

Conservation Commission Minutes, 05/10/2018

**Lenox Conservation Commission
Landuse Meeting Room
May 10, 2018
Minutes**

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

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

Notice of Intent, Eversource Energy for Electric Transmission Line 1161 for the replacement of damaged and aging structures in the Eversource electrical transmission right of way. The first hearing date was April 5, 2018, but on April 4th, Josh Wilson, Senior Project Manager of Fuss & O'Neill, requested a continuance to April 19, 2018. Revised copies of the NOI were delivered to the office on April 17th, which did not allow the Commissioners enough time to review prior to the April 19th meeting. Another request for a continuance was for May 3rd. After confirmation of that date, the Land Use office realized that it conflicted with the Annual Town Meeting. The hearing was continued to May 10th at 7:30 PM to accommodate the Applicants. NHESP FILE # 18-37686 and Mass DEP FILE # WE 198-0307.

Presenting the application was Simon Hildt who represented Eversource. Mr. Hildt provided to the Commission the proof of mailings of notification to abutters to the project.

On May 9, 2018 Melany Cheeseman, Endangered Species Review Assistant with the Natural Heritage & Endangered Species Program sent via email the following:

- State-Listed Species Habitat Assessment and Survey Guidelines: Plants
- Letter dated May 9, 2018 from Tom French, Assistant Director of the Division of Fisheries & Wildlife.

The letter stated that the NOI had been received as well as the MA Endangered Species Act Regulations (MESA). Mr. French said that the Division had determined that this project, as currently proposed, would not adversely affect the actual Resource Area Habitat of state protected rare wildlife species and he believed that the project met the state listed species performance standard for the issuance of an Order of Conditions. The letter further stated that a portion of this project must be conditioned in order to avoid a prohibited "Take" of state listed species.

Mr. Hildt said that the project is a structure (utility poles) replacement project. At Overmeade Farm and an area off of Holmes Road a little bit of grading will be done to be able to place construction mats to create safe work pads. The bulk of the structures will be at Overmeade in the horse corral where it is fairly level. When the project is completed the areas will be restored.

The NOI was originally submitted with the understanding that the work would be within the buffer zone, but there is a stream which falls just below the threshold under the Wetland Protection Act so it was re-filed for a Riverfront Area.

NC noted that some of the work is right in the wetlands even though 90% would be temporary. Mr. Hildt said that the only activity that is within the BVW would be the placement of the timber mats. There will be no grading within the wetlands. There may be some vegetation trimming by hand, or mats will be placed on top of the vegetation or shrubs. When the mats are removed, the shrubs will recover.

Mr. Hildt reviewed with the Commission the steps for the installation of the poles and answered questions about particular poles and the unique conditions of their proposed locations. He said that they would not go any closer than within 10 feet to the wetland flags. Steel poles will be used and the old poles will be removed.

NC read aloud through special conditions he had drafted that would be a part of the Order of Conditions. Discussion followed.

The power company formerly thought that anything that had to do with maintenance of power poles was exempt, but in recent years DEP has disagreed. Mr. Hildt said that an administrative consent order allows power companies now to just replace a pole and use matting if no grading is involved. They can do this with a maintenance notification letter to the Commission. There are two locations, one at the Lenox Sportsmen's Club and the other referred to as pole number 40041 where poles were replaced without a notification to the Commission. Mr. Hildt made note of that and said he would check on.

DL made a motion to accept the project with Special Conditions as discussed. RFC seconded the motion and the Commission voted to agree 6-0.

Site Visit-NC and DL went to the site on April 18th.

Approve Minutes-April 19, 2018- DL made a motion to approve the minutes as presented. JS seconded the motion and the Commission voted to approve 5-0-1. DF abstained as he was not present at that meeting.

RFC made a motion to adjourn and DF seconded the motion. The Commission voted to agree 6-0 and the meeting was adjourned at 8:42 PM.

Other Business:

- On May 22nd at 6:30 PM there will be an MACC workshop in the Town Hall auditorium.

Respectfully submitted,
Peggy Ammendola