

**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, May 17, 2010

Member Present: Deborah Garry, Chair, John Philpott, Marilyn Hansen, Kathy Arment, Stu Dalheim, John Coty, Ann Langlais Guest: Keith O'Neil

7:00 Continued Request for Determination, Robert Daley, Route 102, for the construction of an industrial building. Berkshire Engineering, Ann Bruzzi

An inspection was conducted on May 4. There was a question raised at the site meeting as to whether or not what they are calling an isolated wetland is connected to a wetland that is further up on the road by Route 102. Ms. Bruzzi showed a map indicating that Ed Stockman as well as someone from Hill Engineering did not believe they were connected. She further pointed out on the map the delineation (done in Feb '08) showing the two were not connected. Natural Heritage is looking for a 300 foot riparian zone which they are expected to inspect. The fence line will run right along it and will be staked. She further clarified that it is not jurisdiction under local or state Wetland Protection Act but jurisdictional under the federal guidelines. Those will be the guidelines they will follow as well as Natural Heritage. The building was moved from the original place and they are considering another area which is a 40 foot (possibly 20 foot) setback. They would do grading in that wetland which will require they work with the Army Corp of Engineers who will decide if replication is necessary. Their standards are much easier than the Wetland Protection Act. Mr. Stockman said in his report that the area appears to be a disturbed area that was probably used for removal of fill. Soil testing was done. They are asking that the delineation be determined as the area being isolated. Continued to June 7 @ 6:45 p.m.

7:15 Randy Toth, Berkshire Snowseeker Snowmobile Club in Pittsfield, to do an informational presentation for trail maintenance on Boulder Trail.

A few years back they applied for a grant under the Recreational Trails Program for \$9,600 which they would match with 20% of their own money to work on trails at October Mountain State Forest. The state issued a formal contract which contains information on wetlands, endangered species protection and historic preservation. The club agreed to not dig within 200'

of a river or stream or within a 100' of a wetland. The one trail that is about a mile and a half within Lee's jurisdiction is the Boulder Trail. The area has one stream crossing that DCR has constructed a bridge over. They are proposing to use a medium size, rubber track excavator which will have a minimal amount of impact. They will be de-rocking the trail of only the rocks that stick up. The rock will be wiggled, moved in an attempt to extricate it. If it cannot be removed, it will be left there.

Another thing they do with the agreement of DCR is to drain some of the waterholes within the middle of the trail however their main interest is to remove the rocks. The rocks will be pushed to the side and the holes filled in. He will supply pictures of the rocks to be removed both before and after. Mr. Philpott motioned to send a letter to the group stating that the Commission agrees with the state contract as well as the proposed work, seconded by Mr. Coty, all in favor. (The file can be located under Boulder Trail.)

7:30 Sandy Beach Committee to address the commission regarding LLWP

Deidre Consolati read Mr. Nason's (on file). She was questioning whether the tree removal was part of the NOI or in the OOC. Ms. Garry clarified that it was her understanding that this was in the original NOI of the house construction. An OOC was issued and subsequently appealed. Once an OOC is appealed, this then becomes an issue between DEP, the applicant and the appealers removing this from the Conservation Commission's jurisdiction. Ms. Consolati wanted clarification that it was part of the Order of Conditions and that as far as the Conservation Commission knows, there has not been any tree work. She wanted to know why power was turned off to begin with and she was reminded that this does not fall under Conservation Commission's jurisdiction. Also brought up was the time frame of the herbicide treatment which is now continued to Oct 18 in Lee at 7:00 p.m. Ms. Consolati mentioned that the Sandy Beach Committee will be starting the hand pulling soon.

Other Business:

*Approval of May 3rd minutes. Moved by Mr. Coty, seconded by Mr. Dalheim, all in favor.

*Ms. Garry submitted her resignation as chair effective after the June 21st meeting and would like to become an associate member.

Write-Offs

Ray Almorì
385 Church Street
24' by 50' Addition

Motion to adjourn Ms. Hansen, seconded by Mr. Philpott, meeting closed 7:55pm

Respectfully Submitted,

Martie Martin

