

Minutes

Lee Conservation Commission

Land Use Room Lee Town Hall 32 Main St.

April 15, 2015 7:00 PM

Commissioners Present: Kathy Arment, Chair; John Coty; Stu Dalheim; Marilyn Hansen; James Wickham; John Philpott

Members of the Public Present: Robert T. Akroyd, Greylock Design Associates; George Darey, Mass. Fisheries and Wildlife Board; Mark Stinson, Mass DEP; Terrance Smith, Dept. of Fish & Game; Thomas Touponce; Lewis Brooks, Nick Sully, Marcus Fluty, Adam Fluty, Daniel Pendergrass, Joe Gohring, Rev. Stanley Michaleuko, Ruben Medrano, Marion Missionaries of Divine Mercy; Father Michael Gaitley, Marion Fathers.

➤ **Request for Determination of Applicability Lakeside Condominium Trust 770 Summer Street Pruning 3 hemlocks by removing 15' from the top of the trees and pruning to shape the trees**

Robert Akroyd presented the plan to prune 3 hemlocks to open views. The trees are labeled. The applicant needs to go to the Planning Board to get approval because they are on a scenic byway. Mr. Akroyd showed the measurements from the lake and the trees appear to be outside the 100' buffer zone. Also, the work involved does not fill, dredge or alter the area. Thus, it appears that it is not jurisdictional. Mr. Akroyd will flag the buffer zone. Members of the Commission will visit the site on Friday. The request was continued to the May 6, 2015 meeting at 7 PM.

➤ **Open Space Plan**

Mr. Nason, Town Administrator, came in to present the need for the Commission's approval to update the Open Space Plan to upgrade the equipment for younger children at the athletic field. A grant is available to pay \$8000 toward the \$10000 needed but the application must be submitted by July 15th. There is a need for a committee to do the open space plan if the article for the appropriation of finances is approved at the town meeting. Someone from the Commission will need to sit on the committee. The Commission approved the updating of the plan and Ms. Arment will sign off on the plan and will notify Mr. Nason of the Commissioner appointed to the committee.

➤ **Notice of Intent Terrance Smith of the Department of Fish & Game, Office of Fishing and Boating Laurel Lake (Rte 20) DEP #196-0419 Reconstruction of an existing state boating access facility and construction of a handicap accessible fishing platform.**

Terrance Smith passed out plans for the project. All the outstanding Certificate of Compliances have been issued or are being applied for. The proposal is for the reconstruction of a concrete boat ramp, a boarding float system, a handicap accessible shoreline walkway and bulkhead, and reconstruction of the parking lot. There will be a concrete curb with a metal handrail along the walkway; and an interlocking galvanized steel sheet pile bulkhead along the concrete wall. The boat wash area is outside of this project. A temporary coffer dam will be installed around the perimeter of the proposed ramp so that the new boat ramp will be constructed in the dry. The ramp will consist of cast concrete placed on a crushed stone base. Questions about the aesthetics were discussed. Mr. Smith stated that wooden guard rails do not last long compared to metal ones; the same with wooden boardwalks compared with

concrete. Mr. Smith noted that the permit requested is under the Wetland Protection Act which is to protect the resource areas. Mr. Darey commented that sportsmen have been trying for years to get this project done so that older people and handicapped people have a place to go fishing that is very safe and accessible. Mr. Smith stated that the project still needs Army Corp permits after the Order of Conditions are issued and then they will have to go back to the legislature for funding. Also, he has met with the neighbors and there have been public meetings with sportsmen. The commission will email thoughts and concerns to Mr. Smith. The hearing is continued to the May 6, 2015 meeting at 7:20 PM.

➤ **Tom Touponce 1125 Meadow Street Discussion of town drainage on Tyringham Road**

Mr. Touponce is trying to get RCS Synder to send an engineer out to give him direction re the using of the rock pile on the stream bank. Mr. Stinson asked him about mitigation and showed photos of changes to the property from 1997 to 2014. The rocks need to be removed from the flood plain. There was a discussion and disagreement re the other 3 places of fill in the flood plain—Mr. Touponce stated that the compost, etc. are commodities and are there on a temporary basis. Mr. Touponce stated he would move the rock. Mr. Touponce is wanting the Commission to issue an Emergency Permit to slow down the water coming out of the road drain so that he can plant his crops. Mr. Stinson asked what he would want the Commission to do? He also stated that the issue of the catch basin is a legal issue between Mr. Touponce and the town.

➤ **Discussion of 1565 Pleasant Street violations**

A site visit to the property was done by Mr. Philpott and Mr. Wickham. Mr. Philpott presented photos and a plan showing the flood plain. The property was purchased in November of 2014; the gazebo was part of the property at that time. A Notice of Intent will need to be filed. Included should be a restoration plan and a timeline for the mitigation as well as any other work that is proposed for the future. A discussion about qualified wetland consultants was had and recommendations were made.

➤ **Other**

Minutes A motion was made and seconded to approve the minutes of the April 1, 2015 meeting. Unanimous approval.

A general discussion was had with Mr. Stinson re the Wetland Regulations on flood plains and what is allowed in an agricultural flood plain {WPA Section 10.06:(6)}. Also, any Enforcement Order needs to document all areas of violation. It should include specific dates that a consultant is to be hired to determine resource areas and the extent of the impact on them and any restoration is done that needs to be done.

Ms. Arment asked that an email be sent to Mr. Touponce stating: "There is an agricultural emergency section in the WPA Section 10.06(6). Please look it up and notify the Conservation Commission as to what you do. Also, check to see if the area is in the Estimated Habitat of Rare Species."

Motion made and seconded to adjourn at 9:15 PM. Unanimous approval

Respectfully submitted:
Kathleen Vsetecka

