

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: Tues, Sept 8, 2009

**Member Present: John Philpott, Kathy Arment, Stu Dalheim; Jack Coty,
Associate**

**7:00 Notice of Intent, Lee Athletic field, Robert Nason, represented by ESS Group, Canoe
Launch. DEP # 196-0377**

Dan Herzlinger, ESS Group representing the Town of Lee for the construction of a canoe launch on the banks of the Housatonic River. This will be the fifth one constructed on the river. Money for the project came from the settlement with the GE clean-up. It will consist of a gravel path with compacted gravel that leads down to the river. The gravel path starts at about nine feet and then widens out at the bank of the river to allow paddlers access. It will involve clearing of the brush and setting up erosion controls as well as site grading. There will be approximately 270 square feet of impact to river front area. To prevent sediment from reaching the river, the plan is to construct this when there is low water. The goal is to have this put in by Oct with turbidity curtains put in to prevent sediment from reaching the river. This is one of the more simpler designs they worked on because of the slight slope. Other projects they had worked on required Army Corp permits and Chapter 91 licenses which were worked out prior to this project. NHESP report was in with no issues that needed to be addressed. Mr. Herzlinger addressed DEP comments: 1) there was a question as to whether it was necessary to have a gravel path 9 feet wide. ESS responded that it was necessary to allow two canoes to pass side by side; 2) Is it necessary to use gravel to which ESS responded that it was easier to maintain requiring less maintenance and provides more stability; 3) DEP was concerned that the gravel would wash away during a major storm event—ESS responded that the gravel is compacted and is about a half of a foot deep. Some maintenance will be required but overall it is sturdy. There is no provision for using trailers; canoes and kayaks must be brought down by hand. Dennis Wiggins of the Housatonic Valley Association addressed the commission on how the sites were chosen. Because of lack of funding from the state, no new sites will be developed. By working with the

Public Access Board they were able to add one more public access water site at the Housatonic Water Shed which is the Stockbridge Site at Park Street. The Athletic Field launch will be maintained by the Town because it is on Town property. Originally 45 sites were in consideration which was whittled down to 9 priority sites. Another launch in the immediate area on Route 102 by St. Francis Church has not been approved at this time. They would like to make it a package deal if it should be. Willow Mill is going through relicensing of their dam and is pursuing the idea of an access above and below the dam. John motioned to close, seconded by Kathy, all in favor. OOC to be issued.

7:15 Notice of Intent, Schermerhorn Road, Commonwealth of MA, represented by Alec MacLeod, repair of existing road and existing inadequate stormwater management system.

Alec MacCleod representing the Department of Conservation and Recreation for the reconstruction of Schermerhorn Road. Mr. MacCleod pointed out in several photos the condition of the road. DCR came up with a plan to repair it. The lower part of the road starts in Lee with the upper part in Washington. There isn't any repair proposed in the lower part of the road so they are out of the habitat vicinity shown in Natural Heritage. Moving up the hill the areas worked on are shown to be out of the buffer zone range. This area is shown on Page 3 of the drawings where a culvert will be replaced. A four foot sump catch basin will be installed instead of drop inlets that are currently there and notably deteriorating. The road will be cut with a new culvert replacing the old. At the ends where impact is unavoidable, the material that is in there will be lifted up, set aside, the culvert installed and then any wetland soil and vegetation will be replaced. There is just one culvert in Lee's jurisdictional area. Storm water will be better managed with the current plan. Different materials will be used for replacing the corrugated pipes. As for DEP Comments, they are in the process of responding to each one which is more applicable to Washington than Lee. The NOI is changed by virtue that they are using deep sump catch basins instead of drop inlets but culvert sizes will be identical. A letter will be sent out indicating the changes. John motioned to continue to September 21 @ 7:15, Kathy seconded, all in favor.

