



Conservation Commission AGENDA

Thursday, May 8, 2025 - 6:00 PM

Regular Meeting
Agawam Senior Center
954 Main Street
Agawam, MA 01001

A. Conservation Commission

- 1) 6:00PM REQUEST FOR DETERMINATION-223 Garden Street-MBNX Holding Co
- 2) 6:05PM PUBLIC HEARING-NOTICE OF INTENT-242 RIVER RD & 56 FOREST RIDGE LN-Nakhabenko
- 3) PUBLIC HEARING CONT.-NOTICE OF INTENT-1014 North St Ext-VIP Homes & Associates, LLC
- 4) RATIFY ENFORCEMENT ORDER-739 South West Street
- 5) ENFORCEMENT ORDER UPDATES
- 6) APPROVAL OF MINUTES-April 24, 2025
- 7) Correspondence and Complaints

Request for Determination of Applicability

Under the Massachusetts Wetlands Protection Act 310 CMR 10.00

Proposed Building Addition

Project Location:

223 Garden Street
Feeding Hills, Massachusetts 01030
(Parcel ID: G8-2-3)

Submitted To:

Town of Agawam Conservation Commission
36 Main Street
Agawam, Massachusetts 01001

Applicant & Property Owner:

MBNZ Holding Co.
c/o Mr. Nasser Zebian
223 Garden Street
Feeding Hills, Massachusetts 01030

RLA Project File No. 250214

April 17, 2025

R LEVESQUE ASSOCIATES, INC.

A LAND PLANNING SERVICES COMPANY

40 School Street, Westfield, MA 01085

p 413.568.0985 · f 413.568.0986 · www.rlaland.com



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APPENDIX A: SITE PLAN

I. COVER LETTER

R LEVESQUE ASSOCIATES, INC.

40 School Street, P.O. BOX 640, Westfield, MA 01085

p 413.568.0985 · f 413.568.0986 · www.rland.com



April 17, 2025

Henry A. Kozloski, Chairman
Town of Agawam Conservation Commission
36 Main Street
Agawam, Massachusetts 01001

**RE: Request for Determination of Applicability
223 Garden Street
Feeding Hills, Massachusetts 01030
(Assessor's Parcel ID: G8-2-3)
RLA Project File No. 250214**

Dear Chairman Kozloski and Commissioners:

On behalf of the applicants and property owner, MBNZ Holding Co. c/o Nasser Zebian, please find the requisite number of copies of a Request for Determination of Applicability and associated filing plan for the above referenced properties. This Request is being filed to confirm whether the activities depicted on the plan are subject to the Wetlands Protection Act.

As required, a copy of this Request for Determination of Applicability has been submitted electronically via email to the Town of Agawam Conservation Commission and through eDEP to the Massachusetts Department of Environmental Protection.

We are requesting to be placed on the Commission's next available agenda. Should you have any questions or comments regarding this filing, please do not hesitate to contact our office at your earliest convenience.

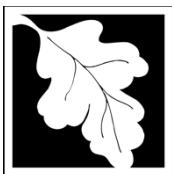
Sincerely,
R LEVESQUE ASSOCIATES, INC.

Nina Fazio
Permitting Coordinator

A LAND PLANNING SERVICES COMPANY

2. ADMINISTRATIVE FORMS

2.1 WPA FORM 1 – REQUEST FOR DETERMINATION OF APPLICABILITY



Massachusetts Department of Environmental Protection
Bureau of Water Resources - Wetlands

WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Municipality _____

A. General Information

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:

First Name _____

Last Name _____

Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Email Address _____

2. Property Owner (if different from Applicant):

First Name _____

Last Name _____

Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Email Address (if known) _____

3. Representative (if any)

First Name _____

Last Name _____

Company Name _____

Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Email Address (if known) _____

B. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

Street Address _____

City/Town _____

Latitude (Decimal Degrees Format with 5 digits after decimal
e.g. XX.XXXXX)

Longitude (Decimal Degrees Format with 5 digits after
decimal e.g. -XX.XXXXX)

Assessors' Map Number _____

Assessors' Lot/Parcel Number _____

b. Area Description (use additional paper, if necessary):

c. Plan and/or Map Reference(s): (use additional paper if necessary)

Title _____

Date _____

Title _____

Date _____

[How to find Latitude and Longitude](#)

[and how to convert to decimal degrees](#)



Massachusetts Department of Environmental Protection

Bureau of Water Resources - Wetlands

WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Municipality

B. Project Description (cont.)

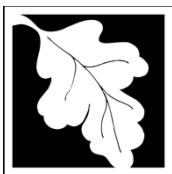
2. a. Activity/Work Description (use additional paper and/or provide plan(s) of Activity, if necessary):

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☐ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☐ Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- ☐ New agriculture or aquaculture project
- ☐ Public project where funds were appropriated prior to 8/7/96
- ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- ☐ Residential subdivision; institutional, industrial, or commercial project
- ☐ Municipal project
- ☐ District, county, state, or federal government project
- ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary).



Massachusetts Department of Environmental Protection

Bureau of Water Resources - Wetlands

WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Municipality _____

C. Determinations

1. I request the _____ make the following determination(s). Check any that apply:
Conservation Commission

- ☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced above is an area subject to jurisdiction of the Wetlands Protection Act.
- ☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced above are accurately delineated.
- ☐ c. whether the **Activities** depicted on plan(s) referenced above is subject to the Wetlands Protection Act and its regulations.
- ☐ d. whether the area and/or Activities depicted on plan(s) referenced above is subject to the jurisdiction of any **municipal wetlands' ordinance** or **bylaw** of:

Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for Activities in the Riverfront Area as depicted on referenced plan(s).
- _____

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

Date

Nina Fazio

Signature of Representative (if any)

Date

3. PROJECT NARRATIVE

PROJECT NARRATIVE TO REQUEST FOR DETERMINATION OF APPLICABILITY

For

223 GARDEN STREET
FEEDING HILLS, MASSACHUSETTS 01030
(ASSESSOR'S PARCEL ID: G8-2-3)

INTRODUCTION

On behalf of the applicant and property owner, MBNZ Holding Co. c/o Nasser Zebian, R Levesque Associates, Inc. is providing this project narrative as a supplement to the Request for Determination of Applicability for the above-referenced property. This Request is being filed to confirm whether the activities depicted on the plan are subject to the Wetlands Protection Act.

PROPERTY DESCRIPTION

The subject property is located north of Garden Street and consists of approximately 1.6 ± acres as shown on the associated site plan set prepared by R Levesque Associates, Inc. Said property is recorded in the Hampden County Registry of Deeds in Book 24996, Page 11.

Examination of GIS information from the Massachusetts Natural Heritage Atlas revealed that the subject properties are not located within Natural Heritage and Endangered Species Program jurisdiction. The project site is not located within a Special Flood Zone Area according to flood insurance rate map number 25013C0384E, effective date July 16, 2013. Please see below for further information on resource areas related to this project site.

EXISTING CONDITIONS & TOPOGRAPHY

The subject property currently operates as an auto body / repair shop, Vermette Auto Body, with associated parking, access drives, and site improvements. In general, the topography of the site is generally flat, with on-site elevations ranging from 187 to 192. Please refer to the USGS Topographic Map included within this application packet under Section 4.

SOILS

According to the Web Soil Survey Map, the soil types mapped on the subject property consist entirely of: Merrimac fine sandy loam, 0 to 3 percent slopes (254A). Please refer to the attached NRCS Soil Map included within this application packet under Section 4 for greater detail on the soils defined below.

The Merrimac series consists of very deep, somewhat excessively drained soils formed in outwash. They are nearly level through very steep soils on outwash terraces and plains and other glaciofluvial landforms. Slope ranges from 0 through 35 percent.

WETLAND RESOURCE AREAS

The wetland resource areas were flagged by R Levesque Associates, Inc. in April 2025. The definition of each applicable resource area is presented below in italic text, followed by a description of the resource area presented below in boldface text.

Please note that wetlands delineated off-site have been shown to accurately portray buffer zone onto the subject property. The delineation of wetland resource areas off-site is not the subject of this filing.

Bordering Vegetated Wetlands (BVW)

As defined in 310 CMR 10.55 (2) (a), *“Bordering Vegetated Wetlands are freshwater wetlands which border on creeks, rivers, streams, ponds, and lakes. The types of freshwater wetlands are wet meadows, marshes, swamps, and bogs. Bordering Vegetated Wetlands are areas where the soils are saturated and/or inundated such that they support a predominance of wetland indicator plants...”*.

A Bordering Vegetated Wetland (BVW) is located off-site to the north. The BVW has been flagged in the field and is shown on the accompanying filing plan with sequentially numbered flagging labeled “A-100” through “A-108”. The proposed activities do not disturb the BVW.

Buffer Zone

Buffer Zone as defined in 310 CMR 10.04 is *“the area of land extending 100 feet horizontally outward from the boundary of any areas specified in 310 CMR 10.02(1)(a)”*.

Buffer Zone associated with the off-site Bordering Vegetated Wetland and has been shown offset 100' from delineated boundaries. The proposed activities do not disturb the buffer zone.

Bank

In 310 CMR 10.54(2) it states, "A Bank is the portion of the land surface which normally abuts and confines a water body. It occurs between a water body and a vegetated bordering wetland and adjacent flood plain, or, in the absence of these, it occurs between a water body and an upland."

Bank is associated with an off-site perennial stream to the north and has been marked in the field with sequentially numbered flagging labeled "MAHW-100" through "MAHW-1110". The Mean Annual High Water (MAHW) was flagged and is synonymous with Top of Bank in this instance. The proposed activities do not disturb the Bank.

Riverfront Area

Riverfront Area (RA) as defined in 310 CMR 10.58(3) "...is the area of land between a river's mean annual high-water line measured horizontally outward from the river and a parallel line located 200 feet away. The riverfront area may include or overlap other resource areas or their buffer zone. The riverfront area does not have a buffer zone."

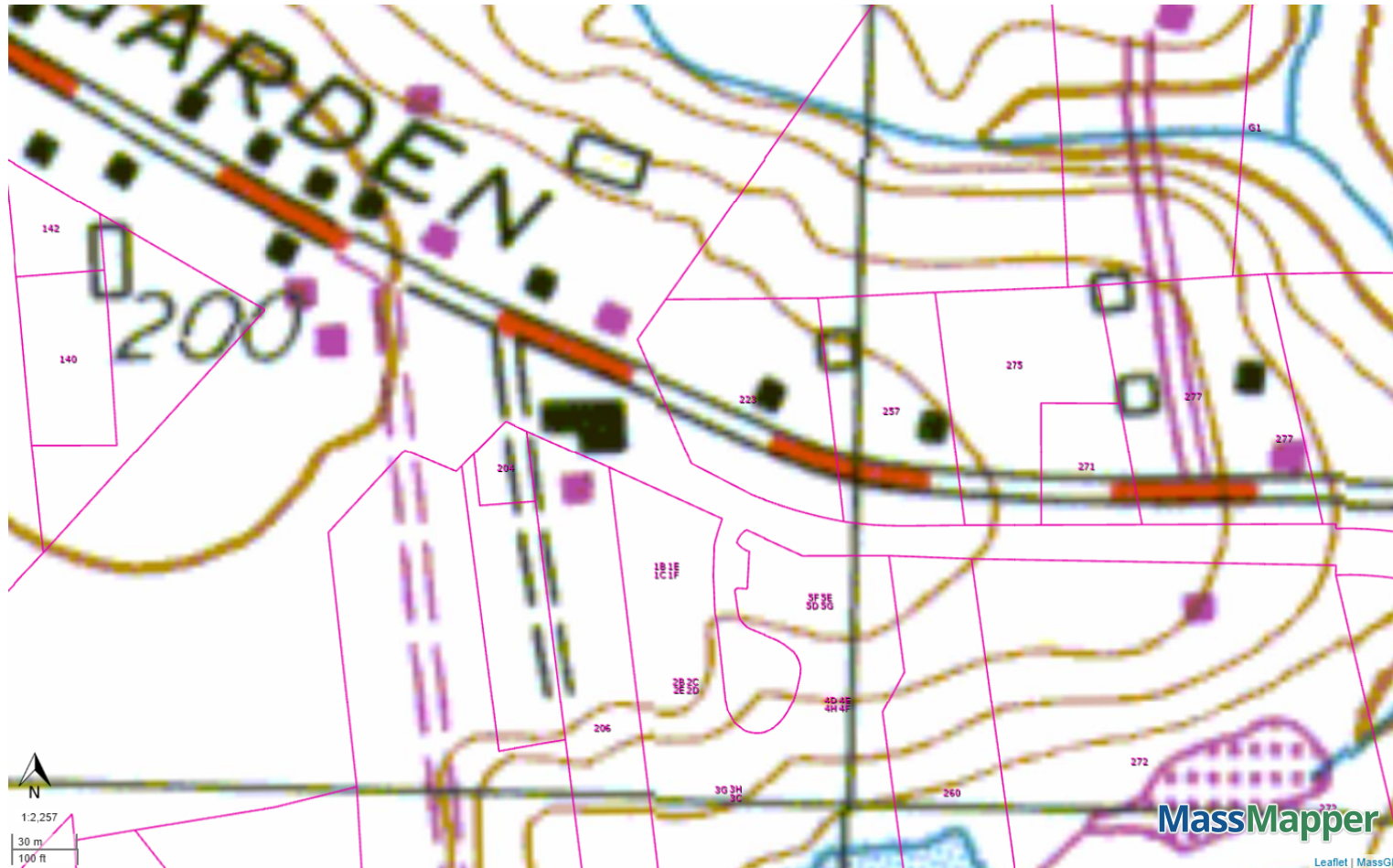
Riverfront Area is associated with off-site perennial stream and has been shown 200' from the delineated mean annual high-water line. The proposed activities do not disturb the Riverfront Area.

