

Minutes
Lee Conservation Commission
Town Hall 32 Main Street via Zoom
Wednesday June 3, 2020 7:00 PM

Commissioners Present: Kathy Arment , Chair; John Philpott; John Coty, Jr.; Marilyn Hansen

Commissioners Absent: Stu Dalheim; James Wickham

Members of the Public Present: Braxton Shafiroff; Stephanie Farina; Mike Kulig, Berkshire Engineering; Matt Puntin, SK Design Group; Shannon Boomsma, White Engineering; David Askew, Eversource; Melissa Kaplan, BSC Group, Inc.

Continued Notice of Intent Braxton Shafiroff 1365 Pleasant Street DEP #196-0468 Restoration work to the existing bank and riverfront Mr. Kulig presented the changes of the plan. The major change is the arrangement of the mitigation area. Natural Heritage listed their conditions in a letter dated March 3, 2020. Provided that these conditions are included in any approving Orders of Conditions issued by the Conservation Commission and that the applicant complies with these conditions, there will be no adverse impacts to the property. They would like a copy of the Order of Conditions sent to them. (Letter is on file). The proposed canoe access ramp has been removed from the application. The concerns by Mr. Stinson, DEP, have all been addressed. Because of the number of changes since the Enforcement Order was issued, Mr. Coty requested that pictures be taken now and at the end of the project. **Motion by Ms. Arment with a second by Mr. Coty to approve the Notice of Intent DEP #196-0468 with the following conditions: The conditions set forth by NHESP file number 19-39074 be met; photo documentation of the site now and when the work is completed, Unanimous approval**

Request for Determination of Applicability David Askew, Eversource Energy 1421 Electrical utility ROW between Tyringham Rd. and Water St. Mr. Askew gave a brief description of the work to be done now and in the future. Ms. Kaplan presented the plans. The work consists of gravel work pad construction to support proposed structure replacements. Work will be located in bordering vegetated wetlands and in wetlands. The entry road will cross a brook on Tyringham Road. Matting will be placed in streams and wetlands. All wetlands will be restored. It was noted that the WPA Regulations exempts the maintenance of existing electrical utility lines provided certain conditions are met. The construction of permanent work pads is the reason for this RDA. Mr. Coty pointed out that there are still a few spots on the upper part of the bank that need reseeding from the last work done in this area. Mr. Askew noted this.

Motion by Mr. Coty with a second by Mr. Philpott to approve the Request for Determination of Applicability and issue a negative determination 3. Unanimous approval

Request for Determination of Applicability LB Corporation 210 Columbia Street Construction of a commercial building with associated work

Ms. Arment recused herself.

Mr. Puntin presented the plan. The site is about 6 acres, is out of the flood plain, and has a stream on one side with wetlands. The existing driveway will continue uphill to the site for the proposed construction of a building and a parking area; part of this work will be in the bordering vegetated wetland. No work will be closer than 25' to the wetland itself. There was a discussion about ways to permanently define the no-work area. The extent of the project and the impact to the wetlands were also discussed. **Motion by Mr. Philpott with a second by Ms. Hansen to issue a positive Determination requiring a Notice of Intent. Unanimous approval.**

Ms. Arment returned to the meeting

Complaint filed with Mass DEP re Goose Pond A complaint was received that a person was removing stones from the channel between Upper and Lower Goose Pond. Pictures were submitted. Ms. Farina was interested in the situation.

John Philpott responded to the complaint. There has been ongoing removing of stones and putting in of stones at this place. Upper and Lower Goose Pond collectively are a single body of water, considered a Great Pond and owned by the Commonwealth. Restricting access or usage of the channel is prohibited. The Tyngham police, the Becket police and the Environmental police have all been notified about the situation involving the attempts to block the channel and the clearing of the channel. Ms. Farina thanked Mr. Philpott for explaining the situation.

Approval of minutes Motion by Ms. Arment with a second by Mr. Philpott to approve the minutes of the February 19, 2020, the March 18, 2020, and the May 6, 2020 minutes. Unanimous approval

Documents: Request for Determination of Applicability, Eversouce, ROW to Line 1421; Notice of Intent 1365 Pleasant Street DEP #196-0468; Request for Determination of Applicability, 210 Columbia Street; Minutes of 02/19/2020, 03/18/2020, 05/06/2020 meetings