

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

Meeting Minutes

PLACE OF MEETING: Judge's Chambers, Town Hall

DAY, DATE & TIME: Monday, Feb 1, 2010

Member Present: Deborah Garry, Chair, John Philpott, Marilyn Hansen, Kathy Arment, Stu Dalheim, John Coty, Ann Langlais,

7:00 Request for Determination of Applicability, Tom Touponce, 1125 Meadow, for farming in a wetland resource area.

There are three items in this request: the maintenance of the swales, the roadways and the composts. The waterways need to be maintained because if not done, it will prohibit the growing as a farmland as well as affect the neighbors below. He is here to clarify that he can proceed. He purchased the property in 1999 and has been planting corn every year except when it was an issue with Don Torrico about three years ago. It is under 61A with the Town Assessors which must be filed yearly because if it is not done, it takes you out of 61A. This is registered with the USDA (United States Department of Agriculture) Or MDAR (Massachusetts Department of Agriculture Resources). Mr. Touponce presented pictures of the composted area. Excluding some minimal woodland areas it is pretty much open with the fields being delineated by water ways. A portion of the composts will be used on the fields which will hopefully eliminate chemical fertilization.

Mr. Philpott pointed out that according to the Regulations, there is a section on farming that states if you are not farming for profit then you don't have any exemptions which is a key point in terms of designation. This land was consistently used for corn since the purchase of the property, however this year it will be turned over to hay which will be sold. Since owning the farm, there have not been changes in wetland boundaries but trees were moved from the waterways. This added approximately an acre to the field. He had a conversation with the SCS (Soil Conservation Service) Conservation Service where he met with them to see what could be done with the water. The composting consists of yard and wood waste, cow and horse manure and food waste which comes mostly from residential properties in Lee. The food waste comes from Kripalu. The waste from the Prime Outlets consists of cardboard. In terms of the input

versus output which is sold, Mr. Touponce clarified that 40 - 50% is on the farm with 50 – 60% going out.

Mark Stinson provided a definition on farming and had Mark Haley, of the Solid Waste Management Group, contact the Commission to provide more detailed information which is in the file. The top categories to be considered are: is the land subject to protection, is the land in agricultural use, is the work subject to regulation, is it normal maintenance/improvements and then what the outcome is. Based on the criteria presented, the Commission feels the land is being used for agricultural purposes.

There was a question of what is considered substantial fill. This is a 150 acre farm with 3 acres area of compost. The Regulations state that if the composting is not contained within a building, there is no square foot limits.

Mr. Philpott motioned for a Negative Determination (B5), seconded by Marilyn, unanimously approved. It was requested that if there is any work not covered by the determination, it be brought to the Commission's attention.

Mr. Touponce also spoke of the Tyringham Road Resurfacing project. He asked MASS Highway to visit with him to make changes to the plans to help the waterways. They are looking for nine easements from Mr. Touponce. He would like to see the nine easements be changed to three. He would like to know the Commission's perspective on this. The Commission will request more information from either Bob Nason or Chris Pompi.

7:15 Request for Extension of Order of Conditions, Anthony Caropresso, for work at 135 MT. View Terrace

There was uncertainty as to how many times extensions can be granted. Three years is the normal term with one and three year extensions. According to the regulations, it can be denied if work hasn't been started which is the case here. Mr. Philpott motioned to extend it for one year instead of three sighting the fact that there is no work started. If work hasn't commenced within this time frame, another extension will be denied. Seconded by Mr.Coty. Unanimously approved.

7:30 Continued Notice of Intent, Glenn Hersh, 470 Cooper Creek, an addition, remove and build a new garage, upgrade the septic and improve drainage within 100' Buffer Zone wetland and bank bordering on Goose Pond

Franz Forster, Sue Dunlavey present. Ms. Cericia questioned why the Commission is asking for the NOI to be withdrawn and a new one submitted. One issue she is addressing is the fact that there are negotiations taking place with the Smiths. However, with all the other issues she will need to file an Amended NOI according to the Commission. Ms. Cericia wants the meeting to be continued while she looks at her options. Franz Forster agreed the Smiths are in negotiation but that the Smiths still want to see the property. There are also other deficiencies and changes that need to be addressed. Continued to March 1 @ 7:00. It has been requested that she notify

the Commission prior to the meeting as to whether she has anything new to present so other interested parties can be notified.

Other Business:

MeadWest Vaco Determination – It was determined that a letter be sent stating that due to an administrative error the determination submitted is invalid and in light of new information brought to the Commission’s attention, the Commission would like to take the opportunity to review this project again. No charges will be required for another advertisement.

Approval of Jan 19 Minutes – Motion to accept by Kathy, seconded by Deb. All in favor.

Meeting closed 8:05

Office Duty:

Feb 8 – Stu

Feb 22 - Marilyn

Respectfully Submitted,

Martie Martin