

AGAWAM CONSERVATION COMMISSION  
July 9, 2020

MEMBERS PRESENT:

Sheryl Becker  
Jill Messick  
Magda Galiatsos  
Frank Meagher  
Keven Brown  
S. Page Fallon  
Henry Kozloski

ALSO PRESENT:

Pamela Kerr

VIA WEBEX

Ms. Messick called the meeting to order at 5:36 PM.

1. REVIEW ORDER OF CONDITIONS WITH CONTRACTOR – Tennessee Gas Pipeline 261 Upgrade and Loop Project

Attending the meeting from TGP were Mark Hammers, Matt Nowak, Jason Lavoie, Brian Fellman, Contractor Tommy Dunn, Project Manager Joseph Murray and Deb McCartney. Ms. Messick and Ms. McCartney agreed to review the Order of Conditions by page.

Page 1 – Ms. Messick had no comments. Ms. McCartney wanted to clarify Condition 4 concerning erosion control. She said that erosion control is installed as earth is moved. The first step for the contractor will be to clear trees and shrubs. The erosion control will be installed as the clearing process is happening. When completed, Stockman Associates will inspect and monitor the area.. On page 2 – Ms. Messick said the detailed watering plan looks good and Ms. McCartney had no comment. There were no comments on page 3. On page 4 Ms. Messick commented good on compliance. Ms. McCartney said there are now 2 compliance officers on site, Rick Krippins and Nate Sento. The approval of the compliance officers will be added to the next agenda of the Conservation Commission. Both compliance officers have been approved by the DEP. Page 5 – The Wetland Scientists approved by the Commission in March are Patrick Fellon and Terry Ramburger. The DEP has since approved them as well. On page 6 Ms. Messick spoke about Condition 23 the Wetland Scientist monitoring the status of each resource area. The dates are requiring a letter of certification to the Commission which will be sent to the commission on or before July 1, 2020. She went on to clarify that the dates can be flexible if something unusual like flood or drought should happen. On Condition 26 the rehab project point person will be the Wetland scientist Rick Krippins. Ms. McCartney clarified that the proposed upland seed mixture for the riverfront area, which was partially indigenous was rejected by the

Commission and will not be used. Instead they will be using a partial shade mix which is indigenous. The mitigation area at Tuckahoe Turf Farm requires no seed mix. Pages 8 & 9 – No comments. Page 10 – Condition 33 – Ms. McCartney said one certification was sent on June 20, 2020 for no less than 20 days, no greater than 40 days, cleared the stream crossing through August 1, 2020. The engineer will be going out on Monday July 13, 2020 which will then expand it another 20 days from there. Ms. Messick suggested that a motion be made to issue authorization to proceed if needed now. Ms. McCartney said they didn't ask for an authorization as one is not needed at this time because they are not ready. US Pipeline has brought contractors trailers into the yard but construction has not started yet. Pages 11 & 12 – no comments. Ms. Galiatsos asked if the Commission will be inspecting the work periodically. Emily Stockman of Stockman Associates was chosen to do the inspections. Ms. McCartney said the DEP has indicated verbally that they are okay with the dewatering plans but has not yet given written approval which she will forward to the Commission as soon as she receives it. Resident Susan Grossberg asked if there was a list available of all of the project workers and what states they are coming from voicing Covid 19 quarantine concerns. Ms. McCartney stated that this question is not a subject of the Wetland Protection Act and that the project is complying with all CDC & Massachusetts Covid requirements and guidelines.

