

Minutes  
Lee Conservation Commission  
Town Hall 32 Main St. Courtroom  
May 16, 2018

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

Commissioners Absent: Marilyn Hansen; John Philpott

Intern: Josh Wright

Members of the Public Present: Kate Wilkins, Tighe & Bond; Mike Kulig, Berkshire Engineering; Bob Fournier, SK Design Group; Fred Chittenden; Emily Stockman, Stockman Associates LLC; Brent White, White Engineering; Alexander Glover, Lazan, Glover & Puceloski; Chris Myhrum, Law office of Christopher Myhrum; Jeffrey Collingwood, Jeffrey Collingwood PE; Peter and Diane Naventi; David Parker; Mark DiGrigoli, Fox Homes

Ms. Arment introduced the Commission's summer intern—Mr. Josh Wright

- **Continued Notice of Intent David Forrest 660 Greylock Street DEP # pending Construction of a shared driveway with stream crossing, work in wetlands and wetland replication area** Mr. Kulig presented. There is a new proposal that he and the applicant are comfortable with and that they feel meets the DEP requirements. This meets the 1.2x the bank width that is needed and the meeting of a 22' openness ratio needed for the culvert. The town gave permission to re-excavate the brook to 8' wide. They will meet with the DPW re the curb cut. There is no subdivision planned. **Motion by Ms. Arment and second by Mr. Dalheim to continue to the next meeting. Unanimous approval**
- **Notice of Intent Eversource Energy DEP # 196-0445 Repair of access point and installation of new poles Tyringham Rd.** Ms. Wilkins presented. There was a structure 32159 that had a structure failure. The wooden poles will be replaced with 3 metal ones. A work pad will be installed within the riverfront area, but the structure itself is just outside the 200' riverfront and will be moved back from that. **Motion made by Ms. Arment and second by Mr. Wickham to approve the Notice of Intent with the condition that a 48 hour notice prior to construction be given, before and after photos taken and a letter with the sign off by the construction company. Unanimous approval**
- **Request for Determination of Applicability Fred Chittenden Church Street Construction of a single family home** Mr. Fournier presented the plan. There will be some work in the buffer zone, approximately 50' away from the wetland. At the back there is lot that was subjected to an Enforcement Order in the past. This lot being considered is not a part of the original restoration done on the adjacent lot. Ms. Arment asked for site visit. It will be on Saturday at 10:30 AM. **Motion by Ms. Arment and second by Mr. Wickham to continue to the next meeting on June 20, 2018. Unanimous approval**
- **Motion made by Mr. Arment and second by Mr. Dalheim to approve the May 2, 2018 minutes. Unanimous approval**
- **Discussion of a meeting of representatives from Lee and Lenox Conservation Commission and Smitty Pignatelli re Laurel Lake.** Mr. Wickham attended the meeting for Lee. Both towns are concerned for the health of the lake. It was explained that the clarity caused by zebra mussels caused roots to be deep and the loss of fish and other wildlife. It was suggested by a member of the Lenox Conservation Commission that more studies be done. There have already been many

done and more studies would be very costly. Mr. Pignatelli asked that each group write a letter with their concerns that he would present to the state DEP. Mr. Wickham presented the draft of a letter written on behalf of the Commission. The individuals of the Commission read the letter and approved sending it with corrections to Mr. Pignatelli.

- **Continued Stockbridge Terrace Enforcement Order** Ms. Glover: A determination is needed as work needs to be started. New information did not get sent to her clients. A peer reviewer was hired by the Commission and paid for by Stockbridge Terrace LLC. His comments need to be considered. Her client is requesting that the location(s) to be restored be determined so a restoration plan can be done and work proceed. There was a concern that the Commission went to the properties in question and they had no notification of this.

Mr. White: Work will commence next week on the stabilization of the Pond 1; it is about a 5 week process. Some modifications of the outlet of Pond 1 were received today from Mr. Collingwood, the peer reviewer. If the Commission approves the changes, these will be shown to the contractor and implemented. It has always been the intention of his firm to establish the watershed area and to identify the areas for which Stockbridge Terrace LLC has responsibility. He asked that the Commission adopt the watershed analysis as was presented.

Ms. Stockman: The Enforcement Order must be reviewed to see the tasks that have been completed and those that remain open. The boundary to culvert has received a peer review. The watershed is important because it affects the impact areas.

Mr. White: The draft restoration plans are 90% done. They haven't been submitted because the location of the area for restoration that is the responsibility of Stockbridge Terrace LLC has yet to be determined by the Commission. The detention pond work will start next week.

Mr. Collingwood: There is a need for further long term work, not just the stabilizations. Looking at the watershed area off culvert 3, there is no evidence of anything but normal siltration. The January 23, 2018 report (on file) regarding Pond 2 was referenced.

Ms. Stockman: She acknowledged that the presentation of the soil samples and agreed with them but there is a need for ones down gradient to the wetland.

Ms. Arment: All parties need to move forward. **A motion with a second by Mr. Coty, that Mr. Bianco, contractor for Stockbridge Terrace LLC, start the work on the detention pond and on the Holly House side. Unanimous approval.**

There is a need to get an agreement between the peer reviewer and the wetland specialist with written reports. Ms. Wilkins will need to have all the information submitted to her.

Ms. Stockman: The challenge of impacts to the wetland is the time frames. There is a lot of history of construction and its impacts. There is no argument as to the watershed as delineated today; however, this not necessarily as it was before. An assessment of the whole area, not just the watershed area is wanted.

Mr. Dalheim: There is a question as to where the material in Pond 2 came from; it is entirely full at this time. At one time the culvert could not hold all the water that was trying to get through and the backflow from that culvert continued upstream to the Naventis' property and eventually wiped out the berm. Pond 2 was shallow and had a berm and part of it had an outlet upstream. The remains of the culvert can be seen downstream on the neighbor's property.

Ms. Arment: There are questions that remain unanswered; Ms. Wilkins cannot say what exactly has happened as she has not had a chance to review all the information. Two of the Commission members are absent tonight to vote on the issues; therefore, she would like to continue to the next meeting when a decision will be made. A request to Ms. Wilkins to review what is needed and email her thoughts the week before the next meeting.

Mr. Myrum presented a binder of all information that his client has submitted thus far to put on file.

Ms. Glover and Mr. White would like to do a plan for all restoration at once. Mr. Collingwood would like a segmented plan and to have a plan on Pond 2; Ms. Stockman would also like this.

The Commission consents to start working on culvert 2 plan to be presented next meeting. Ms. Arment reiterates that a decision as to restoration will be made at the next meeting.

**Motion made by Ms. Arment and seconded by Mr. Wickham to adjourn at 9:05 PM.  
Unanimous decision**

Respectfully submitted:  
Kathleen Vsetecka