

AGAWAM CONSERVATION COMMISSION
August 25, 2022

MEMBERS PRESENT:

Henry Kozloski
Sheryl Becker
S. Page Fallon
Magda Galiatsos
Keven Brown

MEMBERS ABSENT

Frank Meagher
Jill Ward

ALSO PRESENT:

Taryn Egerton
Stefanie Kesecker
Pam Kerr

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

1. 6:00PM-REQUEST FOR DETERMINATION OF APPLICABILITY-0 Shoemaker Lane-Irish Nugget Realty Trust

Jason Levine of Jason L. Levine Law P.C., was in attendance to present this RDA. He stated that Mr. Dennis Crowley has been operating his business on this land since 1968, before the Wetland Protections Act, extended the culvert. Mr. Crowley previously owned 3 lots, and has sold two of them. The current parcel at 0 Shoemaker Lane, further identified as parcel H4 1 8, uses a Right-of Way to access the land. He stated here is more traffic on this Right-of-Way since Mr. Crowley sold the other lots. He stated that the road was muddied and degrading due to traffic of cattle and heavy farm equipment. Mr. Crowley laid gravel on this access roadway. He stated because the Crowleys sold their other 2 lots, this is the only access to the property. The Crowleys did not ask the Commission for permission when they expanded the roadway. The road was degrading and the Crowleys wanted safe passage for customers and the transportation of cattle. Mr. Crowley was also mowing the bordering vegetated wetland, as the cattle go down there. The Commission previously issued an Order of Conditions for this work to the property owner, Eversource. Eversources' Notice of Intent stated that here is a 14 ft. historical use of the access road. Mr. Levine stated that the use of the land was agricultural and everything the Crowleys have done to the land is for agricultural use. Mr. Levine stated that the Town of Agawam specifies a driveway as between 12 to 16 feet, so it would be impossible to say that this access road was ever only 14 feet. DOT states right of way for an alleyway, needs to be 18 feet, so how can the Crowleys access road only be 14 feet. Mr. Levine asked the Commission to

determine if this qualifies as an agricultural exemption use per the Wetlands Protection Act. Attorney Levine stated that Mr. Crowley will no longer mow the BVW and that no further work will be done on the access road without coming before the Commission to ask permission. He stated that the Crowleys are asking that the culvert remain in place, since for years the runoff coming down the hill constantly washes out the apron causing a large divet. The gravel that has been pushed off the roadway, is within the actual historical footprint of the road. Mr. Levine asked on behalf of his clients to leave the gravel in place, since it is not dense. The culvert was placed at the apron of the access road to prevent the apron from being washed out by water runoff from neighboring properties. Mr. Levine stated that the Eversource proposal for the repairs, would be expensive and unaffordable for his clients' business.

Mr. Kozloski reminded the attendees that the Wetland Protection Act had been violated because gravel had been put in the wetland. The Agricultural Exemption does not allow for widening of the access road. A certain amount of the square footage of a wetland has been filled.

Mr. Levine stated that when the gravel was put down it was within the historical use of the roadway and that the gravel shifted due to large vehicles and traffic on it. Mr. Levine stated the gravel was pushed off over time. Mr. Levine stated the Crowleys have not expanded the road past the historical use boundary.

Mr. Kozloski opened the meeting to the public. No comments or questions were raised by the public.

Mr. Fallon provided insight that stabling horses does not qualify as agricultural usage, but breeding horses does. Alice Crowley, 0 Shoemaker Lane, stated that they buy, raise, and sell cattle and livestock on the property.

Ms. Becker ask if Ms. Crowley could provide records of the buying and breeding. Ms. Crowley stated she could and that they are registered with the USDA and comply with all the laws. Ms. Becker reminded Ms. Crowley, that breeding has to take place to meet agricultural use, not just stabling of animals. Mr. Levine stated their USDA registration could be obtained for the Board. Ms. Becker would like to see records of the buying and breeding of horses for the last year.

Ms. Kerr reminded Mr. Levine that he can appeal tonights' decision with the DEP.

Mr. David Askew from Eversource was present if anyone had any questions for him. Eversource owns the land and filed a Notice of Intent to show that the wetland had been filled. They used Tighe & Bond to do the wetlands work and used aerial photos to make the determination.

Motion was made by Ms. Becker and seconded by Mr. Fallon to issue a Positive Determination for 0 Shoemaker Lane.

VOTE 5- 0

2. 6:10PM PUBLIC HEARING-REQUEST FOR DETERMINATION OF APPLICABILITY-1200 Suffield St-Landmark Recovery.

Alfonsa Koka, with EBI Consulting presented this agenda item. The plan outlined the rehabilitation of the existing site improving pavement, replacing curbing, and replacing 5 catch basins. Proposed work is in the 100 ft. buffer zone. Pavement would be reduced within the 25 ft. buffer zone. Erosion controls would be staked to the ground. All new curbing is proposed for the entrance/driveway and parking areas. The plan would maintain the existing drainage patterns and detention basin.

Mr. Kozloski stated that the cleaning of the detention basin is required per the Engineering Department.

Mr. Kozloski opened the meeting to the public. No comments or questioned were posed.

