

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 August 20, 2014 at 7:00 PM

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

Others Present: Mark Stinson, Mass DEP, Tom Wickham, Lee Selectman & Kathy Kaczech (Ms. Garry's replacement).

Ms. Arment opened the meeting at 7:00 PM.

7:00 PM: Scott Bray, realtor and Julie Pavia, builder re: 600 West Rd. Ms. Pavia is interested in purchasing this lot and wanted to know what the building envelope is for this site is. At this point it is hard to answer that question. It has been 9 years or so since the wetlands had been delineated so they may have to be delineated again. A question about the completeness of the septic system came up and they were told to contact the Tri-Town Health Department. After review the file there is a question as to whether the wetland replication had been done. If no replication then there is a violation and an enforcement order may have to be issued. Ann Deeley is the attorney representing the estate that owns this property. Ms. Arment asked Ms. Garry to contact Ms. Deeley to see what she knows about the replication.

7:15 PM: Tom Touponce re: 1125 Meadow St. The Commission asked Mr. Touponce to attend the meeting to discuss new construction on this property. The work is in the floodplain. The new building is a greenhouse and the land has been in agricultural use for corn & hay. Mr. Stinson explained that if the building size is less than 4,000 sq. ft. and no additional fill was brought in then this action is allowed under the agricultural exemption in the Wetlands Protection Act (WPA). Mr. Touponce was then asked about 905 Pleasant St. He said that he has planted trees and that more will probably be planted in the fall. The resource areas of concern at this site are floodplain and riverfront. Mr. Touponce had a question: He leases other fields and

the swales need maintenance, can they be cleaned out? He was told that when in doubt he can always file an RDA to get an official ruling from the Commission.

7:30 PM: Jay Miller re: 1695 Cape St. Mr. Miller is having drainage issues with his property and his well is being adversely affected. MassDot has not been maintaining the culvert on his property and water is staying on his property and not draining away. Mr. Stinson looked his property up on his computer to see what if any resource areas are on his property. Mr. Stinson said that the area looked wet and it maybe jurisdictional. Mr. Miller said the only reason it was wet was because of the blocked culvert. Mr. Stinson explained that DEP looks at the existing situation and not what is causing it. It was suggested that Mr. Miller contact the Tri-Town Health Department and let them know about his well. It was also suggested that Mr. Miller contact Nick Hopkins (wetland specialists) at MassDot and suggest to him that MassDot do the paperwork that will allow the work to proceed that will correct his problem.

Peter Naventi re: 765 Stockbridge Rd: Mr. Naventi showed some pictures of the run off and damage to his property. He said that his ponds no longer have any capacity because of sediment from the run off. The file for the Request for Determination of Applicability was reviewed and the Commission had deemed the original work to be non-jurisdictional. The question now is can the Commission issue an enforcement order for this run off altering resource areas? Mr. Stinson read from the WPA verbiage that the Commission would have to prove in order to defend the enforcement order. The language is that “cause, suffer or allow this activity” which is in paragraph 32 in the WPA. If an enforcement order is appealed it goes to court and not DEP so the Commission has to make sure they can prove the above. It was noted that 78,000 sq. ft. of impervious area was approved and the Commission is questioning whether or not that number has been exceeded. Mr. Naventi will appear before the planning board next Monday to discuss this situation. It looks like the planning board and the building inspector will have to review their paperwork to see what was approved vs what the current situation is.

Ms. Arment made a motion to approve the minutes of 8/6/14, seconded by Mr. Coty, vote unanimous.

Ms. Arment made a motion to issue a certificate of compliance to Big Y, file #196-0387, seconded by Mr. Coty, vote unanimous.

Ms. Arment made a motion to issue a certificate of compliance to Jose Gonzalez & Mary Copeland, file #196-0348, seconded by Mr. Coty, vote unanimous.

Mr. Stinson mentioned that he received a call regarding the Tyringham Rd project. The caller wanted to make sure that DEP and MassDot was working together. Mr. Coty lives in the area and had been checking in on the project.

Ms. Arment made a motion to close the meeting at 8:45 PM, seconded by Mr. Dalheim, vote unanimous.

Respectfully Submitted,

Deborah Garry