

AGAWAM CONSERVATION COMMISSION
February 25, 2021

MEMBERS PRESENT:

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

MEMBERS ABSENT:

ALSO PRESENT:

Pamela Kerr

VIA Zoom Webinar

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

1. 6:00 PM – REQUEST FOR DETERMINATION – Eversource Energy – Springfield Street

Becky Weissman from SWCA Environmental representing Eversource and Jen Buttaro, licensing and permitting lead for Eversource were present. Ms. Weissman spoke saying that Eversource is looking to replace approximately 1.6 miles of 16” diameter natural gas pipeline in West Springfield and Agawam. The purpose of the project is to replace an existing line that was originally constructed in the 1950’s. She added that they will not be replacing the section that crosses the Westfield River. In Agawam approximately 2200 linear feet of pipeline will be replaced. That will consist of abandoning the existing pipeline in place and installing new pipeline by excavating a new trench 30” wide and 58 “ deep, laying the new pipeline, welding the sections of the new pipeline, backfilling the soils that were excavated back into the trench and repaving. She went on to say that all work done will be within the existing paved roadway surface of Springfield Street. The work will be within the 100’ buffer zone of a vegetated wetland and an intermittent stream and will extend near but not within the 200’ buffer zone at the riverfront area of the Westfield River. Erosion control barriers will be installed along the edge of the roadway. Silt socks will be used on the catch basins along the road. Ms. Weissman said that the project is subject to NPDES general permit. A storm water pollution prevention plan will be prepared and submitted. She said the project is proposed as a minor activity within the buffer zone and the riverfront area. Eversource is seeking a negative determination of applicability. Mr. Kozloski asked if there is a culvert crossing the intermittent stream. Ms. Weissman said there is a culvert located significantly below the road bed so they can trench over it. Mr. Kozloski added that at wetland 1 there is another 4” to 6” culvert. Ms. Weissman said she will let the engineers

know and will confirm with them. Mr. Kozloski asked how long it will take to install the pipeline. Ms. Buttaro said approximately a couple of months for the entire project. Mr. Meagher asked if this project will be coordinated with the resurfacing of the road. Ms. Buttaro said they are coordinating with the Town and Mass DOT. Mr. Fallon asked if the work extends into the 200' riverfront area on the east end. Ms. Weissman said the work ends just short of the 200' riverfront area. Ms. Galiatsos asked if the pipe will be removed. Ms. Weissman said no, it will be abandoned in place. The new pipes will be from 2' to 11' away from the old pipe.

Motion was made by Mr. Meagher and seconded by Ms. Galiatsos to issue a negative Determination of Applicability – Eversource – Springfield Street. The Commission will be notified when the project is started and when the erosion control is in place.

ROLL CALL VOTE 7 - 0

2. CERTIFICATE OF COMPLIANCE – 50 H.P. Almgren Drive (#87-0438)

Bryan Bialecki of Furrow Engineering spoke on behalf of Sound Seal. He said he has been retained to prepare plans and application material for an NOI for an addition to 50 Almgren Drive. The original Order of Conditions on this property was never closed out. He said all the work was completed in substantial conformance with the approved documents. Mr. Kozloski noted that there are DEP comments on the new application. He said he went on site with the Town Engineer and observed that the swale on the southerly side is not constructed properly. The detention basin seems lower than the infiltration basin. Mr. Kozloski said there should be riprap across the roadway and he noted that there was water in the parking lot. Mr. Bialecki said they have retained a wetland scientist, Dan Nitzsche, who will address the status of the infiltration basin which is not being maintained.

Motion was made by Mr. Meagher and seconded by Ms. Galiatsos to table the granting of a Certificate of Compliance – 50 H.P. Almgren Drive – to the March 11, 2021 meeting of the Conservation Commission.

ROLL CALL VOTE 7 – 0

3. 6:15 PM – PUBLIC HEARING – Notice of Intent – 50 H.P. Almgren Drive – Sound Seal

Dan Nitzsche, wetland scientist, Adam Young of sound Seal and Bryan Bialecki were present. Mr. Bialecki, spoke on behalf of Sound Seal. He said they are proposing a 30,000 SF addition to the building and to expand employee parking which was part of the original site plan. The existing building was built in 1999 and is 48,000 SF of office and manufacturing space. The detention basin was sized to accommodate this addition. He went on to say that the 100' buffer zone runs through the site so there is a minor amount of work proposed within the buffer zone.

