

Conservation Commission Minutes, 01/21/2016

Lenox Conservation Commission Landuse Meeting Room January 21, 2016 Minutes

Members present: Chair Neal Carpenter, (NC); Vince Ammendola, (VA); Tim Flanagan, (TF); Joe Strauch, (JS); David Lane, (DL); Rose Fitzgerald Casey, (RFC)

Absent with notification: Dick Ferren, (DF)

Staff present: Peggy Ammendola, Land Use Clerk (PA)

Notice of Intent, Pittsfield Municipal Airport (PMA), 0 West Mountain Rd., Map 27 Parcel 24. On May 15, 2014, the Conservation Commission issued a Negative Determination subsequent to PMA filing a Request for Determination for the re-clearing of an existing easement and the replacement of the existing beacon and beacon pole which had fallen into disrepair at property located at West Mountain Rd. Subsequent construction activities have resulted in additional impact within the areas subject to the Scenic Mountain Act and the need for site restoration of construction access within and adjacent to the easement on land of Mass Audubon. *Informal on August 20, 2015 and the first hearing was held on September 17, 2015. Update on October 1st and continued for another update on October 15th. No one was present, nor was Commission contacted for the Oct. 15 meeting. Continued to November 5, 2015 and at that meeting this was continued again to December 3rd. The Lenox CC will also attend a meeting of the Richmond CC on November 10, 2015 at 7:00 PM. On December 3rd, the NOI was continued to Jan. 21, 2016.*

Prior to the January 21st meeting, the applicant requested that the hearing be continued to February 4, 2016 at 7:30 PM. NC read into the record the following letter he received from Randall Christensen of Stantec:

"We would like to request a continuance of the public hearing that is currently set for Thursday, January 21st to your February 4th hearing date. We have developed a revised draft restoration plan that represents a significant increase in the expenditure of labor and materials over the originally proposed plan. The current plan was updated based upon input from the conservation commissions and from the two involved property owners (Cardillo and Audubon). In particular, the issue of plantings has been addressed in this current version. We want to approach each of the commissions (Lenox and Richmond) with a plan that substantially addresses landowner concerns. We are currently awaiting landowner feedback and expect to have our final plan submitted to the commissions for review next week. Full presentation of the plan could then be made at your February 4th hearing (our continued hearing in Richmond is set for February 9th). The plan presented at that hearing would have consent from the landowners and general agreement on applicant's team on the commitment of the necessary labor and materials. We remain available to provide the commission with an update in person at the 21st if necessary. Please consider this request and contact me with any questions."

JS made a motion to continue the hearing to February 4th at 7:30 PM. DL seconded the motion and the Commission voted to agree 6-0.

Notice of Intent, Mitch Greenwald, Trustee, Martha Lane, Map 18 Parcels 46, 47, 51, 52, 57 and 58. *Alteration of an on-site wetland buffer zone to allow for the construction of a gravel road, utilities, swale, driveways, septic and 2 single family houses. The altered BVW will be replaced with the recreation of a BVW that connects the two onsite BVWs. Continued from October 1st to October 15th for further information. On October 15th, the Commission received an email from Rob Akroyd of Greylock Design Associates requesting that this hearing be continued to November 5, 2015 to adequately respond to some of the legal issues raised by the Commission. On November 4th, Mr. Akroyd again asked via email for a continuance until November 19th. He said that Mitch Greenwald has been in contact with Town Counsel Joel Bard. Attorney Greenwald will be sending a letter to Attorney Bard "early in the week" of November 2nd for Attorney Bard's response regarding the Town's legal position on the subject property. At the November 19th meeting correspondence from Mr. Akroyd was read into the record in which he requested another continuance until December 3, 2015. At the December 3rd meeting, this matter was continued to Jan. 7th. At the Jan. 7th meeting, it was agreed to continue again to Jan. 21st.*

NC provided to the Commission a letter from Attorney Joel Bard, Town Counsel, which satisfies the request of the Commission.

