

**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, April 5, 2010

Member Present: Deborah Garry, Chair, Kathy Arment, John Coty, Ann Langlais,

7:00 Request for Determination, Bob Piccolo, 285 Pleasant Street, for a residential home with a barn in the back.

An old barn is to be removed and replaced. He is asking whether the work depicted on the plans is subject to the Wetlands Protection Act. A map depicting the work was submitted and reviewed. Due to zoning setbacks, he will be able to shift the project away from the flood plain a little more. The elevation for the barn is being requested. Currently there is no foundation, just a slab which will be replaced. A motion was made by Ms. Arment to continue until the elevation of the barn is given, seconded by Mr. Coty. All in favor. Continued to April 20, @ 7:00pm.

7:15 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 20 @ 7:30

7:30 Continued 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.

Ann Bruzzi, Berkshire Engineering along with Jim Hertz present. A site visit was conducted where alternatives were discussed. Storm water plans were redesigned. The Housatonic River is greater than 200 feet away with no NHESP issues. They are within the 100 year floodplain. DEP wanted the 10 year flood plain located because it supports wildlife habitat. Other items DEP wanted addressed include if the area is lawn, if it is developed, if there is fill, etc. Therefore three test pits were dug which are outlined on the map. With the information

provided, she feels the Commission can determine that it is an historically developed site with no implications of habitat.

She addressed the comments of the Commission. The first is the stormwater and she demonstrated how to avoid the discharge onto a neighbor's site. A berm and retention pond were created in the parking area underneath which is porous pavement. It is a loose open graded friction course. Below that is two inches of Pstone. (?) The third course is 12 inches minimum of uniformly graded aggregate. This acts as an infiltration basin which meets the 100 year storm requirements. This assures grading remains intact. A surveyor will go out to set the grade stakes and confirm the property lines.

There is compensatory storage of 59.5 cubic yards required from fill on the site with a total storage of 167.2 cubic yards. Three times the amount of storage is being provided along with void space in the stone underneath the parking area. Revised storm water calculations were submitted as well. This will be open all year and snow removal will either be left on the property or trucked away. Operation and maintenance of the system will be performed by the owner/operator in accordance with the DEP's guidelines associated with the chosen Best Management practices. Motion to close the meeting made by Ms. Arment; seconded by Mr. Coty; all in favor.

7:45 Continued Notice of Intent, Town of Lee, Construction of Skateboard at 126

Housatonic. Gail Ceresia, Berkshire Wetlands, Chris Pompei, DEP File # 196-0386. Natural Heritage comments have not been received yet. The original location of the Park conflicted with the Junior League Soccer field so it has been decided to shift the SkateBoard Park which takes it out of the 200' Riverfront area. Ground levels will remain the same. If any soil is removed from the flood plain elevation, it will be documented. A new, dated plan still needs to be submitted reflecting the changes. Emily Holt will have the assessment by then. Most of the habitat is along the bank on the other side of the snow fence. What is removed will be documented in the notice and supplied to the Commission. This will be done at the actual installation because it needs to be staked prior to the design which will only require the use of a surveyor once. Compensatory storage will also be updated and documented. The structures themselves are seasonal and will be removed (not including the ramps). Motion was made by Mr. Coty to continue to April 20 @ 7:15, seconded by Ms. Arment, all approved.

8:00 Request for Determination, Laurel Lake Water Power, 405 Laurel Street, in compliance with the "checklist" guidelines as outlined in the Chapter 91 Application for License.

The checklist is a guideline under Chapter 91 license and because no work is proposed, the application will be withdrawn. This was based on a consultation Berkshire Engineering had with DEP's David Foulis.

8:15 Request for Determination, Laurel Lake Water Power, 41 Laurel Street for the driveway maintenance of the existing pavement in two areas approx. 300SF each.

