

AGAWAM CONSERVATION COMMISSION
July 23, 2020

MEMBERS PRESENT:

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

ALSO PRESENT:

Pamela Kerr

VIA Zoom Webinar

Mr. Kozloski called the meeting to order at 5:30 PM.

1. REQUEST FOR DETERMINATION OF APPLICABILITY CONT. – 1298 Suffield Street –
TCR Properties, LLC

Ryan Nelson of R. Levesque Associates presented the revised plan on screen. A site visit was done by the members of the Conservation Commission the previous week. To re-cap Mr. Nelson stated that the owner is looking to put a gravel parking lot outside of the riverfront area and outside of the wetland buffer. There is a stream located off-site to the north which was documented last year prior to any drought. No issues were brought up at the site visit. Ms. Messick Ward confirmed that Mr. Nelson is requesting that the Commission approves the boundaries, the work being done and the area of work. Ms. Kerr suggested that separate motions be made for each request.

Motion was made by Ms. Messick Ward and seconded by Mr. Meagher for 1298 Suffield Street, the area depicted on the plans referenced is an area subject to jurisdiction under the wetlands protection act.

VOTE 7 – 0

Motion was made by Ms. Messick Ward and seconded by Ms. Becker for 1298 Suffield Street that the boundaries of the resource areas depicted on the plans are accurately delineated.

VOTE 7 – 0

Motion was made by Ms. Messick Ward and seconded by Mr. Meagher for 1298 Suffield Street that the work depicted on the plan is not subject to the wetlands protection act as it is outside of the jurisdiction.

Vote 7 – 0 in favor

Mr. Kozloski asked if any markers will be put up along the southerly side and easterly side which is being restored and asked if it will be in the enforcement order. Mr. Nelson said that, that was agreed upon with the owner, Mr. Galis, at the site visit. Ms. Messick Ward said it will be added as a condition of the determination.

Motion was made by Ms. Messick Ward to require markers on the boundary as discussed as a condition of the determination of applicability.

VOTE 7 – 0 in favor

2. PUBLIC HEARING CONT. – Notice of Intent – Springfield Water and Sewer –
Connecticut River Crossing

Representing Springfield Water & Sewer Commission were Betsy Frederick of Kleinfelder, Gus O’Leary and Jason LaVoie of SWSC. Mr. O’Leary gave a brief overview of the project. Phase one for the upland area was presented previously. Phase two is the new work for the river crossing itself. He discussed the installation of the pipes that will span the river within the limits of work shown on the plan on the screen. There will be two upstream barriers, one in Springfield, and one in Agawam. The same laydown area on the south side of the area will again be used. Mr. Kozloski would like update reports on the project every two to three weeks. He would also like to know where the hazardous materials from the Springfield side are being stored in Agawam and when it is removed. He also asked if there will be any testing of the site after the hazardous materials are removed. Mr. O’Leary replied that the removal will be handled in accordance with the MCP which requires the materials not be stored directly on the ground. The contractor will pave the west side of the laydown area and work with the materials on top of the pavement. The pavement will then be removed at the conclusion of the project. He would consider testing if requested by the Commission. He went on to say that all contaminated materials from the Springfield side will be treated to make it suitable for transportation. Saturated materials will be dewatered, treated and filtered prior to discharge. The blacktop area will be curbed and bermed to prevent run-off. Mr. Kozloski asked if all permits have been received from endangered species, DEP and the Army Corps. Of Engineers to which Mr. O’Leary replied that all permits are in process. Ms. Frederick added that many permits are dependent upon the Conservation Commission’s order of conditions. Natural Heritage expects the conditions of the CMP to address their concerns. A draft CMP is expected in two weeks. Mr. Kozloski suggested a site visit should be made before the order of conditions is written. As far as safety requirements for a site visit, Mr. O’Leary said that steel-toed boots, hard hats and vests would be required. There were no questions from the public. Ms. Kerr said a site visit will be arranged before the

Commission's next meeting. Mr. O'Leary suggested that updates be reported twice a month leading up to the start of the excavation.

