

Minutes
Lee Conservation Commission
Land Use Office Town Hall 32 Main Street
Wednesday April 5, 2017

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

Commissioners Absent: John Philpott

Members of the Public Present: Robert Nason, Town Administrator; Chris Pompei, Lee Highway Department; Emily Stockman, Stockman Associates, LLC; Christopher Myhrum, Attorney; Steve Mack, Foresight Land Services; Rick Lindsay, Berkshire Eagle; Matt Naventi; Peter Naventi; Diane Naventi; Tim LePrevost; Michael Ford

- **Budget** Mr. Nason presented the budget for the next fiscal year. It was proposed to add \$2435 to the net of the wetland fees and go forward as last year.
Motion made and seconded to accept the budget as proposed. Unanimous approval.
- **CINTAS** There was a meeting of Mr. Nason, the Assessors and others including Mr. Philpott, on March 30, 2017 about the proposed CINTAS new washing facility. The Quarry Hill property is one of 2 prime locations being considered, the other being in Pittsfield. Mr. Nason suggested that the Commission wait until Mr. Philpott is in attendance at one of their meetings to discuss this. There is to be a presentation at the Board of Public Works next week here in Lee.
- **Notice of Intent Chris Pompei, Town of Lee Forest Street DEP #196-0437 Paving and related work** Mr. Mack presented the plan noting that NHESP has no issues with it. The proposed project is located within the right of way along part of Forest Street from the Rte. 20 intersection to the Lee/Tyringham town line. There will be no expansion of the roadway, no modifications or improvements to the drainage system and no wetland alteration. The project is actually exempt from the WPA—310 CMR 10.02; and exempt from MESA review—321 CMR 10.14. The Notice of Intent was filed to give the Commission an opportunity to review the proposed work as it is along the Greenwater Brook, a cold water fishery. **Motion made and seconded to approve the Notice of Intent, accept the paperwork noting that the decision is exempt from the WPA. Unanimous approval**
- **Stockbridge Terrace LLC Enforcement Order Updates, questions, comments** Ms. Stockman acknowledged emails from the Commission. Ms. Arment received a call from Mr. DiGriglio (Stockbridge Terrace LLC) about the Commission meetings and the need for an attorney to be present. He, his attorney and any others are welcome to come to the meetings as they so choose. A letter from Ms. Alexandra Glover, attorney for Stockbridge Terrace LLC, dated and received on this day, April 5, 2017 regarding the work being performed by Mr. Brent White, the Professional Engineer, and the commencement of work on Lot 9 was received. There is no report from Mr. White at this time; also, the Enforcement Order **does** contain a cease-and-desist condition so no further work can be done on Lot 9 until the Order is lifted. Mr. Myhrum has submitted a letter to the Town requesting copies of all documents regarding the litigation that took place in the past as well as all stormwater plans, past and present, be sent to him.

- **Continued Request for Determination of Applicability David Stilman Upper Goose Pond Nation Park Service Land Cutting of 4 trees endangering cabins** Mr. Stilman sent a letter in which he said the trees have been marked. The letter also said that the Commission should be receiving a letter from the park Service soon indicating their approval of the cutting. The Commission has not yet been able to access the property due to the weather. **Motion made and seconded to continue to the April 19, 2017 meeting Unanimous approval**
- **Extension of Order of Conditions Request Becky Burnell 1920 Cape Street DEP #196-0360 Construction of storage units** Mr. Kulig presented the plan. They have combined 2 units into 1. Otherwise, the plan is the same. **Motion made and seconded to approve a 3 year extension. Unanimous approval**
- **Extension of Order of Conditions Request Marilyn Hansen 86 Mill Street DEP #196-0353 Stream maintenance** Ms. Hansen explained that continuing maintenance is needed. **Motion made and seconded to approve a 3 year extension. Unanimous approval**
- **Request for Determination of Applicability Michael Ford behind 1025 Fairview Street Construction of a single family home** Mr. Ford showed plans with the location of the proposed home. It is 58 ft. from the 500-year flood plain and 92 ft. from the 100-year flood plain. It is also not in a buffer zone to a vegetated wetland nor in a resource area. **Motion made and seconded to issue a negative determination 1 as it is out of the jurisdiction of the WPA. Unanimous approval**
- **Motion made and seconded to approve the minutes of the March 15, 2017 meeting. Unanimous approval**

Motion made and seconded to adjourn at 8:35 PM. Unanimous approval

Documents: NOI Forest Street DEP #196-0437; 4/5/2017 Letter re Stockbridge Terrace LLC, Attorney Alexandra Glover; RDA, letter from Mr. Stilman; Extension request, Becky Burnell 1920 Cape St.; Extension request, Marilyn Hansen 86 Mill St.; RDA Michael Ford; 3/15/2017 minutes

Respectfully submitted:
Kathleen Vsetecka