Motion was made by Ms. Magda and seconded by Ms. Becker to issue a Negative Determination of Applicability-1200 Suffield-Landmark Recovery.

VOTE 5- 0

3. PUBLIC HEARING CONT.-NOTICE OF INTENT-13 Mark Dr-Scott

Jeff Smith, Salvini Associates, LLC presented this agenda item. None of the site work will be done within any resource areas except the outer 100 ft. of the Riverfront area. No tree cutting or clearing will be done in the inner corridor. Erosion controls will be placed around the perimeter. Mr. Smith said the construction of this two-family home will not have any significant or adverse impact to Worthington Brook, the bordering vegetated wetland, or the riparian forest corridor along the stream. The proposed plan is in keeping with the rest of the neighborhood.

Mr. Kozloski opened the meeting for public comment or questions. None presented.

Motion was made by Mr. Brown and seconded by Ms. Galiatsos to close the Public Hearing-Notice of Intent-13 Mark Drive.

The Order of Conditions will be written at the end of the meeting.

VOTE 5- 0

4. PUBLIC HEARING CONT-NOTICE OF INTENT-106 North West St-AAD, LLC

Filipe Cravo, R. Levesque & Associates was present for this agenda item. Work within the buffer zone has been completed and a file number assigned from DEP. The restoration is broken down into four areas. Area 1 is 6605 sq. ft. and has been cleaned of historic trash, cut flush to grade, and will be left to reforest naturally. Area 2 is around the pond and understory vegetation

has been cleared, weeds/scrubs have been replanted, red oak and inkberry, and will be left to revegetate. Area 3 is 9352 sq. ft. and buffer zone vegetation was removed. This area will be maintained, as a path already existed here, which is essentially grass. Area 4 is within the inner 50' buffer and was cleared of trash and will be left to naturally revegetate. The road existed prior so no proposed mitigation. Markers will be added to 50 ft. and 100 ft' buffer zone, to delineate the Bordering Vegetative Wetland. A file number was received by DEP with a comment requesting documentation of the methodology used to delineate the BVW. The Commission continued the hearing to allow the applicant to provide this information.

Motion was made by Ms. Fallon and seconded by Mr. Brown to continue the Public Hearing-Notice of Intent-106 North West St.-AAD-LLC to September 8, 2022.

VOTE 5- 0

5. PUBLIC HEARING CONT-NOTICE OF INTENT-497 South Westfield St-Depalama & Tirone

Conservation Commission received request to continue to September 8, 2022 meeting.

Motion was made by Ms. Galiatsos and seconded by Ms. Becker to continue the Public Hearing-Notice of Intent-497 South Westfield St. to continue to September 8, 2022 meeting.

6. PUBLIC HEARING CONT-NOTICE OF INTENT-0 South West St & 0 Pine St-Town of Agawam.

Rich Niles with Woodard and Curran was present to speak about this agenda item. They met with DEP and Army Corps last week to clarify some of the design elements and are awaiting written comments, which may take 3 to 4 weeks. Mr. Niles requested to continue to the October 27th, 2022 meeting.

Motion was made by Mr. Brown and seconded by Mr. Fallon to continue the Public Hearing-Notice of Intent-0 South West & 0 Pine St-Town of Agawam to October 27th, 2022 meeting.

VOTE 5- 0

7. PUBLIC HEARING CONT-NOTICE OF INTENT-Main Street-Westfield River Sewer Relocation Project-Agawam DPW (continued to September 22, 2022. This agenda was preciously continued to September 22, 2022.

8. DISCUSSION-North Street Culvert Replacement Project

Ross Tsantoulis with Woodard and Curran was present to discuss this project. The proposal is to replace the existing culvert under North St., stabilize the embankment, and provide additional flow capacity. The work will be compliant with stream crossing standards, and help improve

semi-aquatic and terrestrial wildlife passage through the culvert. To alleviate the abutters' concerns, a second culvert will be installed under their driveway to handle flows during heavy storms. The driveway culvert will be 42" corrugated metal pipe. The North Street culvert will be a 36" corrugated metal pipe as well. Mr. Brown asked if there was a dewatering plan. Mr. Tsantoulis stated there was.

Mr Kozloski opened the meeting to the public.

Dan Donatini, of 534 North St was concerned that this project may cause problems downstream in his driveway and debris will enter his culvert and block it and cause flooding. Mr. Tsantoulis stated the new proposed project should lessen the velocity of the water as well as the potential for flooding.

9. Correspondence and Complaints

The Commission received a complaint for 349 Shoemaker Ln, that a building is in or near the wetlands and trees are being taken down without permits. A letter will be sent.

The Order of Conditions for 13 Mark Drive was written and is available in the Planning Department for review.

Motion was made by Ms. Becker and seconded by Ms. Galiatsos to issue the Order of Conditions for 13 Mark Drive as written.

VOTE 5-0

10. Approval of August 18, 2022 Minutes.

Motion was made by Ms. Galiatsos and seconded by Mr. Brown to approve the minutes.

VOTE 5- 0

Motion was made by Mr. Brown and seconded by Ms. Becker to close the meeting.

VOTE 5- 0

Meeting was adjourned at 8:11PM.