

AGAWAM CONSERVATION COMMISSION
April 22, 2021

MEMBERS PRESENT:

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

MEMBERS ABSENT:

ALSO PRESENT:

Pamela Kerr

VIA Zoom Webinar

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

1. 6:00 PM – REQUEST FOR DETERMINATION OF APPLICABILITY – 91 Elizabeth Street – Juliano Pools

Ms. Galiatsos was on a site visit at the property. She explained that they are proposing to install an in ground pool 3' into the 100' buffer. She said it was all staked out. As indicated in their NOI, a silt fence will be installed and debris from digging will be removed. The pool will be 20' X 40' with a 4' fence. Ms. Galiatsos said she did not see any issues, all was well documented. Mr. Meager noted that only 1 corner of the pool falls within the 100' Buffer Zone.

Motion was made by Ms. Galiatsos and seconded by Mr. Meagher to issue a Negative Determination of Applicability for 91 Elizabeth Street – Juliano Pools.

ROLL CALL VOTE 7 – 0

Motion was made by Ms. Ward and seconded by Mr. Meagher to take the Agenda out of order.

ROLL CALL VOTE 7 – 0

5. PUBLIC HEARING CONT. – Notice of Intent – Aspenwood Associates LLC – 0 Silver Street & 0 Doane Avenue (continued to April 22nd)

Mr. MacNaughton has asked that the Public Hearing be continued for 3 weeks.

Motion was made by Ms. Ward and seconded by Mr. Brown to continue the Public Hearing – Notice of Intent – Aspenwood Associates LLC – 0 Silver Street & 0 Doane Avenue to the May 13, 2021 Conservation Commission meeting.

ROLL CALL VOTE 7 – 0

7. Correspondence and Complaints

Ms. Kerr said there is an old complaint on Colemore Street that needs to be addressed. The complainant lives on Jessica Place. The owner was dumping landscaping debris on the property. The Commission told the owner he could taper off what was there but he could not add more. Ms. Kerr said that according to the neighbor he has done much more. Mr. Kozloski said the Commission will schedule a site visit.

North Street Extension – Mr. Kozloski said a site visit will be scheduled for next week.

8. APPROVAL OF MINUTES – April 8, 2021

Motion was made by Ms. Becker and seconded by Ms. Galiatsos to approve the minutes of April 8, 2021 as written.

ROLL CALL VOTE 7 - 0

2. 6:15 PM - REQUEST FOR DETERMINATION OF APPLICABILITY – 41
Richardson Place – Bull

Property owner Nick Bull presented the RDA. He said he is proposing to put a pool in the back right corner of the property. His original request was to put the pool closer to the center of the property off their existing deck on the back of the house. When Dig-Safe was on site they found that the gas line had been moved in 2007 and curves into the center of the property, limiting where the pool can be placed. Originally the placement was too close to the high water line so he is proposing to move it up so it is 24' from the high water line as 50' away would put the pool in their front yard. He noted that he is proposing a 21' above ground pool. Ms. Kerr said that the way the exemptions within the buffer zone are written, pools would be exempt however they need to be 50' from the BVW assuming that the Commission considers this an intermittent stream. Mr. Kozloski stated that it is within 50' therefore a NOI is needed. Mr. Bull said he does not want to move the pool 25'. He will either file a NOI or ask the pool company for a refund.

Motion was made by Mr. Meagher and seconded by Ms. Galiatsos to issue a Positive Determination of Applicability – 41 Richardson Place – Bull.

ROLL CALL VOTE 7 – 0

3. 6:30 PM - PUBLIC HEARING – Notice of Intent – 57 Valley Brook Road – O’Connell

Ward Smith of Wendell Wetland Services, presented the NOI for a swimming pool in the backyard of the existing house at 57 Valley Brook Road. He said that because the project is within 50’ of the BVW, a NOI is required. The proposed work will be 34’ from the annual high water line of the perennial stream and has been marked with delineation flags. The proposed project will disturb 450 SF of the lawn. He went on to say that under the rivers redevelopment provision they have to give 2 – 1 lawn to natural conditions plus an improvement. They are proposing 1000SF of lawn adjacent to the perennial stream will be allowed to revegetate to natural conditions. They are proposing to install a silt fence and/or hay bales between the pool and the perennial stream. Ms. Ward asked if Mr. Smith had any idea what type of vegetation would grow in the area that is being proposed to allow to vegetate. Mr. Smith said it will take time and will be a combination of shrubs, probably no wetland vegetation. He also said that DEP’s comments stated that it should be an on-going condition that the area along the stream will not be mowed. There were no comments from the public.

