

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

PLACE OF MEETING: Judge's Chambers, Town Hall

DAY, DATE & TIME: Monday, Aug 3, 2009

Member Present: Deborah Garry, Chair, John Philpott, Marilyn Hansen. Kathy Arment, Stu Dalheim

Meeting opened 7:00

7:00 Continued Notice of Intent, 615 Laurel, Thomas Fusco, Berkshire Engineering, multi-family dwelling. Continued to Aug 17, 7:00

7:15 Notice of Intent, Charles Leach, 1110 Fairview Street, demolition of a barn and construction of 2 car garage.

Leigh Minor representing. There is an existing barn on the property which she wants to take down that is located on .73 acres. They want to erect another garage on the same footprint that is 24 X 28 which is slightly larger than the current structure which they believe is 24 x 24. She believes they are 90 feet from the brook. No comments received from DEP yet. The project is in the river front area. There is a perennial stream (unnamed) on the property; there is a large enough watershed which makes it a perennial stream and consequently river front. Chris Walsh from Cheshire is their builder. She will need to send paperwork to NHESP because it is within the estimated habitat. The NOI needs to be continued while awaiting comments from DEP and NHESP. Continued to Aug 17, 7:30

7:30 Request for Determination of Applicability, Town of Lee/DPW, Washington MT Rd, for the installation of a new water main, Robert Fornier, S&K Design representing.

There was a question as to whether an RDA needed to be filed and Mark Stinson clarified that it wasn't mandatory as long as the project doesn't leave the right of way which is 50'. Rob pointed on the map the length of the main. The area has poor water pressure probably a combination of the current main being too shallow and the presence of rock. Town started the project in 2006 but ran out of money. The main is within the pavement in the middle of the road. As for resource areas there is Washington MT Brook—river front and buffer zone. Work will be approximately 50 feet from the brook. Main ends at the existing hydrant. If Matt Carty is on the existing system, he will be on the new line. Scope of work does not include running a new service line to Carty. It was determined that service to Carty is not under the jurisdiction of the commission. Mark says if the commission understands where and how the work is to be done and the impacts from the work they can issue a negative determination #5. Rob clarified that they are exempt from the Wetland's Protection Act and the river front. If they weren't inside the ROW and altered the wetland's then they wouldn't be exempt. Motion made by Stu to follow Mark's recommendation #5, seconded by Marilyn; all in favor. The area is properly delineated and the old main will be left in the ground.

7:45 NOI, Jim Bailey, 1040 Fairview, construction of a garage, DEP # 196-0376, Berkshire Engineering, Ann Bruzzi representing. Continued to Aug 17, 7:15

8:00 Notice of Intent, Hand Pulling of Invasive Weeds, Deirdre Consolati, Foresight Land Services Representing, Steve Mack, DEP # 196-1375

Audience: Roger Scheurer, Tom and Katie Scheurer.

Steve followed up on DEP comments. If they come across snails, they need to put them back in the water. They will do the pulling in the early morning prior to the arrival of swimmers. Deb reviewed The Practical Guide to Lake Management in MA for hand harvesting (included in the file) which the commission would like to see followed. Monitoring will be done pre, during and post to gauge the effectiveness of this project. It is stated in the NOI the two invasive species they will be targeting. John summarized the project: the area targeted will be done near swimming area, a qualified/certified diver will be leading the project that will also consist of volunteers who will be pulling under his supervision. The material will be put into a boat launch, dumped in a compost pile in a cemetery. Any snails

found will be returned to the water. Roger Scheurer echoed John's concern that the volunteers be properly educated. John made a motion to close the public hearing, seconded by Kathy, all in favor. Deidre thanked Steve for his volunteer work on the project.

Discussion on Roger Scherer and the Emergency Certification Drawdown Laurel

Lake. Questions arose as to whether it is classified as a high hazard dam. Stu went to see the flooding and was going to report to Deb with the restriction being that when it reaches the spill-a-way you need to stop the extra runoff. The process would be then that one person signs the Emergency Order and at the next meeting it needs to be ratified. Mark Stinson said it is a wetland problem because the culvert side is creating the flooding on Route 20. It was also noted that if commission ratifies it, DEP would probably rescind it. If it is a safety issue, Dam Safety should be notified. Roger would need to get an engineer involved to conduct a study that indicates this is impacting the dam adversely. This additional information came after the site inspection. Also that night when the road was overflowing it was noted that it wasn't the lake that was overflowing but the other side of the road. The lake is taking the overflow making the capacity of the lake more than adequate for the overflow from the wetland. This makes the issue that Roger would need to follow an Emergency Action Plan that would determine A) if it is a high-hazard and B) what kind of impact would that have on the day. When Stu checked pump house with Roger, he was told there was 1000 gallons/minute out of there since December which hasn't negatively impacted the lake. It was taken into consideration that Roger could have been doing what MA Highway asked not realizing it was not their call. John made motion to not approve the Emergency Action based on the information that the commission has. Kathy seconded, all in favor.

Roger was told that DEP not happy with the emergency certification. The process was for a site inspection to be conducted which was done and signed by Debby however the commission will not ratify it. DEP feels that the flooding was not due to any backup from the lake but that it was coming from the other side of the road because the culvert was not big enough. Roger talked with Larry Salvatore, engineer for MA Highway. His request was when the level of lake is reduced, you are taking back pressure away from the existing culvert. According to Mark Stinson however, it didn't get to an emergency level. If it was putting pressure on the dam then Dam Safety needs to be notified and an engineering study has to be

done. Laurel Lake is not classified as high hazard dam. It was suggested that the next time MA Highway asks him to do something, he should instruct them to contact DEP and get the paperwork done.

OTHER BUSINESS:

Kathy got a letter from Patty Carlino, Chairwoman of the Selectboard asking if Kathy would participate on the Committee to discuss future access to the beach. The first meeting is Sept. 1

Standard conditions for RDA to be used on all RDAs whether negative or positive moving forward. Stu questioned who would follow up since we don't have case managers are not assigned to RDAs.

Discussion on the GIS tool and the concern over the conflicting information. GIS cannot be taken verbatim but will require a lot of updating of information.

There was a question on the Bailey project and the setback from the stream which needs to be checked as well as where the plants were located. Motion duly made to accept the minutes of July 20 and seconded. All in favor.

Debby requested someone succeed her as chairperson.

Office Duty:

Aug 10 – John

Aug 24 – Kathy

Aug 31 - Stu

Motion to adjourn; seconded all in favor. Meeting closed 8:37pm