

AGAWAM CONSERVATION COMMISSION
April 14, 2022

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Magda Galiatsos

ALSO PRESENT:

Taryn Egerton

Mr. Kozloski called the meeting to order at 6:05 PM and notified all present that the meeting was being audio recorded.

1. 6:00pm PUBLIC HEARING – NOTICE OF INTENT – 840 Suffield St – Eversource Energy

Kimberly Draghi and Mellissa Kaplan from BSC Group were present on behalf of the applicant. Ms. Draghi stated that the purpose of the project is to increase system reliability by creating a loop feed to the plaza and decrease the need for generation. She states that the applicant is proposing to install a new handhole within the 200' riverfront area, which would be installed at the site of the existing transformer by the McDonalds on site. Ms. Draghi stated that the location of the existing transformer needs to be moved for safety reasons, as there is not enough clearance for crews to work safely because of the drive thru lane. She stated the proposed new location for the transformer would need two trees to be taken down, a pad mount would be installed, and they will run an underground conduit to create the loop feed. She stated the conduit would mostly be installed under existing pavement. Ms. Draghi stated that work would be performed in the 200' riverfront area and 100' of inland bank. Mr. Kozloski stated that this means that the area would not lose power in certain situations, where they currently would lose power. Ms. Draghi stated yes, that if power is currently lost on Silver or Suffield St, the power would be fed from only one site. She stated that in the event of an outage, this would also decrease the outage time. Mr. Kozloski went on site and suggests that as mitigation for the two trees being removed, 2 or 3 shrubs are put in. Mr. Kozloski then opened the meeting up to the public, there were no comments, and he closed the meeting to the public. An order of conditions will be written at the end of the meeting.

2. 6:15pm PUBLIC HEARING – REQUEST FOR DETERMINATION – 609 Barry St – Johnston

Scott Johnston was present to discuss his application. He stated that he is proposing an addition on his house about 14 feet wide and 27 feet back from the house. He stated there is a stream that runs on part of the property, which will be full when it rains and then dries up in the summer. Ms. Ward asked how far from the stream the project would be located. Mr. Johnston stated that it's about 20 feet. Mr. Kozlsoki showed on the map where the stream is located and thought it was closer to 50 feet. Mr. Kozloski suggested an 8" silt sock be placed as a condition. He then opened the meeting up to the public and there were no comments.

Motion was made by Ms. Ward and seconded by Mr. Fallon to issue a negative determination with the condition of an 8" silt sock for 609 Barry St-Johnston.

VOTE 6 – 0

Mr. Kozloski requested the applicant contact the commission once the erosion controls are in place so they can take a look at it.

Motion was made by Ms. Ward and seconded by Mr. Brown to move up agenda items 9 through 13.

VOTE 6 – 0

9. ENFORCEMENT ORDER UPDATE – 618 Barry Street

Ms. Egerton stated that the builder sent in a construction schedule on March 31st. Yuri Pancheluga was present and is the owner of the property and asked if they have given permission to start work. Mr. Kozloski stated that the commission will have to agree with the plan first.

Motion was made by Ms. Ward and seconded by Mr. Meagher to approve the construction schedule submitted for 618 Barry Street.

VOTE 6 – 0

10. EMERGENCY ORDER – 158 Edgewater Road

Ms. Egerton stated there is a tree leaning over the house and the tree warden recommended its removal. She stated that the homeowner has a tree service able to come next week.

Motion was made by Ms. Ward and seconded by Mr. Brown to issue an Emergency Order for 158 Edgewater Road with the condition that the stumps are to remain.

VOTE 6 – 0

11. RATIFY EMERGENCY ORDER – 211 Lancaster Drive

Mr. Kozloski stated that that the tree warden looked at these trees, and they have been removed and work completed.

Motion was made by Mr. Meagher and seconded by Ms. Ward to ratify the Emergency Order for 211 Lancaster Drive.

VOTE 6 – 0

12. RATIFY EMERGENCY ORDER – 1291 Suffield Street

Mr. Kozloski stated that there were trees near the stream that needed to be removed and after the tree warden looked at them, he recommended their removal.

Motion was made by Mr. Meagher and seconded by Ms. Becker to ratify the Emergency Order for 1291 Suffield St.

VOTE 6 – 0

Mr. Kozloski let the public know that the commission can issue an emergency order if there are trees that are posing a danger, so that work can be completed before a tree falls down.