Mr. Kozloski said that according to the DEP, the area will need to be watched for 2 growing seasons. He also said that a site visit should be scheduled after the pool is installed.

Motion was made by Mr. Meagher and seconded by Ms. Becker to close the Public Hearing – Notice of Intent – 57 Valley Brook Road – O’Connell.

ROLL CALL VOTE 7 – 0

4. 2021 Pavement Management Program – Agawam DPW

Mike Albro, Assistant Town Engineer, presented the program. He said that the DPW submitted in a memo, a list of streets for milling, reclamation and preventative maintenance that they plan to do this year. He went on to say that all the work is scheduled to be done within the confines of the paved section of the road. Mr. Kozloski asked where the millings will be dumped. Mr. Albro said that the contract states that the contractor is responsible for removing the millings which will be dumped out of town.

Motion was made by Ms. Galiatsos and seconded by Ms. Ward to approve the 2021 Pavement Management Program of the City of Agawam noting that no filings will be required as long as the work is in the roadway.

ROLL CALL VOTE 7 – 0

6. PUBLIC HEARING CONTINUED – Abbreviated Notice of Resource Area Delineation (ANRAD) - 0 Franklin Street, 10 & 14 Tennis Road, and 132 Rear Mill Street (continued to April 22nd)

Emily Stockman of Stockman Associates was present along with Chase Bernier of SWCA. Mr. Bernier began by saying that all comments from Stockman Associates have been addressed and a revised ANRAD has been submitted with edits asked for by Ms. Stockman. In regard to Ms. Stockman's comment# 7 dealing with Wetland 10, Mr. Bernier said that on the April 9, 2021 site visit with Ms. Stockman and the Commission members, they looked at Wetland 10 and a swale to the north and found it was not a wetland which confirms that Wetland 10 is an isolated wetland. Mr. Kozloski asked if there are dumping sites on the property. Mr. Bernier said they looked at the dump site on the site visit and it was agreed that this was not done by the property owner rather the adjacent property owner. He said the adjacent neighbor has created an unauthorized wetland crossing. The dumping includes scrap metal and garbage also along that pathway. Ms. Becker added that there was dumping in the stream. Mr. Kozloski asked whose property that is on. Mr. Bernier said the stream is on both properties. Ms. Stockman said that Mr. Bernier and Ms. Becker did a great job summarizing the violations that were observed on the site visit. She added that the perennial stream flows within the subject property in a south, south easterly manner so it is possible that the perennial stream was impacted by the wetland crossing. This is a wetland violation but also a violation of the Rivers Protection Act. She added that the owner has the burden of the violation. As far as the SWCA revised plans and response letter received today, her comments have been addressed. There was no Public input.

Motion was made by Ms. Ward and seconded by Mr. Meagher to close the Public Hearing – Abbreviated Notice of Resource Area Delineation (ANRAD) – 0 Franklin Street, 10 & 14 Tennis Road, and 132 Rear Mill Street.

ROLL CALL VOTE 7 – 0

Motion was made by Mr. Meagher and seconded by Ms. Becker to approve the Abbreviated Notice of Resource Area Delineation (ANRAD) – 0 Franklin Street, 10 & 14 Tennis Road, and 132 Rear Mill Street.

ROLL CALL VOTE 7 - 0

Ms. Kerr read the proposed Order of Conditions for 57 Valley Brook Road – Notice of Intent – O'Connell.

Motion was made by Mr. Fallon and seconded by Mr. Meagher to approve the Order of Conditions for 57 Valley Brook Road as written.

ROLL CALL VOTE 7 – 0

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

VOTE 7 – 0

Meeting was adjourned at 7:00pm.