

Minutes
Lee Conservation Commission
Town Hall 32 Main Street Courtroom
Wednesday March 20, 2019

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

Commissioners Absent: Marilyn Hansen

Members of the Public Present: Matt Puntin, SK Design Group; Jackson Alberti, Foresight Land Services; Mike Kulig, Berkshire Engineering; Tom Touponce; Dave Forrest; Tom Garrity, LB Corp; Fr. Michael Gaitley, Marian Missionaries of Divine Mercy

- **Notice of Intent Oak N' Spruce 137 Meadow Street DEP #196-0456 Installation of a carport and a shed** Matt Puntin presented. All of the installations will be on a flat paved area, some within the riverfront and flood plain. Both structures will be anchored with screw-in earth anchors. No compensation is proposed; if it were needed it would be 1/3 cubic yards and could be attained by plantings in a compensation area of a previous plan. **Motion to approve by Mr. Wickham with second by Mr. Coty with the conditions of a revised plan with a compensation area and 3 additional trees. Unanimous approval**
- **Notice of Intent Thomas Briggs Patriot Armor 100 Valley Street DEP #196-0455 Two building additions** Mr. Alberti presented. There are two proposed additions. One is an 1825 square foot addition and the other a 6120 square foot addition. A retaining wall is also proposed because of the steepness of the existing slope. There are no hydrologic connections to the river or wetlands. No new building is proposed to be closer than approximately 52 feet to the wetland resource areas. Nothing in this involves Natural Heritage. The Commission will set a time and date for a site visit and contact the representative. **Motion by Mr. Coty with a second by Mr. Philpott to continue to the April 3, 2019 meeting with applicant's consent. 4 approve; 1 abstention**
- **Request for Determination of Applicability LB Corp 210 Columbia Street Cutting trees and removal of stumps Ms. Arment recused** Mr. Puntin presented. There is no official survey yet. The applicant is asking for a permit to cut the trees and do stump removal no closer than 50' from the intermittent stream and bordering wetlands. Three quarters of the work is beyond the buffer zone; approximately 2 acres of the 6.2 acre lot will be cleared. The site is flagged for wetlands. The Commission reviewed the maps and plan. A construction entrance will be installed along Columbia Street—there is already an entrance with a curb cut. Straw wattles will be installed along the down-gradient limit of work. **Motion by Mr. Wickham a with second by Mr. Coty to issue a negative 3 determination. Unanimous approval**
Ms. Arment returned to the meeting
- **Continued Notice of Intent Vaclav Dvorak 230 Moose Drive DEP # pending Construction of a single-family house and associated site improvements** Mr. Puntin presented The applicant is waiting for the paperwork for deed restrictions. Also, Town Counsel has not responded to the Commission's request for a review of the paperwork. **Motion by Ms. Arment with a second by Mr. Philpott to continue with the applicant's consent to the April 3, 2019 meeting. Unanimous approval**
- **Mr. Touponce 15 Cone Avenue Question re construction of a garage Mr. Coty recused** Mr. Touponce presented maps showing the riverfront and the flood plain in relation to the location

of the proposed construction as requested by the Commission. The Commission will approve the building permit.

- Mr. Coty returned to the meeting
- **Thomas Wickham Property at 915 Pleasant Street Ms. Arment and Mr. Wickham recused**
There is a question as to whether an addition can be built on the backside of the present building. There was a discussion about wetlands and the flood plain and regulations pertaining to them. There would need to be a Notice of Intent filed to show the exact resource areas, the flood plain and other jurisdictional areas before any addition would be permitted.
- Ms. Arment and Mr. Coty returned to the meeting
- **Marion Missionaries of Divine Mercy** Father Michael Gaitley Tyringham Road/Meadow Street
DEP contacted the Commission about work there. Questions about the designation of the area as agricultural have been put forth. Fr. Gaitley has talked to Mr. Stinson about the issue. Mr. Gorski of DEP is reviewing the concerns. The area was a working farm for years, then at some time the farming ceased. The definition of “agricultural” per the Wetland Regulations is the point of contention. The Commission gave Fr. Gaitley contacts to consult on the issue.
- **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. Nothing has changed from the last plan. There was a discussion about a water line running through the property—the town has made no decision about the size, etc. of it. The proposed work is cutting trees, installing a sewer and water connection and widening the driveway. **Motion by Ms. Arment with a second by Mr. Coty to continue with the applicant’s consent to the April 3, 2019 meeting. Unanimous approval**
- **Continued Request for Determination of Applicability Glenn Hersh & Nancy Elliott 470 Cooper Creek Road Removal of trees on the edge of a pond** The Commission will make a site visit when the conditions are favorable **Motion by Ms. Arment with a second by Mr. Wickham to continue with the applicant’s consent to the April 3, 2019 meeting. Unanimous approval**
- **Continued ANRAD Revere Solar, LLC Zero (0) Chanter Road, 175 Silver Street, 335 Forest Street DEP #196-0452 Verification of delineated resource areas adjacent to work** A contract with the peer reviewer was voted on by the Commission. An email from Ms. Wilkins of Tighe & Bond, peer reviewer, was read. **A motion to approve the contract was made by Mr. Philpott with a second by Ms. Arment. Unanimous approval**
Ms. Firstenberg of TRC and Cypress Creek (Revere Solar) are aware that the Scenic Mountain Act will most probably have a part in the approval of any future permits for work proposed.
- **Motion made by Ms. Arment with a second by Mr. Philpott to approve the February 20, 2019 meetings. Unanimous approval**
- **Motion to adjourn at 9:00 PM by Ms. Arment with a second by Mr. Philpott. Unanimous approval**

Respectfully submitted:
Kathleen Vsetecka

Documents: NOI Oak N’ Spruce DEP # 196-0456; NOI 100 Valley Street DEP #196-196-0455; RDA LB Corp. 210 Columbia Street; NOI 230 Moose Drive; NOI 660 Greylock Street; RDA 470 Cooper Creek Rd.; ANRAD Revere Solar DEP #196-0452; Minutes 3/6/2019