Ann Bruzzi, Berkshire Engineering, Roger and Denise Scheurer, Tom and Katie Scheurer. Roger noted that sections of paved driveway need to be repaired which will be key cut. All material will be removed by the contractor and recycled. It will start right after the bridge. Potholes will have six inches from each end removed in order to get a full thickness of overlay of approximately 1 ½ " which will be put on top of the existing remainder. Asking whether the work depicted on the plans is subject to the act. The work will commence when he can schedule it with the contractor. The project should be completed in one day and he is hoping for the end of April early May. Ms. Langlais motioned for a Negative Determination (#3) seconded by Mr. Coty all in favor.

Other Business:

Approval of Minutes of March 15. (Still awaiting a revision to include what was alluded to regarding test pits/fill area at the site visit for Hertz.)

Matt Boardman of the Housatonic Railroad Company regarding the train derailment.

An email from a lawyer of the Railroad Company confirmed that they are under the jurisdiction of two federal agencies. While technically this is not under Conservation's jurisdiction, Mr. Boardman came to advise the commission on how they plan to proceed. He stated that as of today, all the track has been put in. Tomorrow they will begin to drop the ballast on the roadbed structure itself in order to resurface the track. A fair amount of cleanup still needs to be done. They are looking to restore a decent slope and of most importance to them, the drainage. It has been reported by people not in the railroad industry that there has been excessive movement on the rails which is indicative of water underneath the subgrade causing a break which activates the lights. Recently installed were signs with an 800 number identifying the crossing which is federally mandated. It is believed that someone from Oak-n-Spruce may have been the one that called CSX. There was a total of seven cars derailed, five cars on their side with the other two just one end of the car. The number 2 car was the only one that ended in the river bank.

River bank repair would include snaking out the trees that were felled. With their excavator, they can smooth out the bank and will try to get vegetation growing again. He will monitor erosion control and implement measures when necessary. Clean-up and stabilization should take one to two weeks. Each culvert will be backed away from the riverbank. Inspections are conducted weekly and bi-weekly where the track runs along Berkshire Scenic which is federally mandated.

Mr. Boardman clarified for the record that the crews were thoroughly checked out, speeds were looked into and how they were handling the trains. They were doing everything that they were suppose to and that the accident was due to the weather. He will advise the Commission when the work is completed.

Bob Piccolo spoke about 45 Prospect Street, Rich Consolati.

A drain runs from Greenock Country Club to a culvert alongside this property. The bank has washed out this past winter. He is looking to stabilize the bank of the drainage ditch. Marc Stinson of DEP pulled up the information on the map however there is no information showing whether or not this is jurisdictional therefore a site inspection will be necessary. The Commission will schedule a site visit April 7 @ 5pm.

A Certificate of Compliance was requested Western Mass Electric Company for the

Pleasant Substation Expansion Project (#196-337) on Route 102 represented by Melissa Coady of Tighe and Bond. A site visit will be April 8 at 3:30.

Mark Stinson of DEP made some clarifications:

- An NOI is a public hearing. An RDA is a public meeting. The difference is: with an NOI, abutters are notified in writing and a legal notice goes in the paper. Abutters have the legal right to ask questions and offer information. As a public meeting, with an RDA there is no legal obligation to accept testimony from anyone else.
- With an RDA you are not making a motion on the project but to close the public hearing. Then close the meeting. Also keep in mind when work is asked, you rule on work; when area is asked, you rule on area. Should the work be changed to area during the meeting (or vice versa) and all are in agreement, Form 1 first page can be altered and stapled to Form 2 and submitted to DEP.
- There may be times when two items need to be addressed in an RDA. Two answers could be provided such as a Negative 2 and Negative three (in a resource area but will not alter; plus it is in a buffer work to the bank and will not alter). Attachments with a narrative explaining decisions are also recommended.
- If work vs area needs to be changed, Martie can make the change on page one and attach it to the RDA.
- With an NOI be sure to read the legal notice to the public. Do the same for an RDA.
- He is requesting longitude and latitude stats or copy of the quad if possible.

Ms. Gary motioned to close, Ms. Arment seconded, all in favor Meeting closed at 8:38.

Respectfully Submitted,

Martie Martin