

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: Monday, November 19, 2012

Member Present: Kathy Arment, Chair, John Philpott, Stu Dalheim, John Coty, Ryan Aylesworth, Anne Langlais

7:00 Continued Notice of Intent, Thomas Touponce, 905 Pleasant Street, NOI # 196-0406, removal of soil and sod with the replacement of gravel.

Mr. Touponce supplied a clarification of the plans for the NOI. (on file) The property will be used as a tree farm with saplings being planted directly into the soil, nurtured, allowed to mature and then sold for landscaping in conjunction with the farm market and the upper, non-jurisdictional portion of the lot. He is requesting a Negative Determination #5. He is still awaiting word from NHESP.

Ms. Arment motioned to accept the letter from Mr. Touponce clarify the scope of the project, stating the property should be used as a tree farm and agricultural use and a Negative Determination #5 be given, seconded by Ryan Aylesworth, all in favor.

Ms. Arment motioned to Continue to December 3, @ 7:00pm; seconded by Mr. Aylesworth, all in favor.

7:15 Request for Determination, Kurt Warner, cleanup of Longcope Park

There are no wetlands to be concerned about. There is a stream that runs adjacent to the trails approximately 15-20 yards away. In the parking area trash will be removed. On the half mile trail itself there are six areas where the trail is blocked that he will clear. His father, who is in

heavy construction, will help with the removal of the large trees. If need be, the town has offered to pitch in. The sign will be repainted by one of his friends after consulting with Don Torrico and Chris Pompei. He will also repaint the path markers. The Commission requests that they be called when the project is done and before and after pictures be taken.

Ms. Arment motioned to issue a Negative Determination #4 seconded by Mr. Aylesworth, all in favor.

7:30 Daniel Grant, Onyx Mill, to answer questions regarding the control of the floodgates and jersey barriers.

Mr. Grant, Kathleen Glenar present. There was question on who orders the opening of the spillway and floodgates. Mr. Grant said Federal Energy Regulatory Commission and other regulating bodies are concerned about the amount of water that goes through the project. FERC issued them a thirty year license which contains a requirement for a minimum flow. The minimum flow is from the dam to where the water discharges out of the mill. The minimum flow is contained from the dam to where water discharges to out of the mill. The minimum flow requirement is done by visible flow over the majority of the crest of the dam. If there is not enough water to meet that they have to open the gates. When the water rises, Gerald Drake is the one who requests the flood gates be opened, not FERC. The dam holds back 11 acre feet of water taking it back to the elevation just past Meadow Street. Mr. Healey told the Glenars that the EPA has some kind of control which Mr. Grant denied. The Glenars would like for the spillway to be open several days prior to heavy rains. A few years ago the Mill pulled the USGS maps to gauge when the water gets high and needs to be released. The Mill does not generate power nor plan too but use the water as process water, to run the Mill on. Mr. Grant will be surrendering their FERC license which is due to expire and will then fall under Massachusetts Office of Dam Safety. When that occurs perhaps the Mill and Glenars can work something out. They have gates that control a large portion of the water that actually goes through the mill and they try to keep those open as much as they can. Ms. Glenar requested that the dam be breached but was advised that the Mill does not have that authority.

As for the Jersey Barriers, they are put up to deflect debris from hitting the mill when large events are forecasted. There is a very small portion where the barriers are in the flood plain. Mr. Grant showed a map that outlining the river, the flood plain and where the Jersey Barriers are in the right upper corner. The Commission recommended better lines of communication between the two parties. Mr. Grant suggested that once the flood takes place they close the gates passing more water through the mill and downstream pass the Glenars.

Other Business:

- Approval of November 5 minutes
Ms. Arment motioned to approve, seconded by Mr. Coty, all in favor

Office Duty:

Nov 26 – RA

Dec 10 - SD

Ms. Arment motioned to close, seconded by Mr. Philpott, all in favor. Meeting closed 8:09

Respectfully submitted,

Martie Martin