## 2. REQUEST FOR DETERMINATION OF APPLICABILITY – 1298 Suffield Street -

Ms. Messick noted that as she drove by the property she saw that there has been a considerable amount of digging on the site with large piles of dirt and that the erosion controls were only in place on one side. Ryan Nelson of R. Levesque Associates explained that the enforcement order and the restoration plan submitted previously were approved by the Commission. The owner, Mr. Galis, wants to install a gravel storage area. Mr. Nelson went on to say that prior to any work being done on the property he staked out a 200' wetland area boundary and a 100' wetland buffer based on their delineation but not yet approved. He also said that there is a stream off site that was documented last year as intermittent. Because a drought has been issued it cannot be documented again at this time. The contractor installed the silt fence 1 to 2 feet away from the resource area. No work is being done in the resource area now. The tenant has applied for an above ground pool permit. Mr. Nelson said that with the exception of the pool, none of the work will be done in a resource area. Ms. Kerr asked Mr. Nelson if he was working on a site plan for the gravel parking area as one needs to be submitted. She also stated that the town's Engineering Department has concerns about the current work and Mr. Nelson needs to contact the Building Inspector to discuss site plan requirements. Ms. Messick said a site visit was needed to approve boundaries before the Commission's next meeting. It was decided that the site visit would be Friday, July 10, 2020 at 9:00 AM.

Motion was made by Ms. Messick and seconded by Mr. Brown to continue the RDA at 1298 Suffield Street to the July 23, 2020 Commission meeting.

VOTE 6 - 0

3. REQUEST TO AMEND ORDER OF CONDITIONS – 944 Springfield Street – Take Five Restaurant

Ryan Nelson of R. Levesque Associates stated that an enforcement order and restoration plan were done last summer. A Notice of Intent was submitted for the construction of a patio at the Take Five restaurant. The order of conditions was issued at that time. The owner would like to amend the order of conditions as he is looking to potentially enclose the patio to become indoor dining. There will also be some work being done in the parking lot including parking striping and parking reconfiguration to meet the off-street parking regulations as well as some landscaping on the Oak Street side. Ms. Messick asked how much disturbance there would be to the parking lot. Mr. Nelson said the foundation is done so there would be no new disturbance to the parking lot for that however they will be removing about 1500 sf of pavement on the north side of the building to add plantings. Ms. Messick stated that the Commission will need to see a new planting plan. Ms. Galiatsos asked if the parking area would be the same to which Mr. Nelson replied that the parking area will remain the same but there will be changes to the striping. Ms. Messick agrees as Mr. Nelson has supplied a list of plants and the Commission has enough information to amend the existing order of conditions rather than opt for a new Notice of Intent. Ms. Kerr added that a public hearing must be held whether the Commission decides to require a new NOI or amend the existing order. The Engineering Department will be reviewing the project as well.

Motion was made by Ms. Galiatsos and seconded by Mr. Meagher to allow the proposed work at Take Five Restaurant as presented this evening through an amendment to the existing Order of Conditions at 944 Springfield Street.

VOTE 6 – 0

A Public Hearing to amend the Order of Conditions will be put on the Conservation Commission Agenda for the August 14, 2020 meeting.

4. ENFORCEMENT ORDER UPDATE – End of St. Jacques Avenue

Ms. Messick said that she drove to the site today and the work is done and has been done so professionally therefore she is willing to lift the order. Ms. Kerr suggested keeping the Enforcement Order in place as there is a requirement for continued monitoring of the restoration area. Ms. Messick agreed.

5. 6:00 PM – PUBLIC HEARING – Notice of Intent – Springfield Water and Sewer – Connecticut River Crossing

Present representing the Springfield Water & Sewer Commission were Betsy Frederick of Kleinfelder (consultant) Steve Frederick and Jason Lavoie of Springfield Water and Sewer Commission and lead Technical Engineer, Gus O’Leary. Mr. Frederick commented that this is a critical capitol project. This past year has been a very successful first year for the project and their consultants are working to see that all regulations are met. Betsy Frederick then explained

