

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 April 2, 2014 at 7:00 PM**

**Members Present: Stu Dalheim, Vice-Chair, John Coty, John Philpott, Marilyn Hansen & Jaime Wickham**

Mr. Dalheim called the meeting to order at 7:00 PM.

7:00 PM: Harold Heath, 40 Tyringham Rd re: brush/tree cutting on his property. Mr. Heath appeared before the Commission to get permission to clean up dead brush and branches that have fallen onto his property over the years. He also said that there are invasive vines that are strangling trees that he would like to cut down. He will do the work himself and he will not go into the brook. The Commission agreed to the work and Ms. Garry will write him a letter outlining the approved work.

Ms. Garry asked Mr. Philpott to review and sign-off on a demo permit for Lee Outlets at 5 First St. Mr. Philpott said he would review.

Mr. Dalheim made a motion to accept, as written, the minutes of 3/19/14, seconded by Mr. Wickham, vote unanimous.

Mr. Philpott mentioned that he and Mr. Wickham attended seminars on the Wetlands Protection Act sponsored by MACC, units #3 & #4. Mr. Wickham will attend again this weekend and cover units #5 & #6.

7:15 PM: Brendan Amy from TEC Associates representing Housatonic Railroad for a Request for a Determination of Applicability for herbicide spraying along the railroad right-of-way. The Commission reviewed the mapping with Mr. Amy and requested of him to enlarge the scale for north Lee so that it was possible to see all of the perennial streams and where they intersected with the right-of-way. Mr. Wickham gave him

some guidance on how to enlarge a section of the mapping. TEC is asking that the Commission approve the wetland boundaries on the mapping. However, this mapping is about 9 years old. TEC will be doing a new delineation in about 2 weeks and they will forward the new information to the Commission as soon as it is done. There was some discussion about how the right-of-way was marked so that the sprayer would know the spray areas and non-spray areas. Mr. Amy showed the Commission the color coded metal markers that would be used. There was also concern about the contractor, RWC, Inc., and who would be making sure that they are applying the herbicide correctly. Mr. Amy said that their license would be at stake if they didn't follow the law. Mr. Philpott made a motion to continue the public hearing until 4/16/14 at 7:00 PM, seconded by Mr. Wickham, vote unanimous.

7:30 PM: Mark Levasseur, Foresight Engineering representing Sandri Development Inc. for a Notice of Intent for paving and sidewalk work at 15 Park St. File #196-0416. This work was done in November, 2013 and the building inspector informed the applicant that they had not followed the law. Foresight Engineering was hired to get Sandri into compliance. Mr. Philpott and Mr. Wickham had done a sight inspection and he noticed a sidewalk ramp and asked Mr. Levasseur if this area had been included in the calculations for compensatory storage. Mr. Levasseur didn't have the calculation detail so he couldn't say. Mr. Levasseur said that it looked like an insignificant amount. The estimated loss of floodplain was calculated at 3.75 cubic yards or about 1/2" more or less over the entire site. Mr. Philpott made a motion to close the public hearing with (1) condition; That the applicant supply load tickets, for blacktop and concrete that was used in the 100 year floodplain, from the contractor who performed the work. These tickets are needed to verify the amount of material brought in and the amount of material brought out. These tickets must be supplied within 30 days of the date of the order of conditions. If for some reason these tickets are not available then the contractor must supply a notarized affidavit stating the amount of blacktop and concrete brought in and the amount of material removed from the 100 year floodplain within 30 days from the date of the order of conditions. The motion was seconded by Mr. Coty, vote unanimous.

7:45 PM: David Iselin, 315 Church St. He did not attend the hearing and the Commission has not received the revised information that he said he would provide. Mr. Philpott made a motion to continue this public hearing to 4/16/14 at 7:15 PM, seconded by Mr. Dalheim, vote unanimous.

8:00 PM: Rita Chittenden, Fred Chittenden and Fred Chittenden, Jr. attended the hearing as a result of a letter the Commission has sent to them regarding logging at 230 Church St. They bought 3 lots for a total of 7 acres. The logger was Jim White of Goshen Rock Co. in Goshen MA. The Commission explained that the work appears to have a perennial stream crossing the property. This work was done without permission from the Commission. According to Mr. Chittenden about 3 acres have been cleared. The Commission set up a site inspection for 4:00 PM on 4/3/14. The Commission asked for permission to enter his property and Mr. Chittenden said it was ok.

Mr. Wickham made a motion to close the meeting at 8:30 PM, seconded by Mr. Dalheim, vote unanimous.

Respectfully submitted,

Deborah Garry