

## Conservation Commission Minutes, 01/05/2017

### Lenox Conservation Commission Landuse Meeting Room January 5, 2017 Minutes

**Members present:** Chair Neal Carpenter, (NC); Vince Ammendola, (VA); Tim Flanagan, (TF); David Lane, (DL); Rose Fitzgerald Casey, (RFC); Joseph Strauch, (JS)

**Absent with notification:** Dick Ferren, (DF)

**Staff present:** Gwen Miller, Land Use Director/Town Planner, (GM); Peggy Ammendola, Land Use Clerk (PA)

**Notice of Intent SMA, Pittsfield Municipal Airport (PMA), 0 West Mountain Rd., Map 27 Parcel 24.** On May 15, 2014, the Conservation Commission issued a Negative Determination subsequent to PMA filing a Request for Determination for the re-clearing of an existing easement and the replacement of the existing beacon and beacon pole which had fallen into disrepair at property located at West Mountain Rd. Subsequent construction activities have resulted in additional impact within the areas subject to the Scenic Mountain Act and the need for site restoration of construction access within and adjacent to the easement on land of Mass Audubon. *Informal on August 20, 2015 and the first hearing was held on September 17, 2015. Update on October 1<sup>st</sup> and continued for another update on October 15<sup>th</sup>. No one was present, nor was Commission contacted for the Oct. 15 meeting. Continued to November 5, 2015 and at that meeting this was continued again to December 3rd. The Lenox CC attended a meeting of the Richmond CC on November 10, 2015 at 7:00 PM. On December 3<sup>rd</sup>, the NOI was continued to Jan. 21, 2016. On Jan. 21, this was again continued to February 4<sup>th</sup>. At the Feb. 4<sup>th</sup> meeting this was continued to February 18<sup>th</sup>. On February 18<sup>th</sup>, the seeding and grading phase was approved and the hearing was continued to July 21, 2016. On July 21, 2016 continued to Sept. 1, 2016 and again continued to October 6, 2016. The latter meeting was canceled and continued to November 3, 2016 as per Stantec who stated that they needed information from John Burns, the peer review consultant, and correspondence from the Pittsfield City Solicitor regarding the language of the airport's legal easement which will need to be reviewed by Town Counsel. Continued again to December 8, 2016, but prior to that, Stantec, stating that they had verbal agreements with all parties, request further continuation to have time to draft the document for final approval. Continued to January 5, 2017.*

Making the presentation was Jim McLaughlin of Stantec. Also present were David Keator and Thomas Sakshaug of Pittsfield Municipal Airport Commission.

A revised plan was submitted to the Commissioners via email on January 3rd and hardcopies were delivered to the Town Hall on January 4th. Mr. McLaughlin said that Audubon and the Pittsfield Airport Commission are in full agreement with all aspects of the plan including the specifics of the revised planting scheme and monitoring plans. Differences from the previously presented plan and this plan were pointed out. Instead of planting 2,000 saplings they will plant 5,000 raspberry plants native to the area that are two separate species. Each will have a mulch ring and be inoculated as John Burns had suggested. At the top of the trail they will do hydro seeding rather than plug because the soil isn't very deep. The seeds will be tamped in by foot. The logs at the trail will be moved to different angles so that it doesn't look like a park trail. Raspberry will be planted on the trail to impede foot traffic.

They will repair the erosion control measures and put in permanent signage and sawhorse type barricades. Mr. McLaughlin said that it will be obvious to people that they should avoid this area. If the sawhorse barricades do not work, then something more significant will be used. Mr. McLaughlin also said that there will be a joint letter sent out to landowners informing them of the restoration. Ms. Cushing stated that there is an agreed on plan for responding if people are getting in and disturbing the restoration area.

Audubon is in agreement with the environmental monitoring plan that goes out for five years. If Stantec is not meeting the level of restoration as predicted then another year will be added and so on until the goals are met.

TF asked Mr. McLaughlin if he could summarize the criteria for success at the 5 year point. Mr. McLaughlin stated that since he was not an environmental scientist, he did not feel he was qualified to answer the question, but he said that the report addresses this in detail and has been vetted by Audubon and their environmental scientist.