[END OF PROJECT NARRATIVE]

4. FIGURES

- 4.1 FIGURE 1 – USGS TOPOGRAPHIC MAP
- 4.2 FIGURE 2 – FEMA FLOODPLAIN MAP
- 4.3 FIGURE 3 – NRCS SOILS MAP

USGS Topographic Map

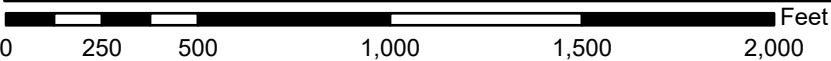
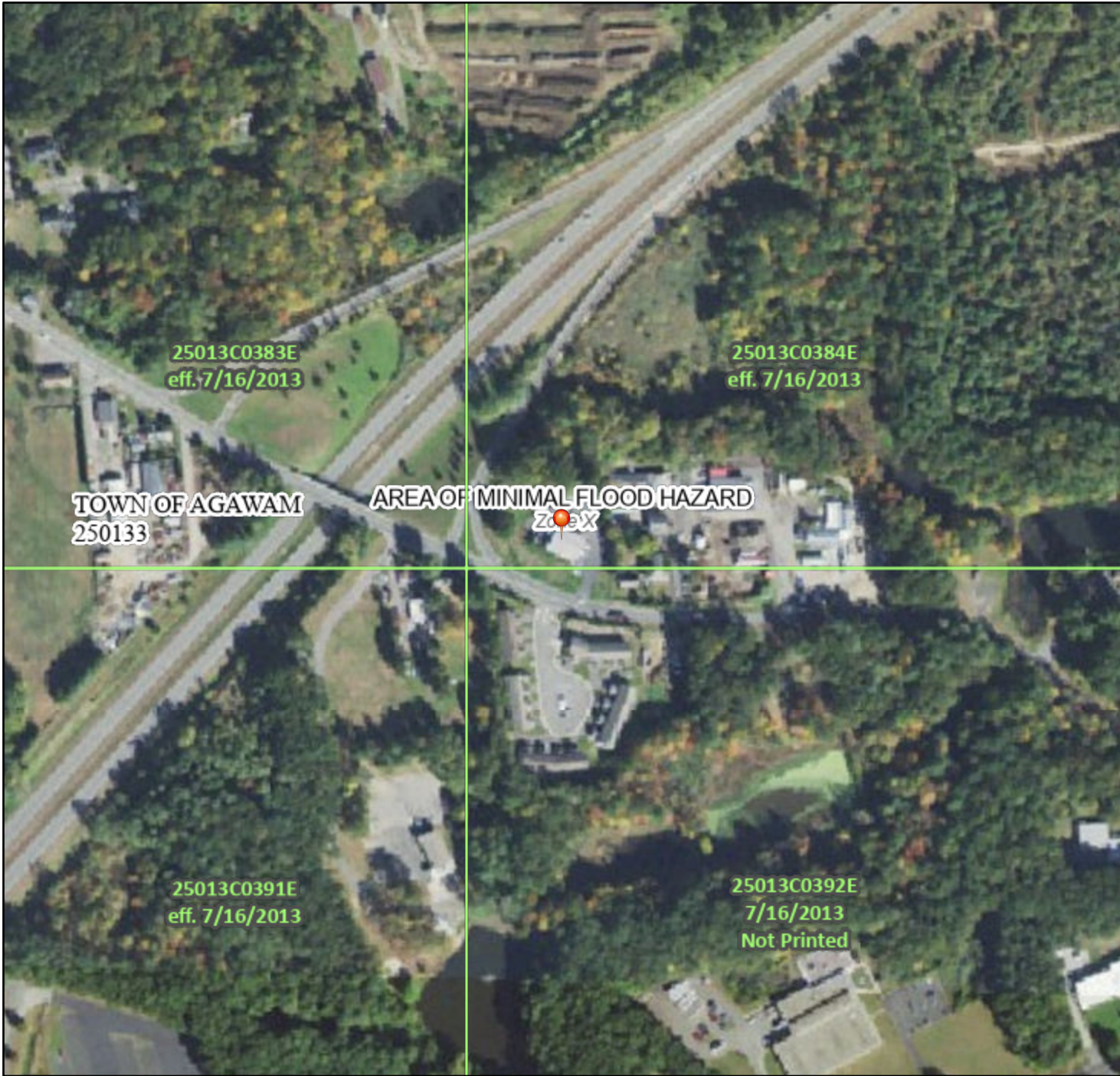


Property Tax Parcels
USGS Topographic Maps

National Flood Hazard Layer FIRMMette



72°39'38"W 42°3'59"N



1:6,000

72°39'1"W 42°3'32"N

Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
OTHER FEATURES		Levee, Dike, or Floodwall
		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
OTHER FEATURES		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
OTHER FEATURES		Base Flood Elevation Line (BFE)
		Limit of Study
OTHER FEATURES		Jurisdiction Boundary
		Coastal Transect Baseline
OTHER FEATURES		Profile Baseline
		Hydrographic Feature
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 4/16/2025 at 6:24 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Soil Map—Hampden County, Massachusetts, Central Part
(GISDATA_L3_TAXPAR_POLY_ASSESSPolygon)



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Hampden County, Massachusetts, Central Part

Survey Area Data: Version 18, Aug 27, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Oct 15, 2020—Oct 31, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
254A	Merrimac fine sandy loam, 0 to 3 percent slopes	1.7	100.0%
Totals for Area of Interest		1.7	100.0%



APPENDIX A: SITE PLAN

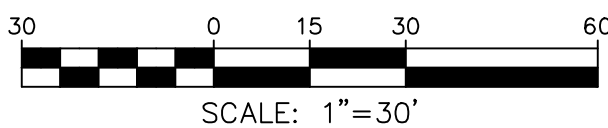
SITE PLAN ENTITLED "PROPOSED SITE IMPROVEMENTS"

PREPARED FOR VERMETTE AUTO BODY

PREPARED BY R LEVESQUE ASSOCIATES, INC.

DATED APRIL 16, 2025

TYPE (MINIMUM)	REQUIRED	EXISTING	PROPOSED
AREA	10,000 S.F.	73,961 S.F.	73,961 S.F.
FRONTAGE	100 FT	254.36'	254.36'
FRONT YARD	35 FT	75.6'	75.6'
SIDE YARD	10 FT	61.0'	43.6'
REAR YARD	35 FT	126.5'	103.5'
HEIGHT (MAX)	45 FT (3 STORIES)	1.5 STORIES	1.5 STORIES
BUILDING COVERAGE (MAX)	50%	±7.8%	±12.1%
REQUIRED PARKING *	36	36	36



1. THE RECORD OWNER OF THE SUBJECT PARCEL IS MBNZ HOLDING CO. SEE HAMPDEN COUNTY REGISTRY OF DEEDS BOOK 24996 PAGE 41.
2. THE PROPERTY LINES SHOWN HEREON ARE BASED UPON A PLAN RECORDED IN THE HAMPDEN COUNTY REGISTRY OF DEEDS IN PLAN BOOK 319 PAGE 43.
3. THE EXISTING BUILDING(S) SHOWN HEREON ARE BASED ON AN APPROXIMATE MEASUREMENT OF THE OUTSIDE PERIMETER OF THE EXISTING STRUCTURES. THE ACTUAL LOCATION OF THE EXISTING BUILDING WALLS AND CORNERS SHOULD BE VERIFIED IN THE FIELD PRIOR TO ANY CONSTRUCTION WORK THAT WOULD ABUT OR TAKE PLACE ADJACENT TO THE EXISTING BUILDING(S). IF THE PLAN HEREON IS USED FOR CONSTRUCTION LAYOUT PURPOSES, THE PARTIES CONDUCTING LAYOUT SHALL CONTACT R. LEVESQUE ASSOCIATES INC. PRIOR TO SAID LAYOUT TO DETERMINE PROPER CONTROL. PLEASE NOTE WHILE THE BUILDING(S) ARE SHOWN TO BE SQUARE, IT SHOULD NOT BE ASSUMED THAT THE WALLS ARE SQUARE OR PLUMB. R. LEVESQUE ASSOCIATES TAKES NO RESPONSIBILITY FOR THIRD PARTY LAYOUT OF THE PLAN SHOWN HEREON.
4. THIS PLAN HAS BEEN PREPARED FOR SITE PLANNING PURPOSES AND SHALL NOT BE USED FOR THE CONVEYANCE OF LAND OR FOR ANY OTHER USE.
5. SUBJECT PARCEL CONTAINS 73,961 S.F.
6. THE SUBJECT PROPERTIES SHOWN HEREON MAY BE SUBJECT TO RIGHTS AND EASEMENTS AS CONTAINED IN THE VARIOUS DEEDS OF RECORD DESCRIBING SAID PROPERTIES. THE LOCATION AND EXTENT OF ANY SUCH RIGHTS AND EASEMENTS IS NOT THE SUBJECT OF THIS PLAN.
7. THE OFFSITE BORDERING VEGETATED WETLANDS AND PERENNIAL STREAM DEPICTED HEREON WERE FLAGGED BY R LEVESQUE ASSOCIATES INC. AND LOCATED VIA RTK GPS SURVEY ON APRIL 14, 2025.
8. THE EXISTING CONDITIONS INFORMATION SHOWN IS BASED UPON A TOPOGRAPHIC SURVEY PERFORMED BY R LEVESQUE ASSOCIATES, INC. ON MARCH 12, 2025.
9. THE UNDERGROUND UTILITIES SHOWN HEREON HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION, DIGSAFE MARKINGS AND AVAILABLE RECORD DATA. R LEVESQUE ASSOCIATES, INC. MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN HEREON COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. R LEVESQUE ASSOCIATES, INC. FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN HERE ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM AVAILABLE INFORMATION.
10. ABUTTERS DEPICTED HEREON ARE TAKEN FROM THE TOWN OF AGAWAM MUNICIPAL GIS WEBSITE
11. SUBJECT PARCEL IS ZONED BUSINESS B ACCORDING TO THE TOWN OF AGAWAM ZONING MAP.
12. THE SUBJECT PARCEL IS NOT LOCATED WITHIN A SPECIAL FLOOD ZONE AREA ACCORDING TO FLOOD INSURANCE RATE MAP NUMBER 25013C0383E - EFFECTIVE DATE: JULY 16, 2013.
13. THE SUBJECT PROPERTY IS NOT LOCATED WITHIN NATURAL HERITAGE & ENDANGERED SPECIES PROGRAM (NHESP) JURISDICTION.

**223 GARDEN STREET - PARCEL G8 2 3
AGAWAM, MASS.**



ISSUANCE DATE: April 15, 2025

REVISIONS:	DATE:
------------	-------

DRAFTED BY: J.L. & J.W.M.

UNAUTHORIZED ALTERATION OF
THIS DOCUMENT IS A VIOLATION
OF MASSACHUSETTS STATE LAW

SCALE: 1" = 30'

RLA PROJ. NUMBER: 250214

DRAWING#	REV.
----------	------

C-1

Notice of Intent

Under Massachusetts Wetlands Protection Act 310 CMR 10.00

Proposed Single-Family Addition & Compensatory Flood Storage

Project Location:

248 River Rd. & 56 Forest Ridge Ln.
Agawam, MA 01001
(Map/Parcel ID: L6/10/3 & L6/5/26)

Submitted To:

Town of Agawam Conservation Commission
36 Main St.
Agawam, MA 01001

Applicant:

Serge Nakhabenko
242 River Rd.
Agawam, MA 01001

Property Owner – 248 River Road:

Serge Nakhabenko
242 River Rd.
Agawam, MA 01001

Property Owner – 56 Forest Ridge Lane:

Bryan Hunt
56 Forest Ridge Ln.
Agawam, MA 01001

Project File #: 240505

April 24, 2025

R LEVESQUE ASSOCIATES, INC

A LAND PLANNING SERVICES COMPANY

40 School Street, Westfield, MA 01085

p 413.568.0985 · f 413.568.0986 · www.rlaland.com



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LIST OF APPENDICES

APPENDIX A: SITE PLAN

I. COVER LETTER

R LEVESQUE ASSOCIATES, INC.

40 School Street, Westfield, MA 01085 p

413.568.0985 · f 413.568.0986 · www.rlaland.com



April 24, 2025

Henry A. Kozloski, Chairman
Town of Agawam Conservation Commission
36 Main Street
Agawam, MA 01001

**RE: Notice of Intent
Proposed Single-Family Addition & Compensatory Flood Storage
248 River Rd. & 56 Forest Ridge Ln.
Agawam, MA 01085
(Map: L6 Parcels: 10/3 & 5/26)**

Dear Chairman Kozloski & Commissioners:

On behalf of the applicant, Serge Nakhabenko, please find an original and requisite number of copies of a Notice of Intent (NOI) application and filing plans for the proposed work at the above referenced site. The applicant proposes to construct an addition to an existing single-family home at 248 River Road within Bordering Land Subject to Flooding and Riverfront Area. Requisite compensatory flood storage is proposed at 56 Forest Ridge Lane.

Included herewith are the requisite filing fees. A copy of the Notice of Intent has been submitted electronically via email to the Town of Agawam Conservation Commission and submitted electronically to the Mass DEP.

We are hereby requesting to be placed on the Commission's next available agenda. Should you have any questions or comments regarding the Notice of Intent, please do not hesitate to contact our office at your earliest convenience.

Sincerely,
R LEVESQUE ASSOCIATES, INC

Ryan Nelson
Wetland/Soil Scientist & Project Manager

cc: Serge Nakhabenko

A LAND PLANNING SERVICES COMPANY

2. WPA FORM 3 – NOTICE OF INTENT



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Agawam

City/Town

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

248 River Rd. & 56 Forest Ridge Ln.

a. Street Address

Agawam

b. City/Town

01001

c. Zip Code

Latitude and Longitude:

L6

f. Assessors Map/Plat Number

42.05228; 42.05555

d. Latitude

72.60845; 72.61130

e. Longitude

10/3 & 5/26

g. Parcel /Lot Number

2. Applicant:

Serge

a. First Name

Nakhabenko

b. Last Name

c. Organization

242 River Rd.

d. Street Address

Agawam

e. City/Town

MA

f. State

01001

g. Zip Code

540-414-1602

h. Phone Number

i. Fax Number

LSEExpress.ma@gmail.com

j. Email Address

3. Property owner (required if different from applicant): ☐ Check if more than one owner

Serge; Bryan

a. First Name

Nakhabenko; Hunt

b. Last Name

c. Organization

248 River Rd.; 56 Forest Ridge Ln.

d. Street Address

Agawam

e. City/Town

MA

f. State

01001

g. Zip Code

540-414-1602

h. Phone Number

i. Fax Number

LSEExpress.ma@gmail.com

j. Email address

4. Representative (if any):

Robert

a. First Name

Levesque

b. Last Name

R. Levesque Associates, Inc.

c. Company

40 School Street

d. Street Address

Westfield

e. City/Town

MA

f. State

01085

g. Zip Code

413-568-0985

h. Phone Number

413-568-0986

i. Fax Number

robl@rlaland.com

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$330

a. Total Fee Paid

\$152.50

b. State Fee Paid

\$177.50

c. City/Town Fee Paid



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Provided by MassDEP:

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A. General Information (continued)

6. General Project Description:

The Proposed project consists of an addition to a single-family home at 248 River Rd. in the flood zone and also is a riverfront redevelopment project. Required compensatory flood storage is proposed at 56 Forest Ridge Ln.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- | | |
|---|---|
| 1. ☒ Single Family Home | 2. ☐ Residential Subdivision |
| 3. ☐ Commercial/Industrial | 4. ☐ Dock/Pier |
| 5. ☐ Utilities | 6. ☐ Coastal engineering Structure |
| 7. ☐ Agriculture (e.g., cranberries, forestry) | 8. ☐ Transportation |
| 9. ☐ Other | |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Hampden

a. County

10888 (56 Forest Ridge Ln.)

c. Book

40775 (248 River Rd.)

b. Certificate # (if registered land)

523 (56 Forest Ridge Ln.)

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- ☐ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- ☒ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Bank	1. linear feet	2. linear feet
b. ☐ Bordering Vegetated Wetland	1. square feet	2. square feet
c. ☐ Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. ☒ Bordering Land Subject to Flooding	6,761 +/- 1. square feet 87 +/- 3. cubic feet of flood storage lost	4,500 +/- 2. square feet 97 +/- 4. cubic feet replaced
e. ☐ Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. ☒ Riverfront Area	Connecticut River 1. Name of Waterway (if available) - specify coastal or inland	

2. Width of Riverfront Area (check one):

- ☐ 25 ft. - Designated Densely Developed Areas only
- ☐ 100 ft. - New agricultural projects only
- ☒ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: 12,196 +/-
square feet

4. Proposed alteration of the Riverfront Area:

<u>6,761 +/-</u>	<u>3,120 +/-</u>	<u>3,641 +/-</u>
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI? ☐ Yes ☒ No

6. Was the lot where the activity is proposed created prior to August 1, 1996? ☒ Yes ☐ No

3. ☐ Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. ☐ Land Under the Ocean	1. square feet	
	2. cubic yards dredged	
c. ☐ Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. ☐ Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. ☐ Coastal Dunes	1. square feet	2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. ☐ Coastal Banks	1. linear feet	
g. ☐ Rocky Intertidal Shores	1. square feet	
h. ☐ Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. ☐ Land Under Salt Ponds	1. square feet	
	2. cubic yards dredged	
j. ☐ Land Containing Shellfish	1. square feet	
k. ☐ Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged	
l. ☐ Land Subject to Coastal Storm Flowage	1. square feet	

4. ☐ Restoration/Enhancement

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

a. ☐ Yes ☒ No

If yes, include proof of mailing or hand delivery of NOI to:

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581**

04-10-2025
Mass Mapper

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

1. ☐ Percentage/acreage of property to be altered:

(a) within wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

2. ☐ Assessor's Map or right-of-way plan of site

2. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) ☐ Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/mas-endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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C. Other Applicable Standards and Requirements (cont'd)

- (c) ☐ MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) ☐ Vegetation cover type map of site

- (e) ☐ Project plans showing Priority & Estimated Habitat boundaries

- (f) OR Check One of the Following

1. ☐ Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. ☐ Separate MESA review ongoing.

a. NHESP Tracking #

b. Date submitted to NHESP

3. ☐ Separate MESA review completed.

Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

- a. ☒ Not applicable – project is in inland resource area only b. ☐ Yes ☐ No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Bourne to Rhode Island border, and the Cape & Islands:

North Shore - Plymouth to New Hampshire border:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: dmf.envreview-north@mass.gov

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

- c. ☐ Is this an aquaculture project?

- d. ☐ Yes ☒ No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



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Online Users:

Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

C. Other Applicable Standards and Requirements (cont'd)

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
 - a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
 - b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
 - a. ☐ Yes ☒ No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
 - a. ☐ Yes ☒ No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
 - a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
 1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. ☐ A portion of the site constitutes redevelopment
 3. ☐ Proprietary BMPs are included in the Stormwater Management System.
 - b. ☐ No. Check why the project is exempt:
 1. ☒ Single-family house
 2. ☐ Emergency road repair
 3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



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D. Additional Information (cont'd)

3. ☐ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.

Conservation Filing Plan

a. Plan Title

R. Levesque Associates, Inc.

Robert M. Levesque, RLA, ASLA

b. Prepared By

4-10-2025

c. Signed and Stamped by

As Shown

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. ☒ Attach NOI Wetland Fee Transmittal Form
9. ☐ Attach Stormwater Report, if needed.

E. Fees

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

1031

2. Municipal Check Number

4-9-2025

3. Check date

1030

4. State Check Number

4-9-2025

5. Check date

LS Express Inc.

6. Payor name on check: First Name

7. Payor name on check: Last Name



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F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

[Signature]
1. Signature of Applicant

4.4.25
2. Date

[Signature]
3. Signature of Property Owner (if different)

4.4.25
4. Date

[Signature]
5. Signature of Representative (if any)

04-24-2025
6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

3. PROJECT NARRATIVE

NARRATIVE ADDENDUM TO NOTICE OF INTENT

For

Proposed Single-Family Home Addition & Compensatory Flood Storage

248 River Rd. & 56 Forest Ridge Ln.

Agawam, Massachusetts 01001

Map: L6 Parcel: 10/3 & 5/26

INTRODUCTION

R Levesque Associates, Inc. is submitting this Notice of Intent application of behalf of the applicant, Serge Nakhabenko, for the proposed addition to a single-family home located within Bordering Land Subject to Flooding and Riverfront Area at 248 River Rd. Requisite compensatory flood storage is proposed at 56 Forest Ridge Ln. in Agawam, MA.

The proposed project is shown in greater detail on site plans entitled "Conservation Filing Plan" dated 4/10/2025, prepared by R Levesque Associates, Inc.

SITE DESCRIPTION

248 River Road - The property is comprised of a single-family residential home with typical site improvements such as a paved driveway, lawn areas, and landscaping. The subject property is recorded in the Hampden County Registry of Deeds under Land Court Certificate # 40775. The parcel is approximately 0.29 acres and is within the "Residence A-2" (RA2) Zoning District. The topography is relatively flat, with a plateau ranging between elevations 55 to 57. There is a steep embankment down to an elevation of approximately 40 feet near the Mean Annual High Water line of the Connecticut river. The subject property is located within the 100-year flood zone, and is partially located within Natural Heritage & Endangered Species Program (NHESP) Jurisdiction.

56 Forest Ridge Lane - The property consists of a single-family home with typical site improvements proximate to Forest Ridge Lane. The rear remaining land, proximate to Redwood Drive is undeveloped forested land. The subject property is recorded in the Hampden County Registry of Deeds in Book 10888, Page 523 and is approximately 2.92 acres according to Agawam GIS. The topography of this parcel varies greatly, however the proposed area of work slopes gently to the north towards the wetland resource areas. A portion of the subject property is located within the 100-year flood zone, and thus will be utilized for compensatory flood storage. The property is not located within Natural Heritage & Endangered Species Program (NHESP) Jurisdiction.

The proposed project is shown in greater detail on site plans entitled "Conservation Filing Plan" dated 4/10/2025, prepared by R Levesque Associates, Inc.

Soils

According to NRCS Soil Survey mapping, the project site located at 248 River Rd. and 56 Forest Ridge Lane consists of Hadley very fine sandy loam, 0 to 3 percent slopes (96A).

The Hadley series consists of very deep well drained soils formed in silty alluvium. They are nearly level soils on flood plains. Saturated hydraulic conductivity is moderately high or high in the surface layer and upper substratum and moderately high to very high in the lower substratum. Slope ranges from 0 to 3 percent. The taxonomic class is coarse-silty, mixed, superactive, nonacid, mesic Typic Udifluvents.

PROJECT DESCRIPTION

The proposed project involves the following:

248 River Road

1. Installation of erosion controls along the permitted limit of work;
2. Demolition and removal of a portion of the existing driveway and landscaping;
3. Excavation for proposed addition foundation and construction of addition;
4. Installation and/or rerouting of underground utilities including sanitary sewer, electric, gas, and water services;
5. Installation of new paved driveway, final site grading, and landscaping.
6. Removal of invasive plants and debris along the slope next to the CT River as mitigation for the proposed project.

56 Forest Ridge Lane

1. Installation of silt fence/erosion controls along the proposed limit of work.
2. Installation of stone anti-tracking pad at construction entrance at the end of Redwood Drive.
3. Clearing and stumping of vegetation within the proposed limit of work (approximately 4,500 S.F.). This alteration is exempt from Riverfront Area alteration calculations per 310 CMR 10.58(4)(d)(1)(a).
4. Strip and stockpile topsoil, and then excavate to achieve subgrades of compensatory flood storage area as shown on the accompanying site plan.

5. Inlay at least 6 inches of loam topsoil to achieve final grades as shown on the accompanying site plan.
6. Once final grades are achieved, the area shall be planted as shown and then seeded with a conservation seed mix.
7. Erosion controls shall be maintained until a certificate of compliance is issued by the Agawam Conservation Commission.

RESOURCE AREAS

Wetland resource areas identified within a jurisdictional vicinity of the project site consist of Bank, Bordering Land Subject to Flooding, Riverfront Area, and Bordering Vegetated Wetlands. Wetland resource areas were delineated by R Levesque Associates, Inc. in February and March 2025. The following is a description of the resource areas as they relate to the subject property.

Bordering Land Subject to Flooding (BLSF)

According to 310 CMR 10.57(2)(a)1., "*Bordering Land Subject to Flooding is an area with low, flat topography adjacent to and inundated by flood waters rising from creeks, rivers, streams, ponds or lakes. It extends from the banks of these waterways and water bodies; where a bordering vegetated wetland occurs, it extends from said wetlands.*"

The FEMA Flood Insurance Rate Map No. 25013C0411E, effective date July 16, 2013, illustrates that the site of the proposed house addition located at 248 River Road is within the 100-year flood plain (Zone AE), and is attached as Figure 2 in Section 4 of this application packet. The 100-year flood elevation for the project site is 57.9 (NAVD '88) according to said FEMA mapping. The proposed building construction and site improvements will displace flood waters between elevations 55 and 57.9. The proposed project at 248 River Road will displace approximately 87 cubic yards within BLSF.

The FEMA Flood Insurance Rate Map No. 25013C0411E, effective date July 16, 2013, The proposed compensatory flood storage area located at 56 Forest Ridge Lane is within the same 100 year flood zone as shown on the same FEMA map. Approximately 97 cubic yards of compensatory flood storage is proposed, resulting in approximately 10 cubic yards of surplus compensatory flood storage create as a result of this project.

The compensatory flood storage area is sited within the same reach of the CT river flood plain, and will have an unrestricted hydraulic connection to the same waterway. The compensatory flood storage area has been sited to minimize disturbance to existing mature trees to the greatest practical extent feasible, while meeting the performance standards for BLSF.

Riverfront Area

Riverfront Area (RA) as defined in 310 CMR 10.58(3) *"...is the area of land between a river's mean annual high water line measured horizontally outward from the river and a parallel line located 200 feet away. The riverfront area may include or overlap other resource areas or their buffer zone. The riverfront area does not have a buffer zone."*

248 River Rd

Riverfront Area is associated with the Connecticut River, located to the east of the property. The Mean Annual High Water (MAHW) line for the Connecticut River was marked in the field with sequentially numbered blue flags labeled "MAHW-1" through "MAHW-8". Riverfront Area has been shown to extend 200 feet from the delineated MAHW line. Approximately 12,196 square feet of Riverfront Area exists on the subject property. There is approximately 3,303 square feet of existing degraded Riverfront Area on the subject property.

Significant portions of the site have been previously developed. Therefore, this project is presented as Riverfront Area Redevelopment under 310 CMR 10.58(5), where the *"issuing authority may allow work to redevelop a previously developed riverfront area, provide the proposed work improves existing conditions."* Under this category, *"work to redevelop previously developed riverfront areas shall conform to the following criteria:"*

(a) At a minimum, proposed work shall result in an improvement over existing conditions of the capacity of the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. When a lot is previously developed but no portion of the riverfront area is degraded, the requirements of 310 CMR 10.58(4) shall be met.

The site is improved over existing conditions by means of providing Riverfront Area mitigation in excess of what is required. Additionally, the project includes the installation of two drywells to help infiltrate roof runoff from the house, despite the project not requiring to provide stormwater management.

(b) Stormwater management is provided according to standards established by the Department.

Since this is a single-family residence, MassDEP stormwater management standards are not applicable.

(c) Within 200 foot riverfront areas, proposed work shall not be located closer to the river

than existing conditions or 100 feet, whichever is less, or not closer than existing conditions within 25 foot riverfront areas, except in accordance with 310 CMR 10.58(5) (f) or (g).

Proposed work is not located closer to the Connecticut River than existing conditions.

(d) Proposed work, including expansion of existing structures, shall be located outside the riverfront area or toward the riverfront area boundary and away from the river, except in accordance with 310 CMR 10.58(5) (f) or (g).

The majority of the proposed addition will take place on the west side of the house, expanding away from the river.

(e) The area of proposed work shall not exceed the amount of degraded area, provided that the proposed work may alter up to 10% if the degraded area is less than 10% of the riverfront area, except in accordance with 310 CMR 10.58(5) (f) or (g).

Proposed work shall take place within degraded area and will result in an increase of riverfront area alteration of 637 s.f., therefore mitigation under 310 CMR 10.58(5)(g) is proposed. At least 1,274 s.f. of riverfront area mitigation is required.

(f) When an applicant proposes restoration on-site of degraded riverfront area, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), and (e) at a ratio in square feet of at least 1:1 of restored area to area of alteration not conforming to the criteria. Areas immediately along the river shall be selected for restoration. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Restoration shall include:

- 1. removal of all debris, but retaining any trees or other mature vegetation;*
- 2. grading to a topography which reduces runoff and increases infiltration;*
- 3. coverage by topsoil at a depth consistent with natural conditions at the site; and*
- 4. seeding and planting with an erosion control seed mixture, followed by plantings of herbaceous and woody species appropriate to the site;*

No restoration is proposed.

(g) When an applicant proposes mitigation either on-site or in the riverfront area within the same general area of the river basin, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5) (c), (d), or (e) at a ratio in square feet of at least 2:1 of mitigation area to area of alteration not conforming to the criteria or an equivalent level

of environmental protection where square footage is not a relevant measure. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Mitigation may include off-site restoration of riverfront areas, conservation restrictions under M.G.L. c. 184, §§ 31 to 33 to preserve undisturbed riverfront areas that could be otherwise altered under 310 CMR 10.00, the purchase of development rights within the riverfront area, the restoration of bordering vegetated wetland, projects to remedy an existing adverse impact on the interests identified in M.G.L. c. 131, § 40 for which the applicant is not legally responsible, or similar activities undertaken voluntarily by the applicant which will support a determination by the issuing authority of no significant adverse impact. Preference shall be given to potential mitigation projects, if any, identified in a River Basin Plan approved by the Secretary of the Executive Office of Environmental Affairs.

Riverfront area mitigation is proposed along the slope between the CT River and the edge of the backyard. This area (1,545 s.f.) contains invasive plant species and debris which are to be removed. This mitigation area exceeds the 2:1 ratio required for new riverfront area alteration area.

56 Forest Ridge Lane

Per 310 CMR 10.58(4)(d)(1)(a) No Significant Adverse Impact, *"At a minimum, a 100 foot wide area of undisturbed vegetation is provided. This area shall extend from mean annual high-water along the river unless another location would better protect the interests identified in M.G.L. c. 131 § 40. If there is not a 100 foot wide area of undisturbed vegetation within the riverfront area, existing vegetative cover shall be preserved or extended to the maximum extent feasible to approximate a 100 foot wide corridor of natural vegetation. Replication and compensatory storage required to meet other resource area performance standards are allowed within this area;"*

The proposed compensatory storage area has been sited to be as least impactful to the 100 foot Inner Riparian corridor however, approximately alteration must occur in this area in order to maintain a hydraulic connection to the floodplain at the appropriate elevations for this project. The connection within the 100 foot Inner Riparian corridor will utilize a specific area to minimize the necessity of removing mature trees.

Overall the proposed compensatory storage area will occupy approximately 4,500 s.f. of Riverfront Area however this alteration is permissible under 310 CMR 10.58(4)(d)(1)(d) which states, *"The calculation of square footage of alteration shall exclude areas of replication or compensatory flood storage required to meet performance standards for other resource areas, or any area of restoration within the riverfront area."*

Bordering Vegetated Wetland (BVW)

As stated in 310 CMR 10.55(2)(a), *"Bordering Vegetated Wetlands are freshwater wetlands which border on creeks, rivers, streams, ponds, and lakes. The types of freshwater wetlands are wet meadows, marshes, swamps, and bogs. Bordering Vegetated Wetlands are areas where the soils are saturated and/or inundated such that they support a predominance of wetland indicator plants..."*.

A Bordering Vegetated Wetland (BVW) is located on the property located at 56 Forest Ridge Lane, on the northern portion of the property, adjacent to a perennial stream. This wetland can be best classified as a forested palustrine wetland. The BVW has been marked in the field with sequentially numbered flagging labeled, "A-98" through "A-106", as shown on the associated site plan. Offsite wetlands have been shown only for reference purposes to accurately depict buffer zone onto the subject property. The determination of offsite wetland resource areas are not the subject of this filing. BVW is not located within a jurisdictional vicinity to the 248 River Road property. No work is proposed within Bordering Vegetated Wetlands, therefore BVW will not be disturbed as part of this project.

Buffer Zone

Buffer Zone as defined in 310 CMR 10.04 is *"the area of land extending 100 feet horizontally outward from the boundary of any areas specified in 310 CMR 10.02(1)(a)"*.

248 River Road

Buffer zone is not present on this property since there are no intermittent streams or wetlands within a jurisdictional vicinity to this site.

56 Forest Ridge Lane

Buffer Zone is associated with a Bordering Vegetated Wetland (BVW) located on the north portion of 56 Forest Ridge Lane. The Buffer Zone is shown on the accompanying plan to extend 50 and 100 feet from the boundary of BVW. The proposed compensatory flood storage excavation work will be located within the 100' wetland buffer zone. The compensatory flood storage area has been designed to minimize to the greatest extent practicably feasible disturbance to existing mature trees. Please refer to the accompanying plan for greater detail on the location of proposed work in relation to wetland resource areas.

Erosion Controls & Best Management Practices

Measures proposed to minimize earth disturbing impacts of the proposed project will be undertaken through the use of Best Management Practices. This includes, but is not limited to: limiting the area of disturbance, installing erosion controls between the work area and adjacent resource areas and their associate buffer zones, construction entrance anti-tracking pads, temporary stormwater controls, etc. Please refer to the accompanying plan set which depicts the location and details on erosion controls. The proposed project does not exceed 1 acre of earth disturbance and therefore does not require the preparation of a Stormwater Pollution Prevention Plan (SWPPP) or obtaining an EPA Construction General Permit (CGP) Notice of Intent (NOI).

