

TOWN OF LEE
32 MAIN STREET
PUBLIC MEETING

**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, Oct 4, 2010

**Member Present: Kathy Arment, Chair, John Philpott, Marilyn Hansen, Stu Dalheim,
John Coty, Anne Langlais, Keith O'Neil.**

7:00 p.m. Continued NOI, 615 Laurel, Thomas Fusco, Berkshire Engineering, multi-family dwelling.

Continued to Nov 15 at 7:00 pm

7:00 Request for Amendment for Hertz Project, Berkshire Engineering, 114 Housatonic

The OOC for this flood plain project was issued in April and recorded in July. This project has since gone to the Planning Board and Zoning Board of Appeals and because of work on the entry driveway, it had to go to MA DOT as well. During this process there have been minor changes. The lighting has been permitted but not installed. Affecting compensatory storage volume was the row of trees to screen the property but the neighbors to the north requested a fence. In addition, in the back of the building there is an existing set of stairs with a deck. There is also an access hatchway door at ground level they were proposing to take out. However, the architect would like to see it moved where they will do some excavating which would ultimately provide more compensatory storage. The stairs currently there will be removed and another set of stairs placed elsewhere and extended by 10 feet for a handicap access. The architect believes two handicap access ramps will be required and if it is, compensatory storage will be affected. Therefore all the compensatory storage areas were recalculated with the new table outlined on

the plan. Flood storage increased at the top elevation by 2 cubic feet which was compensated by a much greater extent at the lower elevation. This project still falls within the existing order of conditions that has been issued. The applicant is asking to submit this new plan with the minor changes described. On the recorded order that has been permitted the square foot remains the same and there is a net zero fill in the floodplain. There is no change to the surface of the driveway. As soon as the Commission approves it, the plans will be submitted to DEP. A narrative with complete changes and new calculations is being requested by the Commission to be put on file.

John Coty motioned to accept the request with a narrative of changes and new calculations, seconded by John Philpott, all in favor.

7:15 Request for Determination, Oak-N-Spruce, 190 Meadow, Installation of new foundation drains, SK Design Representing, Jim Scalise representing

Mr. Scalise is here to discuss the renovations on buildings #16 & #17. They will be painting them and doing some work on the front which will address the moisture issue with the foundation drains. The proposal here under the RDA is to install new foundation drains at the rear of the building. The grade there falls to the lawn which runs up to the replication area where that they want to work. The plan is to install a couple of new foundation drains and tie in the roof drains and run those to daylight. The reason they need to go so far is because the ground elevation is 911 and the wetland runs from about 909 to 906 which was causing freezing and that is what they want to avoid. This will not dry up the replication area because they put in a couple of feet of organic material to supplement the area. There is no concern over the discharge area because a small detention basin was designed to address storm water management. To keep work out of the wetland area there is a silt fence planned as well as a stone wall around the edge. Mr. Scalise recommended that any trenching that is done should be removed the same day. Before and after pictures are requested. A building permit will be applied for immediately.

A motion to issue a Negative Determination of Applicability by Marilyn Hansen to install new foundations drains at building 16 & 17, John Coty seconded, all in favor.

7:30 Mackenzie Greer, BRPC Planner, demolition of Bull's Eye, 35 Railroad Street, Bob Nason, Town Administration

Ms. Greer is here to discuss the proposed demolition of the Bull's Eye Pub. This is part of the community development block grant application called CDBG, originating out of the HUD office of the federal government. They are seeking funds on the behalf of the town of Lee. One of the aspects for which you can apply is the elimination of slum and blight and the other is to benefit low and moderate income person. This project falls under the elimination of slum and blight. They are putting in for the improvement of infrastructure which is for improvement to the alley to the side of Town Hall and behind the adjacent Main Street block. They are also working with Berkshire housing to position the west side for redevelopment and for the demolition at 35 RR Street. Generally the project consists of the removal of structure, shutting off and capping of the appropriate utilities, stabilization of the site and paving for temporary parking during the

