Minutes

Lee Conservation Commission]

Town Hall 32 Main Street Meeting Room

Wednesday October 18, 2023

Commissioners Present: Kathleen Arment, chair; John Philpott; John Coty, Jr.; Toni Thomas; Marilyn Hansen; Mark Navin

Commissioners Absent: Stu Dalheim; Clare Lahey, alternate

Members of the public present: Ashley Bomely, Benesch; Erica Larner, MassDOT

**Request for Determination of Applicability: Erica Larner, MassDOT-Highway Division Installing pedestrian curb ramps and sidewalks at Cape Street bridge over Greenwater Brook and at the intersection of Main Street/Park Street intersection with West Park Street** Ms. Larner and Ms. Bomely of Benesch presented the plans. Two of the ramps will be relocated west along West Park Street to provide separation for the existing business driveway. These will be ADA/AAB compliant. Portions of the cement concrete sidewalk will be constructed, and the brick buffer will be reconstructed. A crosswalk and one curb inlet will also be constructed at the intersection. There will be three pedestrian curb ramps constructed for the bridge over Greenwater Brook. Portions of a cement concrete sidewalk will be constructed to tie into the existing bridge sidewalk. All work will be ADA/AAB compliant. Work will occur primarily within existing impervious areas. The work will go out to bid in March 2024 and be done in the next two years. **Motion by Mr. Philpott with a second by Mr. Coty to issue a negative determination 2 for the Request for Determination of Applicability.**

**VOTE: Ms. Arment, aye Mr. Philpott, aye Ms. Thomas, aye Mr. Coty, aye**

**Mr. Navin, aye Ms. Hansen, aye Unanimous approval**

**Request for Certificate of Compliance Thomas E. Touponce Order of Conditions, W.P. Tacy, Route 102 DEP #196-0009 Extension of an 18” metal drain pipe along Rte. 102.** This work was done in 1974. There have been no known problems since then.

**Motion by Ms. Arment with a second by Mr. Philpott to issue a complete Certificate of Compliance for DEP #196-0009 file.**

**VOTE: Ms. Arment, aye Mr. Coty, aye Ms. Thomas, aye Mr. Philpott, aye**

**Mr. Navin, aye Ms. Hansen, aye Unanimous approval**

**Request for Certificate of Compliance Thomas E. Touponce Order of Conditions 190 Housatonic Street DEP #196-0271 Storm water (This Order has a condition on it (#34) that is to be noted on the Certificate of Compliance).**  The Commission discussed the site of the detention pond on the neighboring parcel. There was a license agreement between Vaishali, LLC and Mr. Touponce that a certain portion of the Vaishali property was to be used exclusively for the purpose of open space. The Condition #34 of the Order of Conditions states that the leasing agreement for the land described as “Leased Green Space” is to remain on the deed, in perpetuity and that it will not expire with the Certificate of Compliance and must be noted on the Certificate of Compliance. Since that lease agreement could be terminated in an agreement between the two parties, the Commission wants clarification on the continuance of the Condition. **Motion by Ms. Arment with a second by Mr. Philpott to continue the Request for Certificate of Compliance to November 1, 2023.**

**VOTE: Ms. Arment, aye Ms. Hansen Ms. Thomas, aye Mr. Navin, aye**

**Mr. Coty, aye Mr. Philpott, aye**

**Unanimous approval**

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**Request for Certificate of Compliance LB Corporation 210 Columbia Street #196-0474 Construction of a new commercial building, driveway and associated utilities** Mr. Puntin will present at the November 1, 2023 meeting.

Tennessee Gas Pipeline—notification of maintenance work

Berkshire Gas—citizen called to make the Commission aware that the company has dug up 276 underground tanks and set them on the top of the ground; an 800-gallon tank has been removed. No work has been permitted. The work is on Stockbridge property but near the town line of Lee and Stockbridge. Stockbridge Conservation Committee and the Town Selectmen are both discussing the work at their respective meetings. EPA has been notified.

**A notice received about the approval of electronic signatures on DEP Wetland Permits and the rules governing them. At a public meeting the Commission must vote to recognize and accept the provisions of M.G.L. c. 111G regarding electronic signatures.**

**Motion by Ms. Arment with a second by Mr. Coty that Commission “that the Lee Conservation Commission hereby recognizes and accepts the provisions of M.G.L. c. 111G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect”.**

**A roll call vote was taken.**

**VOTE: Ms. Arment, aye Mr. Philpott, aye Ms. Hansen, aye Mr. Coty, aye**

**Mr. Navin, aye Ms. Thomas, aye**

**Motion to adjourn the meeting at 8:10 PM by Ms. Arment with a second by Mr. Philpott**

**Unanimous approval**

Documents: Request for Determination of Applicability MassDOT Ramps and sidewalks; Request for Certificate of Compliance Rte. 102, DEP #196-0009; Request for Certificate of Compliance 190 Housatonic Street, DEP #196-0271; Request for Certificate of Compliance 210 Columbia Street, DEP #196-0474; Tennessee Pipeline letter re vegetation removal; Notice of the M.G.L. c. 111G—approval of electronic signatures on DEP wetland permits.