

**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, 15, 2010

**Member Present:** Deborah Garry, Chair, John Philpott, Marilyn Hansen, Kathy Arment, John Coty, Audie Furgal, Associate

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

A letter from NHESP has been received and needs to be addressed. They are looking for a Conservation Management Plan. Berkshire Engineering will be working with Charles Quinlen a biologist. He will gather the information for the plan to be submitted to NHESP to see if any conditions need to be met. Continued to May 17 @ 7:00.

**7:15 Notice of Intent, 114 Housatonic, Bronwyn Hertz, to construct a 20' X 20' building addition, a handicap ramp, a handicap accessible connector porch, an 18 car gravel parking lot and an associated gravel driveway.**

James Hertz representing his wife. Mike Kulig, representing Berkshire Engineering. A site inspection was conducted on March 11. At the site, test pits were requested to determine whether area had been filled in. There was also concern over the outflow of the detention basin. Ann Bruzzi of Berkshire Engineering had said that a certain kind of lip could be put on the basin in order for the water to sheet flow as it should. Ms. Hansen noted two concerns: that the detention basin was in the flood plain, secondly, the path of the outflow because it would be discharged on the property of others. With similar issues in the past, Conservation requested things like Cape Cod Berms around the parking lots to prevent the flow onto other neighbors' property. Ann Bruzzi was hoping to access the Town storm water on the street.

The tree for compensatory storage will not be allowed. Mr. Philpott noted that the addition must be above the floodplain. Compensatory storage is something

Conservation would like to discuss more. Mike Kulig, noted that the entire parcel is in the flood plain. He looked at the 2 year, 10 year and 100 year flooding impacts. The project would be able to handle the 2 and 10 year impacts. As for the 100 year impact, that would look at the entire flood plain and would be statistically insignificant. He requested that when the Commission speaks to Mark Stinson of DEP, should Mr. Stinson feels the project would not work in the 100 year floodplain by not being able to compensate for the 100 year flood, this would be a show stopper for the project. Please let him know as soon as possible. Continued to April 5 @ 7:30.

**7:30 Request for Determination, Resurfacing of Route 20 from Lenox Town Line to Canal Street, MASS DOT**

Amer Raza representing, showed where the project starts at the Lee/Lenox Town Line down to the Canal Street intersection. As well as repair work there will be general cleaning, pipe cleaning, if any repairs are necessary, there will be pipe replacement. There will be resurfacing of paved waterways. Where the gravel shoulder is lower than the existing surface, more gravel will be needed to level the area. (It was noted that the Laurel Lake issues will be dealt with on another project.) Bales and silt fence will be used whenever they are within any buffer area. As for the cross hatching on the existing tamarack, a milling machine absorbs the material which does not come out of the machine. It is transported by the dump truck to the plant.

This is exempt from review for projects and priorities because of the type of project in that it is staying within the existing area, this is not an expansion. There is a little area in the flood plain. No flood storage will be lost; whatever is removed will be replaced. Motion made by Mr. Philpott to issue a negative determination (#2), with the condition that they follow the erosion control measures as outlined in the application, Ms. Arment seconded, all in favor. A note will be made that there has been problems with the storm drains that need to be addressed.

**7:45 David Jelenik to address the Commission regarding the Eagle Mill letter.**

No Show

**8:00 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** Continued to April 5 @ 7:15

**8:15 Notice of Intent, Town of Lee, Construction of Skateboard at 126 Housatonic.**

Chris Pompei, Perry Flood, Jerry Leprovost, Tim Leprovost present.

Dave Consolati approached Chris Pompei stating that the Kiwanis are planning on constructing a skateboard park. Chris showed him the map of the pavillion and explained the paperwork involved. Mr. Consolati indicated this was not a problem, he was going to talk to the Conservation Commission. However, he advised Mr. Pompei that he wasn't going to spend any money on an NOI. As described to Mr. Pompei, it will

be built to the side of the tennis courts where it will be in view from the road by the police. Sixteen inches of material will be removed and replaced. There will be no grade change. No compensatory storage will be needed. As noted by Mark Stinson of DEP, the area is within the floodplain. He further ventured that the order of conditions currently in place for the pavilion cannot be amended because of additional resource area impact and that it is within estimated and priority habitat. (The letter is on file.) Therefore an NOI should be submitted. Conservation is requesting an NOI. Continued to April 5 @ 7:45

### **8:30 Request for a three year Extension of Order #196-353 for work at Washington MT Brook at 86 Mill Street**

The work required NHESP and MESA for work in Washington Mt Brook because of the way the stones come down. Originally it was a straight channel however, whenever there is a build up of stone on one side, it erodes the bank on the other side resulting in a curving of the channel. Currently there are two, one on each side. She has pulled the rocks back in an attempt to straighten it out but it now needs additional work. She requested an extension because of the amount of paperwork involved for the original permit. It will be done late summer. Mr. Philpott motioned to extend the OOC for three years, seconded by Ms. Arment, all in favor.

### **Other Business:**

- Approval of March 1 meeting by Mr. Cody, seconded by Ms. Arment, all in favor.
- Discussion on beavers. Mr. Philpott got a call from Dave Pill concerning flooding at the Corporate Center. He said action was taken in 2004 which the Commission needs to look into. He noted that if there is a problem, there is a certain procedure in place to address this. It is believed the the Health Department is part of this process. Chris Pompei, DEP noted that he had previously trapped beavers up by Foreman's (?) Garage and there are no longer any issues there. As for the Corporate Center, the question is whether it actually is the beavers causing the problem. There is speculation, not verified, that Old Castle is pumping some of their water in a different area which might be causing the water build-up. There was discussion on whether Beaver Deceiver have been used and considered. Conservation will do more research and contact Mr. Pill.

Motion by Mr. Philpott to close, seconded by Ms. Arment seconded, all in favor. Meeting closed 8:10pm

**Respectfully Submitted,**

**Martie Martin**

