



Town of East Longmeadow
Department of Planning and Community Development
60 Center Square
East Longmeadow, Massachusetts 01028
Bailey Mitchell, Director
(413) 525-5400 - ext. 1700

For Registry Use

CERTIFICATE OF ACTION- Subdivision Approval
Town of East Longmeadow Planning Board

Case: SD-D 2022-01		
Request: Definitive Subdivision Plan Approval for Happy Acres		
Address: 43 South Bend Lane, East Longmeadow, MA 01028		
Zoning District: Residence A		
Recorded Owner: Marlene Goldstein		
Applicant: Marlene Goldstein		
Applicant's Address: 35 South Bend Lane, East Longmeadow, MA 01028		
Application Submittal Date	Public Hearing Dates	Decision Date
February 11, 2022	March 15, 2022; April 19, 2022; May 17, 2022; June 6, 2022	6/17/2022
Assessor's Parcel ID	Deed Book/Page Number	Certificate Number
54-6-0	23627/447	-----
First Legal Notice	Second Legal Notice	
February 24, 2022	March 3, 2022	

Action:

Approved 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 on a motion by Board Member Pete Punderson and second by Vice Chair George Kingston by a roll call vote of four(4) to zero (0).

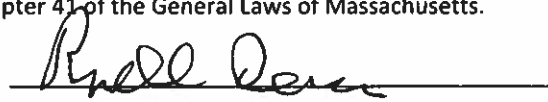
Chair Russell Denver – Yes
Vice Chair George Kingston – Yes
Clerk Jonathan Torcia – Absent

Board Member Pete Punderson – Yes
Board Member Cassandra Cerasuolo – Yes

A copy of this decision was filed with the Town Clerk of the East Longmeadow on 6/17/2022. Any person aggrieved by this decision for Definitive Subdivision Plan Approval has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 81BB of Chapter 41 of the General Laws of Massachusetts.

6/17/2022

Date 55:1 P 17 JUN 2022


Russell Denver, Chair
Town of East Longmeadow Planning Board

RECEIVED
TOWN CLERK

1) Application Summary

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; 4/19/2022; 5/17/2022)

Materials Reviewed by the Planning Board

Plans considered as part of the application submittal:

The submittal was shown on a Definitive Subdivision Plan for Happy Acres at 43 South Bend Lane, East Longmeadow, MA (Assessor's Parcel ID 54-6-0), dated February 10, 2022, rev thru May 17, 2022, and prepared for Marlene Goldstein, 43 South Bend Lane, East Longmeadow, MA 01089 by R Levesque Associates, Inc., 40 School Street, Westfield, MA consisting of sixteen (16) sheets:

- Title Sheet for Happy Acres Subdivision, East Longmeadow, MA, Sheet 1 of 16
- Existing Conditions Plan for Happy Acres Subdivision, East Longmeadow, MA, Sheet 2 of 16
- Definitive Subdivision Plan for Happy Acres Subdivision, East Longmeadow, MA, Sheet 3 of 16
- Notes, Symbols & Line Legend And Abbreviations for Happy Acres Subdivision, East Longmeadow, MA, Sheet 4 of 16
- Construction Notes for Happy Acres Subdivision, East Longmeadow, MA, Sheet 5 of 16
- Grading, Erosion & Sedimentation Control Plan for Happy Acres Subdivision, East Longmeadow, MA, Sheet 6 of 16
- Plan & Profile - Happy Acres Lane - Sta -0+50 to Sta 10+00 for Happy Acres Subdivision, East Longmeadow, MA, Sheet 7 of 16
- Plan & Profile - Farmer Circle - Sta -0+60 to Sta 9+50 for Happy Acres Subdivision, East Longmeadow, MA, Sheet 8 of 16
- Plan & Profile - Utility Easement - Sta 0+00 to Sta 4+00 for Happy Acres Subdivision, East Longmeadow, MA, Sheet 9 of 16
- Infiltration Basin #1 for Happy Acres Subdivision, East Longmeadow, MA, Sheet 10 of 16
- Infiltration Basin #2 for Happy Acres Subdivision, East Longmeadow, MA, Sheet 11 of 16
- Details for Happy Acres Subdivision, East Longmeadow, MA, Sheet 12 of 16
- Details for Happy Acres Subdivision, East Longmeadow, MA, Sheet 13 of 16
- Details for Happy Acres Subdivision, East Longmeadow, MA, Sheet 14 of 16
- Details for Happy Acres Subdivision, East Longmeadow, MA, Sheet 15 of 16
- Details for Happy Acres Subdivision, East Longmeadow, MA, Sheet 16 of 16

