

Minutes
Lee Conservation Commission
Lee Town Hall 32 Main St. Courtroom
September 5, 2018

Commissioners Present: Kathy Arment, Chair; Stu Dalheim; John Philpott; Jamie Wickham; Marilyn Hansen

Commissioners Absent: John Coty, Jr

Members of the Public Present: David Forrest: Mike Kulig, Berkshire Engineerings; Fred Sears, Hill Engineers; Eugene Weldon, Jennifer Reusch, Theodore Trothack; Lane Construction; Ray Grogan, Roger Scheurer, Dan Hajjar, LLPA; Andrew Lane; Janet Warner, Kathy Hall, Lee Youth Commission; Kate Wilkins, Tighe & Bond; Brent White, Shannon Boomsma, White Engineering; Dave Lane, Lane Landscaping; Christopher Myrhum, Myrhum Law; Alexandra Glover, Lazan, Glover & Pulicoski; Peter and Diane Naventi; Marc Digrigoli

- **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** Mike Kulig presented. New options are being considered as there are problems with the permitting of the original plan. **Motion by Ms. Arment and second by Mr. Philpott to continue to the September 19, 2018 meeting. Unanimous approval**
- **Continued Notice of Intent Business Investments LLC 1900 Cape Street DEP #196-0448 Expansion of parking lot** Ms. Boomsma presented. A plan was presented last meeting which was not approved. A revised site plan was presented along with a letter with supplemental information which responded to the concerns of the DEP review. The new plan shows a disturbance to the Riverfront area being capped at 10%. . There is no deed restriction on the property limiting the amount of Riverfront alteration; the site was subdivided before 1996. There is still stormwater management with a rain garden. An email was noted from Mr. Stinson of DEP citing his disagreement on the proposal and revisions presented. Ms. Arment asked if there was a back-up plan. The only one is for nothing to be done. The owner needs space for his trucking fleet and parking. Mr. Philpott and Mr. Wright, former intern did a site visit, but another one needs to be done by the Commission. Also, more information is needed including information about the septic system. **Motion by Ms. Arment and second by Mr. Wickham to continue to the September 19 2018 meeting. Unanimous approval**
- **Continued Notice of Intent Roger Scheurer (LLPA) Laurel Lake DEP #196-0449 Drawdown of the lake 3 ft. for 2018-2019 with the option to increase the drawdown as permitted by all agencies with jurisdiction at Laurel Lake** Mr. Scheurer presented. An Order of Conditions has been received from the Lenox Commission. All of the Lee Commission concerns are addressed in the comments of the Lenox Order is in agreement with these Orders. **Motion by Mr. Wickham and second by Ms. Arment to approve with the conditions approved by the Lenox Commission. Unanimous approval**
- **Notice of Intent Dave Lane 105 Run Way DEP #196-0450 Installation of a 36' x 112', 4032 SF pole barn within the existing gravel parking area** Mr. Kulig presented the plan. The existing equipment would be moved undercover in the barn. It will be on a concrete pad. A row of new plantings will be along the top of the bank by the brook; the enclosure will be 18' from the brook. A survey has already been done on the property noting the flood plain and riverfront. There was a discussion about moving the enclosure back so that it is 25' away from the brook. The plan notes compensation for the flood plain. Mr. Lane agreed to have new plans made to move the enclosure further from the brook. **Motion by Ms. Arment and second by Mr. Philpott to continue to the September 19, 2018 meeting so that the plan changes can be done. Unanimous approval**
- **Request for Determination of Applicability Kathy Hall, Lee Athletic Commission 126 Housatonic Street Installation of a bocce court** Ms. Hall and Ms. Warner presented the plan. There were 2 different options for placement of the court; one was beside the pavilion and the other one where the skating rink

is now located. The Commission agreed to the plan by the pavilion. **Motion made by Mr. Wickham with second by Mr. Philpott to issue a #2 Determination of Applicability to install the bocce court beside the pavilion noting that the flood plain will not be altered. Unanimous approval**

- **Request for Determination of Applicability Lane Construction Corp Stormwater site maintenance and improvements** Mr. Weldon presented the plan. Historic stockpiles along the river will be removed. A total of 775 SF of asphalt curbing along the existing berm as well as a 6 sq ft of jersey barrier will be installed. A pre-existing access road up to the berm will be paved and some areas susceptible to erosion will loamed and seeded. All work will be done on the berm or inside the berm. A site visit will be scheduled. The email by Mr. Stinson, DEP, which noted that he would like a 3rd party review because of the legalities of the investigation by the Attorney General's office. **Motion by Mr. Philpott and second by Ms. Arment to continue to the September 19, 2018 meeting. Unanimous approval**
- **Request for Certificate of Compliance Charles Auster 13 Chanterwood Road DEP#196-0438** Mr. Sears presented. Mr. Wickham did the final inspection on September 2, 2018. He asked about the sediment against the fence. That will be removed when the sedimentation controls are removed once the site is stabilized. **Motion by Ms. Arment with second by Mr. Philpott to issue a Certificate of Compliance. Unanimous approval**
- **Continued Enforcement Order Stockbridge Terrace LLC** Ms. Stockman wetland specialist for the Naventis, was unable to attend. Mr. DiGrigoli and Mr. Naventi both agreed on JR Wilkerson Excavating for a contractor. There are concerns about continual problems on the site with recent rainfall events as well as about changes in the plans to address these. Ms. Glover presented the issue of a contract to be written and signed by all parties regarding access to the Naventi land. Ms. Wilkins is fine with just doing the stabilization plan that the Commission approved—a restoration plan is being worked on and DEP input has been requested by both her and Mr. White. Ms. Naventi is still concerned about water not going into the new detention pond but coming on their property. The Commission was adamant about the stabilization being started as per the plan approved and about any changes that are needed as the work is done be dealt with as necessary. Pictures are to be taken as the plan is implemented. Any disagreements as to the contract, etc. needs to be worked out between the parties outside of the Commission. **Motion made by Mr. Wickham and seconded by Ms. Arment to continue to the September 19, 2018 meeting. Unanimous approval**

Motion by Ms. Arment and second by Mr. Wickham to approve the minutes of the August 15, 2018 meeting. Unanimous approval

Motion by Ms. Arment and second by Mr. Wickham to adjourn at 8:50 PM. Unanimous approval

Documents: Notice of Intent 660 Greylock Street; Notice of Intent, Letter dated August 29, 2018 White Engineering, Email Mark Stinson September 5, 2018 1900 Cape Street; Notice of Intent LLPA Laurel Lake; Notice of Intent 105 Run Way; Request for Determination of Applicability 126 Housatonic Street; Request for Determination 1 Willow Street; Request for Certificate of Compliance 13 Chanterwood Road