Mr. McLaughlin asked that the Commissioners read the plan and that if they had any questions to arise to submit them prior to the next meeting and he would provide answers. He hopes that there will be a positive vote at the next meeting.

DL made a motion to continue the hearing to January 19, 2017 at 7:30 PM. VA seconded the motion and the Commission voted to agree 5-0-1 with TF abstaining.

Note: JS left the meeting at the close of this hearing.

**107 Yokun LLC for property located at 107 Yokun Ave., Map 12 Parcel 2-1. Request for Determination of Applicability** regarding some work in a 100 foot buffer zone including some minor re-grading, utility installations, dumpster pad construction and remodeling of existing building.

Making the presentation was Robert Fournier of SK Design. Present was Jamie Berg and her son, Josh.

Mr. Fournier, using site plans, reviewed the project. The existing building, formerly Lenox Institute of Water Technology, will be remodeled and converted for a treatment facility for young women with eating disorders. The footprint will not be changing, and most of the work will be to the interior of the building. There will be some improvement to the exterior. The remnants of a garage and old stairs will be removed as well as some pavement as there will be reduced parking from the original use. Pictures were shown to illustrate some of disrepair. There is an intermittent stream near the maintenance building and work will be done in the buffer zone. Proposed are a new terrace wall, conduit work for lighting, and

some utility work. There exists a subsurface septic system, but the plan is to tie into town sewer. There is one catch basin behind building which accepts surface water.

TF asked about the drain for the shed which had been noted on the site visit. Mr. Fournier said that after an all morning rain, he investigated and it was dry. He has no reason to believe that there are any issues. NC asked that they look into this drain when putting in the new pump. TF said that the plan needs to reflect where this pipe originates and where it discharges. Mr. Fournier stated that he will determine and advise the Commission.

There is a natural low spot that will be made into a rain garden.

DL made a motion to issue a Negative III Determination with the condition that the pipe be identified and that the plan be updated to reflect that. RFC seconded the motion and the Commission voted to agree 5-0.

**BNRC Acceptance of Watershed Conservation Restriction (CR)** – The presentation was made by Tad Ames, President of Berkshire Natural Resources Council. Mr. Ames stated that work on this CR began almost five years ago and has been approved by Mass DEP, the Environmental Affairs Secretary and the Board of Selectmen. As six acres of this property is in the Town of Richmond, the Richmond Board of Selectmen will have to sign off and then Representative Smitty Pignatelli will file Article 97 legislation. Nothing substantive has changed since the CR was reviewed by the Commission. Mr. Ames said that Mass DEP has reasserted that the water supply is the primary function of this CR and the Commission values the importance.

TF made a motion to approve and accept the conservation restriction. RFC seconded the motion and the Commission voted to agree 5-0.  
Resources Council

Mr. Ames said that since the Commissioners are co-holders of the CR, they need to sign the Memorandum of Understanding, previously reviewed by the Commission. It was agreed that he would drop it off at the Town Hall tomorrow and the Commissioners could review and sign at their next meeting.

**Approve Minutes**-December 8, 2016-TF made a motion to approve the minutes with revisions. DL seconded the motion and the Commission voted to agree 5-0.

**Other Business:**

- Site Visit: 107 Yokun LLC for property located at 107 Yokun Ave., Map 12 Parcel 2-1 on December 10, 2016 which was attended by TF, NC and Mark Stoko of SK Design.
- Parking plan, etc., for Edith Wharton Park will be on the agenda for January 19, 2017 at 8:00 PM.
- Mark Stinson of Mass DEP has provided comments regarding the Toole NOI which is on the agenda for January 19, 2017, but cannot provide a file number until additional fees are paid for each proposed crossing. There will not be another site visit scheduled.

RFC made a motion to adjourn. VA seconded the motion and the Commission voted to adjourn 5-0. The meeting was adjourned at 8:40 PM.

Respectfully submitted,  
Peggy Ammendola