

**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: Conservation Office, Town Hall

DAY, DATE & TIME: Tuesday, April 20, 2010

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

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

The request was to decide whether the work depicted in the plan is in the floodplain. A call was received from Mr. Piccolo; as requested, he had studied the elevations and the barn is in the floodplain. Therefore he will be required to file an NOI. Motion to issue a Positive Determination #3 by Mr. Coty seconded by Mr. Dalheim, all in favor.

7:15 Continued Notice of Intent, Town of Lee, Construction of Skateboard at 126 Housatonic. Gail Ceresia, Berkshire Wetlands representing.

Chris Pompei, Gail Ceresia representing. A comment from DEP was that they wanted the site out of the riverfront area which coincided with the town's plans and therefore it was moved over. New maps were presented and reviewed. The land elevation is 10 – 12 inches higher with a gain of compensatory storage. Several designs are currently under consideration depicting the park lay out. The ramps were made to be detached from bituminous surface area. The construction will be modular with a steel surface and solid concrete riding surface. A motion made by Mr. Philpott to close, seconded by Ms. Arment. All in favor.

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, Gail Ceresia, Berkshire Wetlands representing. Glenn Hersh present. Also present: Sue and Bill Dunlaevy, Franz Forester.

A revised NOI was submitted, including a revised narrative. The project was redesigned to exclude the addition and the garage. There will be no work on the abutter's (Smiths) land. The septic system will be totally on his site. The water coming down the road will be directed down into the swale into the wetlands. This reconfiguration will have drainage following its natural course. Another change is the wall relocation around the field. A utility pole will be put in the corner of his property to allow an underline conduit from his house to the pole. No work will be done on the structure of the building. Everything will be restored to an as was condition. It will be seeded and will meet all setback requirements. Mr. Dunlaevy expressed concern about how this design will affect his power and whether the line will cross the wetland which Ms. Ceresia addressed. Mr. Forester questioned the drainage and if it was draining appropriately. Ms. Ceresia said it needed to be done like this because an agreement couldn't be reached with the Smiths. Mr. Dunlaevy was also concerned that his engineer did not have access or chance to review the revised plans. Ms. Arment reiterated Mr. Dunlaevy's concern that changes were made last minute without the Dunlaevys, their engineer Mr. Volk or the Commission being notified in a timely fashion. Ms. Ceresia countered that it was the same plan only scaled down and that everything will be done on the applicant's property. Ms. Hansen noted that Mr. Volk had requested in writing that Foresight be provided with any changes in the plans. There is a request by the Dunlaevys to continue the meeting. The applicant insists that the meeting be closed tonight. Mr. Philpott motioned to close, seconded by Ms. Langlais, opposed by Ms. Arment, Ms. Hansen and Mr. Coty. Meeting closed.

7:45 Request for Certificate of Compliance, Pleasant Substation Expansion Project on Route 102 by Melissa Coady of Tighe and Bond #196-337 A site visit was conducted on April 8 at 3:30 by Ms. Garry recommending a Certificate of Compliance. A Certificate of Compliance to be issued. Adam St. Martin present and Ms. Coady present.

8:00 Request for Certificate of Compliance, Pine Street/Valentine Lane, #196-302.

A site inspection is scheduled for April 27 @ 5:00pm

Other Business:

- Chris Pompei., regarding the work on Church Street. This winter rendered the road non-reparable. The work will now entail the removal of the top foot grind it, roll and pave it, fix swales ,adjust structures and a put top back on. If drainage pipes are in disrepair, they will be removed and replaced. Near the Cody property, about 80 feet of new cross drains are going in. With more than an acre being disturbed, projects like this require a SWPPP (Storm Water Pollution Prevention Plan). The notice is filed online and goes to DEP and EPA with a CC to Conservation. LB is currently the the low bid. SWPPP does not go into effect until the bids and bonds are in place. None of the swales were flagged. Ms. Garry expressed concern regarding culvert replacement by perennial streams. There was also a question as to whether an NOI needs to be filed with the Commission. The Commission will review the SWPPP to see if these issues are addressed.

- Mr. Dalheim, Mr. Philpott, Mr. Coty and Ms. Garry did a site inspection regarding Tyringham Road with Tom Touponce who wanted to pipe water from 3 culverts into one. Fuss and O'Neill pointed out the differences in elevation. It was decided that the one closest to Meadow Street and the one closest to the stream will be left alone. The others will be piped East towards Route 102.
- Site inspection was conducted on 45 Prospect Street, the Rich Consolati property by Ms. Garry, Ms. Langlais, Mr. Coty and Ms. Arment. The area is not a designated wetland. The Commission is requesting before and after pictures be taken and to determine the property lines.
- Mr. Dalheim, Mr. Philpott and Ms. Garry did a drive by at East Center Street, Dick Lindsey's house and he is encroaching into the wetland. There was no brook found on the property but he is dumping his yard waste here. A letter from the Commission with a letter from Mark Stinson attached will be submitted asking him to cease dumping in the wetland.
- Site inspection was done at Eagle Mill. Information was to have been submitted and the water issue is the main concern. There is also asbestos present that might be getting pumped into the river. Ms. Garry is requesting the Commission send emails expressing their thoughts and concerns. Mr. Philpott offered to assemble and submit his thoughts to the commission for them to expound upon.
- Approval of Minutes of March 15 and April 5. Motion made by Mr. Philpott seconded by Ms. Arment, all approved.
- Motion to close made by Ms. Garry to close, seconded by Ms. Arment, all in favor. Meeting closed 8:25.

Respectfully Submitted,

Martie Martin