

AGAWAM CONSERVATION COMMISSION  
April 11, 2019

MEMBERS PRESENT:

Henry A. Kozloski, Chairman  
Sheryl Becker  
S. Page Fallon  
Magda Galiatsos  
Frank Meagher  
Jill Messick – 6:05 PM

ALSO PRESENT:

Pamela Kerr

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

1. REQUEST FOR DETERMINATION – 40 Kathy Terrace – Grilley

The property owner was unable to attend this evening. Mr. Kozloski and Mr. Fallon had previously met on-site with the owner to view the property. This RDA was filed the construction of an 18' x 16' sunroom with attached 15' x 9' deck in the location of a previous addition that has been demolished. The work will take place approximately 61' from the wetland that is just off the rear property line. Mr. Fallon stated that the property is fairly flat. He went on to say that the proposed addition and deck is slightly larger than the original addition that was demolished. Ms. Becker asked if a silt fence was necessary. Mr. Kozloski explained that the sunroom and deck will be built on sono-tubes, no foundation would be constructed. The members were in agreement that a negative determination be issued and upon discussion agreed that no erosion controls be required.

Motion was made by Mr. Fallon and seconded by Mr. Meagher to issue a Negative Determination of Applicability for the sunroom and deck proposed at 40 Kathy Terrace.

VOTE 6-0

2. ANRAD – 255 & 267 South Westfield Street – DePalma

This ANRAD involves the property that abuts the Westfield Bank on South Westfield Street and also the next property to the south. DEP submitted comments on the ANRAD. The members were in agreement that a peer review be performed for this delineation.

Motion was made by Ms. Messick and seconded by Ms. Galiatsos to require a peer review of the ANRAD for 255 and 267 South Westfield Street.

VOTE 6-0

R. Levesque Associates prepared this ANRAD and in anticipation of the Commission requiring a peer review, submitted a request to continue to the next meeting.

Motion was made by Ms. Messick and seconded by Ms. Galiatsos to continue the public hearing for the ANRAD – 255 and 267 South Westfield Street to the next meeting as requested.

VOTE 6-0

3. PUBLIC HEARING CONT. – ANRAD – 0 and 683 South Westfield Street

The peer reviewer (Emily Stockman) issued a report on this ANRAD this week. R. Levesque Associates requested a continuance to the next meeting to allow them to address the comments.

Motion was made by Ms. Messick and seconded by Ms. Galiatsos to continue the public hearing for the ANRAD – 0 and 683 South Westfield Street to the next Commission meeting as requested.

VOTE 6-0

4. PUBLIC HEARING CONT. – ANRAD – 0, 1246 and 1266 Springfield Street – Eagle Investments

The peer reviewer (Emily Stockman) issued a report on this ANRAD this week. R. Levesque Associates requested a continuance to the next meeting to allow them to address the comments.

Motion was made by Ms. Messick and seconded by Ms. Galiatsos to continue the public hearing for the ANRAD – 0 1246 and 1266 Springfield Street to the next Commission meeting as requested.

VOTE 6-0

5. PUBLIC HEARING CONT. – Notice of Intent – 466 South Westfield Street – Shibley & Sweeney

The applicant requested a continuance of this hearing to the next meeting as they are working on addressing outstanding comments on the plan.

Motion was made by Ms. Messick and seconded by Ms. Becker to continue the public hearing for 466 South Westfield Street NOI to the next meeting as requested.

VOTE 6-0

6. 2019 Pavement Management Program – DPW

Mike Albro, Assistant Town Engineer, was in attendance to present the DPW's 2019 Pavement Management Program. He previously submitted a document listing the streets that are proposed

for Crack Seal and Fog Seal work; Reclamation; and Mill/SAMI/Overlay. (A copy of the 2019 Pavement Program can be obtained from the DPW or the Conservation Commission office.) He explained that Mill Street from Windermere to Suffield (Mill/SAMI/Overlay) is to begin at the end of April. Mr. Kozloski asked if the plan to make any changes to drainage on any of the streets outlined. Mr. Albro stated not at this time but they plan to install erosion controls at all stream crossings. Ms. Messick stated that any changes to the drainage, widening or impervious areas would need to be approved by the Commission. Mr. Albro went on to say that while doing the reclamation on Pleasant Valley Road the work will also extend to the parking lot and driveway of the pump station at the end of the road but nothing will be widened.

7. CERTIFICATE OF COMPLIANCE – Tennessee Gas Pipeline- Suffield St – Connecticut Expansion Project

The members agreed that a site visit can now be scheduled to view the area of the wetland restoration for the Certificate of Compliance request on this project. This will be scheduled prior to the next meeting.

120 Kosak Court

Mr. Kozloski made this inspection and recommended that a Certificate be issued at this time.

Motion was made by Ms. Messick and seconded by Mr. Meagher to issue a Certificate of Compliance on 120 Kosak Court.

VOTE 6-0

8. ENFORCEMENT ORDER UPDATES

Federal Street – nothing new to report. Construction is ongoing.  
Bondi’s Island – Scott Donelon of the City of Springfield was in attendance. He stated that their contractor has not yet responded to their request to prepare a restoration plan of the area that has eroded at Bondi’s Island. He explained that the area is too wet to get into at this time. He will keep the Commission apprised of any progress. The Commission agreed to extend the Enforcement Order requirement for submittal of the restoration plan for an additional 30 days.

Motion was made by Ms. Messick and seconded by Mr. Meagher to extend the Enforcement Order requirement for the City of Springfield to submit a restoration plan of the area where erosion has occurred for an additional 30 days to May 13, 2019.

