

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:Land Use Office, Town Hall

DAY, DATE & TIME: Wednesday November 19, 2014 at 7.00 PM

Members Present: Kathy Arment, Chair, Marilyn Hansen, John Coty, John Philpott, Jamie Wickham and Stu Dalheim

7:00PM Continue of Enforcement Order: Fred and Rita Chittendon, 230 Church Street Mr. Mark Scoco SK Design Inc. representing the Chittendon's stated that the suggested modified plan was the same as originally accepted by the Commission in June. The new plantings of the trees in the affected stream buffer zone area would be completed by May 1, 2015. Mr. Chittendon was asked what the heavy machinery on the lot was for. He explained that he took out some debris and cleaned up some of the area. Ms. Arment told Mr. Chittendon that any work should be communicated to the Conservation Commission before so the Commission can let the interested public know what is happening. Since this was a continuation of the November 5th Commission meeting, the Commissioners were looking for a formal letter from Mr. Chittendon stating what he intends to do to the property moving forward. The letter was sent electronically and hard copies were left with the Town Clerk the day of this meeting. The Commissioners did not have time to study the contents of the letter. The Commission members would like to see the letter officially signed by the Chittendons before the next scheduled meeting. Mr. Scoco indicated that there is a "crater" in the buffer zone and would like to know if there is anything the Commission would like to do to deal with it. Mr. Coty suggested that they give the Commission some alternatives since it is their responsibility to come up with the planting plan. The Chittendon's requested planting rye grass to stabilize the grounds till the next planting season. The Commission indicated that this would be up to the Chittendon's to make that determination. The current status of this situation is that the Chittendon's are still under an Enforcement Order. Unless the Commission decides to modify the Enforcement Order with a new date for planting, the current Enforcement Order will stand with fines

accumulating and the appeal period being passed some time ago. The Commission continued the Chittendon's issue till the first meeting in January 2015, in order to review the signed letter and revisit the site.

7:15 Request for Determination of Applicability, Big Y Rt. 102 Matt Puntin, SK Design Inc. representing Big Y. The project is to install a shed in the Buffer Zone behind the Big Y supermarket. The Commission reviewed the site plans and checked the dimensions which were accurate according the maps available to the Commission. John Philpott made a motion to issue a Negative Determination 2. Motion seconded by Ms. Arment. All approved the vote.

7:30 Continued Request for Determination of Applicability, LD Builders, LLC Mallard Lane. Mr. Dave Ward, LD Builders and Mr. Matt Puntin, SK Design LLC have requested permission to build an in ground pool on the Mallard Lane property. The location of the pool is partly in a Buffer Zone so the Commission has jurisdiction. A site visit was conducted by John Coty and John Philpott on November 18, 2014. The site plan for the pool was acceptable and the pool location was staked out in clear view. Mr. Jamie Wickham motion to issue a Negative Determination 2. John Philpott seconded. All approve the vote.

7:45 Continued Request for Determination of Applicability, Peter and Jodi Buratto, 510 Greylock Street. A site inspection by John Coty and John Philpott was conducted on November 18 to observe the work and issues in the Buffer Zone at the Buratto's property. The work on the driveway was begun prior to requesting a Conservation Commission meeting. The owners stopped work once the Commission determined that some of the work was in a Buffer Zone. The driveway material was a porous airport mix. The site visit indicated that there was debris at the end of the driveway facing the Buffer Zone. John Coty made a motion to issue a Negative Determination 3 with the following conditions: no more expansion to the existing driveway, removal of the debris in the Buffer Zone and any other work in the Buffer Zone is cleared by the Commission before starting. Seconded by Jamie Wickham. All approved vote.

8:00 Request for Determination of Applicability, Charlotte Fairweather, 210 Church Street. Charlotte Fairweather representing herself requesting permission to cut down trees by her driveway. The trees are in a stream bed and by the stream side. Ms. Fairweather produced pictures and a letter from a local arborist indicating how the trees would be removed. The trees in question were marked and no heavy equipment would be used. The trees are diseased and are in danger of falling. John Coty and John Philpott made the site inspection. Jamie Wickham made a motion to issue a Negative Determination 2. Motion seconded by John Philpott. All approved the vote.

8:15 Discussion with Mr. Thomas Touponce, 1125 Meadow Street, Wetland

Violations. Mr. Touponce represented himself on the issue of the wetland violation. There is a large pile of rocks in both the flood zone and the wet land area of the Meadow Farm. Mr. Touponce explained that the recent weather conditions and high water in the Housatonic River have eroded part of his farm land. He brought in the rocks planning to stabilize the border of his farm land and the river bank. He estimates that the cost of doing this will be over \$400,000 dollars. As a result he is looking at numerous agencies for funding help. In order to get all the permits, he needs an engineering plan before any work can be submitted to the Commission. Ms. Hanson asked Mr. Touponce what is the volume of the rocks in the flood plain, Mr. Touponce has no accurate volume information. Ms. Hanson also asked if Mr. Touponce had altered any of the driveways on the farm since he bought the farm in 1999. Tom responded that he did not alter any of the existing driveways or farm trails. Mr. Philpott asked Mr. Touponce what kind of time frame is he thinking of, in order to resolve the situation. Mr. Touponce said he is setting up a meeting with State Representative Pignatelli to determine what potential aid or help he might receive from the State. While there are other issues around the newly constructed farm building, the violation of the rocks is the central issue at this time. The Commission will expect a report from Tom outlining his plans to either remove the rocks or use them as a bank stabilizer. The Commission will follow up with Tom in early January 2015.

A motion to adjourn the Commission meeting at 8:45 PM was made by Ms. Arment and seconded by John Philpott. All approved.

Respectfully submitted,

John Philpott