**** END OF NARRATIVE ****

4. FIGURES

- 4.1 FIGURE 1 – USGS TOPOGRAPHIC MAP
- 4.2 FIGURE 2 – FEMA FLOODPLAIN MAP
- 4.3 FIGURE 3 – NRCS SOILS MAP
- 4.4 FIGURE 4 – NHESP MAP

USGS Topo - 248 River Rd. Agawam



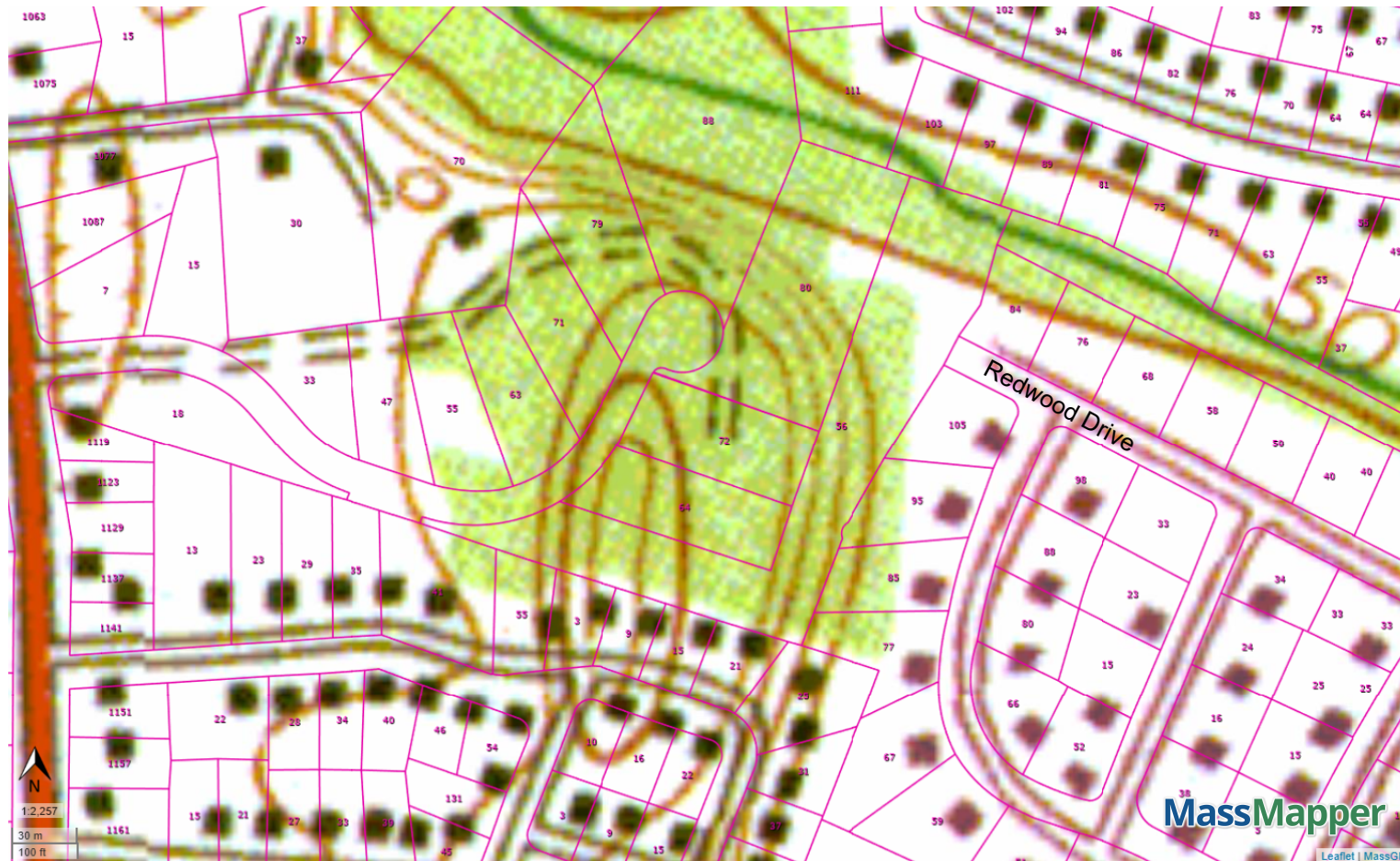
Areas of Critical Environmental Concern
ACECs



Property Tax Parcels

USGS Topographic Maps

USGS Topo - 56 Forest Ridge Ln. Agawam



NHESP Priority Habitats of Rare Species



Areas of Critical Environmental Concern
ACECs



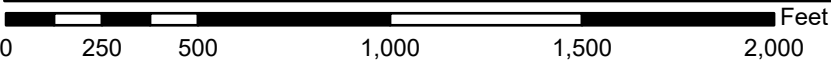
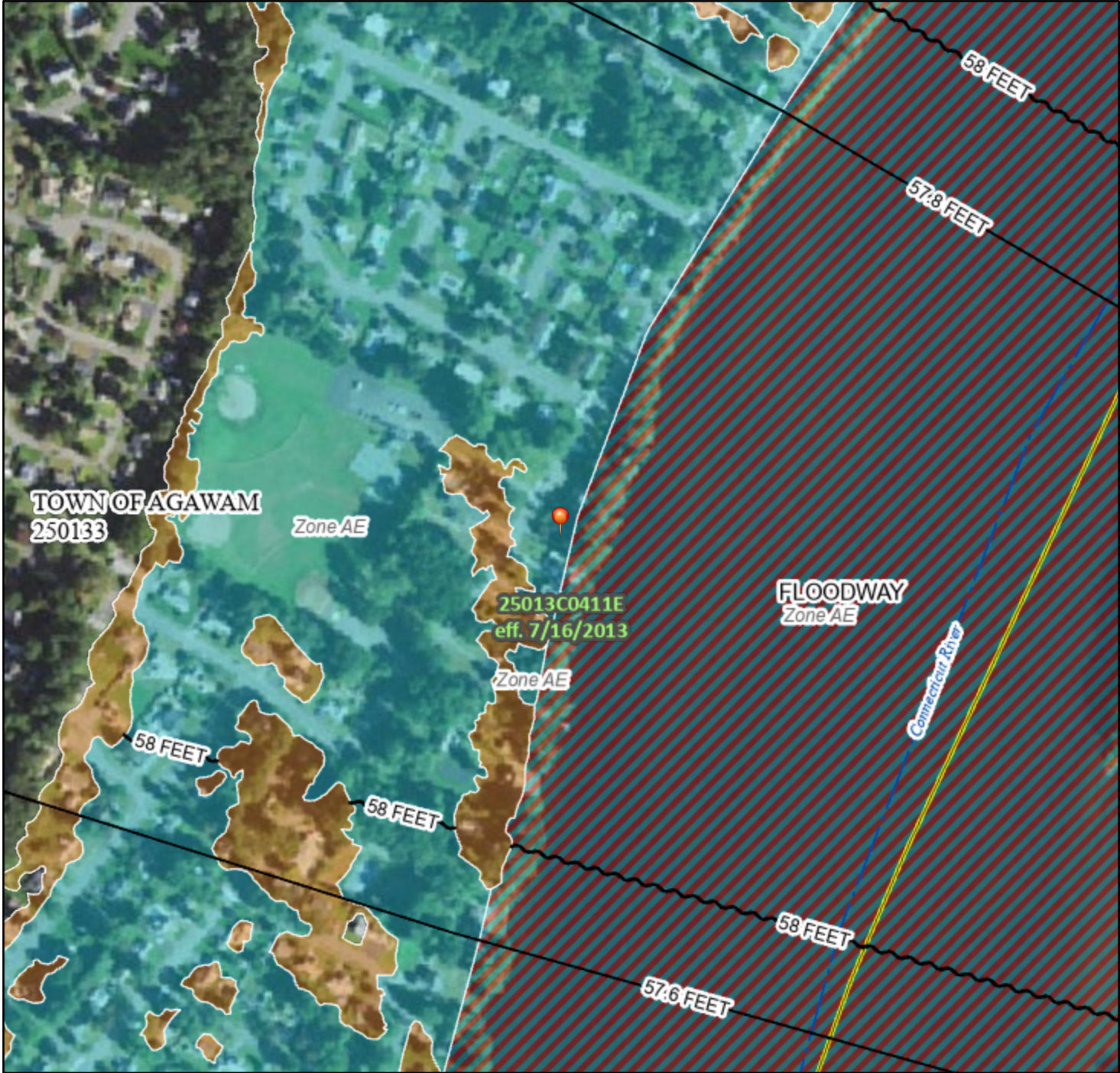
Property Tax Parcels

USGS Topographic Maps

National Flood Hazard Layer FIRMMette



72°36'49"W 42°3'21"N



1:6,000

72°36'12"W 42°2'55"N

Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
OTHER FEATURES		Levee, Dike, or Floodwall
		Cross Sections with 1% Annual Chance Water Surface Elevation
MAP PANELS		Coastal Transect
		Base Flood Elevation Line (BFE)
OTHER FEATURES		Limit of Study
		Jurisdiction Boundary
OTHER FEATURES		Coastal Transect Baseline
		Profile Baseline
OTHER FEATURES		Hydrographic Feature
		Digital Data Available
MAP PANELS		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/24/2025 at 2:30 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

National Flood Hazard Layer FIRMMette



72°37'5"W 42°3'31"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000

Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/24/2025 at 2:31 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

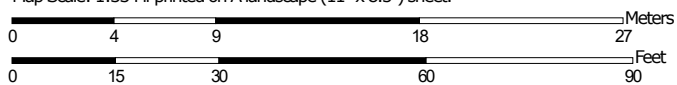
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Soil Map—Hampden County, Massachusetts, Central Part (Soil Map - 248 River Rd. Agawam)



Soil Map may not be valid at this scale.

Map Scale: 1:334 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84



**Natural Resources
Conservation Service**

Web Soil Survey
National Cooperative Soil Survey

Soil Map—Hampden County, Massachusetts, Central Part
(Soil Map - 248 River Rd. Agawam)

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Hampden County, Massachusetts, Central Part

Survey Area Data: Version 18, Aug 27, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Oct 15, 2020—Oct 31, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
96A	Hadley very fine sandy loam, 0 to 3 percent slopes	0.3	100.0%
Totals for Area of Interest		0.3	100.0%

Soil Map—Hampden County, Massachusetts, Central Part
(Soil Map - 56 Forest Ridge Ln. Agawam)



Soil Map may not be valid at this scale.

Map Scale: 1:1,790 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

Soil Map—Hampden County, Massachusetts, Central Part
(Soil Map - 56 Forest Ridge Ln. Agawam)

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

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Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

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Survey Area Data: Version 18, Aug 27, 2024

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Date(s) aerial images were photographed: Oct 15, 2020—Oct 31, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
96A	Hadley very fine sandy loam, 0 to 3 percent slopes	0.7	24.5%
98A	Winooski silt loam, 0 to 3 percent slopes, occasionally flooded	1.0	33.7%
255D	Windsor loamy sand, 15 to 25 percent slopes	0.6	22.2%
718A	Saco Variant silt loam, frequently ponded, 0 to 2 percent slopes, frequently flooded	0.6	19.6%
Totals for Area of Interest		2.8	100.0%

NHESP Map - 248 River Rd. Awagam



5. ADMINISTRATIVE FORMS

- 5.1 WETLAND TRANSMITTAL FEE FORM & COPY OF FILING FEE CHECKS
- 5.2 AFFIDAVIT OF SERVICE
- 5.3 ABUTTERS LIST & MAP
- 5.4 NOTIFICATION TO ABUTTERS



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Location of Project:

248 River Rd.; 56 Forest Ridge Ln.

a. Street Address

1030

c. Check number

Agawam

b. City/Town

\$152.50

d. Fee amount

2. Applicant Mailing Address:

Serge

a. First Name

Nakhabenko

b. Last Name

c. Organization

242 River Rd.

d. Mailing Address

Agawam

e. City/Town

MA

f. State

01001

g. Zip Code

540-414-1602

h. Phone Number

i. Fax Number

LSExpress.ma@gmail.com

j. Email Address

3. Property Owner (if different):

Serge; Bryan

a. First Name

Nakhabenko; Hunt

b. Last Name

c. Organization

242 River Rd.; 56 Forest Ridge Ln.

d. Mailing Address

Agawam

e. City/Town

MA

f. State

01001

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

NOI Wetland Fee Transmittal Form

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
1A - SF Home addition	1	\$110 x 1.5 (RA)	\$165
1B - Site work without a house	1	\$110 x 1.5(RA)	\$165
Step 5/Total Project Fee:			\$330.00

Step 6/Fee Payments:

Total Project Fee:	<u>\$330.00</u>
	a. Total Fee from Step 5
State share of filing Fee:	<u>\$152.50</u>
	b. 1/2 Total Fee less \$12.50
City/Town share of filling Fee:	<u>\$177.50</u>
	c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
Box 4062
Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

LS EXPRESS INC.
242 RIVER RD
AGAWAM, MA 01001-2880

1031

53-13/110 MA
26892

DATE April 9, 2025

PAY TO THE ORDER OF Town of Agawam \$ 177.50

one hundred seventy-seven dollars and 50/100 DOLLARS

BANK OF AMERICA

ACH R/T 011000138

FOR Wetland Fee (city) 248 River Rd

Serge Nakhachenko MP

⑈001031⑈ ⑆011000138⑆ 466006036159⑈

LS EXPRESS INC.
242 RIVER RD
AGAWAM, MA 01001-2880

1030

53-13/110 MA
26892

DATE April 9, 2025

PAY TO THE ORDER OF Commonwealth of MA \$ 152.50

one hundred fifty two dollars and 50/100 DOLLARS

BANK OF AMERICA

ACH R/T 011000138

FOR Wetland Fee (state)

Serge Nakhachenko MP

⑈001030⑈ ⑆011000138⑆ 466006036159⑈

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act

I, Michael Ratchford, of R Levesque Associates, Inc., hereby certify under the pains and penalties of perjury that on or about April 24, 2025, I gave notification to abutters in compliance with the second paragraph of Mass General Law Chapter 131, Section 40, and the *DEP Guide to Abutter Notification* dated April 8, 1994, in accordance with the following matter:

A Notice of Intent filed under the Massachusetts Wetlands Protection Act by Serge Nakhabenko, with the Town of Agawam Conservation Commission on or about April 24, 2025, for property located at 248 River Rd. & 56 Forest Ridge Ln. (Map L6, Parcel 10/3 & Parcel 5/26), Agawam, Massachusetts.

The form of notification, and a list of the abutters to whom it was given, and their addresses are attached to this Affidavit of Service.