VOTE 6-0

9. APPROVAL OF MINUTES – March 28, 2019

Ms. Kerr suggested that the minutes be tabled to allow for the members to review them. She had sent them out this morning.

Motion was made by Ms. Messick and seconded by Ms. Galiatsos to table approval of the March 28<sup>th</sup> minutes to the next meeting.

VOTE 6-0

## 10. CORRESPONDENCE AND COMPLAINTS

501 Shoemaker Lane – Mr. Kozloski explained that the Building Inspector made the Commission office aware of tree cutting that had taken place at this location. A site visit was conducted with the new owner, Mr. Kozloski and Mr. Fallon. Mr. Kozloski explained that the property is being put back into farming and that he contacted DEP on how to proceed as there is a wetland just off the property and a perennial stream along the back of the parcel. He went on to say that the owner has a Conservation Plan approved by the USDA which outlines the tillable portion of the site. Upon guidance from DEP, Mr. Kozloski notified the property owner that the work area must be out of the first 100' riparian zone. The owner submitted a new/revised plan showing the tillable area 100' from the perennial stream. Mr. Kozloski explained that the new owner has a cut flower business and will be growing flowers and perennials on the land.

Motion was made by Ms. Messick and seconded by Ms. Galiatsos to accept the Conservation Plan as revised for 501 Shoemaker Lane and that no filing is required with the Commission.

VOTE 6-0

The Commission received a letter from the principal of the Agawam Jr. High regarding some programs they are pursuing that involve outside activities at this location. Mr. Kozloski recommended that two or three Commission members meet with the principal to view the wetlands on the property and give him some guidance. A site walk will be scheduled soon.

Hemlock Ridge – Mr. Kozloski stated that a complaint was received that the property owner at 68 Hemlock Ridge is conducting work at the back of their lot and may be encroaching on the wetlands. A letter has been sent to the owners asking them to contact the office to schedule a site visit. He stated that when the site visit is scheduled he will notify the DPW/Engineering Department as well as there is a drainage easement in this area.

North St. Ext. – Mr. Kozloski stated that a complaint was received regarding a resident that hits golf balls into the large wetland on North St. Ext. Ms. Kerr explained that a letter has been sent to abutters within 200' of this wetland stating that no dumping is allowed and that the Commission received a complaint regarding golf balls being hit into the wetland that is also a violation. The letter asks the residents to notify the Commission if they see violations occur.

Take Five – Springfield Street – Mr. Kozloski and Mr. Fallon conducted a site visit at Take Five as work had begun on the freezer addition to the rear of the building and the patio addition on the

side of the building. The work taking place is in violation of the approved Order of Conditions which requires a 48 hour notice prior to work beginning; no DEP file number sign was up; there was not a copy of the Order of Conditions on-site; foundations have been dug for the two additions (it was presented to the Commission that these would be constructed on slabs); and a silt fence was installed along the stream at the back of the property the dirt was piled on the opposite side of the silt fence; and finally, a plan was to be submitted for approval by the Commission showing removal of debris from the wetland and riverfront area. Mr. Fallon had taken photos. The members discussed issuing a cease and ultimately decided to issue an Enforcement Order this evening outlining the condition numbers that the work is in violation of and to require a plan be submitted showing restoration and stabilization (with plantings) of the riverfront area that has been disturbed, Plan is to be submitted by April 17, 2019. If the plan is not received as required then the Commission will issue a cease and desist on the work on the two additions. Mr. Meagher stated that this plan must be prepared by an environmentalist or environmental engineer.

Motion was made by Ms. Messick and seconded by Mr. Meagher to issue an Enforcement Order to the owner of Take Five stating that the work that has commenced is in violation of the Order of Conditions issued for a freezer addition and patio addition (condition #10, 13 and 14 of the standard orders and 3, 4, 5 and 7 of the special conditions); and to require that a plan be submitted to the Commission by April 17<sup>th</sup> showing the restoration and stabilization (with plantings) of the disturbed riverfront area or the Commission shall issue a cease and desist order on the work on the two additions if the plan is not received by that date.

#### VOTE 6-0

North West Street – Mr. Kozloski and Mr. Fallon met with a representative of Channel 22 in response to a complaint of dumping that is occurring on their property. There is a deep hole adjacent to the parking lot that receives drainage from above. Mr. Kozloski stated it appears to be an isolated wetland and that Channel 22 was given permission to fill this area years ago but never submitted a plan to do it. He explained that there is evidence of some disturbance adjacent to the parking lot that does not appear to be recent. The rep from Channel 22 stated that people drive past their gate and dump on the north side of their property. Ms. Kerr explained that the gate has been unsecure for some time now and that the owner to the north has a landscaper that dumps leaves on his land for composting. Mr. Kozloski has notified the Health Agent who is researching whether there is a permit for composting on the land north of this area. He stated that at this time there don't appear to be any wetland violations.

#### 11. Discussion – Local Wetland Ordinance

Ms. Kerr provided the members with a “working document” to use as a starting point for putting together a wetland ordinance. She explained that she used the MACC model bylaw as well as information from Springfield and Southwick’s bylaws. The members agreed to read through the material and make any comments or suggestions for the next meeting.

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**PUBLIC HEARING CONT. – Notice of Intent – Tennessee Gas – Shoemaker Lane, Silver Street and Suffield Street – 261 Upgrades**

Emily Stockman has submitted a Proposal for a peer review of this Notice of Intent.

Motion was made by Ms. Messick and seconded by Mr. Fallon to accept the Proposal from Stockman Associates and forward it to Tennessee Gas and their consultant, and to continue the public hearing to May 23, 2019 as requested by the applicant.

VOTE 6-0

The meeting adjourned at 7:25 PM.

DRAFT