

AGAWAM CONSERVATION COMMISSION
January 13, 2022

MEMBERS PRESENT:

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

MEMBERS ABSENT:

ALSO PRESENT:

VIA Zoom Webinar

Mr. Kozloski called the meeting to order at 6:01 PM.

1. REQUEST FOR PARTIAL CERTIFICATE OF COMPLIANCE – Tennessee Gas Pipeline Company, L.L.C

Deborah McCartney was present to represent Tennessee Gas Pipeline Company, LLC to discuss the request for a partial certificate of compliance, which she stated was specifically for the work being done at the Tuckahoe Turf Farm. Ms. McCartney noted that monitoring is still required, but the plantings and conservation restrictions have been completed. Emily Stockman of Stockman Associates was present as a peer reviewer for the Conservation Commission. Ms. Stockman noted that Tennessee Gas Pipeline submitted a very detail Request for Partial Certificate of Compliance and recommended that the Partial Certificate of Compliance reiterate the language provided by Tennessee Gas Pipeline and specifically add the language that the Commission is releasing the boundaries within the described areas. Ms. McCartney added that this is specifically only for the Tuckahoe Turf Farm property.

Motion was made by Ms. Ward and seconded by Mr. Meagher to approve the request for the Partial Certificate of Compliance– Tennessee Gas Pipeline Company, L.L.C in regards to their request to release the boundaries of Tuckahoe Turf Farm and to approve the completed work in regards to the initial plantings and the Conservation restriction.

ROLL CALL VOTE 7 - 0

2. PUBLIC HEARING CONT. – Notice of Intent – 0 South West Street & 0 Pine Street – Town of Agawam

Rich Niles of Woodard & Curran was present to represent this project. Mr. Niles explained that this project has been continued for a variety of reasons and will be requesting another continuance tonight. He stated that the 401 Water Quality Certification and Army Corp of Engineers filings have not yet been submitted, but are planning to do so late January or early February.

Mr. Kozloski opened the meeting up to the public. There were no comments.

Mr. Niles added that Emily Stockman of Stockman Associates had previously been allotted more time by the Commission to peer review the project, specifically the riverfront restoration aspect. Ms. Stockman noted that she received email correspondence confirming that the scope of her review has been extended. Mr. Niles stated that additional materials regarding the riverfront restoration will be submitted in approximately 2-3 weeks, after the 401 Water Quality Certifications and Army Corp of Engineer filings have been completed. Mr. Niles requested to continue the Public Hearing – Notice of Intent – Tuckahoe to the second meeting in February. Mr. Kozloski added for the record that at the last meeting, the Commission voted to raise the amount allotted to Emily Stockman of Stockman Associates for the review of this project.

Motion was made by Ms. Ward and seconded by Ms. Galiatsos to continue the Public Hearing – Notice of Intent – 0 South West Street & 0 Pine Street – Town of Agawam to the February 24, 2022 Conservation Commission meeting.

ROLL CALL VOTE 7 – 0

3. PUBLIC HEARING CONT. – Notice of Intent – Aspenwood Associates LLC – 0 Silver Street & 0 Doane Avenue

Kirk MacNaughton of Aspenwood Associates LLC was present. Mr. MacNaughton updated the commission on the Notice of Intent, stating that they have sent Agawam Engineering updated plans and have received updated comments last week. Mr. MacNaughton stated that his engineer is in the process of making changes to the plans and want to have approval from the Agawam Engineering Department before finalizing things with the Conservation Commission. Mr. MacNaughton stated he received comments from Stockman Associates and his engineer and consultants are preparing to address those comments shortly, to be received by the Commission before the next meeting. Mr. MacNaughton is also present to request the Agawam Conservation Commission to be the holder of the open space. He noted that the project is on a 24 acre parcel that includes endangered species. He stated that in order to satisfy Natural Heritage & Endangered Species Program (NHESP), the project is setting aside approximately 12 acres as Open Space, which includes the requirement for a conservation restriction placed on it. Mr. MacNaughton explained that the conservation restriction would need to be enforced or monitored by an Article 97 entity or nonprofit entity to make sure the conservation restriction is

adhered to. He further explained that the plan is to have the 12 acre open space parcel to be owned by a homeowners association, and that the funds for the maintenance of the open space would come from the homeowners association. NHESP has asked Aspenwood Associates to find a land trust to hold the conservation restriction, and Mr. MacNaughton has stated that land trusts in the area do not have an interest in the parcel. NHESP has told Mr. MacNaughton that sometimes the Conservation Commission in the community could be the holder of the conservation restriction and is formally requesting that the Agawam Conservation Commission be the holder of this open space parcel. Mr. Kozloski asked if the Audubon Society had a parcel near there. Mr. MacNaughton said they do, but are not interested in this particular parcel. Mr. Kozloski would like to run this by the town counsel to see if it is something that can be done. Ms. Ward asked if there was a plan for the open space parcel and suggested that Mr. MacNaughton send a letter and the plan to the town. Mr. Meagher asked if this would be a conflict of interest since this parcel is in Conservation Commission's jurisdiction. Mr. MacNaughton stated that the Conservation Commission would be the monitoring entity, monitoring neighbors and abutters to make sure the conservation restriction is being followed. He further explained that if the Conservation Commission were to be the holder of the open space, he envisioned a scenario where an annual site visit would occur with the commission and a consultant inspected the open space parcel, to be paid by the homeowners association. Ms. Ward stated that this language would need to be conveyed in the homeowner's association legal paperwork. Ms. Ward stated that the commission can start the conversation when Mr. MacNaughton sends in the information and plans on the open space parcel. Mr. Kozloski noted that there are 14 pages of comments from the DPW and expects that all the conservation commission comments are answered and resolved by the next meeting. Mr. MacNaughton stated there has been an ongoing back and forth between the Agawam Engineering department and his engineer.

Mr. Kozloski then opened the meeting to the public.

Lisa Patnode of 40 Doane Ave said it sounds like Mr. MacNaughton cannot find a land trust to hold the open space parcel and will be placing the responsibility on the Conservation Commission, which is essentially the town. Ms. Patnode said that the town engineer has reviewed Mr. MacNaughton's plans many times and has told him how to revise his plans, which is an example of placing Mr. MacNaughton's responsibility on the town, which she objects to as a taxpayer. Ms. Patnode requested a copy of tonight's recorded meeting.

Stu Kibbe of 40 Doane Ave questioned why Mr. MacNaughton cannot place the conservation restriction in his own association, instead of the homeowners association, so that it remains his responsibility. Mr. Kozloski explained that the owner of the parcel cannot be the monitor for the conservation restriction as it must be an outside source.

Motion was made by Ms. Ward and seconded by Mr. Meagher to continue the Public Hearing – Notice of Intent - Aspenwood Associates LLC – 0 Silver Street and 0 Doane Avenue to February 10, 2022 meeting.

ROLL CALL VOTE 7 – 0

4. PUBLIC HEARING CONT. – Notice of Intent – Main Street – Westfield River Interceptor Sewer Relocation Project – Agawam DPW (Continued to May 26, 2022)

Previously continued to May 26, 2022.

5. Correspondence and Complaints

6. APPROVAL OF MINUTES – December 9, 2021

Motion was made by Ms. Ward and seconded by Ms. Galiatsos to approve the minutes of December 9, 2021 as written.

ROLL CALL VOTE 6 – 0 – 1 (Brown)

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

ROLL CALL VOTE 7 – 0

Meeting was adjourned at 6:34.

Hpg