

Minutes
Lee Conservation Commission
Town Hall 32 Main Street Courtroom
Wednesday June 19, 2019

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

Members of the Public Present: Kathy Hall, Janet Warner Lee Youth Commission; Dick Lindsey, Berkshire Eagle; Erik Williams, Canna Provisions, Inc.; Henry Gluck, BHILL; Robert Hoogs, Foresight Services, Inc.; Gail Ceresia

- **Buratto 510 Greylock Street Tree cutting** Mr. Buratto speaking. The area where trees were cut is a flat and dry area. The wetlands are on the opposite side of the driveway coming off E. Center Street. The trees down now are over 100' off the wetlands that were marked in the past. There is a question about the brook—how far away is the tree cutting. Mr. Lindsey said that he worked the property for a number of years and believed that the trees that were cut were on the highest part of the property. He didn't see the cutting as excessive; the majority of the trees cut were a risk to the utility line. The Commission requested Mr. Buratto go to the Building Inspector to check the area of the stream as it relates to the tree cutting. A paper trail is needed.
- **Mr. Cummings Church Street** Mr. Cummings is looking at property to buy and had questions about the wetlands and permits needed to build on it. The Commission could only tell him the regulations. Mr. Puntin of SK Design is working with him. Part of the property is wetlands; if a RDA was filed the Commission would be better able to help him..
- **Continued Request for Determination of Applicability Scott LePrevost 58 Canal Street** Mr. LePrevost has had his site plan and special permit from the Planning Board approved. He is now for the agenda of the Zoning Board on July 31, 2019. He would like a continuance. **Motion to continue with the applicant's consent made by Mr. Philpott with a second by Mr. Wickham to the July 3, 2019 meeting. Unanimous approval**
- **Continued Request for Determination of Applicability Glenn Hersh and Nancy Elliott 470 Cooper Creek Road** The wetland delineation has not been done. The applicant requested a continuance. **Motion to continue with the applicant's consent made by Ms. Arment with a second by Mr. Coty to the July 3, 2019 meeting. Unanimous approval**
- **Kathy Hall Replacing stones under the pavilion 126 Housatonic Street** Ms. Hall has found that pervious concrete is not recommended because the weather this area is flexible. Airport mix was suggested and it can be put over what is under the pavilion now. A discussion about the specifics of different materials was held. Ms. Hall is do more research for specifics and come back to the July 3, 2019 meeting.
- **Mike Kulig Discussion of Conservation Restriction/Daley** As the Commission has not expressed an interest in this, Mr. Kulig is searching for other options and was not in attendance.
- **Canna Provisions Erik Williams An informal discussion** Mr. Williams presented an informal site plan of proposed work at 160 Quarry Hill Road. Canna Provisions has been to the Selectboard and gotten a special permit from them. An application needs to be submitted for the Commission to discuss and vote on this plan. If the application is sent in before the deadline, it will be put on the July 3, 2019 meeting agenda.
- **Informal presentation by Mr. Naventi** The Naventi property is waiting for a restoration plan to be done. Mr. Wilkinson, the contractor is waiting for money to start the restoration. The emergency work was done but that is all. The Commission would like an update and time the

work will begin from the attorney for Stockbridge Terrace, Alexandra Glover. Ms. Glover is to be contacted and if there is no response, she is requested to attend the July 3, 2019 meeting. Submittal from Mr. Naventi—"Update on restoration June 19, 2019".

- **Commission—Revere Solar Consultant Proposal** Mr. Hoogs of Foresight Land Services, Inc. presented facts about the proposal and about the Scenic Mountain Act. The proposal is paid for by the applicant but the consultants are working for the Commission. There is usually an escrow account into which the applicant deposits a set amount of money. The scope of Foresight's proposal is for an initial review of both the Notice of Intent for the Wetland Protection Act and the Scenic Mountain Act. The amount quoted in this proposal is just for the initial review; any further review work such as more meetings, more site visits, etc. will mean that there will be more costs to the applicant.

A brief history of the Scenic Mountain Act was given.

The burden is on the applicant to rebut any assumptions made in the performance standards (#6). The Scenic Mountain Act covers everything outside of the Wetland Protection Act as it relates to wetlands. One considers Existing Conditions and not what is being proposed a year or years from now.

The Commission can vote on the Foresight proposal tonight. Something should be obtained from the applicant waiving the time frame for action on the Notice of Intent. If the applicant refuses to agree to the Commission a peer reviewer at the applicant's expense, the Commission can deny the permit citing an incomplete submittal.

Motion by Ms. Arment with a second by Mr. Dalheim to hire Foresight Land Services, Inc. for a peer review as proposed in the Revere Solar Consultant Proposal for a review of the Revere Solar Scenic Mountain Act and the Wetland Protection Act, 926 Cape Street, Lee, MA, subject to the applicant's approval. Unanimous approval The applicant will give \$4000 to be put in an escrow account understanding that more money may be needed. The proposal and qualifications of Foresight Land Services, Inc. will be submitted to Revere Solar for acceptance.

A submittal was made by Ms. Ceresia to the Commission.

- The cease and desist order on 1365 Pleasant Street is to be put first on the agenda for the next meeting
- **Motion by Ms. Arment with a second by Mr. Philpott to approve the minutes of the June 5, 2019 meeting. Unanimous approval**
- **Motion made by Ms. Arment with a second by Mr. Philpott to adjourn. Unanimous approval**

Documents: Church Street Property map; RDA Scott LePrevost, 58 Canal St.; RDA Glenn Hersh and Nancy Elliot, 470 Cooper Creek Rd.; Site plan 160 Quarry Hill Rd.; Naventi Submittal-Update on restoration June 19, 2019; Ceresia Submittal Revere Solar; Proposal from Foresight Land Services, Inc. for Peer Review of Revere Solar 926 Cape Street, Lee, MA