattles be installed with no further maintenance beyond the Limit of Work line to allow to natural restoration. The Commission would like to revisit the site in 6-8 months to view bank stabilization.

Motion to issue a Negative 3 Determination with conditions noted made by Clerk Michael Carabetta; second by Commissioner Nicholas Turnberg and approved by unanimous vote four (4)-zero (0).

7. PROJECT MONITORING

A. 383 Porter Road

Administrative Assistant Nina Fazio stated Town Counsel has begun outreach to the property owner and further information regarding potential litigation will be available at the next meeting date.

B. 15 Hidden Ponds Drive

The Commission stated the property owner is not dumping leaves and grass clippings beyond the Limit of Work line, as previously suspected. There are no violations to pursue at this time.

8. OTHER BUSINESS

A. Planning and Community Development Department Staff Report

The Commission reviewed upcoming agenda items for September 27, 2023. The Commission scheduled a tentative site visit to 60 Pease Road at 5:30 PM on September 27, 2023 regarding the potential filing of a Request for Certificate of Compliance.

9. **ADJOURNMENT**

Motion to adjourn at 6:41 PM made by Commissioner Nicholas Turnberg; second by Commissioner Anthony Zampiceni and approved by unanimous vote five (5)-zero (0).