13. RATIFY EMERGENCY ORDER – 18 Deer Run Road

Motion was made by Ms. Becker and seconded by Mr. Brown to ratify the Emergency Order for 18 Deer Run Road.

VOTE 6 – 0

3. 6:30pm PUBLIC HEARING – NOTICE OF INTENT – 70 Campbell Dr – Battista

Ed Chapdelaine, land surveyor, and Nick Riley, of Riley Construction, were present on behalf of the project. Mr. Chapdelaine stated that this would be an addition for the back of the house to be utilized as a bathroom and laundry room for the clients. He stated that this would be going at grade and there is no topography change. Mr. Chapdelaine stated that they are in front of the commission because this project is located in the flood zone, with an elevation of 58'. He stated the elevation at the project area is 57', the proposed displacement is 24 cubic feet, and that there

is not an area on the site for compensatory storage since 57' is the highest point on the property. Mr. Chapdelaine stated that the subdivision is all around 57' and would need an easement for compensatory storage on another person's property. He stated that they are requesting the commission issue a notice of non-significance since this would change the flood plain elevation from 58' to 58.0001', rounded up. Mr. Riley stated that this small addition so that the owner can stay in her house with the downstairs bathroom and laundry. Mr. Chapdelaine stated that within the crawl space foundation, there will be one window for air and light and two flood vents. Mr. Kozloski then opened the meeting up to the public and there were no comments. He stated that there is not a DEP File Number yet. Mr. Fallon asked what the 24 cubic feet represents and Mr. Chapdelaine stated that the foundation is an 8" wall and deducted the window and joists. Mr. Fallon stated that it's essentially the total volume above the existing grade and Mr. Chapdelaine stated that is correct. Mr. Kozloski asked what the purpose of the flood vents are and Mr. Chapdelaine stated it is to equalize the pressure between the rising and falling waters. Mr. Chapdelaine requested a continuance to the next meeting.

Motion was made by Ms. Ward and seconded by Ms. Becker to continue the public hearing for Notice of Intent – 70 Campbell Dr – Battista

VOTE 6 – 0

Motion was made by Mr. Meagher and seconded by Ms. Becker to move up agenda item 15.

VOTE 6 – 0

15. APPROVAL OF MINUTES – March 24, 2022

Motion was made by Mr. Brown and seconded by Mr. Fallon to approve the minutes of March 24, 2022 as written.

VOTE 6 – 0

4. 6:45pm PUBLIC HEARING – NOTICE OF INTENT – 0 Shoemaker Ln – Duducal

Mr. Kozloski stated that a DEP File Number has not been received by the commission. Jess Goldsnider of SWCA is present to discuss the project. She stated that the applicant contacted SWCA to delineate and due the permitting for a single family home. Ms. Goldsnider stated that the delineation occurred last April, and found one continued wetland complex on the property, a perennial river on the western side, though no riverfront area will be impacted by this project. She stated the majority of the work will be done in the buffer zone, but in order to meet the proposed width of the driveway, there will be 253 square feet of wetland impact. The project is proposing 350 feet of mitigation and replication. Ms. Goldsnider stated that the plans were drawn up by R. Levesque Associates. Mr. Kozloski asked if there would be two culverts and Ms. Goldsnider stated she believed only one culvert is proposed. Rob Levesque of R. Levesque Associates was present and asked the commission if at the scheduled site visit, if two reliever

pipes were discussed. Mr. Levesque stated he believes it is just one pipe, and that they could not find anything in the regulations regarding a need for more than 12' for the driveway. He stated that there is a turnaround in the driveway if need be for emergency vehicles. Mr. Kozloski stated the commission never got an answer regarding if fire equipment can get down the driveway, but will ask the fire department. He opened the meeting up to the public and there were no comments.

