

**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, August 17, 2009

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

Meeting called to order at 7:07

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

Continued to Nov 2 at 7PM

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

Ann reviewed the DEP comments: (submitted in file)

#1 – Commission needed to hear from NHESP with the response being that the project will not result in adverse effects. No Conditions.

#2 – Determination needs to be made as to whether the drainage channel is a jurisdictional intermittent stream. Response: non-jurisdictional.

#3 – RFA calculations discussed with applicant proposing to restore/mitigate areas in excess of the requirement; the new work proposes a total 5,365SF therefore the total restoration/mitigation required is 138 SF and the proposed restoration/mitigation is 427 SF.

#4 Having been discussed previously, commission is satisfied with the improvements proposed. Channel is not going to be diverted, but split into two and captured with a drain and will be diverted into a riprap area and eventually into the stream. Area will be dug up, stone will be placed, (no PVC pipe) covered with fabric, topsoil and grass.

#5 - Mark requests commission keeps track of further alteration and the applicant should demonstrate that the restoration or mitigation has been successfully completed for at least two growing seasons; Ann expects such conditions to be applied. It was

suggested a record of digital pictures on discs be compiled. There is also to be a reminder that with this project they have maximized their ability for redevelopment on this parcel. Motion to close made and seconded with all in favor.

7:30 Continued NOI, Charles Leach, 1110 Fairview Street, demolition of a barn and construction of 2 car garage. Ann Bruzzi representing, Berkshire Engineering.

Ann presented photos of the site showing the stream with the BVW, driveway and barn that the applicant wants to replace. The barn is 92 feet from BVW and 96 feet from the stream. She feels this applicant is exempt and cited several resource areas: the distance from the stream and BVW as mentioned previously; there is National Habitat--the flood plain is not in that area where they are proposing work; the Wetlands Protection Act --referencing a statement of jurisdiction stating this is in a buffer zone and estimated priority habitat and outlines areas within jurisdiction specifically referring to activities other than minor activities are required to get a permit. Minor activities listed under "E" states the conversion of lawn to use as accessory to residential structures such as sheds, decks etc provided activity is 50 feet away from mean annual high water within riverfront area or BVW which ever is further. Riverfront area section of code states that certain activities can be grandfathered. MESA requirements also shows filing is not required. Marilyn doesn't see that this is a minor enough project as to be exempt. This is a demolition of a structure with a new foundation being put in with a slightly larger building being constructed and this is not, in her view, a minor project. DEP hasn't been informed of Ann's request to be exempt. Considering the NOI has already been filed as well as Mark's comments in an email to the applicant (on file) that didn't suggest that the project was exempt it was decided to continue public hearing. Continued to Sept 8. 7:45

7:45 Notice of Intent , Old Castle Lawn and Garden, 110 Marble, represented by Environmental Partners, for the paving of two acres of land. Carter Fahey, Steve Belanger - Environmental Partners Group, Henry Bruce, Williams Sparks – Old Castle.

Old Castle approached DEP approximately 1 year ago regarding concerns with the property having been historically filled and containing solid waste material. The solid waste is primarily off spec discolored limestone and metal non-organic waste. The west area is surrounded by wetlands that was filled to its current configuration years ago for usable space. The waste material is present just prior to the wetlands. The plan is to pull the solid waste back and have a clean fill - approximately 7 or 8 feet - with top soil to get the proper grade. The wetland is located at the toe of the slope. DEP agreed with the area being pulled back, get rid of solid waste debris and pave it over. The areas to be pulled back and paved totals 1.5 acres. The limit of existing waste is basically at the wetland line which is flagged. All the material will be removed; some areas will require filling to make the grades work with the ability to handle a 100 year storm. Stormwater from paved areas will be graded to flow to forebays. There will be some pretreatment required with calculations noted in the NOI. The depth is about 6 feet at a 3-1 slope. An estimated 5000 SF of wetlands will be created with the construction of pocket wetlands. Currently everything just sheds right off untreated and

this project will show improvement. Paving will cap what is beneath it and the impervious surface will decrease the run off. Paving will be asphalt, 3 inches thick. The entire facility is under EPA permit requiring quarterly sampling. The project is to be scheduled for mid Sept.

Site visit scheduled for July Aug 19 @ 4:30pm. Continued to Sept 8 @ 8:00

8:00 Request for Certificates of Compliance, Harold Sherman, 605

Laurel Street, 196-0356; 196-329

Harold Sherman here. Site visit scheduled for July 19.

Other Business:

Certificate of Compliance, 190 Meadow Street, Rob Fornier, S & K Design representing. 196-245

Site visit was on July 22. COC to be issued.

Other Business:

Discussion on OOC for Sandy Beach Additions

Marilyn reviewed some additional comments she would like to be added to the other conditions and specific wording was discussed. Dee Consolati and Gail Ceresia present.

Approval of Minutes Aug 3

Motion made to approve minutes of Aug 3, seconded, all in favor.

Meeting closed at 8:25.