

AGAWAM CONSERVATION COMMISSION
October 26, 2023

MEMBERS PRESENT:

S Page Fallon
Frank Meagher
Sheryl Becker
Keven Brown

MEMBERS ABSENT:

Henry Kozloski
Magda Galiatsos
Jill Ward

ALSO PRESENT:

Taryn Egerton
Stefanie Kesecker

Mr. Meagher called the meeting to order at 6:00pm.

1. 6:00PM REQUEST FOR DETERMINATION-141 Elizabeth Street-Federico

Ms. Ward performed an onsite at this location. Ms. Egerton informed the Board that Ms. Ward had communicated it is at least 100 ft. away from Philo Brook. Ms. Egerton stated the original proposal had a large driveway/parking area and a retaining wall, but it has now changed into a paved walkway for his handicapped wife to get from the front yard to the back yard.

Motion was made by Ms. Becker and seconded by Mr. Brown to issue a Negative Determination for 141 Elizabeth Street-Federico.

VOTE 4-0-0

2. REQUEST FOR DETERMINATION CONT.-27 Greenacre Lane-Houlihan

The Commission received a written request to withdraw the Request for Determination. The Commission had issued an Emergency Order to be ratified at this meeting, for the petitioner to remove the spruce trees from along the property line of the home. The petitioner has felled those trees and no longer wishes to remove the trees at the back of the property.

Motion was made by Mr. Brown and seconded by Ms. Becker to approve the request to withdraw, without prejudice, the Request for Determination-27 Greenacre Lane-Houlihan.

VOTE 4-0-0

3. PUBLIC HEARING CONT.-NOTICE OF INTENT-1014 North St. Ext.-VIP Homes & Associates LLC

This agenda item was previously continued to November 9, 2023.

4. RATIFY EMERGENCY ORDER-27 Greenacre Lane

Mr. Meagher stated the work has been completed and the trees have been taken down.

Motion was made by Mr. Brown and seconded by Mr. Fallon to ratify the Emergency Order-27 Greenacre Lane.

VOTE 4-0-0

5. Request for Certificate of Compliance-48 Morningside Circle

Ms. Egerton informed the Commission this property was issued an Order of Conditions in 1984 for a subdivision. This particular lot has no jurisdictional resource areas.

Motion was made by Mr. Fallon and seconded by Mr. Brown to issue a Certificate of Compliance-48 Morningside Circle.

VOTE 4-0-0

6. Request for Certificate of Compliance-0 Shoemaker Lane

Melissa Cody with Tighe and Bond was present for this agenda item. She stated a Notice of Intent was submitted for restoration work around an access road on Eversource property, where an abutting property owner who uses the road placed fill in the wetlands. This abutting property owner submitted an RDA to confirm they had an agricultural exemption and then appealed the decision to Mass DEP. Ms. Cody stated that a discussion with the Commission was held and it was determined they would post three signs along the access road. Ms. Cody stated this signage says this is a wetland, "no discharge, dumping, or clearing." She stated those signs have been posted along the access road at 20ft. middle, and 20ft. from the far end.

Mr. Meagher asked if there were any conditions that still need to be met.

Ms. Egerton stated the Commission determined in February to have the 3 signs posted along the access road, independent of the Order of Conditions, so that a Certificate of Compliance can be issued without the project being completed. She stated the discussion was that it would be more detrimental to the wetlands to perform any more work.

Motion was made by Mr. Fallon and seconded by Mr. Brown to issue a Certificate of Compliance-0 Shoemaker Lane.

VOTE 4-0-0

7. APPROVAL OF MINUTES-October 12, 2023

Motion was made by Ms. Becker and seconded by Mr. Fallon to approve the October 12, 2023 minutes.

VOTE 3-0-1 (Brown)

8. Correspondence and Complaints

Ms. Egerton informed the Commission that peer reviewer Emily Stockman had reached out to the Commission to request authorization to review the submitted data forms in the field at 1014 North St. Ext. The proposal listed one site visit for this project and Ms. Stockman's first visit was a half-day, so she would like the Commission's permission to complete the other half-day. Any other work needed by Stockman Associates will require an additional proposal.

Motion was made by Mr. Fallon and seconded by Mr. Brown to authorize Stockman Associates LLC to perform an onsite as an extenuation of their contract.

VOTE 4-0-0

Ms. Egerton gave an update on the sediment discharge at Tuckahoe. She stated DEP went onsite and requested extra erosion control straw bales, and a silt fence around Nine Lot Dam. She stated the contractor has implemented all the changes that DEP requested. Mr. Brown asked about the petroleum spill regulations. Ms. Egerton stated DEP wanted a second containment.

Ms. Egerton informed the Commission that 323 Shoemaker Lane is a single-family house that was permitted last year. Michelle Chase, Town Engineer has been onsite and stated there are issues at this location as there is no silt fence, no grass growing or vegetation, and a trench has been dug on the property line. Mr. Meagher asked if they are still working on the project. Ms. Egerton stated they are requesting a Certificate of Occupancy so she believes the work has been completed. Mr. Meagher suggested issuing a Cease and Desist until they resolve their issues with the Building Inspector.

Motion was made by Ms. Becker and seconded by Mr. Fallon to issue a Cease and Desist for 323 Shoemaker Lane.

VOTE 4-0-0

After more discussion among the Commission members, it was decided an onsite would be performed before any action is taken.

Motion was made by Ms. Becker and seconded by Mr. Brown to withdraw the motion for Cease and Desist for 323 Shoemaker Lane.

VOTE 4-0-0

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The Commission Members agreed to perform an onsite October 27, 2023 at 2:30pm, along with the Engineering Department.

Ms. Egerton update the Commission on Beaver Camper. She stated she had spoken to the owner who informed her he had not planted anything as he would have to cut down what is currently growing. The Commission will perform an onsite at this location.

Ms. Becker stated the Commission had performed an onsite at 15 Silver Lake Drive and the stumps are also gone. She stated they are willing to plant and reseed. She stated there are trees that have been cut near the edge of the water, and when onsite, Mr. Kozloski had suggested placing mulch and bushes to prevent erosion. The Commission decided to do another site visit in the spring to check for washouts. Ms. Egerton will send a letter informing them the Commission will return in the spring for an onsite. Mr. Fallon stated his concern is that this may establish a trend among home owners around the lake. Ms. Egerton also stated she had a letter drafted for the Silver Lake Association to inform them to contact the Conservation Commission before taking down any trees.

Motion was made by Mr. Brown and seconded by Mr. Fallon to adjourn the meeting.

VOTE 4-0-0

Meeting adjourned at 6:30pm.