Motion was made by Ms. Ward and seconded by Mr. Brown to continue the public hearing for Notice of Intent – 0 Shoemaker Ln – Duducal

VOTE 6 – 0

5. PUBLIC HEARING CONT. – NOTICE OF INTENT – 32 Shoemaker Ln – Beach Mountain, LLC

Rob Levesque of R. Levesque Associates was present for this project. He explained that this is a continuation of a proposed storage facility. He stated that there were a number of Agawam Engineering comments that have been addressed and only two are remaining, one specific to the culvert and one regarding to a sidewalk that does not have impact on Conservation. Mr. Levesque stated that the Agawam engineering department requests the culvert be cleaned out, but this is not currently in the Notice of Intent. He stated that to do this, they would need to be in the resource area and that there are endangered species on the property. He stated that while the project isn't allowed to introduce new water, the Agawam engineering department has current concerns about the water that will be directed there, which is why they are requesting the culvert be cleaned out. Mr. Kozloski stated that last winter, the town dug a trench by the road to relieve the ice on Shoemaker Lane. Mr. Levesque is not sure of the extent of the cleaning but that the engineering department has offered to meet with them to go over it. Mr. Kozloski stated that DEP comments recommended a phasing plan for the project and he went on site and was told that a phasing plan cannot happen because soil from one area will be used to fill another. Mr. Levesque stated they will be balancing the site but there is not as much grading on the top portion. He stated that the existing grade in the front is 130 feet, and elevation of the parking lot is 136 feet. He stated that in the top portion, they currently at grade. Mr. Levesque does not think that phasing does not make sense in this instance. Mr. Kozloski asked during rain, what is preventing it from getting on Shoemaker Lane during construction. Mr. Levesque stated they will have a silt fence straw bale barrier, and because the project is over an acre they have to do a swppp and could outline the erosion and sedimentation controls. He stated a swppp is stormwater pollution prevention plan and those are required for anything over an acre. Mr. Levesque suggested a construction sequencing plan and swppp in lieu of a phasing plan and to have that as a special condition. Mr. Kozloski has concerns on whether the stream to the north of the project will be affected. Mr. Levesque stated they have to match pre and post development flows and will not be dewatering that stream. Mr. Kozloski stated that it looks like all the water is flowing to the west and asked whether the wetland to the south would dry up. Mr. Levesque stated that there is some water flowing to that wetland but that they won't be adding any more than what is

currently going there. Mr. Kozloski asked where the house was located on the property and Mr. Levesque showed on the plan where it was located. Mr. Fallon asked about the stormwater runoff for the driveway on the east side. Mr. Levesque stated the driveway runoff will be going to a catch basin and showed where they are located on the map. Mr. Kozloski opened the meeting up to the public and there were no comments. The commission then went over which conditions will be put in the Order of Conditions for the project. Mr. Kozloski suggested the culvert cleaning be kept separate from the Notice of Intent. Mr. Fallon suggest an order that stated there is an agreement between the Town and applicant regarding the cleaning. Mr. Kozloski thinks it should be left out and Mr. Levesque agreed, and Steve Riley, the applicant, stated he is willing to work with Agawam Engineering to get this done.

Motion was made by Ms. Ward and seconded by Mr. Meagher to issue an Order of Conditions for the notice of intent for 32 Shoemaker Ln – Beach Mountain, LLC as written and discussed.

VOTE 6 – 0

A copy of the Order of Conditions is available in the Planning and Community Development office at Town Hall.

6. PUBLIC HEARING CONT. – NOTICE OF INTENT – 497 South Westfield St –
Depalma & Tirone

Rob Levesque of R. Levesque Associates was present for this project. He stated this project was permitted in 2008 with 131 units in 4-8 unit buildings, but this project has 81 units with the same driveway layout. He stated that in the previous permitting, they amended the order of conditions, and then extended, but then an extension was missed. Mr. Levesque stated that a number of standards have changed from 2008 to 2022, so there are minor revisions on the plans and the wetlands have been re-delineated. He stated that the wetland boundaries increased and shifted the impacts away from the wetlands. Mr. Levesque stated that there were minimal comments from the Agawam Engineering Department, but one thing they are investigating is the piping under the road on South Westfield St and test pits will be completed within the next week or so. He stated a site visit was done with the chairman and there was questions regarding a peer review, but Mr. Levesque stated that the applicant is hoping to forgo that process since it has been completed and approved previously and the impacts are less around the perimeter. He stated that the updated and complete fee has been given to the town. Mr. Kozloski stated that one DEP comment that sticks out is to verify the wetland boundaries. Mr. Levesque stated that from a design standpoint there were not that many concerns from DEP. Mr. Kozloski stated that the commission has looked into the cost of a peer review on this property, and the estimate was \$3500.00, which could be taken out of the fee that was \$16,000.00. Mr. Meagher asked if there was a significant difference in the one that was issued before and this project. He states that if a technicality hadn't happened the project would be done, and can't see holding up a project if there isn't a significant difference. Mr. Kozloski stated that nothing is being held up because the property has to come out of 61A, which takes a minimum of 30 days or as much as 90 days. Mr. Levesque stated that the wetland boundaries had not changed drastically and showed on the plans

