

## Conservation Commission Minutes, 04/05/2018

**Lenox Conservation Commission  
Landuse Meeting Room  
April 5, 2018  
Minutes**

**Members present:** Chair Neal Carpenter, (NC); Joseph Strauch, (JS); Dick Ferren, (DF); and Vince Ammendola, (VA); David Lane, (DL)  
**Absent with notification:** Rose Fitzgerald Casey, (RFC)  
**Staff present:** Peggy Ammendola, Land Use Clerk, (PA)

Also present was Mark Stinson, of Mass Department of Environmental Protection and Ken Kelly of the Lenox Land Trust.

The meeting was recorded.

**Notice of Intent, Native Habitat Restoration LLC, ( NHR, LLC) 91 Pittsfield Road, Map 22 Parcels 1 & 42, known as the Arcadian Shop and Lenox Woods-** DEP File # 198-0308 The proposed project involves the control of invasive non-native plants, specifically Hardy Kiwi vine.

DEP, when issuing the file number noted the following:

- This project has been submitted as an Ecological Restoration Limited Project. The Commission needs to review 310 CMR 10.11, 310 CMR 10.12 and 310 CMR 10.53(4) (e)5 as well as the included Appendix A.
- The Commission needs to wait to close the public hearing until (Natural Heritage Endangered Species Program (NHESP) has issued the Determination letter.

Jess Toro of NHR, LLC presented the application. With regard to item #2 above, NHESP has issued the Determination letter and this project can proceed. Ms. Toro said an additional area of kiwi that is south of the main patch and up to the condos will be treated also. The cut stem treatment is the method that will be used. She has consulted with Jacob Kubel of NHESP who is in charge of amphibians and he has helped her with the criteria for around the vernal pool. It was advised that there be no walking or cutting during the month of April. Ms. Toro said that they will be doing the treatment in late May into June.

This work to eradicate the kiwi, which is being funded by a state grant, is a continuation of the work done in Kennedy Park that was approved in 2015.

The Lenox Land Trust holds a Conservation Restriction on the Lenox Woods portion so they have been advised of this project as has the Department of Fisheries and Wildlife and Department of Conservation and Recreation.

The state had advised that if work was proposed in the old field portion of this property, a plan must be developed to avoid impacts to state-listed plants, and must be approved by NHESP prior to work. It was agreed that this would be a special condition to the Order. Ms. Toro said that they are not working in that area, known to be a wet meadow, as kiwi is not growing there.

Mr. Stinson informed Ms. Toro and the Commission that in the Order of Conditions, under Section C. General Conditions Under Massachusetts Wetlands Protection Act, the time for completion has been extended to a specified date more than three years but less than five years, from the date of issuance. This is addressed in Section C. #4. Since these treatments are to be ongoing, it was suggested that she request five years. It was agreed to add as a Special Condition.

Mr. Kelly of the Land Trust asked that they be notified when the work commences.

JS made a motion to issue an Order of Conditions with the Special Conditions as follows:

- If work is proposed in the old field portion of this property, a plan must be developed to avoid impacts to state-listed plants, and must be approved by NHESP prior to work.
- These treatments are to be ongoing; therefore these conditions will remain in force for five years.

DF seconded the motion and the Commission voted to agree by a vote of 5-0.

**Notice of Intent, Sarah Hatch, 183 Housatonic St., Map 44 Parcel 64-** DEP File # 198-0306: The proposed project includes the removal of an existing shed and installation of a small garage within a buffer zone.

Present were Sarah Hatch and Jim Hatch and Mike Kulig of Berkshire Engineering.

Mr. Kulig reviewed the plans with the Commission. The resource area and buffer zone is a maintained BVW lawn area. Overhead power lines, gas lines, drain line, etc., restricts the property owner from placing the proposed garage elsewhere on the property. The 18' by 10' existing shed is in the buffer zone and it will be removed and replaced with a 24'x24' double car garage. The lawn has always been mowed, and it is the only lawn for the property.

DL made a motion to issue an Order of Conditions with special conditions as follows: In grass area no grade around foundations can be any higher than existing. Any excess fill must be removed from property. Before starting the project, siltation devices are to be installed and the Commission is to be notified when in place. DR seconded the motion and the Commission voted to approve 5-0.

There was a site visit on March 20<sup>th</sup> and was attended by NC and Mr. Kulig.

**Notice of Intent, Eversource Energy for Electric Transmission Line 1161** DEP File # 198-0307-for the replacement of damaged and aging structures in the Eversource electrical transmission right of way.

On April 4, 2018, Josh Wilson, Senior Project Manager of Fuss & O'Neill requested a continuance to April 19, 2018. DF made a motion to continue and JS seconded the motion. The Commission voted to agree 5-0.

**Approve Minutes-March 15, 2018**-DF made a motion to approve the minutes as written. DL seconded the motion. The Commission voted to approve 5 to 0.

**Other Business-**

NC said that the Town Planner had asked about a Certificate of Compliance for Baker's Pond, but the Commission agreed that the work agreed upon has not yet been completed.

DL made a motion to adjourn and JS seconded the motion. The Commission voted to adjourn at 8:30 PM by a vote of 5-0.

Respectfully submitted,  
Peggy Ammendola