

Conservation Commission Minutes, 03/15/2018

Lenox Conservation Commission
Landuse Meeting Room
March 15, 2018
Minutes

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

Absent with notification: Rose Fitzgerald Casey, (RFC)

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

The meeting was recorded.

Approve Minutes-March 1, 2018-DL made a motion to approve the minutes as presented. DF seconded the motion and the Commission voted to approve 5-0.

Notice of Intent (NOI), Town of Lenox, Walker Street, Maps 4, 7, 8, 38 and 39, Right-of-Way. The proposed project is roadway reconstruction, sidewalks, drainage improvements and related work. The File Number for this project is WE 198-0305.

Filed with the NOI was the Environmental Notification Form and Stormwater Report.

Presenting the application and site plan was Marc LeVassuer of Foresight Land Services. Mr. Levasseur reviewed the details of the set of plans with the Commission.

Also present was Bill Gop, Superintendent of the Lenox Department of Public Works, and Mike Kulig of Berkshire Engineering Inc.

Mark Stinson of Mass DEP, when issuing the File Number also issued comments with regard to the project. Mr. LeVasseur reviewed them and his responses to the six comments with the Commissioners. One of Mr. Stinson's comments was a reminder that the Commission could hire a consultant for a peer review. NC discussed with GM and it was agreed this should be done in light of the size of the project. NC contacted Mr. Kulig at Berkshire Engineering Inc., and he agreed to do the review.

Mr. LeVassuer stated that this is a Mass DOT project that is federally and state funded. The reconstruction will be from Routes 7 & 20, Kimball Farms entrance, east to Crystal St. The roadway will be 32 feet wide, with each lane measuring 11 feet and on either side there will be five foot lanes (shoulders) for bikes. A sidewalk will go the length of the project and the existing sidewalk on the other side of the road in Lenox Dale will be replaced. Stone walls are proposed where there are wetlands to limit disturbance to the wetland. Shrubs and trees are proposed as mitigation and replication in accordance with the Wetland Protection Act requirements. Deteriorating and insufficient sections of the Lenox Dale drainage, water and sewer systems are to be replaced. Mr. LeVassuer's review included several site plans of the entire project area and reviewed in detail the individual wetland areas and the impact the project would have on them with the Commission.

The angle at the intersection of Walker Street and East Street will change a little, and an island is proposed.

The Massachusetts Environmental Policy Act (MEPA) review is expected to be issued March 23, 2018.

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JS made a motion to continue the hearing to April 19th at 7:30 PM. VA seconded the motion and the Commission voted to agree 5-0.

A site visit will be scheduled prior to the meeting dependent upon the weather.

Notice of Intent, David Ward, Stone Path Development, Inc., 241 Walker St., Map 8 Parcels 1 & 6-1. MA DEP File # 198-0300. The project is the construction of a 9 unit residential development with associated roadway and driveways. First hearing November 2, 2017. Continued to November 16th. Continued again to December 21st. On December 21, applicant requests to continue to January 4, 2018. Due to the inclement weather the meeting was continued to January 18, 2018. On January 18th the applicant requested another continuance to Feb. 1 and on Feb. 1st they asked to continue to February 15th. On February 13th, Chair Neal Carpenter advised that the applicant asked for another continuance to March 1st. Continued again to March 15th at applicant's request.

Present was Jim Scalise of SK Design and David Ward.

Mr. Scalise stated that the applicant has gone through the municipal review process and a peer review and in January received final comments from Foresight Land Services. The applicant has responded to every comment and satisfied the peer review. The meetings, he said, have been continued in conjunction with the Planning Board for some political reason.

Mr. Scalise reviewed the plan to refresh the Commission's memory. He said that they received the Commissions draft conditions and he suggested that the conditions be included in the Planning Board's decision because some of the Conservation Commission's conditions are outside of the Commission's jurisdiction and therefore difficult to enforce outside of its boundaries.

Mr. Scalise said that in response to the Commission's request to include boulders, he will include them on his final drawings. They will be placed where the stump dump is presently. The stumps will be removed and the boulders will mark a non-disturb area between the boulders and the top of bank of the intermittent stream. The circle turnaround has been changed to a hammerhead because it reduces the limit of work and facilitates the drainage. The neighbors had requested that rather than to direct the flow towards their development instead of routing across the site to the side of

the watershed. In the fall a topographical survey of the wetlands area was performed. Grades were determined where the surface water flows north to northwest and curves to the east before it goes down to East Street. Right outside of the buffer, the plan calls for an energy dissipater which will diffuse and slow down the water and dissipate any energy as it enters the level spreader. Since last meeting some things that have been done included, but not limited to, the conducting of test pits to confirm the ground water, eliminating roof top chambers, adding footing drains, etc. Mr. Scalise explained that the reasoning for this was that they didn't want to mitigate the volume of the 100 year storm by capping the volume and peak flow which alleviates and delays water on site to give it time to drain. The neighboring condominium project has a culvert under their roadway which has the capacity of about 30 CFS (cubic feet per second) and the one downstream at the next subdivision has the capacity of 95 CFS. This plan would release the captured water at a safe rate.

VA made a motion to issue the Order of Conditions with the following special conditions:

- For installing footing drains at buildings # 3 and #5 where pipes extend into tree line. No trees over 6" are to be cut.
- Footing drains on buildings #3 and #5 are to be used for footing drains only. No gutters.

DL seconded the motion and the Commission voted to approve 5-0.

Respectfully presented,
Peggy Ammendola