where the boundaries had changed. In regard to 61A, Mr. Levesque stated that they understand the town can take that time, but it is their understanding that there is no interest from the Town. Mr. Kozloski asked if the fields were plowed and Joe Tirone, the applicant, stated not this season. Mr. Tirone stated that they cannot take the property out of 61A at one shot because it is too expensive, so they are talking to the town attorney to happen in phases. Mr. Levesque stated that the front units can be built quickly with no roadway infrastructure, and explained that the rest of the work could occur in phases. He asked how soon peer review work could start and Mr. Fallon stated the proposal states she would start within two weeks of receiving authorization. Mr. Fallon stated he would feel more comfortable getting a peer reviewer involved and Mr. Brown agreed. Mr. Meagher stated that he didn't feel it was that difficult to determine the wetland lines. Mr. Kozloski stated that a peer review was completed last time and Mr. Levesque stated he believed it was for stormwater only.

Motion was made by Mr. Brown and seconded by Ms. Becker to accept the peer review proposal from Emily Stockman Associates for \$3550.00, with the cost coming out of the Town's portion of the fee.

VOTE 5 – 1 (Meagher)

Motion was made by Ms. Ward and seconded by Mr. Meagher to continue the public hearing for Notice of Intent – 497 South Westfield St – Depalma & Tirone.

VOTE 6 – 0

7. PUBLIC HEARING CONT. – Notice of Intent – 0 South West Street & 0 Pine Street – Town of Agawam

The commission received a request to continue the public hearing until May 26th, 2022, with an update to what has been worked on since the last time they were in front of the Commission. Ms. Egerton read the email from Rich Niles of Woodard and Curran stating that the 401 Water Quality Certification application will be submitted on April 15th, that the Army Corps Preconstruction Notification application will be submitted during the week of April 18th, and that grants have been applied for the project.

Motion was made by Ms. Ward and seconded by Ms. Becker to continue the public hearing for Notice of Intent – 0 South West Street & 0 Pine Street – Town of Agawam until May 26th, 2022.

VOTE 6 – 0

8. PUBLIC HEARING CONT. – Notice of Intent – Main Street – Westfield River Interceptor Sewer Relocation Project – Agawam DPW (Continued to May 26, 2022)

This agenda item was previously continued to the May 26, 2022 meeting.

14. Correspondence and Complaints

Ms. Egerton stated that there were complaints at 93 Joanne Circle and the Junior High School which a site visit will need to be scheduled with Howard at the DPW. She stated there was a complaint for 41 Richardson Pl that there is a bridge over the stream and pallets, and a site visit will need to be schedule. Eversource is doing roadside maintenance by Town Hall which is an exempt activity. Ms. Egerton received a call regarding 808 North Street, and the builder would like to divert water from the gutter to a small stream on site. He stated that the swale has too much water and turns the driveway into an icerink in the winter, and is hoping that a site visit could be completed by the commission. Mr. Fallon volunteered to go on site. Ms. Ward sent in a correspondence that there is an outstanding enforcement order at 286 South St, which is known as Equine Boulevard, and the house is for sale. She suggested sending a letter to the owner stating it is still outstanding. Noble Car Wash on the corner of Shoemaker Lane and South Westfield St sent in a request to take out 10 arborvitaes and add a 6' fence. A site visit will be scheduled to determine if this is okay. Ms. Egerton stated that the commission received a request for a Certificate of Compliance for 444 Shoemaker Lane, so a site visit will be scheduled prior to the next meeting. Ms. Becker let the Commission know that the river cleanup will be Saturday April 23rd from 9-1.

The Order of Conditions for NOTICE OF INTENT – 840 Suffield St – Eversource Energy was then discussed and written. A copy of the Order of Conditions can be reviewed in the Planning and Community Development Office at Town Hall.

Motion was made by Mr. Fallon and seconded by Mr. Brown to issue the Order of Conditions as written.

VOTE 6 – 0

Motion was made by Ms. Ward and seconded by Ms. Becker to adjourn the meeting.

VOTE 7 – 0

Meeting was adjourned at 7:55 pm.