

AGAWAM CONSERVATION COMMISSION
March 11, 2021

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Frank Meagher

ALSO PRESENT:

Pamela Kerr

VIA Zoom Webinar

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

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

Bryan Balecki of Furrow Engineering and Dan Nitzsche, wetland scientist, were present. Mr. Balicki said that He, Mr. Nitzsche and Emily Stockman of Stockman Associates met on site to review the areas in question. Ms. Stockman began by saying that the Certificate of Compliance is very closely tied to the determination of the Commission regarding the status of the exfiltration basin as a storm water management system or as a resource area. One of the requirements of the C of C is that the Commission has to consider the NOI as well as the OOC in approving the project. The 1999 NOI included an operations and maintenance plan. There is no documentation that the O & M was implemented and there is no field evidence of proper maintenance. This brings the question of the functionality of the system as it exists. If the Commission deems that the work including the maintenance has not been done in compliance with the order, the Commission may refuse to issue a C of C. Ms. Stockman asked if the Commission has received comments and approval for the exfiltration basin from the Town Engineering Department. Mr. Kozloski said yes. Ms. Stockman continued saying that the Commission has the authority to rely on the Town's review while considering the C of C. If the Commission issues a C of C this could lead to a subsequent determination that the exfiltration system and the associated features are a stormwater management system and not a protected resource area. Per today's site visit, the basin is demonstrating characteristics of a wetland. It has indicators of hydrology and wetland vegetation. Per the regulations this system was designed to be permanent under an NOI and OOC. She said that the Commission has discretion in their ruling. Mr. Nitzsche spoke of a similar situation that he had encountered. He said that if the exfiltration basin is not maintained it

is up to the Commission to determine if it is still a stormwater basin or a wetland. Ms. Stockman said she also had a similar situation where the basin was deemed a resource area as it was a resource area prior to construction. Mr. Kozloski suggests that with an NOI and OOC coming up for additional work, the Commission grant the C of C and in the new order the Commission can add cleanup along the bank and the berm of the basin and include an annual report on the maintenance thus getting the area back to a maintained system. Ms. Stockman noted that the previous OOC required O & M and a report. She did say that the Conservation Commission can require a condition of the C of C in perpetuity.

Motion was made by Ms. Galiatsos and seconded by Mr. Brown to issue the Certificate of Compliance to 50 H.P. Almgren Drive.

ROLL CALL VOTE 6 - 0

2. PUBLIC HEARING CONT. – Notice of Intent – 50 H.P. Almgren Drive – Sound Seal

Emily Stockman of Stockman Associates was on site today and reviewed the site under the current NOI. Based on the C of C vote, she said the Commission can determine that the exfiltration basin is part of a stormwater management system. If the Commission deems it as such, the proposed scope impacts the basin by the placement of fill. Under the regulations the applicant needs to show that alterations will be in compliance with all stormwater regulations and DEP stormwater standards and will continue to work accordingly with this project.

Motion was made by Ms. Ward and seconded by Mr. Brown for the Commission to agree that the stormwater management system at 50 H.P. Almgren Drive is part of a stormwater management system not a resource area.

Mr. Fallon had a question for Ms. Stockman. He said that she had previously indicated that parts of the system had characteristics of a wetland. He asked if that was the same as a wetland. Ms. Stockman responded by saying that the nature of these systems is that they will develop wetland characteristics based on their function and the lack of maintenance.

ROLL CALL VOTE 6 - 0

At this time Ms. Stockman presented her comments in regards to the swales on the property. She explained that there are 2 swales on the easterly side of the property, one abuts the property line which was observed to be a mowed and maintained swale that presented as a stormwater management feature. She went on to say that just to the east of the proposed addition there is another swale which was not continually mowed but exhibited upland species. Both areas did not present any wetland characteristics. On the front of the parcel there is a buffer zone that extends from the delineated wetland to the west. The wetland hooks and extends southerly. Both swales are within the Town's drainage easement. In her opinion the wetland boundary should extend

further south and is clearly defined. Mr. Balicki said the proposed small parking lot would fall within the buffer zone. Mr. Fallon asked if there will be berms around the new small parking lot. Mr. Balicki said it will be fully surrounded by a paved berm and is graded so that the run-off pitches north, away from the new area being discussed and will be managed through the stormwater management system. Mr. Kozloski noted that the Commission would require an updated plan showing the wetland. Mr. Balicki said that based on today's walk through this has been done. Ms. Stockman added that the bordering vegetated wetland boundary is accurately depicted as shown on the revised plans. Mr. Kozloski said that the pre-treatment area needs to be repaired and noted that a rip rap dam exists and is shown on the revised plan. Mr. Balicki said they would be agreeable to conditioning that the pre-treatment area and the rip rap dam be re-established and properly cleaned out and maintained.

The commission agreed to hold a meeting on Tuesday, March 16, 2021 at 6:00pm to write and issue the Order of Conditions for – Notice of Intent - 50 H.P. Almgren Drive – Sound Seal.

Motion was made by Ms. Ward and seconded by Ms. Becker to close the Public Hearing for Notice of Intent – 50 H.P. Almgren Drive – Sound Seal.

ROLL CALL VOTE 6 - 0

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

(Previously continued to March 25, 2021)

4. 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. Ward and seconded by Mr. Brown to continue the Public Hearing – ANRAD – 0 Franklin Street, 10 & 14 Tennis Road and 132 Rear Mill Street to the March 25, 2021 Conservation Commission meeting.

ROLL CALL VOTE 6 – 0

5. ENFORCEMENT ORDER UPDATES:

Suffield Street – Town of Agawam (extended to March 11, 2021)

Ms. Kerr spoke saying that the area of the disturbance is outside of the buffer zone.

Motion was made by Ms. Ward and seconded by Ms. Becker to rescind the Enforcement Order for Suffield Street – Town of Agawam.

ROLL CALL VOTE 6 - 0

North Street Ext./Tanglewood Lane (extended to March 1, 2021)

A request was received to extend the Enforcement Order for North Street Extension/Tanglewood Lane for another 2 weeks.

Motion was made by Ms. Ward and seconded by Ms. Galiatsos to extend the Enforcement Order – North Street Ext./Tanglewood Lane to the March 25, 2021 Conservation Commission meeting.

ROLL CALL VOTE 6 - 0

6. Correspondences and Complaints

A request was received to remove a tree at 777 River Road. Ms. Kerr explained that an addition is being constructed on the property which is in the flood plain. The Commission has given permission to remove one tree. This second tree is damaged and the builder is concerned. Mr. Kozloski said that since the tree is in the framework of the open Order of Conditions the tree may be removed.

Mr. Kozloski said that the outfall on Parkedge Drive needs to be extended. He said that the foundations of 2 houses are cracking. The Town will do the work but they do not have a plan yet. When the Town has a plan they can say that they need to do the work to save the houses then the Commission can issue an Emergency Order.

7. APPROVAL OF MINUTES – February 25, 2021

Motion was made by Ms. Ward and seconded by Ms. Becker to approve the minutes of February 25, 2021 as written.

ROLL CALL VOTE 6 - 0

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

ROLL CALL VOTE 6 - 0

Meeting adjourned at 7:00 pm.

Hpg