

Lee Conservation Commission
Land Use Office Town Hall 32 Main Street
Wednesday March 14, 2018

Commissioners Present: Kathy Arment, Chair; Stu Dalheim; Marilyn Hansen; John Coty, Jr.
Commissioners Absent: James Wickham; John Philpott

Members of the Public Present: Matthew Puntin, SK Design Group; Emily Stockman, Stockman Associates, LLC; Shannon Boomsma, Brent White, White Engineering; Chris Myhrum, Law Office of Christopher Myhrum; Alexandra Glover, Lazan, Glove, Puceloski Law Office; Marc DiGrigoli, Fox Homes; Jeffrey Collingwood, Engineering Consulting Services; Peter and Diane Naventi

- **Request for Determination of Applicability Orange Lake Resorts 190 Meadow Street Installation of subsurface drainage along the foundations of Bldg 16 & 17 and repair of damaged patios** The drainage around these buildings is lacking and the basement units continually flood. The plan is to install subsurface drainage along the foundation; excavation will be done down to the footings. Any stockpiling will be done in front of the buildings. The work will be in the buffer zone only and will be no closer to the bordering vegetated wetlands as the existing developed area. Erosion controls will be installed between the work area and the wetlands. **Motion made by Mr. Coty and seconded by Ms. Arment to issue a negative 3 determination with the condition that all work will be done according to the plan presented at the 3/14/2018 meeting. Unanimous approval**
- **Motion made by Ms. Arment and seconded by Mr. Coty to approve the minutes of the February 21, 2018 meeting. Unanimous approval**
- **Stockbridge Terrace LLC Enforcement Order Continued**
Detention basin:
Mr. White referenced the past notations (January 2018, November and August 2017) of the property. He and Mr. Collingwood viewed the property after a major rain in January. The only change in the plan is showing that on the southeast of the property there is some seepage from that hill over to the Suburban Medical Center. The "Proposed Drainage Plan" shows that the outlet berm is soil based and the reconstruction plan for it.
Ms. Glover would like determinations made tonight. First, the approval of Mr. Collingwood's changes, judgments for the extended detention basin and permission to move forward on the work. Attorney Hunter will attend a Planning Board meeting to see if they need to act on this, he believes they will consider it a minor change. Second, which areas are going to be ordered restored by Stockbridge Terrace LLC. She requests a timeline for restoration. She also requests that the outlet from Pond 1 be moved to top priority because of the needed stabilization as erosion took place there the last storm.
Mr. Myhrum is fine with the detention basin plans. Ms. Stockman suggested a specific monitoring plan be implemented during construction and after. There is language in the Enforcement Order re the monitoring. The project will take from 4-6 weeks. The correct materials need to be documented. Mr. White will be on site weekly and an infiltration tests will be done. The site improvements for Lot 9 and the detention basin plans need to work together as the site preparation for Lot 9 will play a large role in the work on the basin. The Commission is in agreement that the infiltration test once a week and the plans submitted will be adequate. Also, photos are to be taken during construction. No formal vote at this time.

Lot 9: The full development of Lot 9 is on the plan and a part of the project along with the detention basin "Proposed Drainage Improvements). Mr. Myhrum is opposed to the development of the plan until at least a year goes by; the Commission will lose its leverage. Ms. Glover objected to this statement. Mr. Myhrum is not wanting to have more impervious surface added to the development until the detention basin is seen to work. There was discussion about the building itself, the building permit as well as the site preparation. The building permit is not in the purview of the Commission. There was a foundation permit issued in the past but it is not known if it is still valid. The main issue is the site preparation.

