

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

-
DAY, DATE & TIME: Monday, November 16, 2009, 7:00 P.M.

-
Members Present: Deborah Garry, Chairperson, Stuart Dalheim, Marilyn Hansen, Kathy Arment, John Philpott, John Coty, Ann Langlais.

Others Present: Neal Carpenter, Rose Fitzgerald, David Lane, Joe Strauch, Tim Flanagan, Vince Ammendola (Lenox CC); Roger, Tom and Katie Scheurer (Laurel Lake Water Power); Floyd&Marcia Tuler, Penny&Hale Carey, Mark Alimansky (Chair) (Laurel Lake Preservation Association); Dennis Regan, Rick Donovan (HVA); Jack Hickey (LAPA); Anthony Caropreso, Thomas Wickham, Harold Sherman (Lee Planning board); Laird Cowington, Gail Ceresia, Deidre Consolati (Lee residents).

Continuation from June 1, 2009 of public hearing for NOI submitted by Laurel Lake Preservation Association for invasive aquatic species and plant management:

Mark Alimansky spoke briefly about the history of the NOI filing. He said that the subsequent discovery of zebra mussels has led to tonight's request by the LLPA for an emergency modification to the original NOI requesting a winter water drawdown of 36", and hand-pulling of invasive plants. There were 3 hearings in early 2009, one of which was a joint meeting with Lenox concerning 16 questions and the issues they brought up. The NOI steps so far include the creation of Lake Watershed Management to study the current biological and chemical features of Laurel Lake. BRPC is seeking additional funds for this study (it will cost over \$40,000), which will take place over a consecutive spring, summer, and fall. The coordination process includes the Lee and Lenox town Managers, representatives from both Conservation Commissions, the Housatonic Valley Association, and Highlawn Farm.

The DCR's aquatic biologists, Tom Flannery and Jim Straut, found the zebra mussels (initial counts were 609–over 700. There was a survey in July. The boat ramp was closed and reopened 10/15/09. The DCR completed a survey of Berkshire County lakes in October. DCR's Tom Flannery recommended a winter drawdown, the goal of which would be to suppress the mussels at the dam and boat ramp, and to allow shoreline control. Eradication of the mussels is not possible, but they can be frozen out in shallow areas.

The LLPA wants to file an amendment to the original NOI for a deep drawdown of Laurel Lake within the next month. It wants an immediate Order of Conditions to be issued regarding this one point. What will Laurel Lake Power need to do to get this Order? There is a concern that in the spring of 2010, especially in the dam area, that there will be a huge increase in the mussels per square yard, and that the larvae will go downstream to the Housatonic River and eventually to the Long Island Sound if there is not immediate aggressive treatment. Mark read recommendations from Tom Flannery and Ethan Nada for a two-phase study: The documents were on lake drawdowns as a strategy for zebra mussel control—results of pilot studies in MN and PA. In Edinboro PA there were drawdowns in 2000 and 2001; the second one resulted in a 99% decline in zebra mussel density.

Deb Garry stated that the NOI is the current issue. Amending it is not a huge issue and can be done any time. The question is how to separate out one piece of the Notice. Neil Carpenter suggested submitting a new NOI* for this specific request for an emergency drawdown. Ray Grogan spoke of a long-range phase of biological control, and that a pilot study is being done in CA. The goal would be to eradicate the mussels, but this would be two years away. The Lenox CC mentioned denying the rest of the NOI, which could be refilled, and approve only the deep drawdown. Mark Alimansky asked if they could withdraw 2 parts of the NOI (herbicides and hand-pulling). Deb stated we would need a narrative describing a 3–5-foot drawdown for 3 years, the withdrawal of the other 2 elements. Amend the intent of the NOI, which is to minimize the mussels. Neil mentioned we still need to hear from Natural Heritage. John asked if this is really an emergency, that he was comfortable with a 3-foot drawdown. The Lenox CC suggested closing out the original Notice and requesting one year only. They also stated that the Housatonic River is already infected. Dennis Regan (HVA) confirmed that the mussels are in the Housatonic River. Jack Hickey (Lake and Pond Assoc. of Western MA) said a drawdown could be done every 3 or 6 years on the Pittsfield lakes. Do a 3-foot

one, and go deeper if there is no snow. There was talk concerning drawdown history, the fact that Laurel Lake has substrata of limestone and marble. Roger Scheurer said that there had been drawdowns of 6' in 1991 and 12' in 1940. Mark calls this an emergency...that there will be an increase in spring and the mussel flow could be controlled by a drawdown this winter. Most reproducing by the mussels occurs below 5'. John mentioned we could all agree on a 3' drawdown for this year, and Rose (Lenox) said there was an option to do this since it was already approved. Both CC's need information from the planned BRPC study which is currently incomplete. Drawdowns are usually started in mid-October, although Pittsfield's 2 lakes were started in early November this year. John suggested dealing with the drawdown tonight, but the Lenox CC wants to continue the hearing until 12/3; Neil said we can't deal with this issue this year if both boards need to decide. DEP drawdown guidelines—the Commissions don't have enough information. Mark said an amended NOI will be filed within the next 10 days for a 3' drawdown. Natural Heritage will need this amended NOI to respond. The joint hearing will be continued until 12/3 at 7:30 at the Lenox Town Hall (John Philpott motioned and Stu seconded, unanimously approved).

Other Business (Lee CC only):

There were several Certificates of Compliance for Mead completed: 196-157,187,194,266,256,276,287,354 and P-507. John Coty recused himself from this business.

Informational hearing on dam maintenance at Laurel Lake (LLWP). Repairs must be made on existing blacktop in the middle of the dam. There is a 10x30 section of pavement, and another 10x30 on the intake structure. Roger needs a diagram showing this sensitive area, amount to be put down, how, precautions so no blacktop goes into the lake. He expects this work to be done by Thanksgiving or next spring. He will file an RDA.

Ann will need to be sworn in to become a full member. Stu motioned that the meeting be closed; Kathy seconded, vote was unanimous.

Respectfully submitted,

Audie Furgal, Acting Secretary