that the regulatory processes involved are dependent upon each other. They are working with the National Heritage groups on the issuance of the Conservation and Management Plan (CMP) permit and with that CMP they can come back to the Conservation Commission for the Order of Conditions. With the order they can then proceed with the water quality certification, the Chapter 91 license and the Army Corps 404 permit. Mr. O'Leary presented the Notice of Intent for the Springfield Water & Sewer Commission. He said he is here to discuss the Agawam portion of the in- river work and the resource area work, including the open cut in the Connecticut River as part of the river crossing construction and installation of the crossing pipes. The project in general consists of 2 -42" HTPE mains and 1-42" HTPE force main, these pipes being an integral part of the project. Once the trestle and barges are in place, the trenching across the CT River will begin. They are working with the DEP and National Heritage to be sure all regulations are met. The initial activities will be the dredging to allow for the passage of the large barges and then the installation of the pipes 100' at a time. Approximately 34 inches of natural sediment will be dredged from the river and put in piles at the laydown area for that material which is at the southern end of the treatment plant outside of the riverfront area and will eventually be re-used to restore the existing grades. Ms. Frederick said that the underwater resource area being affected is extensive for the purposes of sturgeon exclusion. On the Springfield side of the River impacted sediments will be removed using environmental buckets and will be temporarily staged in the same laydown area but in a separate remediation management area. There will be limited processing as per the sediment management proposal. The sediment will be on the staging area only for a short time then re-used. Mr. O'Leary went on to say that the sediment will only be at the staging area for one month total including the 2 weeks processing time. Mr. Brown asked how much total sediment is being displaced by the pipes. Mr. O'Leary replied that he did not have the exact number but it will be thousands of yards.

Ms. Messick noted that the DEP file number and comments were received by the Commission on the day of the meeting. Ms. Frederick said she has questions for Mark Stinson at the DEP regarding the DEP's concerns. They are in close contact with many agencies and at this time, the water quality certificate is being drafted. Ms. Messick stated that the new Order of Conditions shall not be in conflict with the existing order. Mr. O'Leary said that in terms of resource boundaries, supplemental flagging has been installed on the northern and on the southern side of the laydown area outside of the riverfront zone. There should be no problem with delineation of the resource area. Ms. Kerr asked if there were any flood plain concerns. Mr. O'Leary says the project does not have a long term effect as it does not serve as storage in the 100 year flood plain therefore compensatory storage is not required. Ms. Galiatsos stated the trestle and work to be done was interesting but was wondering if it will be put on an Order of Conditions. Mr. O'Leary said perhaps since there are substantial details to be considered and he mentioned that protective measures have been built in to protect the wildlife species. Ms. Frederick stated that she is hopeful to have more information from Mr. Stinson at DEP by the next Conservation Commission meeting on July 23, 2020.

Ms. Kerr noted that the next meeting on Thursday, July 23, 2020, will be held through Zoom. The agenda will contain the information needed to join the meeting. Ms. Messick said that they will have to continue and that the public hearing will not be closed until National Heritage has issued its determination.

Motion was made by Mr. Brown and seconded by Mr. Fallon to continue the public hearing for the Notice of Intent for the Springfield Water and Sewer Commission to the next meeting of the Conservation Commission on July 23, 2020.

VOTE 6 – 0

6. PUBLIC HEARING CONT. – Notice of Intent – Main Street & Reed Street – Town of Agawam

Motion was made by Ms. Galiatsos and seconded by Ms. Becker to continue the Notice of Intent for Main Street and Reed Street to September 10, 2020 as requested.

VOTE 6 - 0

7. APPROVAL OF MINUTES – March 12, 2020

Motion was made by Ms. Galiatsos and seconded by Mr. Meagher to approve the minutes of March 12, 2020 as written.

VOTE 5 – 0 – 1 (Fallon abstained)

8. CERTIFICATE OF COMPLIANCE – 41 Windermere Drive

Motion was made by Mr. Meagher and seconded by Ms. Galiatsos to issue the Certificate of Compliance for 41 Windermere Drive pending a positive inspection.

VOTE 6 – 0

9. EMERGENCY ORDER – Leland Avenue – DPW (RATIFY)

Ms. Kerr explained that there is a beaver dam located on property at the end of Leland Avenue and that the Health Department had issued a permit for its removal and trapping. Mr. Kozloski issued an Emergency order for the work.

Motion was made by Mr. Fallon and seconded by Ms. Galiatsos to ratify the Emergency Order for Leland Avenue.

VOTE 6 – 0

EMERGENCY ORDER – 1050 River Road – (RATIFY)

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Motion was made by Ms. Galiatsos and seconded by Mr. Brown to ratify the Emergency Order for 1050 River Road for the removal of two trees.

VOTE 6 – 0

The meeting adjourned at 6:47 PM.