Michael Ratchford

04/24/2025

Name

Date

100 Foot Abutters List

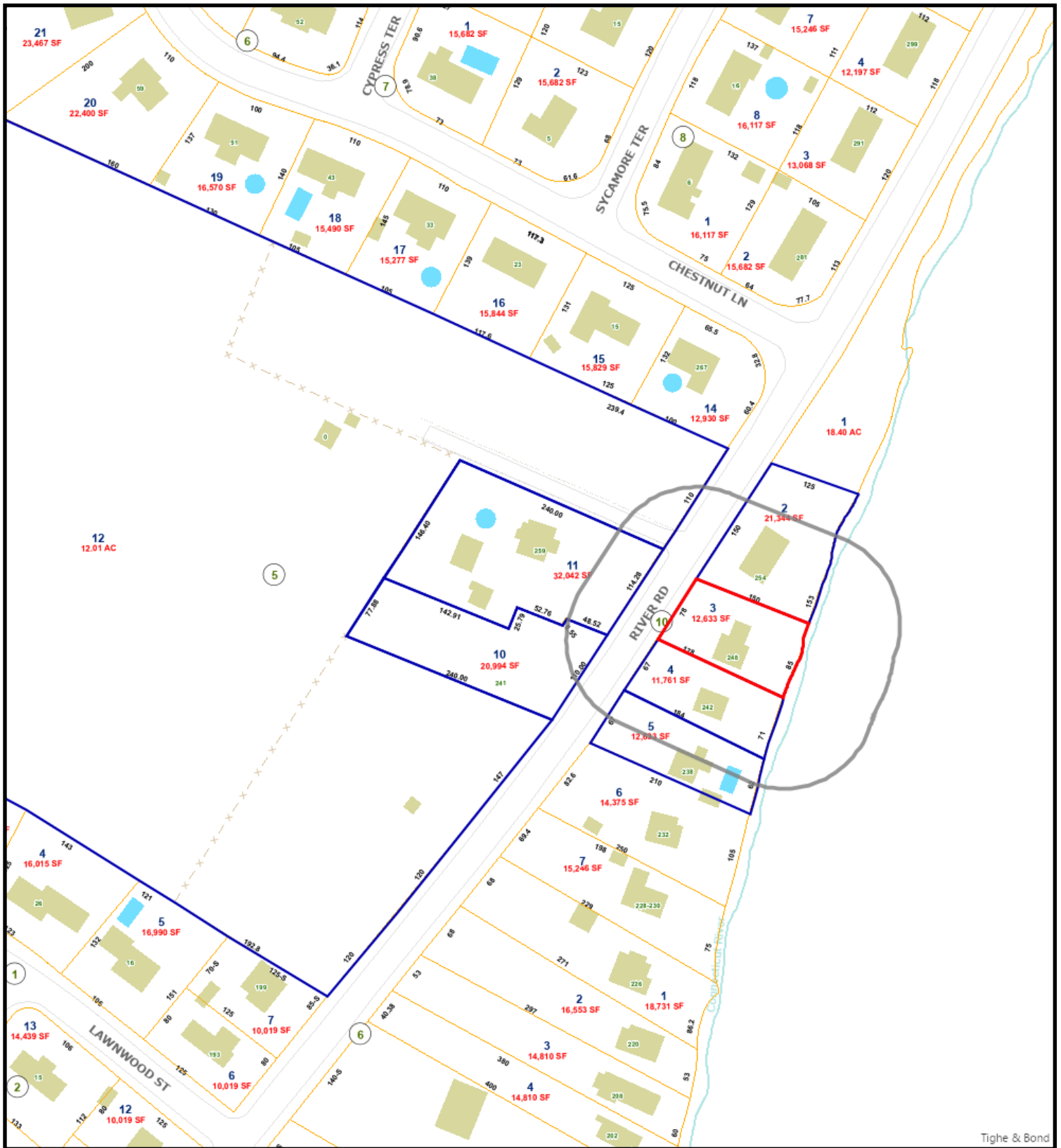
Subject Parcel: 248 River Rd. Agawam, MA 01001 (L6 10 3)

Source: Agawam GIS Abutters Tool

Parcel ID	Owner	Owner Address	Owner City	Owner State	Owner Zip	Address
L6 5 10	ASHLABAN DENIS	533 MILL ST	FEEDING HILLS	MA	01030	241 RIVER RD
L6 10 2	DECARO FRANK	11 BARNEY ST	AGAWAM	MA	01001	254 RIVER RD
L6 10 5	GRECHKA VICTORIA	238 RIVER RD	AGAWAM	MA	01001	238 RIVER RD
L6 10 4	NAKHABENKO SERGE	242 RIVER RD	AGAWAM	MA	01001	242 RIVER RD
L6 5 11	PEETROS TODD M	259 RIVER RD	AGAWAM	MA	01001 2815	259 RIVER RD
L6 5 12	TOWN OF AGAWAM	36 MAIN ST	AGAWAM	MA	01001 1837	RIVER RD

Subject Parcel: 56 Forest Ridge Ln. Agawam, MA 01001 (L6 5 26)

Parcel ID	Owner	Owner Address	Owner City	Owner State	Owner Zip	Address
L6 2 3	BOGLISCH DALTON T	9 ALFRED CR	AGAWAM	MA	01001 3550	9 ALFRED CR
L7 1 19	BOLDUC DANIEL R	103 FLORIDA DR	AGAWAM	MA	01001 3565	103 FLORIDA DR
L6 2 1	BUIISO RANDY J	55 CHARLES ST	AGAWAM	MA	01001 3544	55 CHARLES ST
L7 1 2	CARRIER LAURA L	84 REDWOOD DR	AGAWAM	MA	01001 3527	84 REDWOOD DR
L7 1 17	CBATTS PROPERTIES LLC	91 ELIZABETH ST	FEEDING HILLS	MA	01030	89 FLORIDA DR
L6 5 25	CORLISS NANCY M	105 CHESTNUT LN	AGAWAM	MA	01001 3511	105 CHESTNUT LN
L7 1 31	CORTESE DONIMICK J	80 FOREST RIDGE LN	AGAWAM	MA	01001 2541	80 FOREST RIDGE LN
L6 5 27	COUGHLIN WILLIAM P	64 FOREST RIDGE LN	AGAWAM	MA	01001 2541	64 FOREST RIDGE LN
L6 2 4	FERN-KING CYNTHIA M	15 ALFRED CR	AGAWAM	MA	01001	15 ALFRED CR
L6 5 23	GRAVEL ADAM	85 CHESTNUT LN	AGAWAM	MA	01001	85 CHESTNUT LN
L7 1 35	HARDCASTLE SHIRLEY M	63 FOREST RIDGE LN	AGAWAM	MA	01001 2574	63 FOREST RIDGE LN
K7 4 27	LANZA REBECCA L	47 FOREST RIDGE LN	AGAWAM	MA	01001 2574	47 FOREST RIDGE LN
K7 4 29	LAPOLICE MICHAEL A	55 FOREST RIDGE LN	AGAWAM	MA	01001 2574	55 FOREST RIDGE LN
L6 5 24	MATEUS AVELINO	95 CHESTNUT LN	AGAWAM	MA	01001 3509	95 CHESTNUT LN
L6 2 2	O'DRISCOLL WILLIAM J	3 ALFRED CR	AGAWAM	MA	01001 3550	3 ALFRED CR
L7 1 18	PARSONS DEREK G	97 FLORIDA DR	AGAWAM	MA	01001 3517	97 FLORIDA DR
L6 2 6	PAYE DAVID M	25 ALFRED CR	AGAWAM	MA	01001	25 ALFRED CR
L6 2 5	PETERS DONALD A	21 ALFRED CR	AGAWAM	MA	01001	21 ALFRED CR
L7 1 16	POLIWCZAK JOHN E	81 FLORIDA DR	AGAWAM	MA	01001 3517	81 FLORIDA DR
L7 1 30	POOLER CHERYL A TR	72 FOREST RIDGE LN	AGAWAM	MA	01001 2541	72 FOREST RIDGE LN
L7 1 34	ROBBINS CHRISTOPHER W	71 FOREST RIDGE LN	AGAWAM	MA	01001	71 FOREST RIDGE LN
L7 1 20	RONNAU NORA D	111 FLORIDA DR	AGAWAM	MA	01001 3565	111 FLORIDA DR
L6 5 22	SUBOTIN CHRISTINE A	77 CHESTNUT LN	AGAWAM	MA	01001 3509	77 CHESTNUT LN
K6 7 9	SURREIRA JASON A	35 CHARLES ST	AGAWAM	MA	01001 3544	35 CHARLES ST
K6 7 10	SWINICKI THOMAS J	41 CHARLES ST	AGAWAM	MA	01001 3544	41 CHARLES ST
L7 1 7	TOWN OF AGAWAM	36 MAIN ST	AGAWAM	MA	01001 1825	REDWOOD ST



100 Foot Abutters Map - 248

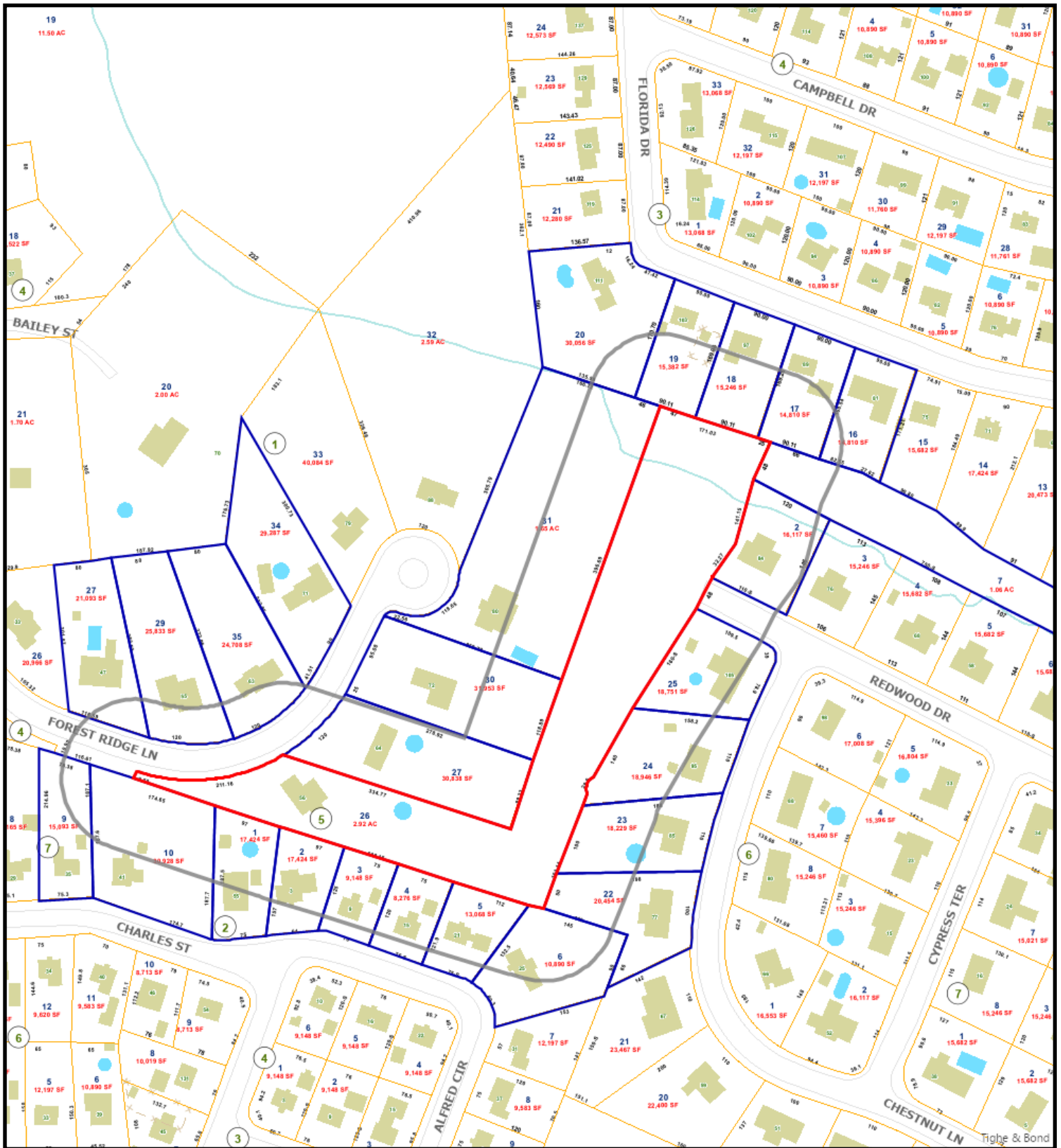
1/24/2025 9:38:35 AM

Scale: 1"=150'

Scale is approximate

The information depicted on this map is for planning purposes only.
It is not adequate for legal boundary definition, regulatory
interpretation, or parcel-level analyses.





100 Foot Abutters Map - 56

1/24/2025 9:49:45 AM

Scale: 1"=190'

Scale is approximate

The information depicted on this map is for planning purposes only.
It is not adequate for legal boundary definition, regulatory
interpretation, or parcel-level analyses.



Notification to Abutters

By Hand Delivery, Certified Mail (return receipt requested), or Certificates of Mailing

This is a notification required by law. You are receiving this notification because you have been identified as the owner of land abutting another parcel of land for which certain activities are proposed. Those activities require a permit under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40).

In accordance with the second paragraph of the Massachusetts Wetlands Protection Act, and 310 CMR 10.05(4)(a) of the Wetlands Regulations, you are hereby notified that:

- A. A Notice of Intent was filed with the Town of Agawam Conservation Commission on April 24, 2025 seeking permission to remove, fill, dredge, or alter an area subject to protection under M.G.L. c. 131 §40. The following is a description of the proposed activity/activities:

The proposed project consists of an addition to a single-family home at 248 River Rd. located within the 100-year flood zone as well as Riverfront Area. Compensatory flood storage is proposed at 56 Forest Ridge Ln, Agawam.

- B. The name of the applicant is: Serge Nakhabenko
- C. The address of the land where the activity is proposed is: 248 River Rd. & 56 Forest Ridge Ln. Agawam, MA 01001 (Assessor's Map/Parcel #: L6 10/3 & L6 5/26).
- D. Copies of the Notice of Intent may be examined or obtained at the office of the Town of Agawam Conservation Commission, located at 36 Main St. Agawam, MA 01001. The regular business hours of the Commission are Monday through Friday, between the hours of 8:30 AM and 4:30 PM, or by calling 413-786-0400.
- E. Copies of the Notice of Intent may be obtained from the applicant's representative, R. Levesque Associates, Inc. at 40 School St. Westfield, MA, Monday through Friday, between the hours of 9:00 AM and 4:00 PM, or by calling 413-568-0985. An administrative fee may be applied for providing copies of the NOI and plans.
- F. Information regarding the date, time, and location of the public hearing regarding the Notice of Intent may be obtained from the Town of Agawam Conservation Commission. Notice of the public hearing will be published at least five business days in advance, in the local newspaper.

Notification provided pursuant to the above requirement does not automatically confer standing to the recipient to request Departmental Action for the underlying matter. See 310 CMR 10.05(7)(a)4.

APPENDIX A: SITE PLAN

SITE PLAN ENTITLED "CONSERVATION FILING PLAN"

PREPARED FOR SERGE NAKHABENKO

PREPARED BY R LEVESQUE ASSOCIATES, INC.

