

## Conservation Commission Minutes, 11/17/2016

**Lenox Conservation Commission  
Landuse Meeting Room  
November 17, 2016  
Minutes**

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

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

**Notice of Intent, Edward Merritt, 139-2 Lime Kiln Road, Map 27 Lot 18-2.** The project proposed is the construction of a 20'x30' in-ground pool, a 1300 sf associated hardscape terrace, a 10'x5'6" solar panel, a 3,000 sf studio expansion, a 20'x 30' garage and to alter the existing drive to a new layout with comparable dimensions to service said garage and studio. The pool, terrace and solar panel will be within the outer riparian buffer zone, 100' wetland buffer as well as within the 100' vernal pool buffer zone. The studio expansion and garage lie within the outer riparian buffer zone and the 50' wetland buffer. The altered drive is within the outer riparian buffer zone, the 50' wetland buffer zone and the 100' vernal pool buffer zone. *The first hearing was on October 6, 2016 and continued to October 20, 2016. Continued to Nov. 3, 2016.* In an email of November 3, 2016, Mr. Akroyd requested a continuance to November 17, 2016 as Natural Heritage had informed him that a number of matters needed to be resolved. The Commission agreed to this request for another continuance, but also agreed to inform Mr. Akroyd via letter of additional information the Commission needed for a proper review. Mr. Akroyd acknowledged the Commission's letter in an email on November 15<sup>th</sup> and requested to withdraw without prejudice the Notice of Intent.

Mr. Akroyd's email was read into the record. VA made a motion to agree to close the hearing without a finding. RFC seconded the motion and the Commission voted to agree 7-0.

### **Other Business:**

Gwen Miller, Land Use Director, (GM) emailed on today's date the following:

- The Kennedy Park Committee met this morning and would like to schedule a site visit with Conservation Commission to close out their Order of Conditions on the Bakers Pond project.

The Commission agreed that they cannot assess at this time of the year and would not be able to until the spring.

- Maintenance activities for Conservation Commission properties have gone over the budgeted amount for Fiscal Year 17 and there is no money left in the Land Use Department budget for property management. Dave Lane was advised.
- GM requested that as a condition on their future Order the Pittsfield Airport Commission be required to reimburse the Town for John Burns' work.

The Commission concurred that this more than likely could not be a condition to an Order.

### Pittsfield Municipal Airport-Beacon project:

Bruce Winn of Berkshire Environmental Action Team and Sam Schlegel were present to ask about the contract between KOBOL Utility Construction and the City of Pittsfield relative to the construction of the beacon for the Pittsfield Municipal Airport. (Mr. Schlegel had sent an email to Peggy Ammendola on November 10, 2016 with an attached copy of the 52 page contract. He wanted to bring the contract to the attention of the Commission. PA forwarded the email to the Commissioners and the Land Use Director/Town Planner on that same day.

The Commission advised Mr. Winn and Mr. Schlegel that the Commission could not enter into discussion when representatives of Pittsfield Municipal Airport were not present. They were informed that this continued hearing is on the December 8, 2016 agenda at 7:30 PM.

Emergency Certificate-Hillcrest Educational Center at Highpoint-Map 32 Parcel 8-A large oak tree on the bank of Yokun Brook is uprooting and will fall on road, wires and sewer pump system if not removed. It is a jurisdictional area, but it is a hazard. TF made a motion to issue the Emergency Certificate. JS seconded the motion and the Commission voted to agree 7-0.

Mass Highway-Baker's Pond-Gully drainage off of Rt. 7 & 20-Site visit on November 3<sup>rd</sup> was attended by NC, JS, DF and TF of the Commission and Amer Raza, Mike Fabiano and Mark Moore of Mass Highway.

New Lenox Road @ Mill Brook-Replacement of culvert, Map 29 Parcels 30 and 33. NC spoke to Doug Gove of AECOM who told NC that engineers had drawn up a revised plan. (See plan drawn up by Sean Maxwell, dated October 28, 2016 and revised 11/10/2016)

to comply with the original plan that has been approved by both the Commission and MassDEP and that work would commence on Monday, November 21<sup>st</sup>. (See minutes of October 20, 2016.)

37 Bramble Ln Map 2 Parcel 5-Kerry Stein- An RDA has been filed and is on the December 8, 2016 agenda. Site visit will be on December 2, 2016 at 3:00 PM.

**Approve Minutes:**

*November 3, 2016*-RFC made a motion to approve the minutes as amended. TF seconded the motion and the Commission voted to approve 7-0.

RFC made a motion to adjourn the meeting and DF seconded the motion. The Commission voted to agree 7-0. The meeting was adjourned at 8:20 PM.

Respectfully submitted,  
Peggy Ammendola