Other documents and supporting materials:

- Form C Application for Definitive Plan received by Town Clerk February 15, 2022
- Letter and Project Narrative from Applicant's Agent Sofia A Bitzas, R Levesque Associates Inc. dated February 11, 2022
- Waiver Petition dated February 3, 2022
- Hampden County Registry of Deeds - Book 23627/Pages 447-461
- Tax Collectors Affidavit signed and dated February 10, 2022
- Certified Abutters List

- Trip Generation Assessment prepared by McMahon Associates, 94 North Elm Street, Suite 308, Westfield, MA 01085, dated May 21, 2021
- Stormwater Report dated February 10, 2022
- E/ONE Pressure System Design Report dated April 26, 2022
- Declaration of Happy Acres Homeowners' Association and Maintenance Covenant
- Department of Public Works Comments dated March 15, 2022 and June 3, 2022
- Fire Department Comments dated April 12, 2022
- Police Department Comments dated March 15, 2022 and May 5, 2022
- Applicant Response to East Longmeadow Department Comments dated May 17, 2022

2) Discussion

In a meeting of the Planning Board held on March 15, 2022 at 6:00PM, Applicant Marlene Goldstein was present for discussion. Rob Levesque, of R. Levesque Associates, and Carl Perella were also present for discussion. Mr. Levesque presented the details of the construction for two road ways and 23 single family dwelling lots. Mr. Levesque stated the applicant is also seeking Conservation Commission approval due to the presence of wetlands on the south side of the subject parcel. Vice Chair George Kingston expressed concern regarding the ownership of a stormwater parcel located to the south east of the proposed subdivision. Vice Chair George Kingston expressed concern regarding a lack of frontage and ownership on a parcel to the north east of the proposed subdivision. Board member Pete Punderson expressed concern on the amount of trucks going in and out of the one access point to the subdivision. Mrs. Goldstein stated there is a second access point through an easement on 33 South Bend Lane. Mr. Perella stated there would only be a few houses being built per year which would limit the amount of traffic.

Chair Russell Denver opened the public hearing.

Bob and Lisa Butcher, 44 South Bend Lane, spoke in opposition of the results of the traffic study. The abutters expressed concern on the amount of traffic going in and out of South Bend Lane.

Chair Russell Denver asked the petitioners to speak with the Safety Enforcement Officer on ways to reduce traffic and speed on Route 83 outside South Bend Lane.

Vice Chair George Kingston reiterated his concerns on the stormwater parcel and the parcel with no frontage. Vice Chair George Kingston stated he would like comments from the ELFD on some of the waivers requested by the applicant.

Board member Cassandra Cerasuolo expressed concern regarding Mr. Perella's statement that only a few houses would be built per year. Mr. Levesque clarified that the market will dictate how many houses are built at a time; however, not all lots will be developed at the same time.

Board member Pete Punderson expressed further concern regarding traffic at the intersection of Route 83 and South Bend Lane.

Mr. Levesque asked the Board if they would like to schedule a site visit to better see the location of the lots and roadways.

Motion to continue the public hearing until April 19, 2022 at 6:00PM to allow the petitioners time to answer questions raised by the Board made by Vice Chair George Kingston; second by Board member Pete Punderson and approved by roll call vote four (4)-zero (0).

In a meeting of the Planning Board held on April 19, 2022 at 6:00PM, 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).

