

Conservation Commission Minutes, 10/06/2016

Town of Lenox Conservation Commission

Minutes

October 6, 2016

Members present: Chair Neal Carpenter (NC), Tim Flanagan (TF), Dave Lane (DL), Rose Fitzgerald Casey (RFC), Joseph Strauch (JS), Dick Ferren (DF)

Absent w/ Notification: Vincent Ammendola, Peggy Ammendola

Staff present: Gwen Miller, Land Use Director/Town Planner

Minutes

DL made a motion to approve the minutes of September 15, 2016 as amended. DF seconded the motion. All approved.

Notice of Intent SMA, Pittsfield Municipal Airport (PMA), 0 West Mountain Road, Map 27 Parcel 24

NC read an e-mail from Jim McLaughlin of Stantec indicating they required information from John Burns, the peer review consultant, and correspondence from the Pittsfield City Solicitor regarding the airport's legal easements right to path on to our legal counsel's review. He requested the hearing be continued until November 3rd. JS moved to continue the hearing, RFC seconded. All members approved.

Request for Determination of Applicability, Eli and Carolyn Newberger, 132 Lime Kiln Road Map 27 Parcel 34

NC read the request for determination of applicability: the owners request tree removal at driveway, behind house and by quarry and removal at berm. Upon tree removal on the berm, the berm will be regraded. They will add a 6'x12' unconditioned mudroom at the front of the house, which will increase the footprint but fills a notch and will not increase the home's extension to the road. There will be a small shed constructed and set on a platform mounted to geo-technic metal posts.

Present were Eli and Carolyn Newberger, with Mark Smith was representing them as Josh Allentuck was traveling. Mark Smith displayed a drawing of the home plans. He explained the road will be very close to the new mudroom. He indicated the erosion below the berm.

NC moved to make a negative 2 determination, as the work will be done in the buffer zone and in the riverfront area, so is subject to the Act but will not alter, dredge, or remove resource area and is not subject to a notice of intent.

JS asked what would happen to the berm. The Newbergers indicated they do not presently have a plan for the berm. Mark Smith stated there is a lot of rock and root materials by the berm, and there is also a great deal of ledge.

DL suggested something would need to be done for retention if the berm is removed.

TF suggested the Newbergers submit a plan for a retaining feature prior to removing the trees.

NC suggested issuing the negative 2 determination with the condition that the owners must submit a retention plan prior to altering or removing the berm. This would allow them to do everything else in the plan prior to submitting the retention plan.

JS moved to approve the negative 2 determination with the condition that the owners must submit a retention plan prior to altering or removing the berm. DF seconded. DL abstained; all approved.

Notice of Intent, Edward Merritt 139-2 Lime Kiln Road, Map 27 Lot 19-2

Rob Akroyd of Greylock Design was present to present changes to the site plan for the studio lot at 139 Lime Kiln Road.

NC suggested they first issue a partial Order of Compliance for the property at 139-2 Lime Kiln (Map 18, Parcel 2) also known as the "studio lot".

He summarized that none of the work listed in the previous Notice of Intent had been completed except for the replication planting, but that the Commission should issue a partial Certificate of Compliance prior to opening a new Order of Conditions for the new Notice of Intent.

NC also noted the enforcement orders for the property had been released.

DL asked what work remained. Mr. Akroyd stated the following:

- construction of a stone wall having spaces at ground level every 10' for possible salamander migration which was amended to a split rail fence;
- driveway resurfacing
- And removal of some trees

DL made a motion to issue a partial Certificate of Compliance, TF seconded. All approved.

Mr. Akroyd introduced the revised site plan for 139-2 Lime Kiln Road. He explained that the owner would like to resurface the driveway, bury utilities, add to the existing garage and create one enclosed unit from the existing barn, add a 20' x 30' swimming pool with hardscape surround laid on porous surface, install a 5' x 9' solar panel and reconstruct a 12' x 12' shed. This work will include site improvements including a cantilevered entrance gate, remove an existing, dying ash tree, install a privacy fence, a post and rail fence, remove 3 white pine trees by the pool. He noted his client has proposed a 1:1 or 2:1 tree replacement ratio.

Mr. Akroyd noted he had spoken with Mark Stinson from DEP during the afternoon. According to Mr. Akroyd Mr. Stinson suggested the following:
-Replace OLIVER (MassGIS) floodplain layers and use FIRMs instead, as these are more related to contour.

- Conduct calculations for riverfront redevelopment
- the pool would be exempt from the Act as it is currently grass
- the fees will be \$330, as there are 3 Category I projects.

TF said the Commission will need a new site visit and an updated plan. NC requested that Mr. Akroyd stakeout all of the site plan components on the site. NC asked if the floodplain was currently shown on the map, as Mark Stinson had indicated it was not. Mr. Akroyd said it was, Mark Stinson had not seen it.

NC reminded Mr. Akroyd the Cons Comm would prefer the utilities to be buried in the road to avoid the loss of trees.

RFC asked if the pool would be chlorinated or salt water. Mr. Akroyd indicated it would be operated with a saltwater generator. He stated he would prefer to not place the utilities in the road, especially since his client has offered to replace trees.

NC concluded by stating the project has incorporated many changes since the initial Notice of Intent years ago, and that the site poses many challenges. The commission scheduled a site visit for October 11 at 4 P.M.

Eli Newberger requested to make a public comment regarding the proposed site plan. He expressed concern with the willingness of the property owner at 139-2 Lime Kiln Road to comply with rules and regulations.

DF made a motion to continue the hearing until October 20 at 7:30. RFC seconded. All approved.

The Commission received request for a partial Certificate of Compliance from Rob Hoogs of Foresight Land Services for the property of James G. Nejaime and Heidi Y. Nejaime, 6 Stone Ledge Road.

An Order of Conditions was issued to Sawmill Realty Incorporated and the Conservation Commission is still waiting for Conservation Restriction (CR) on entire project. The lot requesting the Certificate of Compliance is not part of the CR therefore Commission issued a partial certification.

DF made a motion to issue the partial Certificate of Compliance; RFC seconded and all approved.

GM provided a brief update to the Commission regarding the kiwi treatment in Kennedy Park. She stated the work has been nearly completed in the northern work area, with a few smaller areas requiring treatment and the southern area to be completed at a later phase.

The meeting adjourned at 9:13 P.M.

Minutes submitted by Gwen Miller.