

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 June 4, 2014 at 7:00 PM

Members Present: Kathy Arment, Chair, Stu Dalheim, Vice-Chair, John Coty, John Philpott & Jaime Wickham

Also Present: Mark Stinson, DEP Circuit Rider, Marie Regnier, Janet and John Warner, Fred & Rita Chittenden and Fred Chittenden Jr.

Ms. Arment called the meeting to order at 7:00 PM.

7:00 PM: Rita & Fred Chittenden re: enforcement order for 230 Church St. Brett Kaminski S-K Design represented the Chittendens. Mr. Kaminski reviewed the mitigation plan. Mr. Kamienski stated that because of the flow rate this is a perennial stream. The restoration plan for the riverfront area was presented. Using aerial photos he is trying to mimic what was there before the cutting was done. The plan states that 59 trees and 23 ferns will be replanted and a restoration mix would be spread. In the maintenance plan it states that they will mark the new plantings and then go in and brush hog the area in an effort to keep invasives down. They want give the new plantings a chance to regenerate the area before the invasives take over. They will monitor the area for two growing seasons and replant anything that dies. Mr. Stinson asked if this information had been sent to Natural Heritage and Mr. Kamienski stated that it didn't look like it had. He will make sure that they receive it. A total of 62 trees will be replanted; (59) in riverfront, (2) in the wetland and (1) in the buffer zone. Ms. Regnier (abutter) asked if soil had been brought on site. Mr. Kamienski stated that no soil was brought in only moved around on the lot. The dirt will be fanned out on the lot again. John Warner (abutter) asked Mr. Stinson if he knew the number of trees that had been removed. Mr. Stinson said no because he had not been on the site and could only view the area from the road. Mr. Warner: "Will there be any fines?" Mr. Stinson: "As long as property owner is working with the Commission and restoring the area

there will not be any fines. If that changes DEP could go to court and ask for fines". The Commission is asking: 1) That 5 of the trees in the riverfront area be 10' to 12' tall trees instead of the 5' to 6' trees as stated in the restoration plan. 2) That the vegetation be monitored for 3 consecutive years and not the 2 years in the plan and that the maintenance plan be for 3 consecutive years and not 2 as stated in the plan. 3) That the 200' riverfront boundary be permanently marked. Mr. Kamienski marked and initialed, on the plan, where the larger trees will go. Ms. Garry reviewed the four conditions in the enforcement order to make sure that they were included in the submission. It was discovered that the last item was missing. Mr. Kamienski took the last page of the enforcement order to get the wording right and will submit a signed statement to the Commission. The Commission agreed to approve the restoration plan and planting plan with the three changes mentioned above.

7:15 PM: Ron Fortune, Consulting & Design, LLC, Dr. Wise for Dr. Wise, 33 Park St., Suite #6. The public hearing for a request for determination of applicability was opened. Dr. Wise plans on constructing a second story to this property which is in the floodplain of the Housatonic River. The Commission reviewed this project and answered questions. Mr. Wickham made a motion to issue a negative #2 for this project, seconded by Ms. Arment, vote negative.

7:30 PM: Jan Cimini re: changes to her project at 49 Chanterwood Rd, file #196-0409. She explained that the plans for the original notice of intent were based on visual observations of the site. Now that some blasting has been done and more ledge revealed she has had to change some items on her plan. Attached is an addendum of these changes. Mr. Stinson advised the Commission that it is up to the Commission to decide if these changes are minor enough that an amended order of conditions is not necessary. Mr. Philpott and Mr. Wickham conducted a site inspection at the site on 5/21/14 and witnessed that the erosion controls are in place and the DEP sign is in place. Ms. Arment made a motion to accept the new plan dated 5/21/14 as the final plan for this project. Mr. Dalheim seconded the motion, vote unanimous.

Ms. Cimini said she would like to have a temporary/removable dock and she is confused by the process. Mr. Stinson explained that she needs to file either a Request for Determination of Applicability or a Notice of Intent to the Commission for this work. Once it goes through the local Commission she then can apply to DEP for the chapter 91 permit.

7:45 PM: Sergio Bonilla, AECOM and Nick Hopkins, Mass. Dep't of Transportation re: a Request for Determination of Applicability for the installation of automatic tolling system gantries on I-90. The Commonwealth is planning on replacing the current system with an automated system along the Mass. Turnpike. The equipment will be located within a small equipment enclosure in portions of the previously disturbed 100 ft. buffer to a bordering vegetated wetland located at the toe of the WB I-90 embankment. The gantries will be installed within the roadway layout of the eastbound (EB) and Westbound (WB) lanes of I-90. The conduit will be installed in the roadway

layout and/or grassed shoulder of the EB lane. The installation of the toll gantries and associated underground conduit will not alter jurisdictional wetland resource areas. Natural Heritage has been consulted. Mr. Wickham made a motion to issue a negative #2 and negative #3 for this project, Mr. Philpott seconded, vote unanimous.

Rick Puleri for a sign-off for a deck project at 19 Bramble Lane. The closest this project will come to Laurel Lake is 45'. He needs to install about 5 piers and he is willing to hand dig the hole or use techno-post. The Commission would like him to use the techno-post system as it would mean fewer disturbances to the area. He said as long as he can get the equipment to the site he would use the techno-post system. Mr. Philpott will sign off on the permit tomorrow.

8:00 PM: David Iselin 315 Church St re: a continuation of a public hearing for a request for determination of applicability for an addition to his house. This project has been going on since March. Ms. Garry explained that she has contacted Mr. Iselin and his consultant for the needed revised information and to date we have not received it. Mr. Stinson explained that a RDA should be completed within 21 days of filing. The Commission asked Ms. Garry to contact the applicant and explain to him that he will need to refile a request.

Ms. Arment made a motion to accept as written the minutes of 5/7/14, seconded by Mr. Philpott vote unanimous.

The Commission asked Ms. Garry to contact Mr. Glen Hersh and Ken Boudreau of Hill Engineering to attend our next meeting on 6/18/14.

Ms. Garry handed in her letter of resignation to Ms. Arment.

Ms. Arment made a motion to close the meeting at 9:00 PM, seconded by Mr. Philpott, vote unanimous.

Respectfully submitted,

Deborah Garry