The company needs to extend it's truck maneuvering isle for proper turning for trucks at the loading docks. They have been working with the Town Engineer to address their comments. Mr. Bialecki reviewed the comments from DEP. The first was regarding application fees. He said this is a 3-sided addition, not a separate building. The second question is whether the infiltration basin should be regulated as a bordering vegetated wetland. Mr. Nitzsche walked the site this week. He observed some wetland species growing and said that the infiltration basin has not been maintained but saw no evidence of a flow channel however it is difficult with the snow cover. He went on to say that the infiltration basin was designed to hold water for infiltration. It was not maintained therefore some wetland vegetation is growing there. His concern is that it may be considered a wetland by the Commission even though it was designed as an infiltration basin. When delineating wetlands there must be evidence of hydrology within 12" of the grade. Mr. Kozloski suggested a peer review be done. Ms. Ward said it is valuable to have a peer review.

Motion was made by Ms. Ward and seconded by Mr. Meagher to require a peer review for 50 H.P. Almgren Drive – Notice of Intent – Sound Seal and will request a proposal from Emily Stockman of Stockman Associates.

ROLL CALL VOTE 7 - 0

Mr. Bialecki requested to continue the Public Hearing for Notice of Intent – 50 H.P. Almgren Drive to the next Commission meeting.

Motion was made by Ms. Ward and seconded by Ms. Becker to continue the Public Hearing for 50 H.P. Almgren Drive – Notice of Intent – Sound Seal to the March 11, 2021 meeting of the Conservation Commission.

ROLL CALL VOTE 7 - 0

4. REQUEST FOR EXTENSION – Twin Brook Estates – South Street

Ms. Ward suggested that a new application and a new wetland survey be submitted since it has been such a long time. She does not recommend an extension. Mr. Fallon agreed saying that has been many years since the wetland delineation was done. Mr. Kozloski said that if they extend for 1 year that would mean another 3 years and said that is a long time with no guarantee that the work would be done in that amount of time. Mark Benoit, developer, asked if they would have to redesign the project to meet all the new regulations. Ms. Ward said yes, if there was a substantial change in the wetlands the project would have to be redesigned. Mr. Benoit said that the plan shows 1 large retention area and asked if he would have to change to multiple areas to meet current regulations. Ms. Ward said yes. Mr. Benoit said that with the reconfiguration of the retention areas they would lose units which would make the project probably not viable. Ms. Ward said that the Commission's concern is with the well-being of the wetlands on the property. She feels that it would be negligent to extend based on information that may no longer be valid.

Ms. Kerr noted that both the Town ordinances and DEP regulations have been changed and the new regulations would have to be met.

Motion was made by Ms. Ward and seconded by Mr. Meagher to deny the Request for Extension – Twin Brook Estates – South Street.

ROLL CALL VOTE 6-0-1 (Galiatsos)

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

Emily Stockman of Stockman Associates said that she has not received a written response from Mr. MacNaughton to her initial peer review comments. She did receive the amended NOI which has a project change that involves the filling of 625 SF of bordering vegetated wetland. She also provided the Commission with comments regarding this. Mr. MacNaughton gave an overview of the project. He is proposing a subdivision with a new street which runs close-by a narrow finger of wetland. The original plan had a retaining wall to avoid having to work in the wetlands but the Town Engineer was opposed to it citing the long term expense of maintenance and possible failure of a retaining wall. Mr. MacNaughton then discussed the amended grading plan to eliminate the retaining wall. He said he is proposing to fill 625 SF of wetland without replication. Ms. Stockman explained that the amended NOI results in the filling of 625 SF of protected bordering vegetated wetland without any wetland replication under 310 CMR 10.55 (4)(b). The applicant has proposed the filling under 310 CMR 10.55 (4)(c). She said that in her comments she provided a full citation of the regulation that states that an Order of Conditions may be issued permitting work which results in the loss of a portion of BVW if 3 specific conditions are met. The first condition being that the surface area is less than 500 SF, the second that it is classified as “finger-like” and the third that it is not reasonable to scale down. Ms. Stockman said that the proposal does not meet part 1 as it exceeds 500 SF. Based on her observations during a site visit and documentation provided by SWCA in the original NOI she questions whether this portion of wetland meets the definition of “finger-like”. She said this is a spring fed intermittent stream channel surrounded by BVW. The third condition does give the Commission the authority to determine alternatives to alleviate the loss of wetland. In her opinion this proposed fill does not comply and therefore would have to meet the standards for BVW impact assessment and replication. She added that a water quality certification would be required by DEP. Mr. Kozloski asked Ms. Stockman if replication must be done and she said yes according the 10.55 (4)(b) portion of the regulations. Ms. Stockman said another concern is that SWCA did not delineate the banks of the intermittent stream channel only the BVW boundary. She questions whether the fill would also impact the bank and the land under water. She went on to say that Mr. MacNaughton would either have to redesign the road or provide replication. The burden of proof is on the applicant that the fill would not have a negative impact on the value of the stream. She said the intermittent stream is fed by springs within the northerly tip of the wetland. Mr. Kozloski reiterated that Mr. MacNaughton would have to do replication, prove that there would be no negative impact to the stream and he would need a water quality certification from DEP.