Motion was made by Ms. Messick Ward to continue the Public Hearing for the Connecticut River Crossing project for three weeks until the August 13 Conservation Commission meeting.

VOTE 7 – 0

Motion was made by Ms. Messick Ward and seconded by Mr. Fallon to take the minutes out of order.

VOTE 7 – 0

3. APPROVAL OF MINUTES – July 9, 2020

Motion was made by Ms. Messick Ward and seconded by Ms. Galiatsos to approve the minutes of July 9, 2020 as written. Mr. Kozloski noted that all votes should be 6 – 0 as he was present but did not vote.

VOTE 6 – 0 – 1 Kozloski abstained

4. OOC Conditions #16, 20 and 22 – Tennessee Gas Pipeline – 261 Upgrade and Loop Project

Deb McCartney was present to review the Order of Conditions, Conditions 16, 20 and 22. Condition 16 – dewatering plans – DEP approved the plans. Condition 20 – regarding Compliance monitors – Conservation Commission had previously approved some compliance monitors but as one will not be on board, TGP is requesting the approval of Nate Sanko as a compliance monitor. 22 – Acceptance of tables that the Commission had asked to be revised.

Motion was made by Ms. Messick Ward and seconded by Ms. Galiatsos, under condition 20 to approve Nate Sanko as a Compliance Monitor.

VOTE 7 – 0

Motion was made by Ms. Messick Ward and seconded by Mr. Meagher to accept the revised tables submitted in reference to condition 22.

VOTE 7 – 0

Motion was made by Ms. Messick Ward to accept the de-watering plan since it has been accepted by the DEP.

VOTE 7 – 0

5. 6:00 PM – PUBLIC HEARING – Notice of Intent – 173 Southwick Street – Hillside Development Corp.

Filipe Cravo of Robert Levesque Associates presented the Notice of Intent application for the Definitive Subdivision plan, Nicole Terrace at 173 Southwick Street. The property was formerly used for agriculture and is next to the Polish American Club. The property is about 10.74 acres and gently grades down from Southwick Street to the rear of the property to the south and southwest. There are a number of bordering vegetative wetlands just off the property to the west and to the south. There is an existing drainage easement running to the south through culverts.. There are agricultural buildings currently on the property. Mr. Cravo stated they are preparing responses to the Engineering Department's comments but the plans shown on the screen are the originals submitted with the application. There is riverfront area associated with the culvert that passes through the property through the easement and also some perennial streams off-site on the west side of the property. He said the proposed project is a 14 lot subdivision with 1100 linear foot roadway intersecting with Southwick Street and will connect to the dead end portion of Nicole Terrace, extending Nicole Terrace through the new subdivision and out to Southwick Street. The drainage system is designed to capture run-off through a series of catch basins located along the gutter line of the roadway. Those will convey storm water run-off toward a proposed retention basin adjacent to the southern property line on lot# 8 and will be treated before it is conveyed to the existing drain line. The Roadway will be built all at once and the homes will be built as the lots are sold. There is an existing house on Lot A that will remain. They received no comments from the DEP. They will continue to work on comments from the Town's Engineering Department and Planning Board. Mr. Nelson explained that Lot 12 is not part of this NOI and no disturbance will occur on that lot. Any further building on Lot 12 will be a separate NOI as part of the lot is in the riverfront area. Mr. Cravo said that there would be a small riverfront impact of 400 sq. ft. which would involve the removal of only one tree behind Lot# 9. The retention basin will be constructed as one of the first parts of construction. He said that maintaining the retention basin would be the responsibility of an association with the DPW having access. Ms. Kerr said that the Planning Board will review that. Currently in Agawam, detention basins in subdivisions are part of a lot and the responsibility of the home owner to maintain. Mr. Fallon brought up the issue of substantial erosion on the property from over land flow from the Polish American Club. Mr. Nelson said that this is due to the lack of vegetative coverage. Since the area is no longer being farmed, the vegetation should be present now to stop the erosion. Mr. Kozloski mentioned a concern that they are trying to circumvent the Riverfront Act by keeping Lot# 12 as a separate NOI. Ms. Messick Ward feels that perhaps they are putting extra effort into complying with the act. Mr. Nelson also said that the lots will not be cleared of vegetation until a house is being built. The property is a wide open corn field and there are no trees to clear. Individual grading plans are being done for each lot as part of the subdivision regulations.

