

Minutes
Lee Conservation Commission
Lee Town Hall Courtroom 1st Floor
Wednesday August 1, 2018

Commissioners Present: Stu Dalheim, Vice Chair; John Philpott; John Coty, Jr.; James Wickham

Commissioners Absent: Kathy Arment, Chair; Marilyn Hansen

Members of the Public Present: Mike Kulig, Berkshire Engineering; Brent White, Shannon Boomsma, White Engineering; Kate Wilkins, Tighe & Bond; Alexandra Glover, Lazan, Glover and Puciloski; Jeff Cohen, Eagle Mill; Kristen O'Brien; Al Zerbato, Lee DPW; Emily Stockman, Stockman Associates LLC; Peter and Diane Naventi

Certificate of Compliance Request Don Hunter, Attorney DEP 196-0059 The Order of Conditions was issued in 1985; work was completed. Mr. Philpott recited the history of the project. **Motion by Mr. Philpott with a second by Mr. Coty to issue a complete Certificate of Compliance. Unanimous approval**

Continued Notice of Intent David Forrest 660 Greylock Street DEP# still pending. Construction of a shared driveway with stream crossing, work in wetlands and wetland replication area Mr. Kulig represented. Dave Foulis of DEP has yet to comment on the paperwork that Mr. Kulig sent regarding this project. A continuance requested. **Motion by Mr. Philpott and second by Mr. Coty to continue to the August 15, 2018 meeting. Unanimous approval**

Request for Determination of Applicability Rebecca Alson-Milkman One Chanterwood Road Construction of a seasonal dock and swim raft Ms. Boomsma represented. There is a 29' path to the dock area that will be trimmed back using pruning shears and a weed-wacker to provide access—the path is an exempted activity and therefore will be maintained as a pervious area. The dock will be 4' wide x 40' long with an 8' x 8' extension section. The swim raft will be 8' x 8' anchored with cinder blocks. There will be aluminum posts on the dock areas. The Commission requests that no pressure treated wood be used; there will be aluminum framing. The dock will be removed seasonally. A revised plan is needed. **Motion for continuance to the August 15, 2018 meeting by Mr. Philpott and seconded by Mr. Coty Unanimous approval**

Jeff Cohen Update on Eagle Mill Mr. Cohen presented the present plan for the development of the Eagle Mill site. Along the Mill side of the river there is little of concern for National Heritage (NHESP); however, there is a good amount across the river. The Mill site will include apartments, office space, restaurants etc. The machine building to the east will be demolished. The properties on W Center Street and others across the street have been purchased and will be used as parking. There was a Request for Determination of Applicability issued last year for some of the work. Ms. Stockman, wetland consultant, discussed the riverfront issues. The developer is looking to put a restriction for future development on the land across the river and requested that the Commission look into taking out such a restriction. Mr. Cohen is currently applying for permits needed for all the work on site and is hoping to be able to do a presentation to the Commission in September or October.

Al Zerbato Department of Public Works Devon Road Mr. Zervato presented repaving of Devon Road project. It is much like the one that is taking place on Stockbridge Road. There are two areas of concern. There will be no elevation changes. There will also be the same type of work on Summer Street. Erosion controls will be used. The Commission gives its approval.

1900 Cape Street Kirsten O'Brien Ms. Boomsma presented as an informal plan for discussion. A formal application will be submitted tomorrow. The company, Business Investments, Inc., has purchased the property and plans to expand the parking area behind the building. The work will include constructing an interlocking concrete block wall and filling behind it with trap rock and gravel creating a level pervious parking lot. There will be two roof leader drains discharging into this area, water from the easterly leader feeding into the westerly drain. There will be a new rain garden constructed outside the 200' riverfront and the westerly leader drain will discharge into this as well as the existing culvert that now funnels run-

off toward the parking lot. The degraded area of the wall and the parking area will be under the degraded area found on site. A site visit is scheduled for Saturday, August 4, 2018 at 10 am.

Minutes of the meetings as scheduled not acted upon due to the lack of a quorum.

Continued Enforcement Order Stockbridge Terrace LLC

Mr. White: The detention pond is shaped out, the culverts are on site. The capacity of the pond is more now than called for in the plans. He will continue to monitor after the grass seed is planted. Pond 1 Stabilization Plan: He met with Mr. Naventi and they discussed potential alternatives to the approved plan. He submitted an alternative plan today, August 1, 2018 (on file); none of the Commissioners have had the opportunity to read it.

Ms. Stockman: Concerned/frustrated because the Pond 1 Stabilization Plan was presented after consultation with both parties and the reviewers, approved by the Commission, and it was in keeping with the WPA Stream Crossing Standards. The new plan has more fill, it now doesn't have a crossing that passes the WPA Stream Crossing Standards, and before it had a defined channel and now it has a filled channel.

Ms. Wilkins: Very surprised to see the changes; she received the changes today, August 1, 2018, (as did others). Should the "channel be larger? It is lower than initially proposed. The WPA Stream Crossing regulations—none of those are now addressed and adhered to in the new plan but they were in the approved plan. There is no dissipater in the new plan; more stones are being added—there are a lot of major changes in the proposed plan. Questioned whether there is a need for additional permitting by Army Corp of Engineering—if Ch.61 land that might not be necessary. What are the other options of installing a bridge? She supports where Ms. Stockman's opinion/concerns on all of this; she thought all was ready to go with the Commission's approval of the Stabilization Plan presented plan and then a sudden change.

Naventis: Only know that Mr. Bianco, the contractor, suggested more stone be put in. They want to conform to today's WPA standards.

Mr. Philpott: Concerned about deteriorating conditions. Can Mr. Collingwood address that issue?

Ms. Wilkins: Suggests finding a way to stabilize the channel while working on the stream crossing methodology which seems to be a big issues.

Ms. Glover: Would like to find common ground in this issue.

Ms. Stockman: The Stabilization plan was approved by the Commission; the engineers approved this.

Mr. Wickham: If there was a change in the channel, should there be a change in the plan?

The Commission needs to review the amended plan and consider if there is a change in the erosion and later address the stream crossing—the stream crossing was not approved in the Stabilization Plan. The parties need to confer with each other and with the hired engineers/peer reviewers to review any modifications. The Commission will need to have any new information a week in advance of the next meeting on August 15, 2018.

Naventis: No contractors that they requested have come to the site; the March 27, 2018, minutes of the Conservation Commission meeting state that they can have a say in who the contractor is doing the work. There was a disagreement as to the qualifications of Mr. Bianco; the Naventis have no issue with him coming onto the property as it is done legally within the Enforcement Order. They would like to make sure that any contractor has experience with the issues of this stabilization order.

Mr. White: Cites work that Mr. Bianco has done with issues of this nature.

Motion by Mr. Philpott and second by Mr. Wickham to continue to the August 15, 2018 meeting.

Motion by Mr. Dalheim and seconded by Mr. Coty to adjourn at 9:30 pm. Unanimous approval

Documents: Notice of Intent David Forrest; Request for Determination of Applicability, One Chanterwood Road; Letter August 1, 2018 White Engineering Update on Enforcement Order for Stockbridge Terrace: Pond 1 Outlet Stabilization, and Detention Pond Modifications

Respectfully submitted:
Kathleen Vsetecka