

AGAWAM CONSERVATION COMMISSION  
November 10, 2011

MEMBERS PRESENT:

Henry A. Kozloski, Chairman  
Sheryl Becker  
Magda Galiatsos  
Fred Harpin  
Jill Messick  
Mark Soticheck

ALSO PRESENT:

Pamela R. Kerr

Mr. Kozloski called the meeting to order at 6:30 PM.

1. PUBLIC HEARING – Notice of Intent – Main Street – Rivermoor-Citizens Agawam LLC

Ben Axelman of Citizens Energy, John Tourtelotte of Rivermoor, and Briony Angus of Tighe & Bond were in attendance this evening to present the Notice of Intent for property at 369 Main Street. Mr. Tourtelotte explained that this is a proposed 1.5 megawatt solar voltaic facility and that H.P. Hood would be the beneficiary of the power produced. Briony Angus then explained that this is a 21 acre capped landfill parcel and the project area is approximately nine acres and is currently a driving range and that the entire site is shown to be within the 100 year floodplain. She went on to say that they performed a topography survey which found that the entire work area is at elevation 61' which is above the floodplain and should not be construed as bordering land subject to flooding. She also stated that wetland resource areas on and adjacent to the project site were delineated but noted that no off-site resource areas were formally delineated but were evaluated for purposes of establishing potential buffer zone areas and to determine the jurisdictional status of on-site resource areas. The following resources were delineated: Bank and Bordering Vegetated Wetland with established 100' buffer zone from BVW and Bank. The plan shows Wetland A, Wetland C, Wetland D and Wetland E. The proposal shows the installation of ground-mounted ballasts with solar panels which will be approximately 15' apart. A gravel access road exists and a concrete pad for transformers and utility lines will be constructed. She explained that this is a buffer zone project only and that they are proposing selective clearing in the buffer zone to minimize shading. Mr. Soticheck asked why they couldn't move the panels rather than cut the trees. Mr. Tourtelotte explained that due to economics, the number of panels shown would be needed to make the site work. Mr. Kozloski reminded the members that they can clear the buffer zone under the Act. Ms. Angus then stated that erosion controls will be used and a Stormwater Management Report was submitted which includes a Post Construction Operation and Maintenance Plan for the site. She went on to say that the

panels have no effect on the run-off. She then went over their response letter to the DEP comments that were received. The first comment states "...the Commission should review the flood plain elevation from the FIS and determine whether or not work is proposed in BLSF. Tighe and Bond's response outlined their method in making this determination. The second DEP comment points out that the work appears to be restricted to work within the 100 foot buffer zone .... And the final DEP comment was in regard to the possibility of future point source discharges occurring if runoff from the panels creates rills. Ms. Angus stated that they do not anticipate the creation of rills and the project's Operation and Maintenance Plan requires that the site be inspected on a semi-annual basis for erosion. Mr. Kozloski suggested that the Commission put a requirement in the Order for the requirement that the site be monitored for run-off. He also stated that the Commission should require the same type of planting plan as was approved for the Shoemaker Lane site. The proposed plantings will be determined by the Commission on-site after the cutting has taken place. The members agreed with those suggestions. Mr. Harpin asked what if these facilities become obsolete in the future. Mr. Tourtelotte explained that is not a concern and that they have a 35 year timeframe on the property and can negotiate for longer. He also pointed out that in terms of maintenance, the panels will be washed twice per year. Ms. Galiatsos asked how much water would be used when the panels are cleaned twice per year. Mr. Tourtelotte explained that they use a minimal amount of water and a squeegee. He went on to say that DEP encourages solar facilities for post closure landfills. Ms. Galiatsos asked what type of fence and plantings they are proposing. Mr. Axelman stated that there will be a 9' fence at the southern end of the site to block the view from Main Street and it will be chainlink with slats and will also include a planted berm (shrubs). The remainder of the site will have a 6' chainlink fence. He went on to say that the panels will be monitored via the internet and there will be 7,000 panels.

There being no public input, the Commission closed the public hearing. The Order of Conditions was written at the end of the meeting.

2. PUBLIC HEARING CONT. – Notice of Intent – Wright Street – Nardi

Motion was made by Mr. Harpin and seconded by Ms. Galiatsos to continue the public hearing for the Notice of Intent for Nardi on Wright Street as requested by the applicant's representative to the next Conservation Commission meeting (December 8, 2011).

VOTE 6-0

3. REQUEST FOR EXTENSION – Notice of Intent – River Road – DeCaro

Mr. DeCaro has requested an extension to his Order of Conditions on River Road. In keeping with the Governor's Permit Extension Act, the Commission voted on a two year extension.

