

Conservation Commission Minutes, 03/02/2017

Lenox Conservation Commission Landuse Meeting Room March 2, 2017 Minutes

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

Absent with notification: Rose Fitzgerald Casey, (RFC);

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

The meeting was opened at 7:30 PM.

Request for Determination of Applicability, Mass DOT for the intersection of Route 7 & 20 with Housatonic St. The proposed project consists of extending existing northbound and southbound exclusive left turn lanes within a grassed median island from approximately 225' in length to 500' in length.

Amer Raza made the presentation and provided plans for the review. There will be one catch basin that will be added. The length of the existing pipe will be extended. The drainage will not be changed. The Commissioners studied the plans. DL made a motion to issue a Negative I Determination. DF seconded the motion and the Commission voted to agree 6-0.

Approve Minutes: *February 23, 2017*- DF made a motion to approve as amended. DL seconded the motion. The Commission voted to approve 6-0.

DF made a motion to adjourn and DL seconded the motion. The Commission voted to agree 6-0 and the meeting was adjourned at 10:25 PM.

Notice of Intent SMA, Pittsfield Municipal Airport (PMA), 0 West Mountain Rd., Map 27 Parcel 24. The Public Hearing was closed on Feb. 16, 2017 and the Order of Conditions is to be completed by 21 days. The Commissioners met to deliberate the Order of Conditions (O of C) on February 23, 2017. Additional time was required for TF, JS and DF to work on composition of the O of C. (History-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. On December 3rd, the NOI was continued to Jan. 21, 2016. On Jan. 21, this was again continued to February 4th. At the Feb. 4th meeting this was continued to February 18th. On February 18th, the seeding and grading phase was approved and the hearing was continued to July 21, 2016. On July 21, 2016 continued to Sept. 1, 2016 and again continued to October 6, 2016. The latter meeting was canceled and continued to November 3, 2016 as per Stantec who stated that they needed information from John Burns, the peer review consultant, and correspondence from the Pittsfield City Solicitor regarding the language of the airport's legal easement which will need to be reviewed by Town Counsel. Continued again to December 8, 2016, but prior to that, Stantec, stating that they had verbal agreements with all parties, request further continuation to have time to draft the document for final approval. Continued to January 5, 2017 and at that time continued to January 19, 2017. A PMA representative was not available at that time. It was agreed to continue again to Feb. 2, 2017 and that by January 27th, outstanding questions of the Commission would be prepared by TF and JS and submitted to Stantec. Continued to Feb. 16, 2017 when the Public Hearing was closed and the Order of Conditions is to be completed by 21 days)

To bring everyone up to date, TF summarized the last meeting when the Commissioners reviewed supporting documents and a preliminary summary of findings. It was agreed at that time that TF would take on the task of writing up in the form of an Order what the Commission could consider. The goal is to have a concise Order of Conditions for the applicant to follow and a Findings Document that would provide reasoning and references with which to back up the Order. This, he said, is what MACC suggests. The Commission has 21 calendar days from the date of closing of the Public Hearing. The Findings Document doesn't have to be issued with the Order, and additional time will be used to make sure the file is complete. The Findings Document which tells everyone how and why the decision was made.

TF presented to the Commissioners a working draft of the work he had done since the last meeting and left space for DF and JS to add comments. He said that he tried to follow the language of the SMA and Regulations and the procedures outlined by MACC, Mass Audubon, DEP and DCR. Identification details have not yet been added for the RDA and NOI, but need to be gathered. The Commissioners were provided with copies of TF's working draft which included the following topics:

- Findings of Fact
- Orders to Restore the Site and Remedy Violations
- Barricade Order
- Topographic Restoration Order
- Plant Restoration Order
- Monitoring Order
- Certificate of Compliance

Discussion ensued regarding each of the aforementioned topics. JS shared the work which he had done regarding the Plant Restoration Order.

Following in depth discussion of each topic and agreement on, it was agreed that JS will work independently on the planting plan, looking at the area and density and come up with a reasonable number and then provide that information to TF. TF will then incorporate JS's notes and the changes the Commissioners agreed to at tonight's meeting into the working draft. The final draft, a proposed Order of Conditions, will be provided to the Commissioners at the meeting of March 7 at 7:00 PM.

The Order of Conditions, once approved, must be posted the following day. The next step is to compile the findings document which is to include every piece of information the Commission has considered.

Respectfully submitted,
Peggy Ammendola