7:30 Notice of Intent, MA Highway Dept, Route 20, near Laurel Lake, replacement of deteriorated pipe with two new culverts. Represented by Amer Raza, MA Highway

Amer Raza representing MA Highway for the replacement of a deteriorating 24 inch drainage pipe on Route 20 near Laurel Lake and a wooded marsh. The existing pipe is 24 inches diameter to handle the drainage as well as to eliminate the flooding in that area. They are proposing to replace the pipe with two 24 x 48 inch concrete box. To keep the height at 24 inches, they will need to expand the width. The outlet will be to the lake just north of the boat ramp. MA Highway is awaiting comments from DEP. The timing for the project is scheduled for next year. There was a question as to why the plans aren't stamped or signed. Mr. Raza explained that the plans are "in-house designed" by MA Highway and are only at the 75% stage and need to go to Boston for approval. Once Boston approves of the plans, then there will be a signature.

Conservation will require that the last design be submitted and signed. Amer said the major design is 75% complete at this point, they are getting all the permits and that the concept will remain the same, the culvert size will not change. He feels the major design and concept are complete and it is just incidentals that might need to change. Comments from DEP have not been received yet and conservation will check with Mark Stintson for his guidance on this issue. The existing culvert is about 5 times less than needed. MA Highway has been working with Standish from DEP in Boston. There was some concern about zebra mussels and how they will be handled. Motion to continue to Sept 21 @ 7:20 made by John, seconded by Stu, all in favor.

7:45 Continued NOI, Charles Leach, 1110 Fairview Street, #196-0380, demolition of a barn and construction of 2 car garage. Ann Bruzzi representing, Berkshire Engineering.

Continued to Sept 21 at 7:30 p.m. Still awaiting comments from NHESP

8:00 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.

Bill Sparks, applicant present, Carter Fahey, Environmental Partners representing. The two outstanding issues were DEP comments and file number as well as a site visit. The site visit went well with no concerns expressed by the commissioners. DEP comments were received which Mr. Fahey addressed. He clarified that the Storm Water Management Report was done in accordance to the Storm Water Handbook. Also clarified was that the point source discharge will be setback from the wetlands with the riprap being sized accordingly. DEP may or may not request Appendix G Data Files which is a more detailed explanation of where wetlands ended and how that determination was made. The wetland scientist felt it was obvious where the fill-in ends and did not feel it was necessary. DEP wanted to know if there was a registered professional wetland engineer which Mr. Fahey confirmed. The plans were viewed and he showed where the fill area comes down about eight feet. At one point this whole area of wetland was filled in for onsite storage. South and west of this area is wetland which was determined by test pits. Where they did not fill in is where wetland started. The reason this whole process was initiated is because DEP wanted Oldcastle to address the fill area and it was agreed that pavement was the best option as long as it is storm water controlled. It is planned to start by late September. Motion made by John to close, Kathy seconded, all in favor. OOC to be issued.

8:15 Notice of Intent, 196-0379, Danielle and Matthew Filio, 370 Chapel, demolition of the current residence and reconstruction of a new home.

Danielle and Matthew Filio are representing themselves. They want to construct a new home in essentially the same footprint of the home they will be demolishing. The width will stay the same. They are getting rid of the section closest to the brook and extending their house eight feet closer to Forest Street. They are 55 feet from the brook. Having done all the calculations, Ms. Filio determined that they are 43 sq. ft. over their allowable with mitigating on a 2-1 ratio. They will plant about 20 trees in the back. A modular will be going in with dimensions sited. DEP

comments were submitted with no comments. NHESP was sent information but nothing received yet. They want to build first or second week of Oct. Deb Gary did a site visit. Motion to continue to Sept 21 @ 7:00 made by John, seconded by Kathy. All in favor.

Other Business:

Sign Order of Conditions for 1040 Fairview

Approve Minutes of Aug 17

Kathy made motion to approve, seconded by Stu, all in favor.

The Sandy Beach Access Committee – a copy of the committee members has been submitted to Conservation.

Building Write-offs

Bob Walsh

160 Fairview

Replace footing drain back of house.

Motion to close meeting made by John, seconded by Kathy, all in favor. Meeting adjourned at 8:15.