

TOWN OF LEE

32 MAIN STREET

PUBLIC MEETING

POSTED IN ACCORDANCE WITH THE PROVISIONS OF M.G.L. CHAPTER 39 SECTION 23B -
AMENDED.

CONSERVATION COMMISSION

Meeting Minutes

PLACE OF MEETING: Judge's Chambers, Town Hall

DAY, DATE & TIME: Wednesday January 15, 2014 at 7:00 PM

Members Present: Kathy Arment, Chair, John Coty, John Philpott & Marilyn Hansen

Also Present: Jaime Wickham, Dennis Regan, HVA & Mark Stinson, Mass DEP

7:00 PM: CT Department of Energy & Environmental Protection (CT DEEP), re: continuation of public hearing for a Request for Determination of Applicability (RDA) for a feasibility study on the use of carbon dioxide in preventing living zebra mussels from moving from a known colonized water body to another. Mr. William Hyatt representing the CT DEEP reviewed the project and how they plan to try and eliminate the mussels by lowering the pH of the water using CO₂. He mentioned that three letters have been submitted since the last meeting: 1) From Mass Div. of Fisheries and Wildlife, dated 10/4/13, basically states they do not object to this study. However, they do not feel that this is a feasible treatment for zebra mussels. 2) From US EPA, dated 1/14/14, states that they have reviewed the request for an exemption from the requirement of an Experimental Use Permit (EUP) and have decided that a EUP is not required. 3) MA Department of Agricultural Resources, Div. of Crop and Pest Services states that this study does not trigger the requirement for an EUP under Federal or State pesticide laws. Mr. Hyatt mentioned that a potential sticking point is liability. The owner of the dam wants a waiver of liability. CT DEEP is looking into ways this may be accomplished. The current pH of the water in Laurel Lake is in the upper 7s and their hope is to take it down to 6.5. Mr. Stinson, MA DEP, mentioned that from a regulatory point of view the Commission's needs to decide 1) whether this work is subject to the Wetlands Protection Act (WPA) (i.e. will the work alter any resource protected under the WPA). Do we believe that the change in the pH will result in vegetation dying? Ms. Arment made a motion to close the public hearing and issue a negative #3 Determination of Applicability with the following conditions: 1) it will be a one-time application within a period of four weeks. After which they will forward, to us, the results of this application. 2) Another application will require a new filing. 3) The Commission reserves

the right to enter the property for the purposes of monitoring this project. This motion was seconded by Mr. Coty, vote unanimous.

7:30 PM: Lewis & Lisa McCulloch, 485 Laurel St, File #196-0415: Mike Kulig, Berkshire Engineering stated that they need a continuance for this hearing. Ms. Arment made a motion to continue this hearing until 2/19/14 at 7:00 PM., seconded by Mr. Coty, vote unanimous.

Marty Barenski and Pat MacDowell came before the Commission re: 645 Fairview St. They are looking for direction from this Commission. Ms. MacDowell owns a 2 acre parcel with a stream on it. The Commission needs to determine whether or not this stream is perennial. Mr. Stinson (MA DEP) stated that this is done through the use of the most recent USGS Quad map. Mr. Philpott and Mr. Wickham offered to meet them at the site on Saturday 1/18 @ 9:00 am. Mr. Stinson said he would forward, to the Commission, the information from the USGS map so we can see the status of the stream. Ms. Garry will forward this information onto the Commission and to Ms. MacDowell via email

7:45 PM: Edgar Chamorro, 315 Tyringham Rd re: RDA for installation of a new septic system to replace a failed one. Part of this new system is within the 100' buffer zone of the bank of the Housatonic River but it is not in the floodplain. Ms. Hansen made a motion to close the public hearing and issue a negative #3 Determination of Applicability with the following conditions: 1) that pictures be taken after the system is installed and submitted to the Commission 2) The Commission reserves the right to enter the property for the purposes of monitoring this project. This motion was seconded by Mr. Philpott, vote unanimous.

8:00 PM: Siverleaf Resorts (Oak & Spruce), 190 Meadow St re: RDA for exterior changes to the member services building. Bob Fournier, S-K Design appeared for the applicant. A small amount of this work will extend into the floodplain. The work will be done at (or below) existing grade. Therefore the applicant feels the project will not cause an increase in downstream flooding. Ms. Arment made a motion to issue a negative #2 Determination of Applicability with a condition stating that the Commission reserves the right to enter the property for the purposes of monitoring this project. This was seconded by Mr. Philpott, vote unanimous.

Mr. Philpott made a motion to accept, as written, the minutes of 12/18/13.

The Commission reviewed a logging permit. Mr. Stinson, MA DEP, mentioned that we should be receiving the application at the same time that the applicant is submitted it to the forester. We stated that this was not happening. Ms. Garry will contact Tom Ryan, Service Forester to see when he can come to a future meeting.

Ms. Arment made a motion to close the meeting at 8:30 PM, seconded by Mr. Philpott, vote unanimous.

Respectfully Submitted,

Deborah Garry