DATED APRIL 10, 2025

NOTES

1. THE RECORD OWNER OF 248 RIVER ROAD IS SERGE NAKHABENKO. SEE HAMPDEN COUNTY REGISTRY OF DEEDS LAND COURT CERTIFICATE #40775. THE RECORD OWNER OF 56 FOREST RIDGE LANE IS BRYAN A HUNT. SEE HAMPDEN COUNTY REGISTRY OF DEEDS BOOK 10888 PAGE 523.
2. THE PROPERTY LINES FOR 248 RIVER ROAD SHOWN HEREON ARE BASED UPON A PLAN TITLED, "SUBDIVISION OF LOT B2 SHOWN ON PLAN 11096-B FILED WITH CERT. OF TITLE NO. 1776 REGISTRY DISTRICT OF HAMPDEN COUNTY LAND IN AGAWAM" PREPARED BY COBB, BEESLEY, & MILES, ENG'RS., DATED AUG. 1942. SEE HAMPDEN COUNTY REGISTRY OF DEEDS LAND COURT PLAN 11096-C. AND AN R LEVESQUE ASSOCIATES SURVEY CONDUCTED ON 02-11-2025. THE PROPERTY LINES FOR 56 FOREST RIDGE LANE SHOWN HEREON ARE BASED UPON A PLAN TITLED, "DEFINITIVE SUBDIVISION PLANS FOREST RIDGE ESTATES AGAWAM, MASS." PREPARED BY PHARMER ENGINEERING CORPORATION, DATED APR. 21, 1988. SEE HAMPDEN COUNTY REGISTRY OF DEEDS BOOK OF PLANS 261 PAGES 117-129.
3. THE EXISTING BUILDING(S) SHOWN HEREON ARE BASED ON AN APPROXIMATE MEASUREMENT OF THE OUTSIDE PERIMETER OF THE EXISTING STRUCTURES. THE ACTUAL LOCATION OF THE EXISTING BUILDING WALLS AND CORNERS SHOULD BE VERIFIED IN THE FIELD PRIOR TO ANY CONSTRUCTION WORK THAT WOULD ABUT OR TAKE PLACE ADJACENT TO THE EXISTING BUILDING(S). IF THE PLAN HEREON IS USED FOR CONSTRUCTION LAYOUT PURPOSES, THE PARTIES CONDUCTING LAYOUT SHALL CONTACT R. LEVESQUE ASSOCIATES INC. PRIOR TO SAID LAYOUT TO DETERMINE PROPER CONTROL. PLEASE NOTE WHILE THE BUILDING(S) ARE SHOWN TO BE SQUARE, IT SHOULD NOT BE ASSUMED THAT THE WALLS ARE SQUARE OR PLUMB. R. LEVESQUE ASSOCIATES TAKES NO RESPONSIBILITY FOR THIRD PARTY LAYOUT OF THE PLAN SHOWN HEREON.
4. THIS PLAN HAS BEEN PREPARED FOR CONSERVATION PERMITTING PURPOSES AND SHALL NOT BE USED FOR THE CONVEYANCE OF LAND OR FOR ANY OTHER USE.
5. 248 RIVER ROAD CONTAINS 12,196± S.F. 56 FOREST RIDGE LANE CONTAINS 127,170 S.F.
6. THE SUBJECT PROPERTIES SHOWN HEREON MAY BE SUBJECT TO RIGHTS AND EASEMENTS AS CONTAINED IN THE VARIOUS DEEDS OF RECORD DESCRIBING SAID PROPERTIES. THE LOCATION AND EXTENT OF ANY SUCH RIGHTS AND EASEMENTS IS NOT THE SUBJECT OF THIS PLAN.
7. WETLAND RESOURCE AREAS DELINEATED BY R LEVESQUE ASSOCIATES ON 02-11-2025 AND 03-03-2025.
8. THE EXISTING CONDITIONS INFORMATION SHOWN IS BASED UPON A TOPOGRAPHIC SURVEY PERFORMED BY R LEVESQUE ASSOCIATES, INC. ON 02-11-2025.
9. THE UNDERGROUND UTILITIES SHOWN HEREON HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION, AVAILABLE RECORD DATA, AGAWAM MA WEB GIS AND, R LEVESQUE ASSOCIATES, INC. MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN HEREON COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. R LEVESQUE ASSOCIATES, INC. FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN HERE ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM AVAILABLE INFORMATION.
10. ADJACENT PROPERTY LINES AND ABUTTERS SHOWN HEREON ARE REFERENCED FROM THE TOWN OF AGAWAM WEB GIS.
11. 248 RIVER ROAD IS ZONED RESIDENCE A-2 AND 56 FOREST RIDGE LANE IS ZONED AGRICULTURAL ACCORDING TO THE TOWN OF AGAWAM ZONING MAP.
12. THE SUBJECT PARCELS ARE LOCATED WITHIN A SPECIAL FLOOD ZONE AREA ACCORDING TO FLOOD INSURANCE RATE MAP NUMBER 25013C04111E - EFFECTIVE DATE: 07-16-2013, IN ZONE AE WITH A BASE FLOOD ELEVATION OF 57.9'.
13. A PORTION OF 248 RIVER ROAD IS LOCATED WITHIN NATURAL HERITAGE & ENDANGERED SPECIES PROGRAM (NHESP) JURISDICTION.

ZONING REVIEW - 248 River Road - Residence A-2 (RA2)

TYPE (MINIMUM)	REQUIRED	EXISTING	PROPOSED
AREA	15,000 FT ²	12,196± FT ²	12,196± FT ²
FRONTAGE	110 FT	78.08 FT	78.08 FT
FRONT YARD	30 FT	60± FT	36± FT
SIDE YARD	15 FT	15± FT	15± FT
REAR YARD	20 FT	58± FT	53± FT
HEIGHT (MAX)	35 FT (2.5 STORIES)	(1.5 STORIES)	(1.5 STORIES)
BUILDING COVERAGE (MAX)	40%	±10%	±20%

BLSF IMPACTS

ELEVATION (FT)	PROPOSED BLSF DISPLACEMENT AT 248 RIVER RD (C.Y.)	PROPOSED BLSF COMPENSATORY STORAGE AT 56 FOREST RIDGE LN (C.Y.)	NET SURPLUS OF COMPENSATORY FLOOD STORAGE (C.Y.)
55-56	8±	11±	3±
56-57	38±	39±	1±
57-57.9	41±	47±	6±
TOTAL	87±	97±	10±

RIVERFRONT AREA

RIVERFRONT AREA ON PROPERTY	12,196± S.F.
EXISTING DEGRADED RIVERFRONT AREA ON PROPERTY	3,303± S.F.
DEGRADED RIVERFRONT AREA UNDER PROPOSED CONDITIONS	3,940± S.F.
NEW ALTERATION WITHIN RIVERFRONT AREA	637± S.F.
RIVERFRONT AREA MITIGATION REQUIRED AT 2:1 RATE	1,274± S.F.
PROPOSED RIVERFRONT AREA MITIGATION	1,545± S.F.

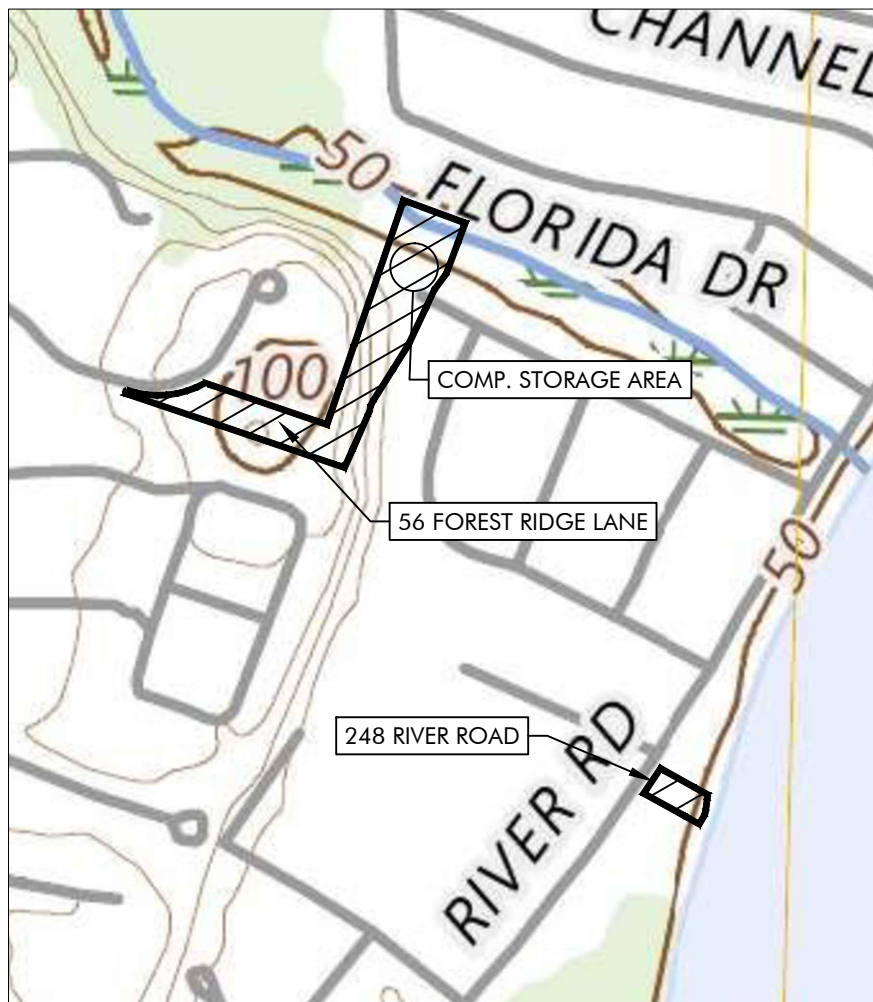
* Per 310 CMR 10.58(4)(d)(1)(a) Compensatory storage does not count towards riverfront area alteration

NOTE:

Per riverfront area performance standards, the improvement over existing conditions shall be met through excess mitigation provided, and implementation of voluntary stormwater management features.

PLANT LIST

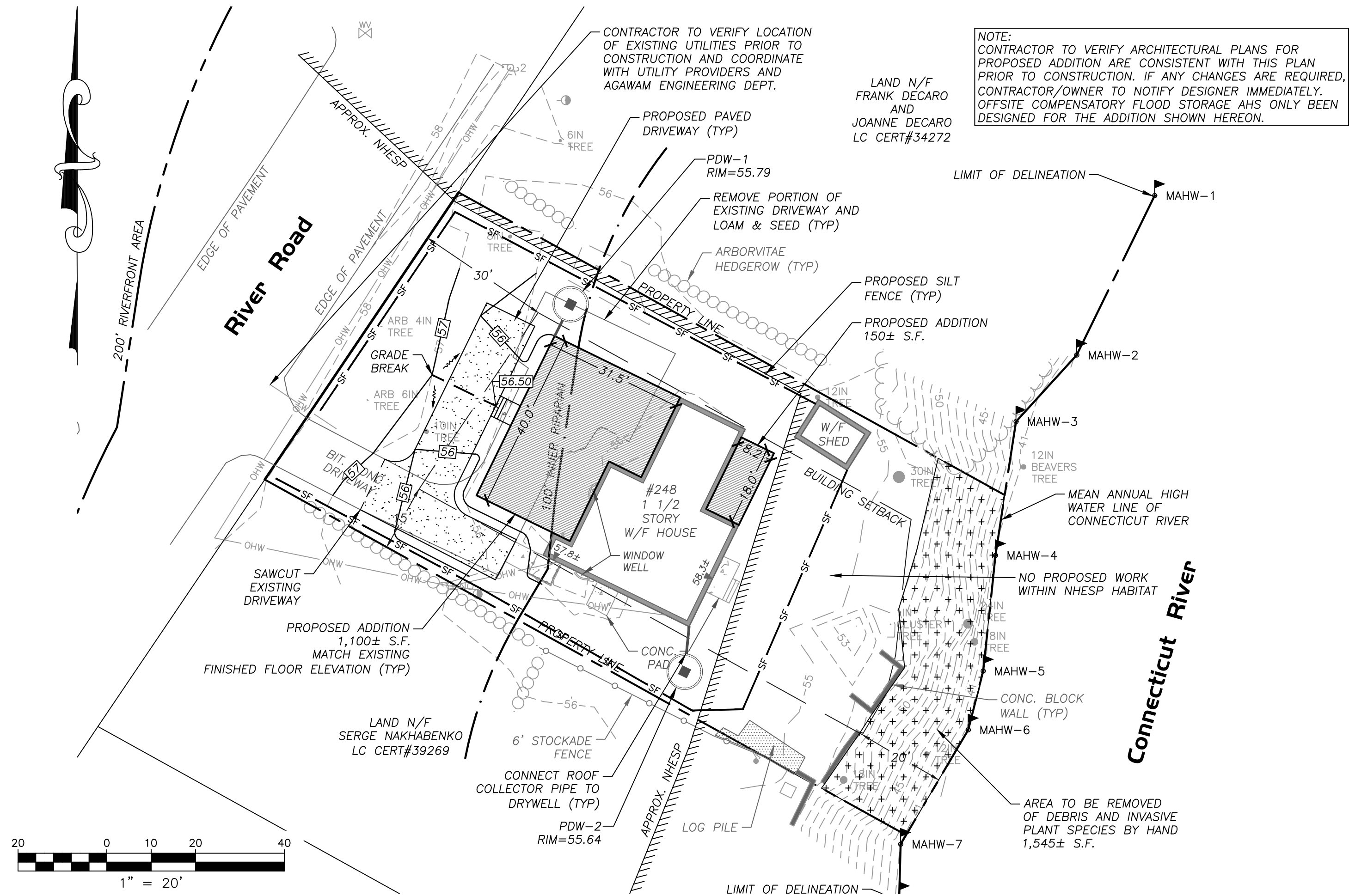
KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE/SPACING
QR	5	QUERCUS RUBRA	RED OAK	2-2.5" CAL.
TC	5	TSUGA CANADENSIS	HEMLOCK	2-2.5" CAL.
HV	5	HAMAMELIS VIRGINIANA	WITCH HAZEL	2-2.5" CAL.



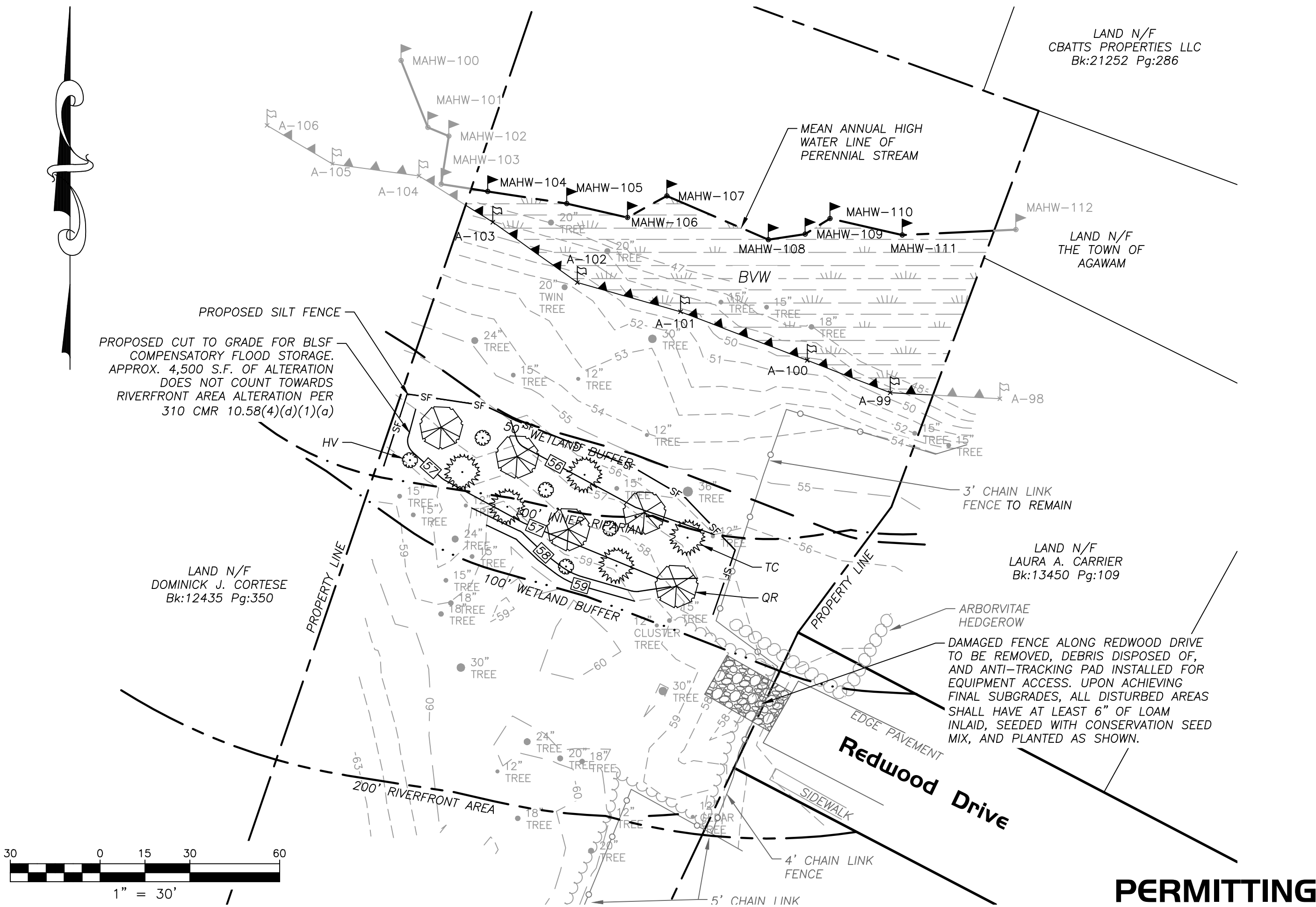
LOCUS

SCALE: 1"=500'

