

**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

PLACE OF MEETING: Judge's Chambers, Town Hall

DAY, DATE & TIME: Monday, May 3, 2010

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

7:00 Notice of Intent, Laurel Lake Preservation Association, Inc.
Continued to Oct 18, 7:00 pm

7:00 Request for Determination, Richard S. Cody, 190 Church Street, fill area with top soil and seed. Richard Cody, Frances Garrity, Shawn Leary present.

Mr. Cody is here to address a drainage problem. He intends to fill it with top soil and seed it like it had been. It should take about 50 yards of topsoil. There is a perennial stream on the premise which is what made this jurisdictional. The erosion control measures are still in place. Pictures are being requested. Mr. Coty motioned to issue a Negative #3, seconded by Kathy, all in favor. Unanimously approved. Ms. Arment moved to close the public hearing, seconded by Ms. Langlais, unanimously approved.

7:15 Request for Determination, Robert Daley, Route 102, for the construction of an industrial building. Berkshire Engineering, Ann Bruzzi representing.

They are asking whether the area depicted on the plan is subject to jurisdiction; whether the boundaries around the resource area are accurately delineated; and whether the area and/or work depicted on the plan is subject to any municipal wetland. This is across from the Route 102 bar. There is no floodplain. It is over 200 feet away from the river. Mike Kulig did 21 E study and a wetland was identified. MeadWest Vaco hired Ed and Emily Stockman to go and view the area. They determined it was an isolated wetland which is non-jurisdictional under the Wetlands Protection Act which is attached to the RDA. There is a 300 foot Natural Heritage setback which was determined to be a sufficient distance from the river in which to protect the turtles. A requirement is to install a chain link fence which will require a MESA permit. There is an isolated vegetated wetland that appears to be too small to meet the criteria of isolated land subject to flooding. This area, under the Commonwealth's Wetland Protection Act is not jurisdictional. However, it may be jurisdictional on the federal level. They are asking for

a Negative Determination from the Commission. Ms Garry is requesting NHESP comments which will be submitted. A site visit is scheduled for May 4 at 5:00. Continued to May 17th at 7pm

7:30 Request for Determination, John Delafield, 28 Woodland Road Lot 2, for the installation of cement runners.

Commission will check for the RDA that was filed on 2009 Based on this information, a building permit can be issued.

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

Mr. Coty and Ms. Garry did a site inspection on April 29. Motion to issue COC by Mr. Coty, seconded by Ms. Arment, all in favor.

8:15 Request for Extension of Order of Conditions # 196-315 (351) 190 Meadow Street. Rob Fournier, S&K Design Group

The original conditions were issued in 2004 which was extended in 2007 for three years. Back in March the Selectmen gave them up to November 2012 to complete the project and they are requesting the same from the Commission. The building permit is in place for the last building, #38. A motion made to issue a three year Extension of the order made by Mr. Dalheim, seconded by Ms. Arment, all in favor.

8:30 Request for Certificate of Compliance, Pleasant Substation Expansion Project on Route 102 by Melissa Coady of Tighe and Bond #196-337

A motion by Mr. Coty to issue a COC, Mr Dalheim seconded, all in favor.

Other Business:

• **Tom Wickham (PB) to address the commission**

Regarding the Wind Turbines on Reservoir Road. He has done extensive research on the wind turbines and is looking to obtain a grant for the money. He envisions that the town would own it and would have full control over the project and could benefit financially from it. He projected that this could make \$1million a year after 6 years. The turbines last for 25 years after which a new vote could be taken to have it removed. The Jiminy Peak project was submitted to the commission for their review. If the town decides to pursue this, the Commission will be involved. Procedurally, this is exempted under the Scenic MT. Act however, any roadwork to be done in resource areas will need to come before the commission. Obama has allotted funding for projects like these which means the town could obtain an interest free loan which he estimates would cost \$9 million. It should be paid off within 6 years and then earn money for the town. As for the noise concern the latest design has the noise reduced to just the blades and it is environmentally friendly. According to state law, if a town can generate power the electric company must purchase it at the town rate. He feels that because this is such a

money-maker, someone will propose wind turbines and he would like to see it be the Town.

- **Sign OOC for 470 Cooper Creek (Gail Ceresia, Marc Volk, Bill Dunlaevy)**

Ms. Ceresia stated that all work will be done on the applicant's property. There was a question regarding the disturbance of vegetation by the pole. Marc Volk said to do this would require the removal of three substantial maple trees which impacts the Dunleaveys. He showed where the pole is in a different direction than shown on the map and is approximately 20 feet closer to the garage. According to Ms Ceresia, Mr. Hersh doesn't have anything binding on this deed as far as right-of-way across their property and further more, this isn't a conservation issue. All the work is done on Mr. Hersh's land with the project having been decreased by 2/3. There was an agreement on an amendment to the conditions if the utility company does a different configuration than what is depicted on the plan. The Dunleaveys are proposing to hook into the far pole and utilize underground lines. The Smith's agreement would be required.

Ms. Garry motioned to issue an OOC with the following conditions. Pre and post pics are required. No disturbance of the wetland including clearing of brush, cutting of trees of the wetland during any utility work and if there is, an Amended NOI will be required. Seconded Ms. Arment, unanimously approved.

- **Sign OOC for 126 Housatonic and check Riverfront and Subject to Flooding amounts**
- **Sign DOA for Piccolo**
- **Approval April 20 Minutes**

Motion to approve with corrections, Mr. Coty, seconded by Ms. Arment, all in favor.

Office Duty:

May 10 – Marilyn

June 14 – JP

June 28 - JC

Motion to close made by Mr. Dalheim, seconded by Ms. Langlais Meeting closed 9:10 pm.