Ms. Stockman noted that the performance standards that need to be met are those for BVW under regulations 10.55 (4) and 10.56 (4). She went on to say that the amended NOI has been submitted to NHESP for review. Because this is new material the NHESP review period restarts. Under regulation 10.59 the Commission cannot issue an Order of Conditions for at least 30 days or a determination from NHESP has been obtained. Mr. Fallon asked if it is possible that this modification with the fill would do substantial damage to the downstream wetland. Ms. Stockman said this remains to be seen. The fill has not been reviewed. Mr. Meagher asked if the review can be done in the winter. Ms. Stockman said winter can cause a delay in the assessment. She added that Mr. MacNaughton should check with SWCA for any data they might have.

Mr. Kozloski opened the meeting to the Public.

Stu Kibbe asked the purpose of the 100' buffer zone. Mr. Kozloski said it's purpose is to protect the wetlands. Mr. Kibbe then asked if the allowance of work in the buffer zone is a discretionary decision of the Conservation Commission. Mr. Kozloski said yes as the law allows. Mr. Kibbe asked why the encroachment into the buffer zone on Lot 1 is being handled differently than on Lots 3 & 4 and he also asked if the perennial stream behind Lot 1 is being addressed. Ms. Stockman replied that the Conservation Commission follows buffer zone regulations 10.53 (1) in reviewing buffer zone impacts. In her original letter she encouraged the Commission to take a hard look at that. She added that the Commission is aware of the stream and is waiting for Mr. MacNaughton to respond. The buffer zone is a jurisdictional area not a resource area. The applicant must prove that there will be no harm to the banks of streams and BVW in order to do any work. Mr. Kibbe asked if Lot 1 is to be developed as a building lot and Mr. MacNaughton said yes it is. Lisa Patnode, 40 Doane Avenue, said that Mr. MacNaughton said that the fill was a minimal impact to the project but to her it appears there is a lot more to comply with for him to do the fill. She asked how this will impact endangered species. She also asked when these wetlands were delineated. Ms. Stockman replied saying that the original NOI provides the date of the delineation. She said it was during the growing season of 2020. Ms. Stockman reviewed that delineation before winter set in.

Mr. MacNaughton requested to continue the Public Hearing – NOI – Aspenwood Associates LLC to the March 25, 2021 Conservation Commission meeting.

Motion was made by Ms. Ward and seconded by Mr. Meagher to continue the Public Hearing – NOI – Aspenwood Associates LLC – 0 Silver Street & 0 Doane Avenue to the March 25, 2021 Conservation Commission meeting.

ROLL CALL VOTE 6-0-1 (Brown)

6. PUBLIC HEARING CONTINUED – Abbreviated Notice of Resource Area Delineation (ANRAD) – 0 Franklin Street, 10 & 14 tennis Road and 132 Rear Mill Street.

A request was received to continue the Public Hearing.

Motion was made by Ms. Becker and seconded by Ms. Galiatsos to continue the Public Hearing – ANRAD – 0 Franklin Street, 10 & 14 Tennis Road and 132 Rear Mill Street to the March 11, 2021 Conservation Commission meeting.

ROLL CALL VOTE 7 – 0

7. ENFORCEMENT ORDER UPDATES:

Suffield Street – T.O.A. is extended to March 11, 2021

North Street Ext./Tanglewood lane is extended to March 1, 2021

8. Correspondences and Complaints

Jason Lavoie, project manager and engineer representing Springfield Water & Sewer Commission, spoke saying that, regarding work at Bondi's Island Wastewater Treatment facility in Springfield, they are currently under construction through their OOC for the work within the defined limits of work. He is asking to install some temporary paving to provide a stable base for construction work and also for erosion control if the river rises. Sand bags will also be put in place as temporary flood control measures. Mr. Kozloski asked if any plastic will be used. Mr. Lavoie said there will be plastic intertwined between the bags. He added that there is steel sheeting around the work areas. Mr. Fallon asked what type of pavement will be used. Mr. Lavoie explained that it would be standard asphalt paving at least 4" thick with a compacted gravel base. Mr. Meagher asked if they would be doing this right away as the area will be getting very muddy. Mr. Lavoie said they would start as soon as possible to be done before a possible flood event. Ms. Ward asked what would be done with the paving material when they are done. Mr. Lavoie said it would be removed from the site and disposed of. Steve Frederick of Spring Water & Sewer Commission commented that no in-water work will be done between March 15 & June 1, 2021.

Motion was made by Ms. Ward and seconded by Mr. Meagher to approve the temporary paving – Bondi's Island – Springfield Water & Sewer Commission with no amendment required.

ROLL CALL VOTE 7 - 0

9. APPROVAL OF MINUTES – February 11, 2021

Motion was made by Ms. Ward and seconded by Mr. Fallon to approve the minutes of February 11, 2021 as written.

ROLL CALL VOTE 7 - 0

Meeting adjourned at 8:05 pm.

Hpg

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