

## Conservation Commission Minutes, 04/20/2017

### Lenox Conservation Commission Landuse Meeting Room April 20, 2017 Minutes

**Members present:** Chair Neal Carpenter, (NC); Tim Flanagan, (TF); David Lane, (DL); Joseph Strauch, (JS);

**Absent with notification:** Vince Ammendola, (VA); Rose Fitzgerald Casey, (RFC); and Dick Ferren, (DF)

**Notice of Intent, Joseph Toole, Map 33 Parcels 1 & 1.1, and Map 50 Parcel 1, 445 Pittsfield Rd. (Rear).** AKA The Toole Wildlife Preserve~File Number 198-0296. Proposal is to install 3 boardwalks to span beaver-flooded areas & wetlands to restore a complete public access loop trail around the property & create wildlife viewing locations. ~Continued from January 19, 2017, to February 2<sup>nd</sup>, and to April 20<sup>th</sup>.

NC read an email from Sarah Gapinski of SK Design Group in which she requested a continuation to September 7, 2017 at 7:30 PM. This will permit time for the listed endangered species to emerge and then be studied. Their growing seasons vary between June and August. By the September meeting she should be able to provide a complete update of the project.

TF made a motion to continue the hearing to September 7<sup>th</sup> and DL seconded the motion. The Commission voted to agree 4-0.

**Notice of Intent, Kerry Stein, Map 2 Parcel 5, 37 Bramble Ln.**~The proposed project is the demolition of existing single family house and construction of a new house and sewer connection.~*Originally scheduled for April 6<sup>th</sup>, but rescheduled as White Engineering needed more time to prepare architectural drawings.*

Presenting the application was Shannon Boomsma, Environmental Analyst with White Engineering, Inc. and David Potter of River Design in West Stockbridge. New drawings and elevations were presented and Ms. Boomsma pointed out on the plans the outline of the existing structure and the proposed and explained the changes from the first set of plans for the house and the one now being proposed. The plan for the proposal is labeled "B". The home will be no closer to the lake than the existing, but the footprint on the east and west sides of the structure are increased a little. With this latest plan a double garage is proposed. The basement is a walkout. The house will connect to the sewer on Bramble Lane. The existing square footage of all structures is 2014 and the proposed project will total 2830 square feet, so the impervious surface will increase by about 816 square feet.

There was discussion regarding the roof drainage in which Mr. Potter described the 36 inch apron that will be filled with stone and drainage pipe at the drip line and connect to the existing drainage pipe. This detail was drawn in on the plans during the meeting.

DL made a motion to accept the project with the following conditions:

- There will be no tree cutting except for the garage area and what has been indicated on the plans.
- The Lenox Conservation Commission will be notified when the siltation devices are in place so that this preparation can be inspected. No work can commence before this is done.

JS seconded the motion and the Commissioners voted to agree 4-0. Ms. Boomsma said the devices that will be used are silt fencing and wattles.

**Request for Determination of Applicability, Michael Deep for property located at 405 Pittsfield Rd., Map 28 Parcel 34 known as Berkshire Mobile Home Park.**~The proposed project includes the demolition of 2 trailers and the pouring of 7 cement pads and installation of a new home.

Bryan Millard presented the RDA and reviewed the plan with the Commissioners. All lots already have water, sewer and power in place and some lots have pads, and some do not. Mr. Millard was told that it was noted at the site visit that one of the lots is located in the riverfront area, and to do anything there would require him to have an engineering firm do the necessary work and file an NOI.

DL made a motion to issue a Negative 2 Determination for the project as presented with the following conditions:

- Remove brush piles at edge of bank at wetlands
- Any pads to be poured within the 200' riverfront area will require the filing of a Notice of Intent.
- Call the Lenox Conservation Commission when the siltation devices are in place for inspection before demolition starts.
- This is not approving wetland delineation.

NC advised Mr. Millard to maintain the erosion control while project is ongoing. He also told him that this determination is good for 3 years.

**Doug Bruce BNRC informal discussion regarding trails at Parson's Marsh**-BNRC has 33 acres across from Undermountain Farm and they have under option a small part of the Sprague property. Initially it was suggested to the Commission that there would be a boardwalk on Conservation Commission land, but since the site visit, it has been decided to do a 1600 foot trail (This length could change.) on BNRC property and a small part of the property they have under option, with 700 feet of hardened surface under option. The other 900 feet would be mostly boardwalk and bridge. The trail would go through various resource areas including streams, buffer and into wetlands. The trailhead would be just north of the tree line where there are no resource areas. Mr. Bruce, using a prepared drawing, pointed out additional trails and if the budget allows, observation platforms. Mr. Bruce discussed different materials that could be used for the hardened surface and either pressure treated wood or black locust lumber for the boardwalk. There would be no excavation, so very little ground disturbance. The trail width would be 5 feet and the boardwalk 4 feet wide.