Motion was made by Mr. Harpin and seconded by Ms. Galiatsos to extend the Order of Conditions for Frank DeCaro on River Road for two years to December 11, 2013.

VOTE 6-0

REQUEST FOR EXTENSION – Determination of Applicability – Suffield Street  
– Town of Agawam

Motion was made by Ms. Messick and seconded by Mr. Harpin to extend the Determination of Applicability for the Town owned property behind the DPW on Suffield Street for two years in keeping with the Governor's Permit Extension Act.

VOTE 6-0

Mr. Kozloski pointed out that at the last meeting the Commission voted to extend the ANRAD for Diana's Bakery for one year, however, the Governor's Permit Extension Act allows for a two year extension.

Motion was made by Mr. Harpin and seconded by Ms. Galiatsos to issue a two year extension for the ANRAD for Diana's Bakery on Bowles Road and to send a correction letter to the applicant.

VOTE 6-0

#### 4. ENFORCEMENT ORDER Updates

Robin Ridge – nothing new to report. The Town is in the process of securing the bond funds to complete the project.

Optasite Towers – Mr. Kozloski explained that revised information was submitted this week and that he would like to set up an in-house meeting with the Engineering Department and the firm who is preparing the flood analysis information, along with two Commission members.

#### 5. CORRESPONDENCES & COMPLAINTS –

A request was submitted for a Certificate of Compliance at Medical West on Main Street. Mr. Kozloski stated that a site visit must be scheduled with the person requesting the Certificate (Dean Gustafson, VHB) to look at the swale that was constructed and determine if it is being maintained.

Motion was made by Ms. Galiatsos and seconded by Ms. Messick to issue a Certificate of Compliance for Medical West on Main Street pending a favorable site inspection by a Commission member(s).

VOTE 6-0

The Commission had received an earlier email from a contractor working on the WMECO GSRP project requesting permission to remove the gutter bags from various catch basins associated with the project. Mr. Kozloski viewed the locations and the members agreed with him that they can now be removed. Mr. Kozloski asked that the DPW Superintendent also be made aware of gutter bags on Meadow Street (not associated with the aforementioned project) that need to be removed.

Complaint –South Street – Mr. Kozloski explained that the Commission received a complaint from an abutter to 286 South Street regarding a collapsed culvert at that location. Mr. Kozloski stated that he met on-site with a representative from the Engineering Department and found that the headwall had collapsed and there are cement blocks in the stream bed. The Town will not do the work as it is on private property and there is not a Town easement. The property owner, Holly Thompson, was in attendance this evening. She explained that she has an ongoing problem with the stream that flows from Cosgrove Avenue. She stated that she has had extensive flooding issues in the past and feels that the new area subdivisions and associated drainage have created this problem and the pipe on her property can no longer handle the flows. She went on to say that she was completely flooded five times and the Agawam Fire Department and Police Department have had to be called. She stated that one part of the culvert had collapsed years ago and that more recently her neighbor's tree fell and crashed onto the headwall and their insurance company will not pay for it. She also stated that there is a drainage easement from the school property to hers. The members explained that they can only address the issue with the collapsed headwall and after a lengthy discussion they agreed to do that by issuing an Enforcement Order. They informed her that she could pursue meeting with Town officials regarding the repair of the culvert.

Motion was made by Ms. Messick and seconded by Mr. Soticheck to issue an Enforcement Order to Holly Thomson, owner of 286 South Street, to remove the cement blocks from the streambed within sixty days of receipt of the Enforcement Order.

VOTE 5-1 (Kozloski opposed)

6. APPROVAL OF MINUTES – October 27, 2011

Motion was made by Ms. Messick and seconded by Mr. Soticheck to approve the minutes of October 27, 2011 as written.

VOTE 5-0-1 (Harpin abstained)

Mr. Harpin left the meeting at this time.

The Commission then wrote the Order of Conditions for Rivermoor on Main Street. A copy can be obtained from the Town Clerk's office or the Conservation Commission office.

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Motion was made by Ms. Messick and seconded by Mr. Sotichack to issue the Order of Conditions for 369 Main Street to Rivermoor-Citizens Agawam LLC as written.

VOTE 5-0

The members then set up a site visit with Tim Meyer of MassDOT to view an area on Main Street where they are proposing a sidewalk. The members agreed to meet next Thursday morning.

The members also discussed the proposed changes to the Act that DEP is seeking input on. The members agreed to view the proposed changes and submit comments if they felt appropriate.

The meeting adjourned at 7:45 PM.