248 RIVER ROAD - PROPOSED ADDITION



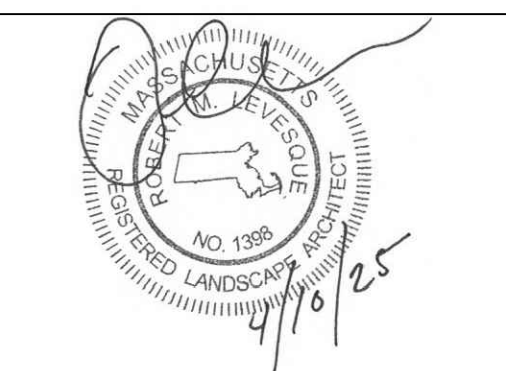
56 FOREST RIDGE LANE - PROPOSED COMPENSATORY FLOOD STORAGE



RLA
R LEVESQUE ASSOCIATES INC.
Landscape Architects
Civil Engineers - Land Surveyors
Environmental Consultants
ph: 413.568.0985 fax: 413.568.0986

40 School Street
Westfield, MA 01085
rlaland.com

CONSERVATION FILING PLAN
248 River Road & 56 Forest Ridge Lane
Parcel ID: L6-IO-3 & L6-5-26
Agawam, MA



PREPARED FOR:
Sergey Nakhabenko
248 River Road
Agawam, MA

ISSUANCE DATE: April 10, 2025

REVISIONS:	DATE:

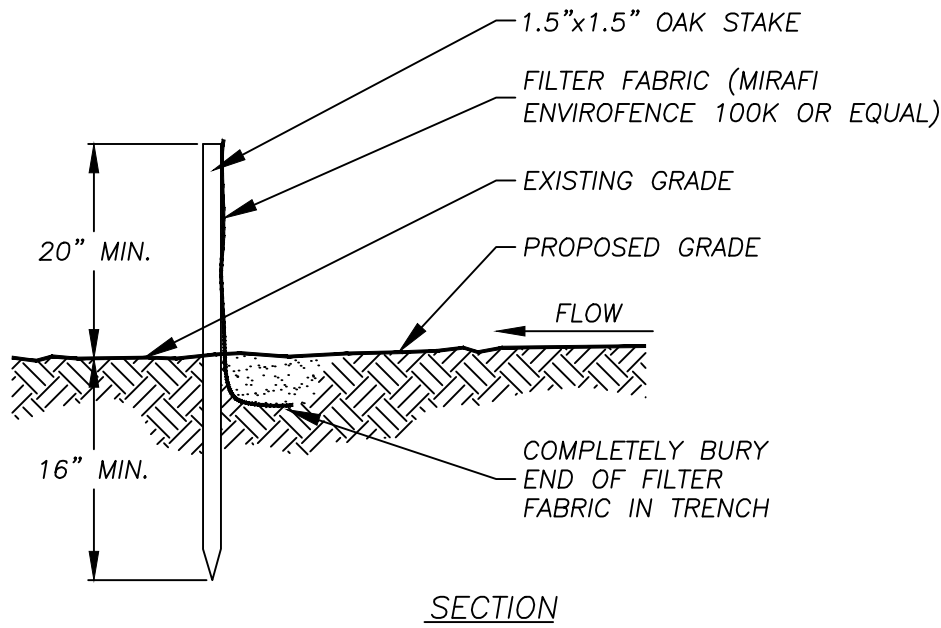
DRAFTED BY: J.L. & R.N.

UNAUTHORIZED ALTERATION OF THIS DOCUMENT IS A VIOLATION OF MASSACHUSETTS STATE LAW

SCALE: As Noted

RLA PROJ. NUMBER: 240505

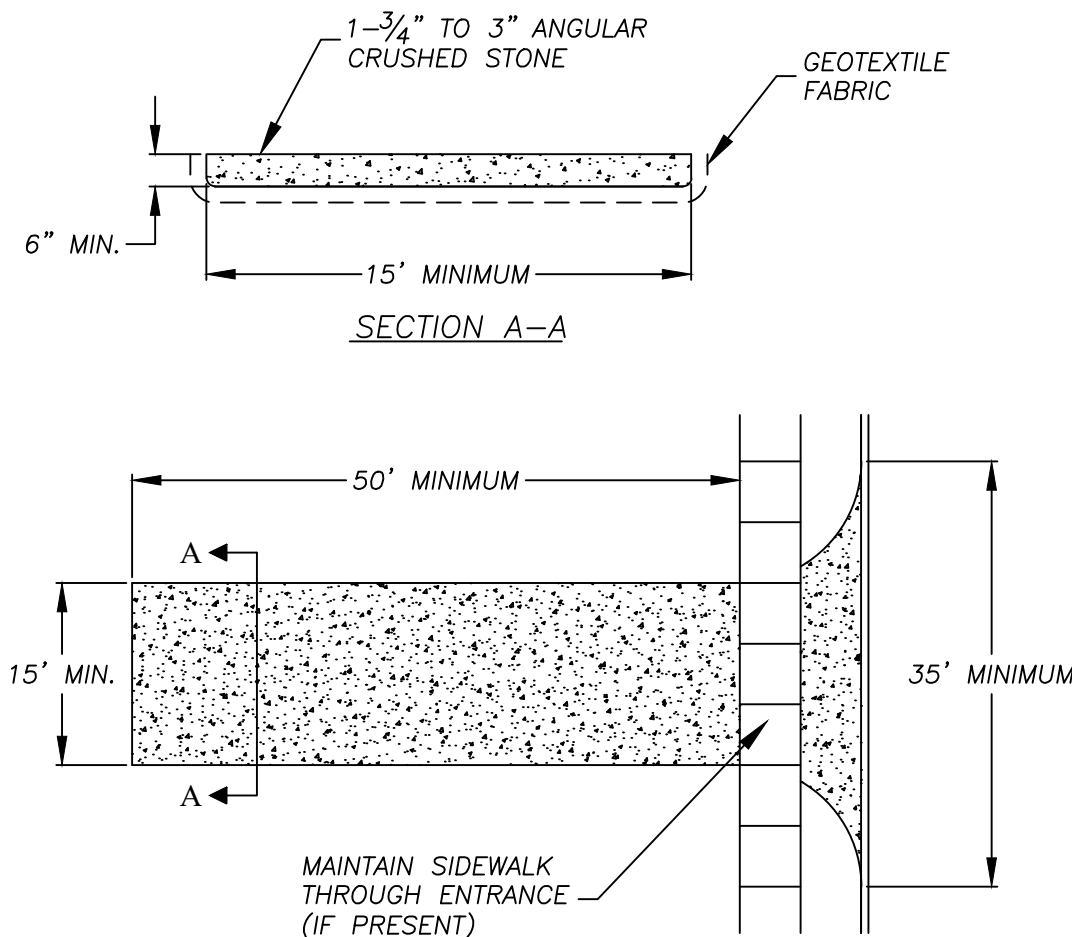
DRAWING#	REV.
W-1	-



SILT FENCE DETAIL
NO SCALE

SILT FENCE INSTALLATION NOTES

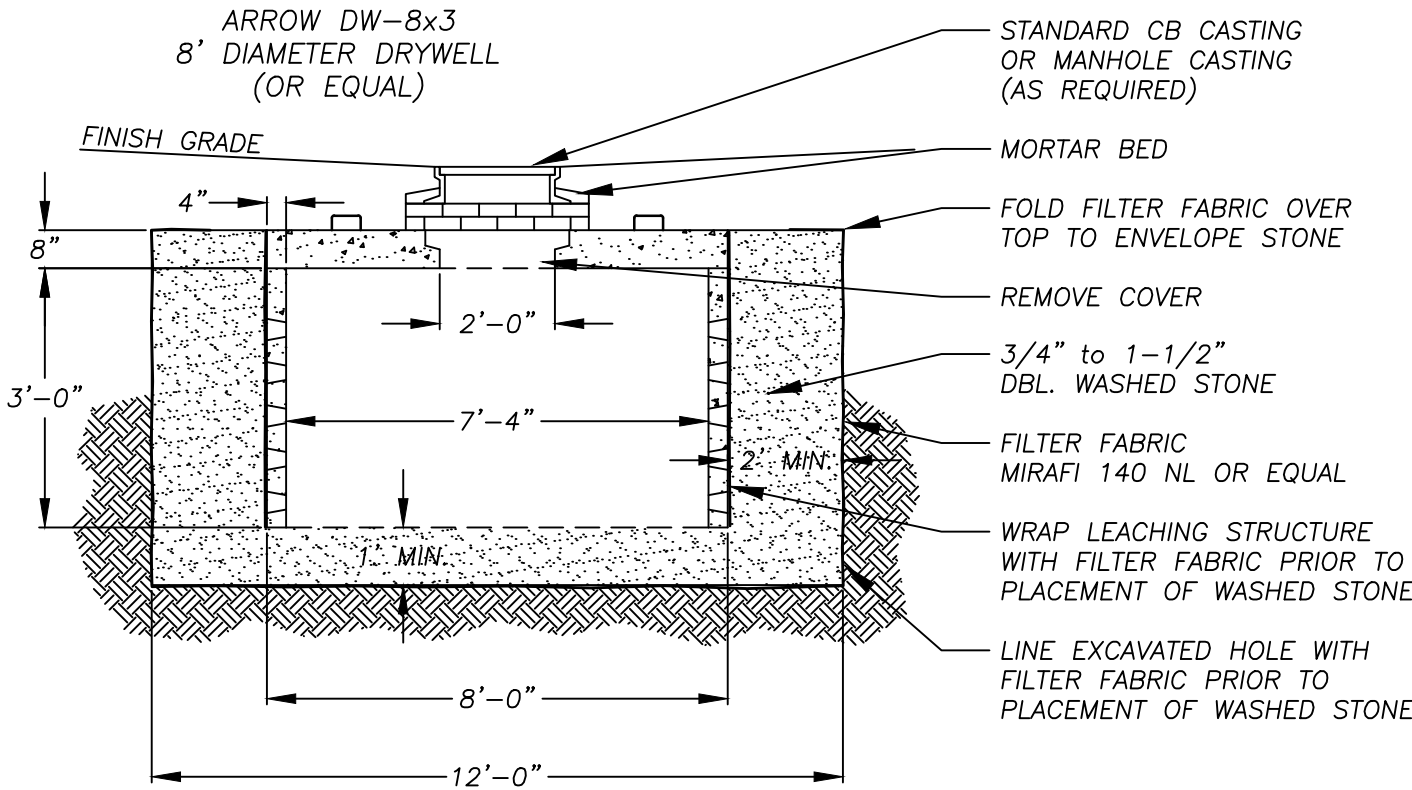
1. THIS SEDIMENT BARRIER UTILIZES MIRAFI ENVIROFENCE (100X) OR EQUAL. IT IS DESIGNED FOR SITUATIONS IN WHICH ONLY SHEET OR OVERLAND FLOWS ARE EXPECTED.
2. THE HEIGHT OF THE BARRIER SHALL NOT EXCEED 36 INCHES (HIGHER BARRIERS MAY IMPOUND VOLUMES OF WATER SUFFICIENT TO CAUSE FAILURE OF THE STRUCTURE). IDEALLY THE FILTER FENCE SHALL BE PLACED 10 FEET AWAY FROM THE TOE OF SLOPE.
3. WHEN JOINTS ARE NECESSARY, FILTER FABRICS SHALL BE SPICED TOGETHER ONLY AT A SUPPORT STAKES WITH A MINIMUM 6-INCH OVERLAP, AND SECURELY SEALED. SEE MANUFACTURER'S RECOMMENDATION.
4. STAKES SHALL BE SPACED A MAXIMUM OF 10 FEET APART AT THE BARRIER LOCATION AND DRIVEN SECURELY INTO THE GROUND (MINIMUM OF 12 INCHES). IN APPLICATIONS WHERE HEAVY FLOWS ARE EXPECTED SUCH AS IN-STREAM INSTALLATIONS STAKE SPACING SHALL BE PER MANUFACTURER'S RECOMMENDATIONS AND/OR THE ENGINEERS RECOMMENDATIONS.
5. A TRENCH SHALL BE EXCAVATED APPROXIMATELY 6 INCHES WIDE AND 6 INCHES DEEP ALONG THE LINE OF STAKES AND UPSLOPE FROM THE BARRIER IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.
6. THE PRE ASSEMBLED SILT FENCE SYSTEM SHALL BE UNROLLED, POSITION THE STAKES ON THE DOWNHILL SIDE OF THE TRENCH AND HAMMER THE STAKES AT LEAST 12 INCHES INTO THE GROUND.
7. THE BOTTOM SIX (6) INCHES OF THE FABRIC SHALL BE LAID INTO THE TRENCH TO PREVENT UNDERMINING BY STORM WATER RUNOFF.
8. BACKFILL THE TRENCH OVER THE FILTER FABRIC AND COMPACT SUFFICIENTLY TO PREVENT THE RUNOFF FROM ERODING THE BACKFILL.
9. THE FABRIC SHALL NOT EXTEND MORE THAT 36 INCHES ABOVE THE ORIGINAL GROUND SURFACE. FILTER FABRIC SHALL NOT BE STAPLED TO EXISTING TREES OR SUPPORTS OTHER THAN THE STANDARD STAKES.
10. INSTALLED SILT FENCE BARRIERS SHALL BE MAINTAINED ON A REGULAR SCHEDULE WHICH MAY BE PRESCRIBED BY THE LOCAL, STATE OF FEDERAL REGULATORY AUTHORITY; BUT, AT MINIMUM SHALL BE CHECKED WEEKLY AS WELL AS AFTER EACH STORM EVENT. MAINTENANCE SHALL CONSIST OF AN INSPECTION OF THE ENTIRE LENGTH OF THE BARRIER TO DETERMINE IF IT IS FUNCTIONING AS INTENDED. ALL BREAKS, DETACHED FABRIC, SLUMPED FABRIC, CLOGGED FABRIC, AND UNDERMINED AREAS SHALL BE FIXED THE DAY THAT THEY ARE DISCOVERED.
11. WHEN A MAXIMUM OF SIX (6) INCHES OF SEDIMENT HAS ACCUMULATED BEHIND THE SILT FENCE THIS SEDIMENT SHALL BE REMOVED AND THE FENCE SHALL BE INSPECTED FOR TEARS, CLOGGING OF BREAKS. ALL DEFICIENCIES SHALL BE CORRECTED IMMEDIATELY EITHER BY REPAIR OF REPLACEMENT OF THE SILT FENCE BARRIER AND/OR STAKES AS NEEDED.
12. SILT FENCE BARRIERS SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR USEFUL PURPOSE, BUT NOT BEFORE THE UPSLOPE AREA HAS BEEN CLEANED OF SILT AND PERMANENTLY STABILIZED.



