



CONSERVATION COMMISSION MEETING

Wednesday, September 27, 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

Chair William Arment opened the meeting at 6:01 PM

2. CALL THE ROLL

Present	William Arment, Chair Elizabeth Stoughton, Vice Chair Michael Carabetta, Clerk Anthony Zampiceni Nicholas Turnberg
Absent	Jason Gumpert
Staff Present	Bailey Mitchell, Planning & Community Development Director Nina Fazio, Planning & Community Development Administrative Assistant

3. APPROVAL OF MINUTES

A. September 13, 2023 – Open Session Minutes

Clerk Michael Carabetta motioned to approve; Vice Chair Elizabeth Stoughton seconded. The motion carried by unanimous vote five (5) in favor, zero (0) opposed and zero (0) abstentions.

4. REQUESTS FOR CERTIFICATE OF COMPLIANCE

A. **DEP File #150-0183:** Request for Complete Certificate of Compliance for 60 Pease Road (Assessor's Parcel ID 67-11-B). Applicant: Carl and Donna Zimmerman, 60 Pease Road, East Longmeadow, MA 01028

The Commission conducted a site visit at 5:30 PM on Wednesday, September 27, 2023. Chair William Arment noted the letter from the land surveyor stating the property was in substantial compliance with the Order of Conditions; however, permanent monuments were never placed. The Commission noted the property was well established and placing monuments at this time may be more intrusive to the surrounding resource area.

Commissioner Anthony Zampiceni motioned to approve the Request for Certificate of Compliance; Vice Chair Elizabeth Stoughton seconded. The motion carried by unanimous vote five (5) in favor, zero (0) opposed and zero (0) abstentions.

5. 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; 09/13/2023)

Applicant David Brown and Patrick Lord of GZA Environmental were present for discussion. Mr. Lord reviewed additional memorandum submitted confirming the watercourse on and around the property was intermittent, not perennial. Mr. Lord confirmed an on-site delineation was completed at the time the Notice of Intent was submitted. Planning Director Bailey Mitchell reviewed conversations with

MassDEP and stated software available to the Department shows the watercourse is intermittent.

The Commission reviewed the proposed limit of work line, which follows the 50 ft. buffer line from the northeast of the property heading west across the property and then south down to the public road. Mr. Lord noted that a small section of the limit of work line in the southwest corner of the property is proposed to be 30-35 ft. from resource areas to allow for lawn space. Commissioner Anthony Zampiceni opined that the limit of work line should consistently remain along the 50 ft. buffer line; Chair William Arment stated he is comfortable with the proposed limit of work line being 35 ft. from resource area in the southwest corner of the property only.

Clerk Michael Carabetta requested existing monuments be removed and replaced with new monuments along the limit of work line. Chair William Arment asked for monuments to consist of concrete filled pipe at a depth of 18-24 inches in the ground. The Commission discussed requesting a topography and grading plan be submitted to the Commission before any land disturbance.

Vice Chair Elizabeth Stoughton motioned to approve the Notice of Intent with conditions noted; Commissioner Nicholas Turnberg seconded. The motion carried by unanimous vote five (5) in favor, zero (0) opposed and zero (0) abstentions.

B. NOI-2023-03: Notice of Intent at 120 Franconia Circle (Assessor's Parcel ID 4-21-38) for the construction of a single family home and associated site improvements subject to the Wetlands Protection Act and local wetland protection bylaws. Applicant: Tuyet Nguyen, 294 Anthony Way, Longmeadow, MA 01106

Steven Riberdy of Boghunter Ecological Services LLC was present for discussion on behalf of the applicant. Mr. Riberdy reviewed proposed plans to reconstruct a single family home that was destroyed in a fire. Mr. Riberdy referenced comments from MassDEP stating because the house was lost in a casualty, the rebuild within the existing footprint is exempt from Riverfront Area requirements. Mr. Riberdy stated the existing foundation would be removed and replaced, and the existing deck would be removed with no replacement proposed.

Chair William Arment noted the steep grade of the lot and questioned existing retaining walls on site. Mr. Riberdy stated there is an approximately two (2) ft. tall unmaintained retaining wall and improvements are not proposed. Chair William Arment raised concern with the 8-12 ft. change in grade from the existing foundation and the Pecousic Brook. Chair William Arment stated the existing retaining wall is at risk of falling into the brook and needs to be improved.