In a meeting of the Planning Board held on May 17, 2022 at 6:00 PM, Chair Russell Denver recapped that the DPW Town Engineer has reviewed and approved of the definitive site plans and the ELPD Safety Enforcement Officer has approved of the traffic study.

Rob Levesque of R. Levesque Associates and Attorney Larry Levine were present for discussion on behalf of the applicant. Mr. Levesque recapped the meeting with SEO Calcasola and Chief Williams who found the traffic study to be satisfactory. Mr. Levesque addressed comments and concerns raised during the April 19, 2022 public hearing.

In regards to Vice Chair George Kingston's concern regarding the lack of frontage of the stormwater parcel, Mr. Levesque stated the stormwater parcel is considered a "parcel" rather than a "lot" and therefore does not require frontage under the bylaws. Vice Chair George Kingston disagreed and stated it would be considered a lot. Vice Chair George Kingston reiterated that the Town has had bad experiences with separate stormwater parcels in the past.

In regards to Vice Chair George Kingston's concern regarding lack of access to drainage easements, Mr. Levesque revised the definitive site plans to depict drainage and access easements.

In regards to Vice Chair George Kingston's concern regarding lack of ownership of stormwater parcels, Mr. Levesque clarified that property owner Marlene Goldstein would be responsible for maintenance of stormwater parcels until there is a majority ownership of the subdivision lots.

In regards to Board member Pete Punderson's concern regarding traffic, Mr. Levesque stated the ELPD has approved of the traffic study indicating the subdivision will not adversely impact the traffic pattern of Somers Road-South Bend Lane.

Atty Levine explained the structure of the proposed Homeowner's Association and how the stormwater parcels will be maintained. The petitioners will submit documentation of the HOA for the Board's review.

Chair Russell Denver suggested retaining a bond that would cover the cost of stormwater parcel maintenance; Clerk Jon Torcia concurred. Vice Chair George Kingston requested more information regarding enforcement of the HOA and deed restrictions.

Motion to continue the public hearing to the next meeting on the Planning Board made by Vice Chair George Kingston; second by Board member Cassandra Cerasuolo and approved by roll call vote four (4)-zero (0).

In a meeting of the Planning Board held on June 6, 2022 at 6:00 PM, Applicant Marlene Goldstein, Attorney Larry Levine, Carl Perella, and Felipe Cravo of RL Associates were present for discussion. Chair Russell Denver recapped the previous public hearings. Attorney Levine provided documentation that states private homeowners and the Homeowners Association will be responsible for the long-term maintenance of stormwater. The Board approved of the proposed Declaration of Homeowners Association.

Chair Russell Denver reiterated that the Police Department, Fire Department, and Department of Public Works have approved of the proposed subdivision plans.

Board member Pete Punderson reiterated his concern regarding the amount of traffic this subdivision will produce coming out of South Bend Lane. Chair Russell Denver stated he will reach out to the Town Manager to investigate the possibilities of reducing the speed limit on Somers Road and adding signage at the intersection of Somers Road-South Bend Lane-Hampden Road.

Motion to close the public hearing made by Vice Chair George Kingston; second by Board member Pete Punderson and approved by roll call vote four (4)-zero (0).

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

Motion to approve all application materials and site plans for Case SD-D 2022-1: Definitive Subdivision Plan for Happy Acres Subdivision as submitted made by Board member Pete Punderson; second by Vice Chair George Kingston and approved by roll call vote four (4)-zero (0).

3) Findings

The Planning Board's decision was reached by considering the criteria under MGL Chapter 41, Sections 81K to 81-GG inclusive, and Rules and Regulations for the Submission of Petitions and Plans of Subdivision for the Town of East Longmeadow, Section V. Definitive Plans.

4) Decision:

The Chair asked for a motion for approval for 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

Motion to approve all application materials and subdivision plans with all waivers and all conditions for Case SD-D 2022-1: Definitive Subdivision Plan for Happy Acres Subdivision as submitted made by Board member Pete Punderson; second by Vice Chair George Kingston and approved by roll call vote four (4)-zero (0).