Regarding the height of the boardwalk, they wish to keep the height less than 30 inches, because if over that, the building code requires that rails be installed.

The trail would be universally accessible. It is hoped that funding could be secured through the Community Preservation Act.

Discussion ensued regarding the project needing to meet the Commission's performance standards, one of which would be to be that the boardwalk be higher than 30 inches. Other items discussed included, but not limited to, light penetration, and not needing to do a large delineation. TF said that it would be important to delineate where one left the upland and entered the wetland area and how many feet into the wetland would a trail length be. Mr. Bruce said that an area that would be for visitors would not be cleared other than the lopping of honeysuckle. TF said that when BNRC files the NOI, it is important that anything that is to be done be made a part of the plan provided to the Commission.

**8:30 PM**~Request for Determination of Applicability, MassDOT at Route 7&20 near Station 184+00. ~The proposed project is to install sub drain for drainage improvements.

Presenting the RDA was Amer Raza of MassDot. Also present was Steve Morrison of Morrison Home Improvement. Mr. Raza reviewed the plans with the Commission. He explained that during the reconstruction of Routes 7 & 20, MassDot installed a new drainage system there was some understanding with George Hashim, the property owner. The manholes connected with reinforced concrete pipes but there was no outlet at the southern manhole. The installation was for future development. Mr. Raza reviewed the plan with the Commission and pointed out the location of the drainage system. Mr. Morrison, who owns the property at 25 Pittsfield Road, reports that after heavy rain, his driveway is washed out. His property is 4 acres and has a wetland in the back of his property. He said that the manhole in his driveway was opened and it was determined that it didn't go anywhere.

After a lengthy discussion it was determined that there was a need for further information before the Commission could review the project. Questions included, but not limited to, the depth of the installed pipe system. TF stated his concern that the Commission doesn't have enough information and pointed out that there are wetlands both uphill and downhill of the project that aren't shown on the plan; they do not know what the water table is at any point along the project and that they are guessing the elevation of the water going into the pipe across the road and the elevation of water going out; what is the new pipe is going to do; not sure what kind of pitch is from manhole to manhole.

DL made a motion to continue to at 7:30 PM on May 18<sup>th</sup>. Due to the Annual Town Meeting on May 4<sup>th</sup>, the Commission cannot meet. JS seconded the motion and the Commission voted to approve 4-0.

There will be a site visit at 3:30 on April 27<sup>th</sup>. The manhole will be opened for inspection.

**Approve Minutes**- April 6, 2017-JS made a motion to approve the minutes as presented. DL seconded the motion and the Commission voted to approve 4-0.

#### **Site Visits-**

- MassDOT at Route 7&20 near Station 184+00-April 14, 2017 at 4:00 PM-Attended by TF, JS and NC. DL went on his own time.
- 405 Pittsfield Rd., Map 28 Parcel 34 known as Berkshire Mobile Home Park-April 14, 2017 at 3:30 PM-Attended by Brian Millard, representing Berkshire Mobile Home Park, TF, JS and NC.

#### **Other Business-**

- In regards to the hearing of April 6, 2017 for the Notice of Intent, Scenic Mountain Act, (SMA), Map 17 Parcel 40, Town of Lenox, Aspinwall Rd, aka Kennedy Park Belvedere, DL stated that he has come to the conclusion that it would not be a great impact to permit the Kennedy Park Committee to remove the trees to open the view. He asked the Commission for their opinion, suggesting permitting it to be done once and then have the Committee commence a maintenance program to maintain the view. It was agreed that the Act doesn't ask the Commission to determine if a view is scenic or not. The Act states that the cutting of trees harms the scenic view.
- JS wanted to discuss different issues with the Edith Wharton property. He first asked about the proposed parking and why it couldn't be put in the woods. Others felt that the better location would be at the end of the field and pointed it out in relation to the house. JS referred to an email from Gwen Miller, Land Use Director, asking when the bobolink survey could take place. Robert

Nelson of Lee is working on a grant that requires that they have an inspection report. Discussion became centered on what authority did the Lenox Conservation Commission have regarding Edith Wharton and that the authority should be balanced between the towns of Lee and Lenox. JS feels that the Commission is out of the loop. He feels strongly that the birds should be protected and trails could go around the protected area. He believes that there should be a bobolink sanctuary and that “birders” should be made aware of proposals. The survey of the birds can’t be done until August. JS said that he has been in discussion with Gwen Miller.

- DL stated that there was state owned property on Walker Street on the other side of the bypass that he feels would be good for a dog park.

DL made a motion to adjourn. JS seconded the motion. The Commission voted to agree 4-0 and the meeting was adjourned at 9:45 PM.

Respectfully submitted,  
Peggy Ammendola