The Commission requested further information be submitted regarding elevations of the property, landscaping/vegetation, and improvements to the retaining wall. A site visit was scheduled for Wednesday, October 11, 2023 at 5:30 PM.

Vice Chair Elizabeth Stoughton motioned to continue the public hearing to Wednesday, October 11, 2023 at 6:00 PM; Commissioner Anthony Zampiceni seconded. The motion carried by unanimous vote five (5) in favor, zero (0) opposed and zero (0) abstentions.

C. NOI-2023-04: Notice of Intent at 275 Benton Drive (Assessor's Parcel ID 10-20-5) for the construction of a self-storage facility and associated site improvements subject to the Wetlands Protection Act and local wetland protection bylaws. Applicant: CJ Bardy, 275 Benton Drive LLC, 30 Extrusion Drive, Stonington, CT 06379

Applicant CJ Bardy, Steven Riberdy of Boghunter Ecological Services LLC, Attorney Tom Reidy of Bacon and Wilson P.C, and Jim Luczak and Glen Martin of Design Professionals, Inc. were present for discussion.

Mr. Riberdy noted comments from MassDEP questioned if the area was jurisdictional Bordering Vegetated Wetlands (BVW) or non-jurisdictional Isolated Vegetated Wetlands (IVW). Mr. Riberdy stated the site plan and Stormwater Management Report was prepared assuming Conservation Commission jurisdiction. Chair William Arment noted that IVWs, while non-jurisdictional under the

Wetlands Protection Act, are still jurisdictional under local wetland bylaws. Mr. Riberdy reaffirmed the area is being treated as jurisdictional BVW.

Chair William Arment questioned the distance from the edge of the proposed parking lot to resource area. Mr. Riberdy stated approximately 10-20 ft. of grass is proposed between the tree line and the parking lot, with minimal tree removal/maintenance required.

Mr. Luczak reviewed the Stormwater Management System and location of basins. Mr. Luczak stated all sheet water is caught and filtered in the proposed system. Commissioner Nicholas Turnberg questioned runoff from the roof of the proposed building. Chair William Arment noted the drastic increase to impervious surface with only two (2) catch basins proposed.

Chair William Arment raised concern with snow melt containing salt and sand that may runoff into resource areas. Mr. Luczak stated there will be no uncontrolled, unfiltered water that does not enter the proposed Stormwater Management System. Commissioner Nicholas Turnberg noted the proposed chain link fence between the impervious surface and resource area. The Commission questioned the extent of their jurisdiction of Stormwater Management Systems.

The Commission scheduled a site visit on Wednesday, October 11, 2023 at 5:00 PM to view the proposed location of fencing and edge of impervious surface, as well as which trees were proposed to be removed.

Vice Chair Elizabeth Stoughton motioned to continue the public hearing to Wednesday, October 11, 2023 at 6:00 PM; Commissioner Nicholas Turnberg seconded. The motion carried by unanimous vote five (5) in favor, zero (0) opposed and zero (0) abstentions.

6. PROJECT MONITORING

A. 383 Porter Road

Planning Director Bailey Mitchell reviewed the status of enforcement efforts against Tim Carlin, 383 Porter Road, for the unpermitted removal of vegetation in the Riverfront Area.

Vice Chair Elizabeth Stoughton motioned to petition the Town Manager and Town Attorney to file a complaint in Superior Court seeking injunctive relief and civil penalties against the property owner for violations of the Wetlands Protection Act and Wetlands Protection Bylaws at 383 Porter Road and take any such legal action as may be necessary to obtain enforcement; Commissioner Nicholas Turnberg seconded. The motion carried by unanimous vote five (5) in favor, zero (0) opposed and zero (0) abstentions.

7. OTHER BUSINESS

A. Planning and Community Development Department Staff Report

8. ADJOURNMENT

Commissioner Nicholas Turnberg motioned to adjourn at 6:55 PM; Commissioner Anthony Zampiceni seconded. The motion carried by unanimous vote five (5) in favor, zero (0) opposed and zero (0) abstentions.