Waivers:

1. Waiver petition for the Definitive Subdivision for Happy Acres under the RULES AND REGULATIONS FOR THE SUBMISSION OF PETITIONS AND PLANS OF SUBDIVISION FOR THE TOWN OF EAST LONGMEADOW, MASSACHUSETTS §5.3, requirement for plans to be at a scale of 1"=40' – Waiver granted for plans to be drawn at a scale of 1"=60'.
2. Waiver petition RULES AND REGULATIONS FOR THE SUBMISSION OF PETITIONS AND PLANS OF SUBDIVISION FOR THE TOWN OF EAST LONGMEADOW, MASSACHUSETTS, § 6.2.5, requirement for a pavement width of 30 feet. – Waiver granted for a 24' paved width.

3. Waiver petition RULES AND REGULATIONS FOR THE SUBMISSION OF PETITIONS AND PLANS OF SUBDIVISION FOR THE TOWN OF EAST LONGMEADOW, MASSACHUSETTS, § 7.2.5, requirement for sidewalks, – Waiver granted to allow for the installation of sidewalks on one side of the street within the subdivision cul-de-sac.
4. Waiver petition RULES AND REGULATIONS FOR THE SUBMISSION OF PETITIONS AND PLANS OF SUBDIVISION FOR THE TOWN OF EAST LONGMEADOW, MASSACHUSETTS, § 7.3.4.3(f)(1), requirement for fence around stormwater basin, – Waiver granted to allow the omission of a fence around the stormwater basin.
5. Waiver petition RULES AND REGULATIONS FOR THE SUBMISSION OF PETITIONS AND PLANS OF SUBDIVISION FOR THE TOWN OF EAST LONGMEADOW, MASSACHUSETTS, § 4.3 and 6.1.3 requirement for protection of trees greater than 18 inches in diameter, – Waiver granted to omit the requirement for the protection of trees greater than 18 inches in diameter.
6. Waiver petition RULES AND REGULATIONS FOR THE SUBMISSION OF PETITIONS AND PLANS OF SUBDIVISION FOR THE TOWN OF EAST LONGMEADOW, MASSACHUSETTS, § 6.2.6(1) requirement for maximum length of a cul-de-sac, – Waiver granted to allow the maximum length to exceed nine-hundred (900) feet of the cul-de-sac.
7. Waiver petition ZONING BY-LAW FOR THE TOWN OF EAST LONGMEADOW, MASSACHUSETTS, § 7.424 – Waiver granted to omit the requirement of showing the location and use of all existing and proposed buildings and structures within the subdivision plan.
8. Waiver petition ZONING BY-LAW FOR THE TOWN OF EAST LONGMEADOW, MASSACHUSETTS, § 7.425 – Waiver granted to omit the requirement of showing the location of parking areas, driveways, sidewalks, ramps, buffers for screening, paths, landscaping, lighting fixtures, planting areas, walls, etc.
9. Waiver petition ZONING BY-LAW FOR THE TOWN OF EAST LONGMEADOW, MASSACHUSETTS, § 7.428 – Waiver granted to omit the requirement of a landscape plan.
10. Waiver petition ZONING BY-LAW FOR THE TOWN OF EAST LONGMEADOW, MASSACHUSETTS, § 7.430 – Waiver granted to omit the requirement of showing existing and proposed business signs.

Approved Waivers shall be listed on plans.

Conditions for Approval:

1. It is understood that Operation and Maintenance of the storm water management systems and Long Term Pollution Prevention Plan [that includes measures to prevent illicit discharges] will be the responsibility of the developer during construction. Operation, Maintenance, and Long Term Pollution Prevention Plan [that includes measures to prevent illicit discharges] shall be the responsibility of the lot owners after construction is completed and noted as a deed restriction on those lots created by this approved subdivision for Happy Acres Subdivision.
2. The project must be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board no later than two (2) years from the date of endorsement of plans as per section 5.4.1 and 5.4.3 of the Town of East Longmeadow Subdivision Regulations.
3. The applicant shall ensure that any plan corrections identified by the Planning and Community Development Department shall be completed and presented on the final plan set and/or case documents.
4. The applicant shall submit a final plan set to the Planning and Community Development department in the following formats:

One (1) Mylar – Full Set Size
Two (2) 24" x 36" Plan Sets
One (1) 11" x 17" Plan Set
One (1) USB Plan Set in PDF format

5. Following the completion of construction, the Applicant shall submit As-built plans to the Planning and Community Development Department.
6. The Applicant shall ensure that a copy of the Certificate of Action, bearing the certification of Town Clerk signifying no appeal has been made against the project's approval, be provided for the Planning and Community Development Department.
7. The applicant shall present any proposed modification from the approved plans for consideration to the Planning and Community Development Director for determination as to whether the modified plan must return before the Planning Board.

Prior to the Endorsement of the Definitive Subdivision Plan:

- The Applicant shall submit a Performance Guarantee for review by the Planning and Community Development Director and Town's Legal Counsel.
- The Applicant shall submit a municipal lien certificate demonstrating that all taxes for properties in the subdivision are paid in full.
- The Applicant shall submit all drainage and utility easement documents. All documents shall be reviewed and approved by the Town's Legal Counsel and Department of Public Works, evidence which shall be provided by the applicant to the Planning and Community Development Director.
- The final set of plans for endorsement shall incorporate and list all of the conditions from the Certificate of Action.

Prior to the Start of Construction:

- The subdivision decision, evidence of performance guarantee, and final approved subdivision plan shall be recorded at Hampden County Registry of Deeds by the Applicant, with proof of recording submitted to the Planning and Community Development Department no later than 90 days of the filing of the decision within the endorsement of the plan by the Planning Board.
- The Applicant shall record the Covenant and all easement documents that have been reviewed and approved by Town's Legal Counsel. The applicant shall submit proof of recording at Hampden County Registry of Deeds to the Planning and Community Development Department.
- The applicant shall submit a construction schedule and attend a pre-construction meeting with the Planning and Community Development Director, Department of Public Works, and the Applicant's General Contractor. Notice of the meeting shall be given to the Conservation Commission, Department of Public Works, and Planning and Community Development Director.

- The Applicant is required to provide the Conservation Commission, Department of Public Works, and Planning and Community Development Director with a minimum of 48 hours prior to notice of start of construction.


During Construction:

- All construction activity shall take place between the hours of 7:00 a.m. to 6:00 p.m. Monday thru Saturday. There shall be no construction activity on Sunday.
- During construction, the Applicant shall ensure adequate protection against toxic or hazardous materials discharge or loss through corrosion, accidental damage, spillage, or vandalism through such measure as provisions for spill control in the vicinity of chemical or fuel delivery points, secure storage areas for toxic or hazardous materials and indoor storage provisions for corrodible or dissolvable materials.
- The Applicant shall establish a staging area on-site for storage of construction equipment and other vehicles; the staging area shall be located as far away as possible from sensitive resource areas. This area shall be used for the storage of top soil, trucks and heavy equipment. Straw bales and silt fencing shall be installed around any storage stockpiles of earth materials or fill. The site construction general contractor shall be provided with a copy of this document at the pre-construction meeting.
- The Applicant must provide temporary stabilization of all slopes within two business days of initial site grading.
- During construction the Applicant is required to control erosion. Silt sacs shall be installed in all catch basins and cleaned as needed. All disturbed areas must be stabilized prior to November 30th of every year to prevent erosion during winter months.

A copy of this decision was filed with the Town Clerk of the East Longmeadow on 6/17/2022.

Any person aggrieved by this decision for Preliminary Subdivision Plan Approval has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 81BB of Chapter 41 of the General Laws of Massachusetts. NOTE: The above timeframes are suspended and extended pursuant to Section 17 of Chapter 53 of the Acts of 2020.

6/17/2022
Date



Russell Denver, Chair
Town of East Longmeadow Planning Board