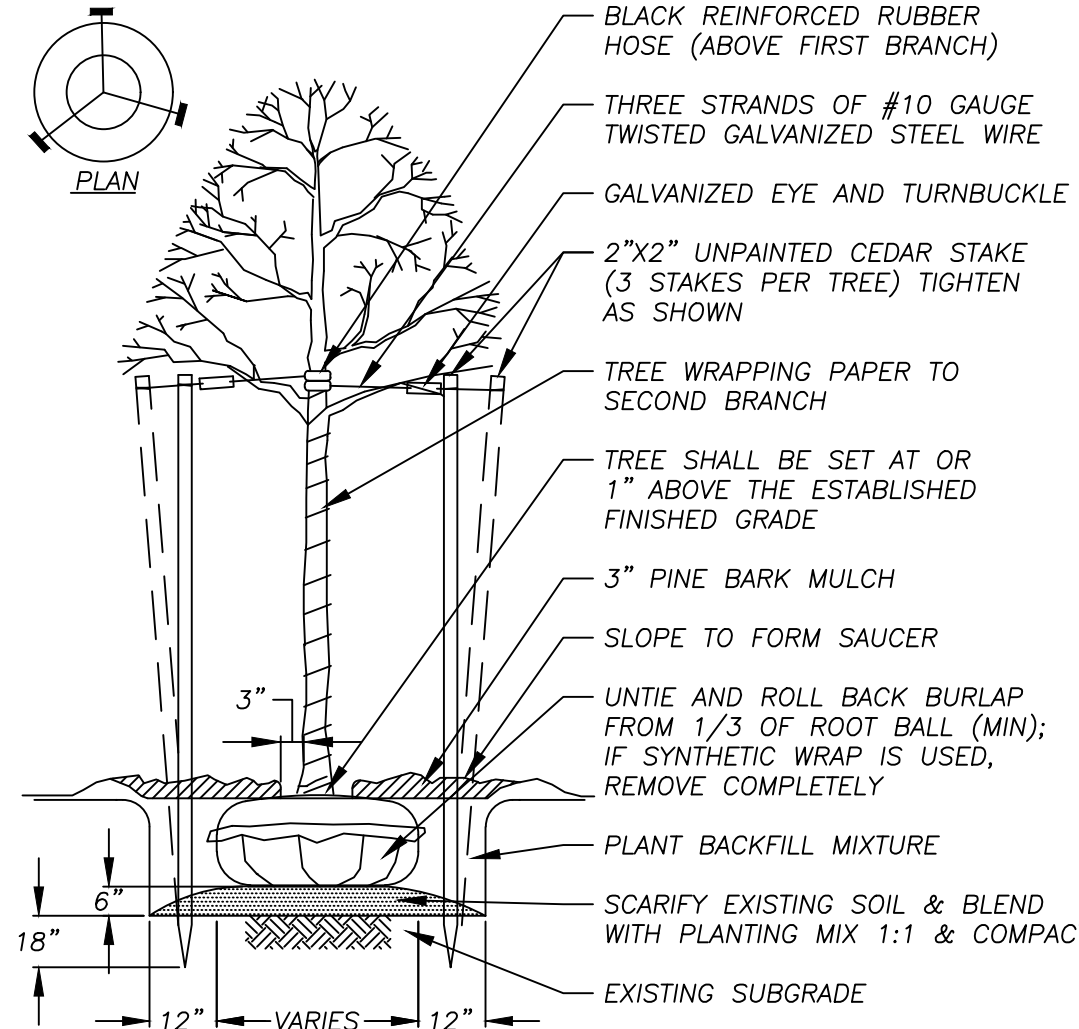
NOTES

1. EACH SITE ENTRANCE IS TO HAVE A TEMPORARY CONSTRUCTION ENTRANCE.
2. STONE IS TO BE 1-3/4" TO 3" ANGULAR CRUSHED STONE.
3. PLACE GEOTEXTILE OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
4. ANY SEDIMENT TRACKED INTO THE ROADWAY NEEDS TO BE CLEANED IMMEDIATELY.
5. ADDITIONAL STONE IS TO BE ADDED TO THE PAD AS NEEDED TO MAINTAIN THE ORIGINAL DEPTH.
6. ANY SIDEWALK DAMAGED DURING CONSTRUCTION MUST BE REPLACED AT THE CONTRACTORS/DEVELOPERS EXPENSE.
7. SIDEWALK MUST REMAIN PASSABLE. IF THE SIDEWALK BECOMES UNSAFE OR IMPASSABLE, A TEMPORARY SIDEWALK/ SIDEWALK DETOUR MUST BE PROVIDED.

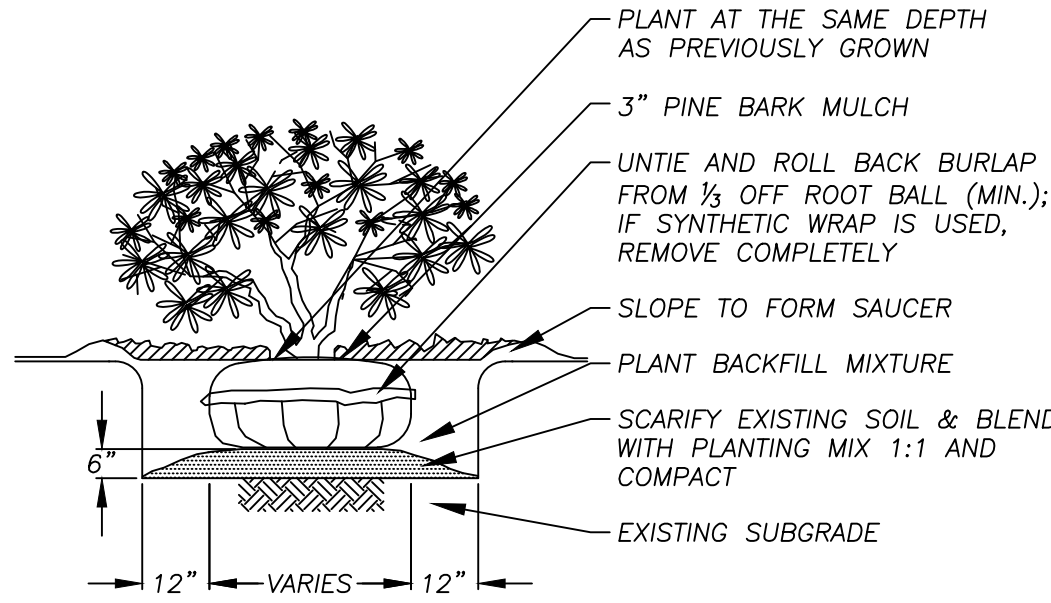
ANTI-TRACKING APRON (AS REQ'D)
NO SCALE



PRECAST CONCRETE DRYWELL DETAIL
NO SCALE



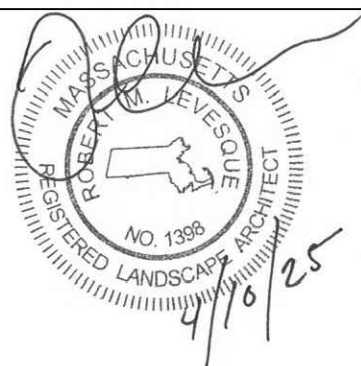
TREE PLANTING DETAIL
NO SCALE



SHRUB PLANTING DETAIL
NO SCALE

CONSERVATION FILING PLAN

248 River Road & 56 Forest Ridge Lane
Parcel ID: L6-IO-3 & L6-5-26
Agawam, MA



PREPARED FOR:

Sergey Nakhabenko
248 River Road
Agawam, MA

ISSUANCE DATE: April 10, 2025

REVISIONS:	DATE:

DRAFTED BY: J.L. & R.N.

UNAUTHORIZED ALTERATION OF THIS DOCUMENT IS A VIOLATION OF MASSACHUSETTS STATE LAW

SCALE: As Noted

RLA PROJ. NUMBER: 240505

DRAWING#	REV.
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W-2

-

PERMITTING
NOT FOR CONSTRUCTION



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: _____

A. Violation Information

Important:
When filling out
forms on the
computer, use
only the tab
key to move
your cursor -
do not use the
return key.



This Enforcement Order is issued by:

Agawam

Conservation Commission (Issuing Authority)

4/30/2025

Date

To:

Gary R. Melloni

Name of Violator

30 Reservoir Road Southwick Ma 01077

Address

1. Location of Violation:

Property Owner (if different)

739 South West Street

Street Address

Feeding Hills

City/Town

B3

Assessors Map/Plat Number

01030

Zip Code

4/9

Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

Work, including tree cutting, within 100' of a stream

B. Findings

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

- ☒ the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: _____

B. Findings (cont.)

☐ the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

Name _____

Dated _____

File Number _____

Condition number(s) _____

☐ The Order of Conditions expired on (date):

_____ Date

☐ The activity violates provisions of the Certificate of Compliance.

☐ The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

☐ Other (specify):

C. Order

The issuing authority hereby orders the following (check all that apply):

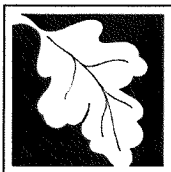
- ☒ The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.
- ☒ Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.

☐ A restoration plan shall be filed with the issuing authority on or before

_____ Date

for the following:

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: _____

C. Order (cont.)

- ☐ Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

Date

for the following:

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

- ☒ The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

Property owner shall attend the May 8, 2025 Conservation Commission meeting held at the Agawam Senior Center, 954 Main Street, starting at 6pm to discuss the violation and how they will restore the impacted area

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

D. Appeals/Signatures

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Conservation Commission

Name

413-726-9737

Phone Number

M-F 8:30-4:30

Hours/Days Available

Issued by:

Agawam

Conservation Commission

Conservation Commission signatures required on following page.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: _____

D. Appeals/Signatures (cont.)

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures:

Signature Henry S. Kozloski

Printed Name Henry Kozloski

Signature _____

Printed Name _____

Signature _____

Printed Name _____

Signature _____

Printed Name _____

Signature _____

Printed Name _____

Signature _____

Printed Name _____

Signature _____

Printed Name _____

Signature _____

Printed Name _____

70210950000012762086
Signature of delivery person or certified mail number

AGAWAM CONSERVATION COMMISSION
April 24, 2025

MEMBERS PRESENT:

Henry Kozloski, Chair
Keven Brown
Sheryl Becker
Frank Meagher
Magda Galiatsos

MEMBERS ABSENT:

Jill Ward
S Page Fallon

ALSO PRESENT:

Stefanie Kesecker

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

1. 6:00PM REQUEST FOR DETERMINATION – 147 M Street – Melloni

Melissa Coady with Tighe&Bond and Steven Melloni were present for this agenda item. Ms. Coady stated they are requesting a negative determination for phase two of cell two for this project. She stated this area is on the south side of the landfill. There is also an existing access road. She stated they are proposing a row of erosion control barriers on both sides of the access road. She stated once this work is completed there are no other work areas in the buffer zone. Mr. Kozloski asked what kind of erosion controls were being used. Ms. Coady stated a straw wattles and silt fence. She stated the silt fence will be on the down-gradient side of the wattles, and a double row of barriers. Mr. Kozloski asked about digging with a silt fence in place. Ms. Coady stated they could use silt fence on the up-gradient side and use a stray wattle on the down-gradient side, so there is less disturbance.

Mr. Brown asked what capping entailed. Mr. Melloni stated they are putting a layer of 40 mil. thick plastic which will be down the entire side slope. On top of that will be a drainage median which will convey any water that gets down to the liner and exit the liner quickly. He went on to say on top of that will be 2 ft. of compost. Ms. Coady stated the cap has also been approved by Mass DEP. Mr. Kozloski asked that the Commission be notified once this is filled. Ms. Coady stated they can provide notification to the Commission.

Motion was made by Mr. Brown and seconded by Ms. Galiatsos to issue a Negative Determination-147 M Street-Melloni, conditional upon the Commission being notified when erosion controls are in place so they may be inspected.

VOTE 5-0-0

2. Discussion & Vote-100 Burlington Drive

The homeowner, Liliya Shevchuk was present for this agenda item. She stated her proposal is for the installation of an in ground pool, and the permit has been submitted to the Building Inspector. She stated there is a stream near the property.

Mr. Kozloski stated this is an exempt activity and an NOI would only be needed if the applicant was proposing to install the pool within 50 ft. of the wetland, which it is not.

Motion was made by Mr. Brown and seconded by Ms. Sheryl that a formal filing with the Conservation Commission was not required for this proposed exempt activity at 100 Burlington Drive.

VOTE 5-0-0

3. PUBLIC HEARING CONT.-NOTICE OF INTENT-Bridge Street-Town of Agawam
DPW

Melissa Coady with Tighe&Bond was present for this agenda item. She stated this is a bridge preservation project and at a previous meeting significant details for this project were presented to the Commission. She stated they had received a DEP file number and comments at that time reflected riverfront area improvements and were awaiting approval from Natural Heritage and Endangered Species Program (NHESP), which they have received. She stated all work will be done from platforms of the surface of the road.

Mr. Kozloski asked if this was a 3 year project. Ms. Coady stated yes it is a three phase project. The first phase will begin this summer, but not during the Big E. She stated each year a subsequent phase of the work will be performed.

Mr. Kozloski asked if the Commission will be notified when the work is started. Ms. Coady stated yes and they could notified the Commission for the commencement of each stage of the project.

There was no public comment.

Motion was made by Mr. Brown and seconded by Mr. Meagher to close the PUBLIC HEARING CONT.-NOTICE OF INTENT-Bridge Street-Town of Agawam.

VOTE 5-0-0

The Commission wrote the Order of Conditions.

Motion was made by Mr. Brown and seconded by Ms. Galiatsos to issue the Order of Conditions as written, including the addition of the Commission being notified before each phase of work commences, and wattles or pads being used as erosion controls.

VOTE 5-0-0

4. PUBLIC HEARING CONT.-NOTICE OF INTENT-1014 North St Ext-VIP Homes & Associates, LLC.

The Commission received a request to continue this agenda item to the May 8, 2025 meeting.

Motion was made by Ms. Becker and seconded by Mr. Meagher to continue the PUBLIC HEARING CONT.-NOTICE OF INTENT-1014 North St Ext-VIP Homes & Associates, LLC. to the May 8, 2025 as requested.

VOTE 5-0-0

5. ENFORCEMENT ORDER UPDATES

None

6. APPROVAL OF MINUTES-April 10, 2025

Motion was made by Mr. Brown and seconded by Ms. Galiatsos to approve the April 10, 2025 minutes as written.

VOTE 5-0-0

7. Correspondence & Complaints

841 South West Street-Engineering and the Commission performed an onsite. Mr. Meagher reported there is an erosion issue at this location and there is very little drainage infrastructure so runoff from the street flows directly into the stream running under the road. The runoff is causing erosion along the stream bank and against the culvert headwall. There is also a nearby utility pole which could be affected by erosion in the near future.

The Commission held a discussion and this proposed repair will require an NOI.

284 South West Street-Mr. Kozloski stated he has been onsite in the past. He suggested the Commission require the owner to submit an RDA as it is close to the stream and about 30 ft. from the wetland. He stated there is a tree that needs to be taken down and if an RDA is in place the Commission can require a new tree be planted. He stated this would allow the Commission to inspect the work that's occurring. The Commission held a discussion and it was determined that the owner needs to submit an RDA.

141 Elizabeth Street-the owner notified the Commission that someone has been dumping debris into the Philo Brook behind his residence. He is unsure who is dumping. Mr. Kozloski stated the Commission will set up an onsite next week.

57 Meadow Street-Mr. Kozloski stated the owner would like to loam, seed and fill in the cracks to stabilize the area he restored. The Commission will send the owner a letter stating he can

complete the restoration repairs, once complete they will do an inspection and another inspection once the grass has grown.

Motion was made by Mr. Brown and seconded by Ms. Galiatsos to send the owner of 57 Meadow Street a letter allowing him to complete the work and to notify the Commission when the work is complete and when the grass is growing so they can perform an inspection.

VOTE 5-0-0

739 South West Street-Mr. Kozloski stated a tree has been cut down here and a lot of work is being performed. The Commission discussed the violations and will send a cease and desist letter and also request the owner to present a restoration plan to the Commission at the next meeting.

Motion was made by Ms. Galiatsos and seconded by Ms. Becker to send a cease and desist letter to the owner of 739 South West Street and request they attend the next week to present the Commission with a restoration plan.

VOTE 5-0-0

123 Nicole Terrace-Mr. Kozloski stated the Commission will do an onsite next week to look at the monuments.

Mr. Kozloski informed the Commission that the City Council approve \$700,000 for Still Brook Park. He stated the work they want to do will be the Commissions' jurisdiction so they may come before Conservation to amend the Order of Conditions.

Mr. Kozloski stated CPA approved funding for the outdoor classroom at Agawam Junior High School and they may also need to come before the Commission.

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

VOTE 5-0-0

Meeting adjourned at 6:55pm.