

AGAWAM CONSERVATION COMMISSION
May 12, 2011

MEMBERS PRESENT:

Henry A. Kozloski
Sheryl Becker
Magda Galiatsos
Fred Harpin
Jill Messick
Mark Soticheck

ALSO PRESENT:

Deborah S. Dachos
Pamela R. Kerr

1. REQUEST FOR DETERMINATION – 144 Parker Street – Ingari

Ms. Messick explained this RDA as she and Ms. Becker met on-site with the homeowners. They would like to remove some stumps from their backyard and grade the area. She stated that there is a steep slope down to a wetland approximately 30' away. She recommended a Negative Determination. Mr. Harpin asked Mr. Ingari if the stumps will be grinded. Mr. Ingari stated yes.

Motion was made by Ms. Messick and seconded by Mr. Harpin to issue a Negative Determination of Applicability for Ingari, 144 Parker Street.

VOTE 6-0

6. CERTIFICATE OF COMPLIANCE – Robinson Park (dredging) – DCR

Mr. Kozloski stated that he made a site visit and found that there is additional grading needed in one area. He recommended that this item be tabled.

Motion was made by Mr. Soticheck and seconded by Mr. Harpin to table the Certificate of Compliance for Robinson Park (dredging) to the next meeting.

VOTE 6-0

5. REQUEST TO AMEND ORDER – Lot 2 Robin Ridge

Rob Levesque submitted a letter to the Commission stating that since the last meeting they have made additional changes to the grading plan of lot 2 Robin Ridge and they no longer require an amendment to the Order. The plan does show a culvert under the driveway as was requested by the Commission previously.

Motion was made by Ms. Messick and seconded by Mr. Soticek to approve the culvert under the driveway on lot 2 Robin Ridge as it was previously requested by the Conservation Commission.

VOTE 6-0

6. ENFORCEMENT ORDERS (updates

Robinson Park – Mr. Kozloski stated that the work required under both Enforcement Orders has been completed.

Motion was made by Mr. Soticek and seconded by Ms. Becker to lift the two Enforcement Orders issued to DCR for Robinson Park and asking that the Commission be notified when the chipping will be done.

VOTE 6-0

Robin Ridge – Ms. Messick stated that she has been out to the subdivision and recommends that Enforcement Orders remain in place.

43 South West Street – Ms. Messick stated that the restoration area has been planted and seeded. She will re-inspect prior to the next meeting to see if the Enforcement Order can be lifted.

Optasite – Main Street – Mr. Kozloski stated that he has not heard back from DEP yet.

Paul Revere Drive- A follow-up inspection is needed to determine if the Restoration Plan has been completed.

9. APPROVAL OF MINUTES – April 28, 2011

Motion was made by Mr. Soticek and seconded by Ms. Messick to approve the minutes of April 28, 2011 as written.

VOTE 4-0-2 (Becker & Harpin abstained)

10. PUBLIC HEARING CONT. – Notice of Intent – Mark Drive – Langone

Motion was made by Ms. Messick and seconded by Mr. Soticek to continue the public hearing for Langone on Mark Drive as DEP has not yet issued a file number.

VOTE 6-0

2. REQUEST FOR DETERMINATION – Mountain View Street – King

Katie Bednaz, for D.L. Bean, Inc., was in attendance to present this RDA for wetland delineation on Mountain View Street and whether the work (construction of single family home) comes under jurisdiction of the Act. Members walked this site today with Ms. Bednaz to view the wetland flags. Ms. Bednaz stated that the stakes that were seen on the site today were approximate (set by applicant) for the house location which touches the 100' buffer zone to a bordering vegetated wetland. She explained that some of the existing fencing that was viewed will be removed as well as the pile of debris that was seen. She went on to say that there will be no soil removed. Also, the existing barn is to be razed. Silt fence and haybales are show for erosion control. She explained that there will be clearing and some minor grading for the house construction. Mr. Kozloski stated that he feels a Notice of Intent should be submitted as the work area that is shown is small and the owner will want to enlarge that in the future. He suggested that they show additional grading and a larger work area now. Ms. Bednaz stated that she could revise this plan for the next meeting by moving the house out of the 100' buffer (approximately 10') and could minimize the slope. Ms. Becker agreed that a Notice of Intent be required. Ms. Messick stated that the work area is flat and drops on all sides and stated that the Commission has dealt with this situation in the past where heavy rains erode the slopes and cause washouts. She suggested that they pull the work envelope back further from the top of the slope as much as possible. Ms. Bednaz stated that she could pull it back 25'. She stated that it will be important for the applicant to maintain the erosion controls on the site. Mr. Harpin stated that he does not feel a Notice of Intent is necessary and suggested that the Commission put conditions on a negative Determination.