Motion by Ms. Arment made to approve the final detention plan modifications and lot 9 site preparations along with the 3/13/2018 memorandum, photos be taken, weekly infiltration tests be done, and post write-ups of storm events as they occur. Plan 17-02-04C, White Engineering and Mr. Collingwood's letter of 3/13/2018 both referenced. Second by Mr. Coty. Unanimous approval

Stream channel, other: Mr. White referenced the 2/28/2018 supplement to the watershed analysis and notes of January 23, 2018. Culvert 2 has impacted the stream channel and Stockbridge Terrace LLC will be submitting a restoration plan for that. They will show what they believe to be their areas of responsibility and address the outlet of Pond 1. Mr. Collingwood reviewed his comments on the Watershed Analysis in the letter of March 13, 2018. He used mapping to make his determinations. There is little contribution of flow from Stockbridge Terrace to culverts 1 and 3. The steep grade leading away from the documented wetland line shows no impact of overland surface flows based on the videos and site pictures. Ms. Stockman was concerned that there was no review of changes of topography, soils, grades and wood lines. Mr. White agreed that the wetland has changed and if any repairs are needed he will make plans to repair them. Ms. Boomsma did a re-delineation of the site and saw some remaining flags from the time of development. She followed the stream all the way to the Holly House property and saw no evidence of erosion under/on the leaves and no blockage in the stream. There were no soil borings done to look at any erosion in the past.

Mr. Myhrum believes that the Commission has the burden of making a case; not Stockbridge Terrace. It is evident that there were 2 healthy ponds on the Naventi property before the development of Stockbridge Terrace; now there is one almost nonexistent and one unhealthy pond. He questions what other evidence the Commission needs. He referenced a past Commission meeting in which Mrs. DiGriglio stated that the development was designed for all the water to go west except that of one lot and the roadway. There was another detention pond designed but it disappeared from the plans. He submits that there were no stormwater plans for the development.

Ms. Naventi referenced a meeting with Mr. Collingwood and herself in which she shared her concerns. In their discussion Mr. Collingwood made a reference to Mr. White having told him that there was another culvert, culvert 1, that was distant from the property. Instead it is within 50' of the property line.

Mr. Myhrum asserted that the Naventi's don't feel as if they have been listened to and that their information presented to Mr. White has not been taken into account. They feel that that information has not been taken into account in the watershed analysis; that pond 2 has not been seriously considered.

The Commission concurs that there is a disagreement on the horizontal stream restoration proposal. They would like to see the new detention pond built and see how it functions. Ms. Glover would like to work on a restoration plan for culvert 2 and not including the other culverts as Stockbridge Terrace is not responsible for them. Mr. White already has work done

on the restoration plan for culvert 2. He is not proposing any work done on culvert 3 as the erosion from it is not the responsibility of Stockbridge Terrace. She would like to have the Commission make a determination that Stockbridge Terrace is not responsible for culvert 1 and culvert 3 and that a short timeline be given for restoration of area affected by culvert 2 even if there is a disagreement as to how far down the work needs to go.

Mr. White is not proposing any work for culvert 3. Ms. Stockman hasn't seen an assessment of the changes through time about the sedimentation. Even if the original construction resulted in the unstable conditions downstream there still can be problems there.

Culvert 1 and 4 are not a part of the determination. There is a dispute on culvert 3. Tonight there will be no determination on culvert 3 but it still will be dealt with. Mr. White feels no work needs to be done on the area of culvert 3.

Ms. Stockman never seen an assessment of the construction time, etc. and changes in topography. If the original construction caused damage downstream it needs to be considered.

Mr. White believes that has addressed the issues and information that the Naventi's have given to them. He does believe that there is damage from culvert 3 but that it is not caused by Stockbridge Terrace.

Mr. Naventi has brought in pictures and such for 15 years and believes he has shown all the evidence needed to show that the water which caused the damage came from Stockbridge Terrace.

Mr. Collingwood has not seen any evidence connecting culvert 3 to the damage down on the Naventi property.

Mr. Myhrum is not ready for a decision on the restoration plan for culvert 2 tonight.

Motion by Ms. Arment to move forward with a restoration plan for the outlet of pond 2 to be presented the next meeting on March 21, 2018. There is no official decision on culvert 3. There is no official discussion needed regarding culvert 1 and 4. Second by Mr. Coty
Unanimous approval

Motion made and seconded to adjourn at 9:15 PM. Unanimous decision

Respectfully submitted:
Kathleen Vsetecka

