

Conservation Commission Minutes, 04/06/2017

Lenox Conservation Commission
Landuse Meeting Room
April 6, 2017
Minutes

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

Absent with notification: Rose Fitzgerald Casey, (RFC);

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

Dog Park- Informal discussion with Ken Fowler- The location proposed is at Kennedy Park, about three acres. It is south of West Dugway Rd. and is within the buffer zone. Mr. Fowler said that he would want the park to be away from the stream. The Commissioners are familiar with the location and pointed out that it is forested, and therefore some trees would have to be removed. TF said that cutting vegetation under the canopy would remove any opportunity to replace any of the ash. (The ash trees are in jeopardy due to the infestation of the Emerald Ash Borer.) JS pointed out that the understory contains interesting ferns and wild flowers. Additionally salamanders are in this location. The Commissioners felt that this location was not suitable for a dog park because of the environmental impact and suggested that the field on the north side of West Dugway Rd. would be a better choice. Mr. Fowler expressed disappointment, but understood the role of the Commission.

Notice of Intent, SMA, Town of Lenox, Aspinwall Rd, Map 17 Parcel 40, aka Kennedy Park Belvedere, to selectively remove specific trees which are growing to a height that is now, or will be, obscuring the view.

Presenting the NOI was Matt Gallagher of Greylock Design Associates.

Ruth Wheeler and Andy Breslin of the Kennedy Park Committee were present.

Mr. Gallagher said that the only work proposed is to cut down trees, leave the stumps in place and retain the grade. He did not know the caliper of the trees.

NC said that there were 13 trees that were marked and that most of the trees there are white pine. NC said that he had observed that trees in the 6 to 8 inch diameter size had already been cut down which is a violation of the Scenic Mountain Act. He also said that when the Belvedere at Kennedy Park was built, some residents voiced dismay because it was visible. This proposal would create a visible opening.

TF stated that the SMA regulations prohibits removing trees that are more than 4 inches in diameter

Mr. Lefkowitz commented that they were "junk" trees and he felt they should be cut down. NC responded that there was no provision for removal of "junk" trees.

Ms. Wheeler said that during the time of the Belvedere controversy, she heard many who commented that they would like to see the area pruned. The only place the Belvedere could be seen would be from the ledges on the Doveydenas's property or at the very top of Undermountain Road while turning the corner. She said that the reason for wanting to cut the trees is to see over the mountain, not to see the Sprague's farm.

TF said that the Commission has to follow regulations that specify performance standards. The threshold for the size of the trees that fall under "vista pruning" is 4 inches. If the size is below it can be easily approved. The amount of area for this proposal is over the threshold and over time there has been progressive cutting of trees which leads to the destabilization of the slope. Anything over 15% slope is regulated by the Act. The threshold for the canopy cut is also exceeded. While he understands the intent, TF said the Commission must adhere to the regulations. The public's interest is protected under the Act.

DL stated he could see both sides, but lamented that if something was not done, the view would eventually be gone. TF suggested a regular maintenance plan be followed to cut down the trees that measure less than four inches in diameter. JS commented that the SMA is to keep a vista open that already exists.

To do vista pruning, cutting that which is less than 4" in diameter, no filing is required. (Other thresholds apply.)

DL made a motion to deny the request because the proposed work cannot be conditioned to meet the performance standards set forth in the Scenic Mountain Act regulations. VA seconded the motion and the Commission voted to agree 6-0.

Dr. Breslin requested further information. It was suggested that he read the Act, but there was brief discussion regarding the section of the Act which referred to destruction of vegetation, selective trimming of branches and slopes. He and Ms. Wheeler were advised that it would be prudent for them to file an RDA for a maintenance plan.

Request for Determination of Applicability, Steven Seltzer, 921 East St., Map 33 Parcel 29. The proposed project includes upgrading a failed septic which reuses the existing septic tank and installs a new leach field.

John Boleng, who represents Mr. Seltzer, presented the application and reviewed the site plan. He explained that the project is some years old. The owner passed away and the daughter inherited the property and now the owner wants to sell the property. He provided approval for the upgrade from Jim Wilusz of Tri Town Health. Mr. Boleng said that what they are waiting for is formal stamped plans and payment. The property is 6.5 acres which has lots of rock and it is wet. They are able to keep the tank. It will be a gravity system. TF asked if it would be possible to adjust the system little more to the northeast to get farther from the existing swale. Mr. Boleng responded that it would require a pump which would add another \$6500.00 to the cost. JS made a motion to issue a Negative 3 Determination. DL seconded the motion and the Commission voted 6-0 to approve.

Notice of Intent, Town of Lenox, Maps 2 & 4, Route 20 (Lee Rd.). The proposed project is water main replacement and related work.

Presenting the application was Steve Mack of Foresight Land Services. He reviewed the plan with the Commission and stated that the existing water main, some of which goes behind some houses, will be replaced. The length is 2700 feet and extends from Bramble Lane to Plunkett. There are wetlands associated with the project and a stream crossing. Mr. Mack said that the contractor will be using a robust wetland crossing system using mats, etc. He detailed the process and the materials that will be used. A stream restoration plan was submitted. The new water main will no longer be behind the houses.

At the site visit, TF had questioned the removal of a power line near a stream that goes to a house. He wanted to know what amount of bank disturbance that might occur and if there would be cutting in addition to what is shown on the plan. Mr. Mack said that there would not be any more than what is shown. Since the site visit he has made sure that it is in the contract language. They will not be working around the pole and all disturbances involved with the project are shown on the plan.

It is expected that the work will begin about May 15, 2017. The funding has to be approved at the Annual Town Meeting in May.

DF made a motion to approve as presented with the new set of plans. VA seconded the motion and the Commission voted to approve 6-0.

Notice of Intent, Kerry Stein, Map 2 Parcel 5, 37 Bramble Ln. The proposed project is the demolition of existing single family house and construction of a new house and sewer connection. April 5th, Shannon Boomsma asked to extend as more time was needed for architectural drawings.

JS made a motion to continue the hearing to 7:30 PM on April 20, 2017. DF seconded the motion and the Commission voted to agree 6-0.

Approve Minutes- March 16, 2017- TF made a motion to approve the minutes and DL seconded the motion. The Commission voted 6-0 to agree.

Other Business

Site visits-

- Town of Lenox-Belvedere at Kennedy Park 3/29/2017- NC, JS, DL and TS
- 921 East Street-3/30/2017- 3/30/2017-NC, VA, TF, DL, JS and DF

Town of Lenox, Maps 2 & 4, Route 20 (Lee Rd.) 3/30/2017-TF, JS, VA, DL, NC and Steve Mack

- Kerry Stein, 37 Bramble Ln. TF, JS, VA, DL, NC, Shannon Boomsma and David Potter of River Design

On April 14, 2017, there will be a site visit on April 14, 2017 at 405 Pittsfield Rd., Map 28 Parcel 34 known as Berkshire Mobile Home Park.

Respectfully submitted,
Peggy Ammendola