

Conservation Commission Minutes, 02/04/2016

Lenox Conservation Commission Landuse Meeting Room February 4, 2016 Minutes

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

Staff present: Gwen Miller, Land Use Director/Town Planner, GM; Peggy Ammendola, Land Use Clerk (PA)

Notice of Intent, SMA, Pittsfield Municipal Airport, 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 attended a meeting of the Richmond CC on November 10, 2015 at 7:00 PM property in Richmond was also involved. On December 3rd, the NOI was continued to Jan. 21, 2016. On Jan. 21, this was again continued to February 4th.*

Present were the following: Randy Christensen, Senior Environmental Scientist, Stantec; David Keator, Pittsfield Municipal Airport Commission, Pittsfield Municipal Airport Manager, Bob Snuck; Becky Cushing, Mass Audubon; and Joe Cardillo, property owner.

Mr. Christensen presented the Construction Access Road Restoration Plan Pittsfield Hazard Beacon Project-Yokun Seat Plan Revision 5. He will meet with the Richmond Conservation Commission on February 9th who also has copies of this plan. He pointed out that he sent a PDF copy of this to GM today. The plan is still in draft until all parties are in agreement. Mr. Christensen stated that the plan includes not only what is relevant to the SMA but also to the property owners. Rather than having different plans for the separate properties, he combined them all into one plan to have everything in one place. The plan is based on many conversations with the 6 or 7 parties who are involved and Mr. Christensen said that he feels that he has received substantial "buy in" on this latest draft. The beacon has been in operation since around November 10, 2015.

Mr. Christensen said that this plan is different, but the biggest change relative to the SMA is a fairly substantial planting plan and more attention is given to how the grading will be performed. The following sections in the plan were briefly reviewed:

Plan Details

Restoration Site Monitoring

A site plan indicating the four tiers of the proposed restoration plan was reviewed and briefly described. When machinery is used, it would be a small dozer and small thumb excavator. Tier 2 is the area where there would be the heaviest proposed grading. Mr. Christensen said that it is very important to order the bare root plants early to be sure that they will be available, but he doesn't want to order until they are sure that the plan has been approved.

Mr. Christensen reviewed the work sequence. He said that they want to do the grading, seeding, mulching and water bar formation in "one fell swoop" so that once that is done there will be no need for vehicles to go over that work. He wants the seed to establish minimally before the installation of the bare root seedlings. The first of the two phase approach would be the vehicle grading scheme, letting the grass grow to stabilize the site and then planting the bare root stock. He feels that he can get the grading done in June 2016 and if available the installation of the bare root stock in October. If not it would be the spring of 2017. Post monitoring would then be in effect. Mr. Christensen said that there is a plan to limit the coverage of invasive species. Detail of the control of species is described in the plan.

Monitoring of the restored access trail shall be completed concurrently with the airport inspection of the beacon site. Any observations of substantial erosion, unauthorized vehicle use or significant human damage to vegetation shall be reported to Mass Audubon.

Biodegradable mulch rings and Hydrogel absorbent crystals will be used for the seedlings to provide moisture and nutrients.

At the end of the five years, barring any unforeseen circumstances, Mr. Christensen said that the ingredients and stability will be in place to generate the forest cover type identified for this area. He feels that the plan is feasible and can be accomplished.

In conclusion, Mr. Christensen said that all of the parties showed a good faith effort to address concerns of each other and the SMA. There was a lot of negotiation and contribution by everyone, he said. There are plans for a "planting day", a volunteer effort. Stantec will participate by getting a volunteer team together. The staging area where the volunteers will be mobilized will be from Mr. Cardillo's property. Mr. Christensen said that they are trying to make the best out of a bad situation.

In answer to DL's question, Mr. Christensen said that on the steep slopes in the area #3 there would be straw mulch over the seed.

TF acknowledged Mr. Christensen's concerns regarding the planting sequence and the need to act quickly to reserve bare root stock in the spring in order to have in the fall. TF said that the Commission needs time to review the revised plan but perhaps at the next meeting the Commission could agree to a partial approval. Mr. Christensen said that the plantings constitute a significant expense; therefore he would not want to commit to a purchase without having a permit in hand.

Mr. Cardillo suggested that the access road be 8 feet to accommodate an ATV. He feels that a six foot width would be too narrow and travel on the road would put the plantings in jeopardy. Mr. Christensen said that consideration would be given in installing the plantings so that a six foot wide opening would be maintained. The goal is to be able to get a vehicle up there if necessary and without ruining the work.

