

AGAWAM CONSERVATION COMMISSION
October 25, 2018

MEMBERS PRESENT:

Henry A. Kozloski, Chairman
Sheryl Becker
S. Page Fallon
Frank Meagher
Jill Messick

MEMBERS ABSENT:

Magda Galiatsos

ALSO PRESENT:

Pamela Kerr

Mr. Kozloski called the meeting to order at 6:00 PM.

1. PUBLIC HEARING CONT. – 28 Cynthia Place – Champagne

Mr. Champagne was in attendance with his representative, Jon Goddard of R. Levesque Associates. A site visit was conducted earlier in the week with three members of the Commission present. Mr. Goddard submitted a revised plan this evening in response to the site visit. He explained that the plan show shows restoration of the portion (252 sf) of the wetland that was accidentally filled during construction rather than provide a replication wetland as was originally proposed. He explained that a retaining wall would still be needed at the border of the area when it is restored. He stated that while there is currently 252 sf of disturbance/impacts, with the wall being pulled back and the areas restored will equal 269 sf of impacts. He then stated that as requested the northern property line was staked for the site visit in response to a DEP concern that work may have been done off this site. He stated that the Oliver mapping is not accurate for this location. He went on to say that per DEP, he will be glad to provide a checklist and monitoring forms of the restoration area. Mr. Kozloski asked what material the retaining wall would be constructed of and the proposed height. Mr. Goddard stated dry laid stone and would be 3' to 5' or enough to lessen the grade to make the area safe. Mr. Kozloski asked if there would be drainage installed in the wall. Mr. Goddard indicated no, they would place fabric and stone which would be porous throughout. He stated that a 5' high retaining wall would mean that the Building Inspector would have to review it. Ms. Messick stated that the plan shows a small portion of bvw to be filled for the restoration and retaining wall. Mr. Goddard explained yes, a small portion would need to be filled to accommodate the restoration and wall. Ms. Becker stated that she finds it disturbing to see this proposed work for a to accommodate a 1' to 2' lawn to mow. She does not support the proposed work, sees no need for it and feels that because a portion of the wetland was filled it does not mean the owner should be allowed to do more work in the area. She reiterated that she does not feel the work is necessary and that the Conservation Commission's job is to protect the wetlands. Mr. Goddard explained

that Mr. Champagne came forward with the information that a small portion of bvw was accidentally filled and he wants to be afforded permission to use this area. He stated that no further wetland encroachment beyond the retaining wall is proposed. Ms. Messick stated that it appears that the grading was not done according to the approved plan at the rear of the lot where they are proposing a second retaining wall. She stated that she agrees with Ms. Becker. She went on to say that she does not agree that the retaining wall adjacent to the driveway would not impact water flow. She suggested that they investigate how to provide a decent slope and provide plantings; other than placing a “solid object” in the wetland. She feels that would be more acceptable under the Act. She stated that she would prefer wetland replication as originally proposed.. Mr. Kozloski stated that the owner must address the area of wetland that was filled and that DEP supports restoration. Ms. Messick stated that there is no natural break in the slope in the area of the proposed retaining wall near the house and does not support a retaining wall in this area. Ms. Becker stated that she did not have a problem with that area. In conclusion, the members continued the public hearing to the November 8th meeting. Another site visit will be scheduled prior to that meeting for the members that were not at the first site walk.

Motion was made by Ms. Messick and seconded by Ms. Becker to continue the public hearing for 28 Cynthia Place to the November 8, 2018 meeting.

VOTE 5-0

2. REQUEST FOR DETERMINATION CONT. – Tennessee Gas Pipeline Co. 261 Upgrade Projects

Three Commission members walked the proposed project last week along with their peer reviewer, John Prenosil and representatives of SWCA and TGP. The members were in agreement with the mapping as presented with two slight revisions per Mr. Prenosil and presented in his report submitted today. It was explained that the survey area is larger than the anticipated need for construction with their goal being not to have to come back to the Commission at a later date if needed. A revised plan was submitted this evening showing the changes Mr. Prenosil requested. Ed Cecchi of 1342 Suffield Street was in attendance and stated that TGP is also increasing some of their easements.