The meeting was opened to the public.

Carol Frederick of 47 Charter Oak Drive, stated that she is concerned that the access through Nicole Terrace will cause increased traffic through the neighborhood. Ms. Kerr explained that the Conservation Commission's discussion tonight is about the Wetlands Protection Act and that the Planning Board Public Hearing on August 6, 2020 would be the appropriate time to ask that question. Ms. Frederick also asked about why Lot# 12 was a concern Ms. Messick Ward

explained about the river and riverfront areas regarding building. Mr. Kozloski said that the Commission needs a site visit. He is asking RLA to place markers for the location of the street, the detention basin, the entrance from Southwick Street and a marker on Lot# 12 where the riverfront ends.

Motion was made by Ms. Messick Ward and seconded by Mr. Meagher to continue the Public Hearing for 173 Southwick Street to August 13, 2020.

VOTE 7 – 0

6. 6:30 PM – PUBLIC HEARING – Amendment to Order of Conditions – 944 Springfield Street – Take Five Restaurant

Ryan Nelson of R. Levesque Associates started by saying that at the last Conservation Commission meeting they had discussed possible site revisions being considered by the owner. They have withdrawn the site plan, however, they would like the amendment order of conditions approved in case in the future they move forward with the project. He said that the majority of the site is in the riverfront area. A concrete patio was built under a previous order of conditions and closing it in to become part of the restaurant was being considered. There were also some landscaping changes considered. Ms. Messick Ward asked if it was approved as an amendment to an order of conditions could they come back and want to do something completely different. Also, can the Commission amend an amended order of conditions, if so, how many times? Ms. Kerr stated it can be done as long as there are no further resource area impacts.

Motion was made by Ms. Messick Ward and seconded by Ms. Galiatsos to close the public hearing and issue the amended order of conditions for 944 Springfield Street.

VOTE 7 – 0

7. 6:45 PM – PUBLIC HEARING – Notice of Intent – 0 Poplar Street – Lucia

Tom Lucia presented the Notice of Intent. The plan is to build a single family home on the existing lot. He shared on the screen the latest plan which was submitted to the DEP. The back of the property has a stream running through it. The bordering vegetated wetland has been delineated as well as the high water mark. DEP requested that Mr. Lucia add what the 100' buffer zone represents. He said it represents the 100' buffer zone from the bordering vegetative wetlands not the high water mark. He is still revising the plans in response to comments from Mark Stinson of the DEP. Ms. Messick Ward would like to see the 100' and 200' riverfront marked then if Mr. Lucia revises the plan in conversation with Mr. Stinson the plan would be acceptable to the Commission. The Commission cannot take action until the plan is revised. Mr. Kozloski recommends a site visit. He would like the buffer zones, the riverfront, the 35' setback and the location of the house marked before the site visit. He also suggested that the house be moved 8' forward in line with the proposed garage to be further from the buffer zone and Mr. Lucia pointed out that it would also make it closer to the 35' setback. The meeting was opened to the public.

Kevin Walters of 374 Poplar Street asked if the comments from the DEP are available to the public. Ms. Kerr said they are public and she would be happy to email them to him. Mr. Kozloski said that to clarify the riverfront activity, this lot was divided before 1996 so the full extent of the Riverfront Act does not completely kick in.

Motion was made by Ms. Messick Ward and seconded by Mr. Meagher to continue the Public Hearing for 0 Poplar Street until August 13, 2020

Vote 7 – 0

8. PUBLIC HEARING CONTINUED – Notice of Intent – Main Street & Reed Street – Town of Agawam (previously continued to September 11, 2020.)

9. Correspondence and Complaints - none

Motion was made by Ms. Messick Ward and seconded by Ms. Galiatsos to adjourn the meeting at 7:00 PM

Vote 7 - 0