

Minutes
Lee Conservation Commission
Lee Town Hall Meeting Room 7 PM
Wednesday June 1, 2022

Commissioners Present: Kathy Arment, chair; John Philpott; Marilyn Hansen; John Coty, Jr.; Toni Thomas Clare Lahey, Alternative

Commissioners Absent: Mark Navin; Stu Dalheim

Members of the Public Present: Holly Baccoli, HRT; Matt Puntin, SK Design Group; Ed Lahey; Ken Harrison, Ames Friezdner, and Jerry Hayden, Berkshire Hills Leisure Lee; Gail Ceresia, Rep. for 10 Citizens; James Leahey; Monica Ryan; Edwin Ozawa; Ann Ozawa; Cindy Mathias; Michael Kulig, Berkshire Engineering; Tom Renton

A letter from Richard Fisher, Remedial Project Manager of the EPA was given to members of the public. (The letter is on file.)

Request for Determination of Applicability Gail Ceresia (10 signatures of Citizens for Lee) Woodland/Willow Asking if the area depicted on maps in the RDA is subject to the WPA

Ms. Ceresia presented. The request of the group is for the Commission to designate the water resources under the jurisdiction of the WPA on the land of Map 4D Lot 2. A power point presentation of maps and photographs of that area and areas around it was shown with accompanying dialog.

Other citizen comments were made regarding the use of this area and the right of the public to go on the property.

Ms. Arment read segments of the letter from the EPA (see above) regarding the exemptions for this land. **Ms.**

Arment made a motion with a second by Mr. Coty to issue a negative 5 determination with the applicable statutory provisions (CERCLA §121(e) and 40 C.F.R. § 300.400(e), NCP.

Ms. Arment, aye Ms. Hansen, aye Mr. Coty, aye

Mr. Philpott, aye Ms. Thomas, aye

Motion passed unanimously

Mr. Fisher invited the Conservation Commission to do a site visit as a group. A date was set for this. It was stressed that this visit is for the Commission only. Ms. Arment asked Ms. Ceresia to put together the 10 most important concerns the group has and the Commission will take this on the site visit.

A suggestion was made that perhaps the Commission would hire a senior wetland scientist to review the any GE and/or EPA reports of the wetland resources on the area.

Joel Agler Berkshire Hills Leisure Lee Asking permission to cut "weed trees" near beach

Ms. Thomas recused

Mr. Harrison presented. Mr. Agler is the head of the beach committee. He is requesting permission to cut down some "weed" trees in a 20-25' section that are no more than 2" in diameter and that are a couple of feet back from the water's edge. It is felt that these obstruct the view to the swimming area and thus present a safety issue for parents watching their children swim. The Commission was concerned about the closeness of the trees to the water. The Commission requested that a Determination of Applicability be filed for the tree cutting with pictures and a narrative.

Ms. Thomas returned to the meeting

See other side

Sue Ozawa Drainage of Silver Street property Edwin Ozawa was also present. The couple live at 165 Silver Street and are concerned about significant flooding on their property. They showed pictures of the area. The property between theirs and their neighbors has problems with drainage and they are concerned with any development of it. Also, the culvert by their property needs cleaning. Their request is that the Commission be aware of the area and the water issues. It was suggested that they contact DPW about the culvert.

Request for Determination of Applicability Greenock Country Club 220 West Park Street Map 18A Lot 1 Repairs to drainage system Mr. Puntin presented. The drainage repair will be in the area upstream from the culvert that was installed last year. A lot of the project is out of the Commission's jurisdiction. The work includes repairing the drainage systems that have been damaged because of last year's heavy rainfall as well as others which are no longer functioning. Work will consist of replacing ADS pipes, installing subdrains, yard and curtain drains and a forebay. Straw wattles and other erosion controls will be installed. **Motion made by Mr. Coty with a second by Ms. Thomas for a negative 3 determination with the use of all erosion controls**

Ms. Arment, aye Mr. Coty, aye Mr. Philpott, aye
Ms. Hansen, aye Ms. Thomas, aye

Motion passed unanimously

Notice of Intent Tom Renton 200 Golden Hill Road DEP #196-0478 Replace a failed septic system Mr. Kulig presented. The Eljen GSF system is located in the only suitable site for a septic system. The proposed design incorporates the use of innovative/alternative technology. The work is all within the 100' bordering vegetated wetland but 25' away from that wetland. Once the work is completed, a vegetative barrier will be established. Erosion controls will be used and stay in place until removal is approved by the Conservation Commission. **Motion by Mr. Philpott to issue an Order of Conditions for file #196-0478 with significant pictures taken before and after installation and submitted to the Commission; clarification that the system is working after two-years. A second by Ms. Arment.**

Ms. Arment, aye Mr. Coty, aye Mr. Philpott, aye
Ms. Hansen, aye Ms. Thomas, aye

Motion approved unanimously

Motion by Ms. Arment with a second by Mr. Philpott to approve the minutes of the April 20, 2022 meeting.

Ms. Arment, aye Mr. Coty, aye Mr. Philpott, aye
Ms. Hansen, aye Ms. Thomas, aye

Other

Ms. Arment: Will ask Mr. Fisher about a site visit on June 7 at 3 pm for the Conservation Commission

Goose Pond has been designated as two separate ponds by the Massachusetts Division of Fisheries and Wildlife

Documents: Request for Determination of Applicability, Gail Ceresia (10 signatures of Citizens of Lee) Map 4D Lot 2; Request for Determination of Applicability, Greenock Country Club Map 18A Lot 1; Notice of Intent Tom Renton 200 Golden Hill Rd. Map 7 Lot 50, DEP #196-0478; Letter re tree cutting Joel Ager, Berkshire Hills Leisure Lee; Letter dated May 9, 2022 from Richard Fisher, Remedial Project Manager at ETP; Letter from MA Division of Fisheries and Wildlife re Goose Pond dated April 8 2022.; pictures from Ozawas