A Notice of Intent will be submitted for the proposed work associated with this project.

Motion was made by Ms. Messick and seconded by Mr. Meagher to issue a Positive Determination of Applicability for the Tennessee Gas Pipeline Proposed 261 Upgrades, approve the wetland delineation as amended.

VOTE 5-0

3. PUBLIC HEARING CONT. – Notice of Intent – 1178 Suffield Street – Hrom

The applicant’s representative requested that this hearing be continued to November 8th .

Motion was made by Ms. Messick and seconded by Mr. Fallon to continue the public hearing for the Hrom NOI to November 8th as requested.

VOTE 5-0

4. CERTIFICATE OF COMPLIANCE – 67 Hunt Street – Aspen Square Management

Mr. Kozloski stated that he would make this inspection.

Motion was made by Ms. Messick and seconded by Ms. Becker to issue a Certificate of Compliance for 67 Hunt Street pending a favorable inspection by a Commission member.

VOTE 5-0

5. ENFORCEMENT ORDER UPDATES – Federal Street

There was nothing new to report on this Enforcement Order.

6. APPROVAL OF MINUTES – October 11, 2-18

Motion was made by Ms. Messick and seconded by Mr. Fallon to approve the minutes of October 11, 2018 as written.

VOTE 4-0-1 (Meagher abstained)

7. Correspondence and Complaints

The Commission received a memo from the Engineering Department summarizing the recent site visit at Mr. Russo's Mapleview Commons project. The site visit was set up in response to a complaint regarding water eroding patios and questioning whether the slopes were graded properly. Mr. Russo was sent a letter requesting a written response to these issues prior to tonight's meeting. This was not received and Mr. Russo was not in attendance. Jon Goddard of R. Levesque Associates was in attendance for another matter. He stated that they have not been requested by Mr. Russo to assist with this but he would look into the matter as R. Levesque Associates designed the project. Mr. Kozloski stated that the plan shows a 3:1 slope behind the buildings and it does not appear that has been met. Also, the water from the down spouts is undercutting patios. Deb Duquette, a resident at the project, was in attendance this evening. She will be submitting a list of items that need to be completed or looked at for the Commission to review. The members informed her that the Commission only has jurisdiction over wetland issues and that some of her concerns may get forwarded to other departments.

343 North West Street – A complaint was received that the owner of 343 North West Street dug a trench to drain water onto the neighboring property. Mr. Kozloski and Mr. Fallon made a site visit and a letter was sent to the property owner asking for their attendance at tonight's meeting. They were not in attendance. Another letter will be sent.

Ramah Circle – Emergency Order (ratify)

Mr. Kozloski explained that he issued an Emergency Order for the Town to clean the outlet pipe on Ramah Circle North as there is flooding in the area as well as the pipe backing up. The Health Director declared this a health and safety matter.

Motion was made by Ms. Messick and seconded by Mr. Fallon to ratify the Emergency Order for Ramah Circle North – Town of Agawam.

VOTE 5-0

CERTIFICATE OF COMPLIANCE – 17 Independence Road

Mr. Kozloski stated that he would make this inspection.

Motion was made by Ms. Messick and seconded by Mr. Meagher to issue a Certificate of Compliance for 17 Independence Road pending a favorable inspection by a Commission member.

VOTE 5-0

67 Charter Oak Drive – The owner stopped in the office regarding a dead tree that is in danger of falling on his shed. Mr. Kozloski went out and took pictures. He stated that the tree is close to the stream bank but will also fall on the street and sidewalk if it does come down. The members felt that an RDA should be filed. Mr. Kozloski stated that there is another dead tree in the back yard but the owner only wants to take the one tree down at this time. A Determination is valid for three years. It was then discussed that we ask the Tree Warden to take a look at the tree to see if it will in fact fall on the sidewalk. He will be contacted.

Mr. Kozloski then asked the members if they would support purchasing i-pads to use for Commission meeting materials. There was mixed support for this idea. Nothing was decided.

The meeting adjourned at 7:30 PM.