Prior to the hearing, NC received a request from Rob Akroyd to continue this matter to February 4th to allow time to secure the requisite signatures on the Easement Agreement. Mr. Akroyd has told NC that the NOI plans will be changed for one house and a driveway and he expects to have the updated plans for the February 4th meeting.

RFC made a motion to continue the hearing to February 4th at 7:45 PM. DL seconded the motion and the Commission voted to agree 6-0.

RDA, Lenox Valley WTF, LLC, Willow Creek Rd., Map 9 Lots 5 & 6. The project involves the performance of maintenance of an existing gravel parking and former staging area. The latter consists of removal of organic litter.

Presenting the RDA was Brett Kamienski of SL Design Group and Tom Garrity, of Lenox Valley WTF.

Mr. Kamienski described the proposed project on the site of the former Lenox Lumber Company. There is about 6-12 inches of organic litter, i.e., log piles, mulch, sawdust from years and years of staging by the former lumber company. This material is reusable and could be screened off for topsoil. Mr. Garrity wishes to remove this, pushing it all off to the far end of the property, to expose the gravel beneath. Then they would grade to match the existing grade at the edge of the parcel of the transfer station. Some clean gravel would be brought in to fill pot holes. There would be no more than 6 inches of gravel which would provide a hard surface for the storage of empty dumpsters.

The property is within the 100 foot buffer zone of the BVW and 200 foot river front area. The resource boundary was approved under MA File Number 198-0244 in 2009.

The Commissioners reviewed the photographs that were taken about 2 weeks ago.

Mr. Garrity said that they would use this area to store empty dumpsters that are rented out. The proposal is to have space to store approximately 500 dumpsters over the winter months, but probably no more than 50-75 during the summer months as that is a period during which there is a demand. He said that before a dumpster leaves the transfer station, they are cleaned thoroughly.

TF asked about sediment control going into the swale, and it was agreed that a vegetated buffer would be established between the swale and the dumpster storage, citing the need for redevelopment mitigation because this is the riverfront. Mr. Garrity said that they do not transport hazardous waste. There was considerable discussion.

VA made a motion to issue a Negative 3 with the following two conditions:
Establish a 10 foot green buffer on the east side of the project.
Not to exceed 12 inches of fill.

RFC seconded the motion and the Commission voted to approve 6-0.

Other business:

Attorney Vicki Donahue inquired of NC about the property owners of 57 Bramble Lane doing some landscaping in the area of the deck and a path to the deck stairs. A description of the work was given to NC. Nothing is proposed on the lake side and no dirt would be brought in. NC approved.

On January 19th, NC received a complaint from Mrs. Sherman at 35 Undermountain Rd., regarding some tree cutting that was being done at 41 Undermountain Rd., property owned by Davila Enrique. NC went to the site and advised the workers to do no more cutting without prior approval of the Commission. NC said that the work area was in the buffer zone. The work done was minor with 5 to 6 small ash trees that had been taken down.

On January 17th, VA and NC went to the site of Lenox Valley WTF, LLC, on Willow Creek Rd. in preparation of the meeting for the RDA that Lenox Valley had filed. Other Commissioners went on their own time.

JS said that someone had approached him to ask about clarification regarding public access to parcels of land of Joe Toole's that is under Conservation Restrictions. The Commissioners discussed their recollection of the project.

Ed Merritt, Mass DEP File Numbers 198-0219 and 198-0234, Lime Kiln Rd. The Commission discussed the need to follow up with Rob Akroyd on the status of the two Orders of Conditions for File Numbers 198-0219 and 198-0234 issued to Mr. Merritt. TF made a motion that PA write a letter to Mr. Akroyd requesting the status. DL seconded the motion and the Commission agreed 6-0.

Approve minutes: January 7, 2015-TF made a motion to approve with one revision. DL seconded the motion and the Commission voted to approve 6-0.

RFC made a motion to adjourn. JS seconded the motion. The Commission voted to agree 6-0 and the meeting was adjourned at 8:55 PM.

Respectfully submitted,
Peggy Ammendola