Motion was made by Mr. Harpin and seconded by Mr. Soticheck to issue a Negative Determination of Applicability for King on Mountain View Street.

VOTE 2-4

The motion failed.

There was discussion regarding the Request for Determination (RDA) which requested whether the wetland boundaries were accurate and whether the work comes under the Commission's jurisdiction. The members that walked the site agreed with the wetland flagging, however the wetlands to the north of the proposed home were not mapped.

Motion was made by Ms. Messick and seconded by Mr. Harpin to issue a Positive Determination approving the wetland delineation for King on Mountain View Street (200' riverfront area; 100' buffer zone; bordering vegetated wetland west of proposed house); the bordering vegetated wetland adjacent to the perennial stream (Three Mile Brook) north of the proposed house has not been mapped.

VOTE 6-0

At this point Ms. Bednaz stated that the applicant would rather not move the house location as they would like to maintain the existing apple trees. Ms. Messick stated that there should be more protection for the slope. There was a lengthy discussion regarding the house placement and erosion control location. In conclusion, the members agreed that the house location be left as is with a 30' setback to the slope; and the erosion control line shall be extended further south.

Motion was made by Mr. Harpin and seconded by Mr. Sotichack to issue a Negative Determination regarding the proposed work on Mountain View Street by King with the following conditions: Commission is to be notified when the erosion controls are installed; and the property shall carry the standard deed restriction.

VOTE 6-0

3. REQUEST FOR DETERMINATION – Silver Street – Aspenwood Associates LLC

Katie Bednaz of D.L. Bean, Inc. prepared and presented this RDA for confirmation of the wetland boundaries. Members walked this site with her today. She explained that there are two parcels of land involved: one owned by Aspenwood Associates and one owned by Caruso on which Aspenwood Associates has an option to purchase. These parcels total 23.3 acres. She stated that the property contains bordering vegetated wetland. There are to centerline of streams on the property and the site is mostly forested. Ms. Messick stated that she had no questions on the flagging. Ms. Becker asked that the large tree at flag #36 be maintained.

Motion was made by Ms. Messick and seconded by Ms. Becker to approve the wetland delineation for Aspenwood Associates LLC on Silver Street as presented.

VOTE 6-0

4. 7:00 PM PUBLIC HEARING – Town of Agawam – School Street

Ms. Dachos informed the Commission that MassDOT has not yet completed their review of the project and therefore the Commission cannot proceed with it.

Motion was made by Ms. Messick and seconded by Mr. Harpin to continue the public hearing for the Notice of Intent on School Street by the Town of Agawam to the next meeting.

VOTE 6-0

7. CORRESPONDENCE & COMPLAINTS

Mr. Kozloski explained that he issued an Enforcement Order to the Town of Agawam for the removal of fill from the buffer zone and wetland on the Tuckahoe property on South West Street.

Motion was made by Ms. Messick and seconded by Mr. Harpin to ratify the Enforcement Order issued to the Town of Agawam for the removal of fill at the Tuckahoe property on South West Street.

VOTE 6-0

He stated that there is a washout of the roadway at two culverts that needs immediate repair. He recommended that an Emergency Order be issued.

Motion was made by Mr. Soticheck and seconded by Mr. Harpin to issue an Emergency Order to the Town of Agawam for the repair of washout at the Tuckahoe property on South West Street.

VOTE 6-0

Longbrook Estates – Mr. Kozloski stated that he will contact Karen Hirschberg at DEP to get guidance on how to proceed on the Longbrook Estates.

808 North Street – Mr. Kozloski made a site visit in response to a complaint that the homeowner submitted regarding debris in the brook. He also met at the site with a representative of Robinson Park as the brook also flows on the Park property. It was determined that a tree had been cut but the debris was left in the brook. This will be cleaned.

100 Sylvan Lane – Mr. Kozloski met with the homeowner who would like to grade approximately 6 yards of fill in his backyard and remove trees that are leaning. There is a steep slope and a stream approximately 100' away. Members were in agreement that this would be considered normal yard work and a filing would not be necessary. A letter will be sent to the homeowner.

Mr. Soticheck stated that he had been contacted regarding the amount of debris in the stream behind the Christo's Restaurant at Mill and Suffield Streets. Members agreed to schedule a site visit.

The meeting adjourned at 7:30 PM.