RFC asked about how frequently the PMA would need to access this road. Mr. Christensen said that for regular maintenance the site would be accessed by foot, but maintenance which requires the replacement of components could be 3-5 years and in some cases 8 years. The components, which could weigh as much as 250 pounds, would need to be transported by an ATV. DL asked if the trail to the fire tower could be used as an alternate until the restoration takes hold. Mr. Christensen said that it wasn't accessible and access by an ATM of this restored route could be done in an emergency without doing any damage, explaining that it was unlikely that it would be necessary. It is multiple trips going up and down that could be damaging.

Mr. Keator said that the Pittsfield Municipal Airport Commission has some expiring seats and they are having a problem having a quorum. The PMAC has the final word. His concern is timing and if this does not move along through the Conservation Commissions, an opportunity for this coming season could be lost. The Commission responded that they need to have time to review the revised plan before they can make a decision. The members agreed that if they come across something in the plan that they feel is an issue they will relay that information in advance of the February 18th meeting. Mr. Christensen said that he would hope to have comments by the Richmond Commission by that time. The PMA will meet the first Wednesday in March.

Ms. Cushing, when asked by TF if she had any questions, responded that she hasn't thoroughly read the updated version. She believes that Mr. Christensen has addressed some concerns they had about physical monitoring of the trail and if success measures were not met what should be the next step that Mass Audubon would take. She said that she might make a few suggestions.

TF made a motion to continue to February 18th at 7:45 PM. RFC seconded the motion and the Commission voted to agree 7-0.

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. On January 21st this was continued to February 4th.*

Present were Rob Akroyd of Greylock Design Associates and Attorney Mitch Greenwald.

Mr. Akroyd stated that he sent via email today a copy of the Notice of Intent Amendments with a date January 2016 and revised plans with the revision date of February 4, 2016. Mass DEP File # 198-0288 has been assigned. The amendments indicate that the second lot previously shown has been deleted. The Commission also has received the executed Grant of Easement. With today's submission Mr. Akroyd provided a Stormwater Analysis Memorandum for the single lot with a revision date of February 4, 2016. This was prepared by VHB. Only the first 10 pages of a 275 page report was provided which concludes that for a two year storm there is a slight decrease in runoff and in subsequent storms up to a hundred years there is a slight increase. This increase will be offset by the revegetation that Mr. Akroyd proposed originally and this still stands. He also delineated more clearly on the drawings and the map keys the limit of clearing. The submission includes the map the Commission requested which shows the Hydro Cad watershed areas. Text is also included on the map that landowners are to meet with the Lenox Conservation Commission prior to construction. He believes that he has complied with all of the Commission's requests.

The four plans, site, graded and two for sub-surface sewage disposal system were reviewed. Mr. Akroyd said that the six lots will become one instead of two and the only construction will be a gravel driveway, stormwater management and the revegetation of the lower section. The property will then be listed to sell.

There is only one discharge point that is for the two sub-water sheds. TF stated that this is a tremendous improvement and he is enthusiastic with the amended proposal. He asked if it was possible that some revegetation could be done a short distance up the hill so that the discharge would be going thru a buffer zone. Discussion ensued as to how this could be accomplished. It was decided that starting at the detention basin a level spreader would be installed at least 15 feet from the wetland boundary and a 15 foot vegetated buffer strip would be created between the spreader and the wetland.

DL made a motion to accept the project as presented with a change of the discharge point. VA seconded the motion and the Commission voted to approve 7-0.

Other business- Letter of February 4, 2016 addressed to Rob Akroyd regarding property of Ed Merritt, 139 Lime Kiln Rd, Map 27 Parcel 18-MA DEP File Numbers 198-0234 and 198-0219 was given in hand to Mr. Akroyd. The letter is requesting that Mr. Akroyd follow up on the status of Mr. Merritt's commitment to remedy violations cited in Enforcement Orders of August 2012. The Orders were withdrawn in February 2013 when Mr. Merritt agreed to a remediation plan.

Approve minutes- January 21, 2016-TF made a motion to approve the minutes as amended. DF seconded the motion and the Commission voted to approve 7-0.

RFC made a motion to adjourn at 9:05 PM. DL seconded the motion and the Commission voted to agree 7-0.

Respectfully submitted,
Peggy Ammendola