

Req Minutes

Lee Conservation Commission

Land Use Room Lee Town Hall 32 Main St.

Wednesday August 3, 2016

Commissioners Present: Kathy Arment, Chair; Stu Dalheim; John Philpott; John Coty, Jr.; James Wickham

Commissioners Absent: Marilyn Hansen

Members of the Public Present: Mark Stinson, DEP Western Circuit Rider; Jan Cimini; Brett Kamienski, Mark Scoco; SK Design: Matt Puntin, Mark J. Curtin, Mike McCauley, Barbara Palmer, Bill Dillip; Tyringham Conservation Commission: Fred and Rita Chittenden; Thomas Hamel, Esq.; David Guza, Lewis Brooks; Marian Missionaries of Divine Mercy: Joe Janis, Sarah Grapinski, GPMD: Ken Wagner, WRS Inc.

- **Request for Certificate of Compliance Marian Missionaries of Divine Mercy (Marian Merrill)**
1565 Pleasant Street DEP #196-0421 A site visit was made. The bank of the river is becoming natural again. The trees planted are alive and doing well. The restoration has been done and is doing well. **Motion made and seconded to approve the Certificate of Compliance Unanimous approval.**
- **Continued Request for Determination of Applicability Marian Missionaries of Divine Mercy**
1565 Pleasant Street Building of rock wall Rocks will be taken out of the lawn area and used for the rock wall. The majority of the project is at least 10' from the river. A backhoe will be used to remove the stones and dig the soil for the rock wall. Straw wattles will be used and there is to be no work between the wall and the river. All soil removed will be taken out of the riverfront. There will be an increase in compensatory storage. **Motion made and seconded to issue a negative #2 determination. Unanimous approval.**
- **Motion made and seconded to approve the July 20, 2016 minutes. Unanimous approval.**
- **Enforcement Order Fred and Rita Chittenden 230 Church Street** Mr. Kamienski inspected the site. Two of the 58 trees planted have died. The others are growing well. When Mr. Chittenden moved the fill, he made more BWV. That is growing well, also. Mr. Kamienski had not seen the requirement for 10-12' trees being planted in the riverfront until tonight. There had been 3 changes to the plan he present in 2014 that had been noted in the minutes of the meeting. Mr. Scoco said that those trees would be difficult if not impossible to plant as the planting has to be done by hand. Mr. Chittenden state that the trees were planted in May of 2015. He also stated that the Commission had not contacted him in the last 15 months. A history of the project was given. (on file). The only plans for the property at this time is to restore it. Attorney Hamel asked for Mr. Stinson to comment. A good part of the property not jurisdictional and it will be marked. There are so many other trees in there now, if equipment is used other trees will be the erosion controls in the riverfront area so that the area can grow. He also stated that it

appeared that there was a good faith effort to comply with the Enforcement Order. Mr. Chittenden asked permission to weed wack. The Commission wants to do a site visit before giving permission. They do give permission for the removal of the erosion controls. There will be a site visit Saturday at 10 am.

Mr. Chittenden noted that the land behind him which now belongs to the Lee Land Trust has had a path widened and mowed, a brook packed with trees and trucks driving over it, etc. He would like the Commission to investigate.

- **Jan Cimini Discussion of possible violation** Ms. Cimini has 31 acres. When her house was built, she kept some of the stones that were dug out for future use. They were put in piles. She had them smoothed out. Using MASS GIS, she measured the distances from the stone storage to the wetlands. One area was 215' and the other 133' from the wetland. She has 5 trees within the buffer one that are dead—she showed pictures of them and the area on a plan. Three could fall on the house; they are all in dense woods. Mr. Stinson explained that cutting them is an exempt activity if their remains a 50% canopy and if she is using the trees as firewood or for some other personal purpose. The Commission will do a site visit. The visit is tentatively scheduled for August 13th.

- **Request for Certificate of Compliance** William and Ellen Apfel 460 Chatterwood Road DEP #196-0429 The docks are in according to plan. Motion made and seconded to approve the Certificate of Compliance. Unanimous decision.

- **Notice of Intent** Sarah Schultz Grapinski Goose Pond Maintenance District DEP#196-0430 Use of herbicides to treat Eurasian water milfoil and common reed

Matthew Puntin, Tyringham Conservation Commission and John Philpott, Lee Conservation Commission recuse themselves

Mr. Wagner presented a short summary on the history of the lake. Nothing has been done with herbicides this year as there is just scattered growth. Fluridone, a systemic herbicide was only used once and that was in 2003. Diquat has been used three times, the last time being in 2013—one a partial treatment and the other two complete treatments. The upper end of Goose Pond has dense milfoil in one area; there are patches of phragmites in Lower Goose Pond. The NOI is asking for a permit that would give broad approval to the use of herbicides. When treatments are needed, the Commission would be presented with a map of the areas needing treatment and the treatment plans. In late September or early fall a survey would be done.

Motion made by and seconded by the Lee Conservation Commission to approve the Notice of Intent. Unanimous approval.

Motion made by and seconded by the Tyringham conservation Commission to approve the Notice of Intent. Unanimous approval.

Though Lee has issued a drawdown permit for Goose Pond that is active, the Tyringham permit was not valid because of a file number issue. Lee will need to rescind their Order of Conditions and then, with Tyringham, vote on a new NOI. This will make the timeline the same for both towns.