

MINUTES

LEE CONSERVATION COMMISSION

32 Main Street Town Hall Land Use Office 2nd Floor

September 3, 2014

Commissioners present: Kathy Ament, Chair; Stu Dalheim, Marilyn Hansen, John Philpott, John Coty.

Commissioners absent : Jamie Wickham

Members of Public present: Jonathan Duola; Bill and Sue Dunleavy; Marc Volk, Foresight Land Services; Franz Forster, RE; Dave Shulman; Rob Akroyd, Greylock Design Associates

Meeting opened at 7:00 PM, Ms. Ament presiding.

- **Suzanne Broderick re: 12 Chanter Rd. There is a dead tree approximately 50' to 75' from Goose Pond and owner would like to take it down**

No representative present; no action taken

- **Dave Shulman and/or Glen Hersh re: 470 Copper Creek Rd. update**

Mr. Duola, license holder, representing the owner. He stated that he was hired to do the building but that things are changing. Dave Shulman was the project manager. Ms. Ament stated that looking at the property the silt fencing was barely there. Mr. Duola stated that new silt fencing was put in and that the Commission was welcome to go and see it. From the Commission's point of view what was happening at the site wasn't what was in the original plan that they saw and approved. Mr. Philpott noted that there were several problems with the site. First, the erosion controls were not good. On the August 8th site visit it appeared that some of the silt might have gone into the pond. Second, that the Order of Conditions stated that no construction debris was to be onsite and there was some in different areas. Third, the wetland flagging could not be seen. It appeared some silt might have gotten into the wetlands but it was difficult to ascertain as the flags are missing. Also, any modification to the footprint of the building should be brought before the Commission and there had been no new plan rendered. Mr. Duola noted that the erosion controls had been repaired, another silt fence put in and the debris removed. He doesn't believe any silt has gotten into the wetlands but acknowledged that new flags need to be put in place. He has an email of the plans from Don Torrico, building inspector, showing that the foot print has not changed. All dates of referenced plans are in the Order of Condition. Ms. Ament noted that these have been ongoing issues for several years.

Mr. Shulman, the project manager arrived at the meeting. He stated the plan is the original one. The silt fencing has been put back up; almost all of the debris has been removed. Ms. Hansen stated that the wetland needs to be reflagged, the site cleaned up and stabilized and be put back in its original condition, and a site inspection done. Mr. Shulman commented on a resurvey being done. Mr. Philpott asked that a note be sent to the Commission stating that this had been done. (Hill Engineering did the plans).

It was noted that heavy equipment had collapsed some of the culverts and water was running down both sides of the access road. Mr. Shulman stated that it is planned for the water to go through a drainage pipes to a retention area. In the meantime, the culverts should be replaced. The drainage of the site needs to be restored to its original condition.

Ms. Hansen stated that the site needs to be reestablished to its original condition within a 10 business day time frame starting on September 3rd or an Enforcement Order would be issued. (September 17th would be the 10th and final day.) A question re dewatering on site was asked and dewatering on the site is the responsibility of the applicant. When all the work mentioned is done, an email should be sent to the Conservation Commission stating this. Then an inspection can be done. (The email address was given.)

An update will be scheduled for the September 17th meeting at 7:00 PM.

Mr. Dunleavy spoke. He was concerned about the erosion and silt in the pond. Ms. Ament stated that the site should be stabilized before any construction work is done, the erosion controls maintained and any silt between silt fences be removed. Mr. Dunleavy stated that Mr. Duola has been good about the road.

➤ **Bill and Susan Dunleavy re: 480 Copper Creek Rd. Notice of Intent and review under the Scenic Mountain Act for an addition to a single family home**

Marc Volk of Foresight Land Services presenting. Mr. Volk stated that the Dunleavys wanted to put an addition on their house. The WPA is under the Scenic Mountain Act. The area is flagged for wetlands. Mr. Dunleavy presented a history of the house—it is placed about as far from the lake as possible. He brought a model of the house. It has a full foundation. The septic system will not be changed. Mr. Volk stated that they will be cutting the grade down on the septic system for drainage. There are already foundation drains existing and more will be put in. There will be a splash guard so the water going out will be clean. Pipes are 4' pipes. Drainage is driven by the elevation. Ms. Hansen was concerned about the water being drained directly into the wetlands and asked if they could pull the excavation back. Mr. Volk stated he could pull it back at least 10'. There would still need excavation to be done. There will be scour protection at the end of the discharge. Trees 10' in diameter and larger have been noted on the plan. Erosion controls will be plastic silt fencing and straw bales.

The Dunleavys own both the properties where work is to take place. They are separate lots as of now. Access for the excavation is by the driveway and a trail to the right of it.

Mr. Volk noted that no DEP number had been issued yet and there had been no response from Natural Heritage. The actual elevation of the addition is lower than the house so there is no problem with the Scenic Mountain Act.

**Motion by Ms. Ament to continue to the September 17, 2014 meeting. Second by Mr. Philpott
Unanimous approval**

➤ **Dennis Welch Yokum Ridge Property Management, LLC re: Mandalay Road Map 12 Lot 177
Request for Determination of Applicability**

Rob Alkroyd presenting. In 2003 a RDA was submitted that showed no wetlands. Another was filed in 2009 that showed no wetland or resource areas and a Determination of Applicability was

issued. Ms. Hansen stated that perhaps the Commission would want check the site on Oliver. Mr. Philpott will do this.

**Motion by Ms. Ament to continue to the September 17th meeting. Second by Mr. Coty
Unanimous approval**

➤ **Frank Crotty RDA re boat dock on Goose Pond**

Mr. Philpott explained that an ad had not been put in the paper about this. Ms. Vsetecka stated that she had talked to Mr. Crotty and he would like to be on the September 17th agenda.

➤ **Mr Cohen/Shep Evan re Eagle Mill update**

Mr. Evans presenting. This is a preliminary informal information discussion. Mr. Evans gave out tax maps of the properties and aerial views of the property. The area being discussed includes a substantial amount of land across the river as well as land the buildings are on. In the WPA there is a section that includes historic mills properties exemptions. (WPA 10.5(8)(6) A lot of the performance standards pertaining to rivers are not relevant. There is a question as to whether this property can be treated as a historic mill complex. There are cornerstones on the property that pertain to the last century. Mr. Philpott attended a meeting with DEP in Springfield. The consensus of those at the DEP meeting was that it can qualify as a historic site as there was no building after 1946. The redevelopment of this riverfront area would make it better than it is now as some of the buildings would be taken down, asphalt taken out, vegetation put in, etc. There are no concrete plans or the area, just ideas.

Mr. Evans stated that the place looked neglected and asked if regular maintenance like cutting the weeds and cleaning up is considered normal and allowed. The only exception would be cutting trees of any size.

➤ **Approval of minutes of the August 20, 2014 meeting. Motion by Ms. Ament to approve.
Second by Mr. Coty Unanimous approval**

➤ **Greylock and Center Street** Approval was given to cut trees on this site as they were not in a jurisdictional area. However, a lot of fill has now been brought in next to the wetland. Ms. Ament will call. Ms. Vsetecka will send a letter stating that it appears there is work being done in a buffer zone without a permit. Work should stop immediately and they should come to the next Conservation meeting on September 17th. The letter is to be addressed to Adam Burratto and Peter Burratto at 610 Greylock Street.

➤ **Motion to adjourn by Ms. Ament Second by Mr. Philpott Unanimous approval. Meeting adjourned at 8:30 PM.**

Respectfully submitted: Kathleen Vsetecka