demolition and then when the parcel will be ready for permanent use. A hazardous material building survey will be conducted. Measuring has been done from that building and to what is believed to be the annual high water mark. Looking at the eastern side of the building they believe they would be within 218 feet of the riverfront area. To the west is a small grassy strip abutting the building and a section of degraded pavement that leads to the parking area for the Airolti building. The degraded pavement is likely within that 200 foot buffer zone. BRPC is looking for guidance on how to proceed. Ms. Hansen pointed out that since this work is being done on previously paved areas as opposed to undisturbed land she is not concerned with the intended project. Ms. Greer stated that they will continue with practices such as silt fences, covering the catch basins and be sure the demolition material stays as far east and south as possible. Hay bales are being requested near the site and to notify the Commission once completed. Pictures will also be taken.

7:40 Robert Akroyd, Greylock Design, to informally discuss the Hersch project on Goose Pond, 470 Cooper Creek.

Mr. Akroyd is being asked to take over this project and he is looking for background prior to accepting the work. Previously Mr. Hersch was represented by Berkshire Wetland Services and Soil Tech. He is here to discuss proposed changes to the septic and to discuss with the Commission the history of the project. He has learned that between May and now the abutters are on board. One of the things they will be doing is changing the septic design which will be submitted to the Board of Health. It will have little impact with respect to grading however there is a landscaper who intends to change the location of the stone wall. A master plan will be submitted regarding the garage and the proposed addition. He is asking the Commission to amend the existing OOC to reflect the moving of the wall. He will submit a master plan showing the revised septic as well as the proposed location of the new garage, the addition and all related storm water management. Mr. Akroyd knows there is an NOI that was filed but questioned whether there was a previous one filed that was withdrawn. Mr. Philpott pointed out that there were issues with septic system and how close it was to an abutter which was resolved. Then there were also issues regarding the utility poles that were never resolved. There was also a question on where drainage was because of reconstruction of the road with the drainage going down into the neighbor's property and they were not consulted. Berkshire Wetlands was asked to come back after abutters were notified and she submitted a change of plans. The road improvements she was to make were never made including driveway improvements and the new driveway itself, the foundation drains were an issue, they were going to demolish a barn and move it closer to the wetlands but the Commission wanted it away from the wetlands, there was no communication with Smiths (abutters) and no erosion control measures. When Ms. Ceresia returned again, they decided not to go ahead as planned. If Mr. Akroyd decided to accept this client, he will submit an amendment for the original Notice and then submit another NOI addressing all the other issues.

8:00 Amer Raza, Culvert Replacement at Laurel Lake, DEP File # 196-0382

Continued to Oct 18 @ 7:00

Other Business:

- Discuss invoice from Hill Engineers
The last invoice for \$1504.93 was submitted to the Town Administrator which will eventually be paid by the applicant, Big Y. Mr. Philpott motioned to approve the invoice, seconded by Mr. Coty, all in favor.
- Approval of Sept 20 minutes with revisions

Ms.Langlais motioned to approve, seconded by Mr. Coty, all in favor.

- Discuss OOC for Laurel Lake
Mr. Philpott reviewed the draft conditions for the Commission. He reviewed the Bank and LUWW calculations that were submitted by Mr. Wagner. There was a discussion on whether they can recommend a one year drawdown pending a review before it can be continued to three years. It was agreed that a three year drawdown with an assessment done after the first year before subsequent draw downs be permitted. A visual gauge to monitor the drawdown will also be requested. Mr. Philpott will rewrite the Special Conditions and resubmit them to the Commission.
- Craig DeSantis – They are in the preliminary stage of purchasing property on Church Street and want to know if there are any issues that will need to be addressed. They are considering Lot #3 which has delineated wetlands but shouldn't affect this property. He is concerned with the stream which crosses the road and whether it is intermittent or perennial. If it shows on USGS Maps as a main stream it is considered a perennial stream. He would need to look at setback of 100 feet from any delineated wetland. It is being recommended for Mr. DeSantis to contact Rob Akroyd, Greylock Design who is familiar with this property.

A motion to close the meeting was made by Ms. Arment, seconded by Mr. Coty all in favor. Meeting closed 8:40.

Office Duty:.

Oct 25 – KO

Nov 8- SD

Respectfully Submitted,

Martie Martin