

TOWN OF LEE
32 MAIN STREET
PUBLIC MEETING NOTICE

POSTED IN ACCORDANCE WITH THE PROVISIONS OF M.G.L. CHAPTER 39
SECTION 23B - AMENDED.

CONSERVATION COMMISSION
Minutes

PLACE OF MEETING: Judge's Chambers, Town Hall

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DAY, DATE & TIME: Monday, May 04, 2009

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Members Present: Deborah Garry, Chairperson, Kathy Arment Marilyn Hansen. Others present were Bob Bartini, Jr. and Kerry Bartini, Mark DiGrigoli, Ann Bruzzi, Mike Kulig, Richard Christman, Monica Ryan, Tony Caropreso, DeeDee Consolati, Roger and DeeDee Scheurer, Joe Abderhalden.

Public Hearings:

1. Continued NOI, 615 Laurel St., Thomas Fusco. This was continued until July 6 at 7:00.
2. RDA, Bartinis, 290 Fairview St. The existing garage will be demolished, the debris removed offsite, and the area seeded. The Bartinis' lot has existed since 1956, before the Wetlands Protection Act existed. Erosion controls will be installed. All members present were comfortable with the filing of an RDA versus a Notice of Intent. Kathy motioned that the public hearing be closed, Marilyn seconded, and it was approved unanimously. We issued a Building Permit Sign-Off. A condition we will add to the negative Determination is that all debris be removed offsite.
3. RDA, Fox Real Estate, Inc., 220 Tyringham Road. There is a large unstable area across Lot 5 and part of Lot 4 created by water draining down between 2 swales. The existing culverts have sediment coming through them. There will be silt fence installed across the unstable area,

which will be leveled and seeded to stabilize it. Mark DiGrigoli will also clean out a drainage ditch and remove all sediment offsite. He will notify Deb when work begins. Kathy motioned to close the public hearing, Marilyn seconded, and it was passed unanimously. A negative Determination will be issued.

3. RDA, 187 Washington Mt. Rd., Joe Abderhalden IV and Kimberly Bordeau. Ann Bruzzi communicated with Mark Stimson regarding the determination of floodplain when no associated elevations were available. She collected 8 letters attesting that there was no direct observation of flood evidence based on a 2005 storm. No flood study will be required. In addition, single family dwellings are not required to have compensatory storage. Kathy motioned to close the public hearing, Marilyn seconded, and it was passed unanimously. A negative Determination will be issued.

4. NOI, Laurel Street, Laurel Lake Water Power for Tom and Katie Scheurer, construction of a single family home and garage on a lot adjacent to the dam and abutting Laurel Lake. Utilities (sewer and water) to come through an easement (agreement being worked on), and electricity from a pole in place for the town beach. Home to be 3 bedrooms with a deck. There will be grading on the southwest end. DEP commented on stormwater management standards with regard to drainage. Roger may come in the future regarding this issue. Riverfront area limits—intake structure was used for the beginning of the riverfront. House, road are not in a riparian area. The east end of the dam just needs to be cleaned up (presently piles of stone are there). Dead trees in area of the gatehouse will be marked for removal. We will be notified to go and inspect before removal. The concrete spillway continually washes out. The town has repeatedly filled it in, but it was a wetland area. Roger plans to clean it out and correct to follow land contours. The water will sheet now and be absorbed instead of traveling down the center of the road. The new access road will be gravel, and possibly will be paved in the future. Questions from the audience included how the Scheurers intended to maintain privacy (versus

townspeople accessing the Lake), MA Heritage issues (a map was checked, and no present issues were noted), and a request for an independent wetlands delineation (it was noted that the present one was done by Tighe and Bond, who qualify as an independent source). A silt fence will be extended down to the dam. The limit of work will be 25 feet from the dam. Haybales will be added to the silt fence wherever extensive digging will occur. Kathy motioned to close the public hearing, Marilyn seconded, and it was passed unanimously. An Order of Conditions will be issued within 21 days.

Other Business

1. Minutes from April 21 were approved as written.
2. **Informational Hearing:** 1125 Meadow St., Tyringham, Tom Touponce. A lot of this farmland area is in the floodplain. He was cleaning out drainage ditches. This work, not the land, is exempt (farmland)..cleaning of agricultural drainbage swales is considered maintenance work. He had a verification of crops grown on this farmland. He will keep us posted on his activity. We encouraged him to submit an Agricultural Conservation Plan—for the next 5-10 years—and a site plan with resource areas labeled. He is also developing a composting program to use as fertilizer instead of chemical fertilizers.

Respectfully Submitted,

Audie Furgal

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