

## Conservation Commission Minutes, 03/17/2016

**Lenox Conservation Commission  
Minutes  
March 17, 2016  
7:30 PM**

**Members Present:** Chairman Neal Carpenter (NC), Vince Ammendola (VA), Tim Flanagan (TF), David Lane (DL), Joe Strauch (JS), Dick Ferren, (DF)

**Absent w/ Notification:** Rose Fitzgerald Casey

**Staff Present:** Gwen Miller (GM), Town Planner & Land Use Director; Sean VanDuesen (SvD), DPW Superintendent

**Others in Attendance:** Tom Lewis, TEC Associates; Kristin Cederholm, from Foresight Land Services

The meeting opened at 7:30 PM.

**Request for Determination of Applicability, Housatonic Railroad Company, Inc.**

NC stated that TEC Associates was seeking a negative 5 determination for the herbicide spraying along the Housatonic Railroad Company, Inc. right of way. The wetland delineation was the same as what they had submitted in 2014. Tom Lewis of TEC / Mr. Lewis explained that HRC must provide a vegetation management plan via CMR 333 Section 5. Their existing management plan expired on December 21, 2015. They must submit a wetland RDA to all towns through which the right of way cuts, and TF asked when JS had last visited the locus area. JS stated in April 2014. TF stated that normally delineation is good for three (3) years. JS stated he had not seen anything in 2014 that would have changed. JS stated he agreed with the delineation of no s Lewis stated once per year. DL asked what type of herbicide they use. Mr. Lewis stated they use glyphosate, an active ingredient in Round Up. They do not use Round Up since it is not appropriate wetland material. They use the water formula, Rodeo. T operational plan to the Board of Selectmen and Conservation Commission which specifies the material to be used. They do change it from year to year to avoid the development of resistance. TF asked when they will conduct the next delineation. Mr. Lewis stated they do a combination of lopping and brush mowing. DL made a motion to accept the negative 5 determination as submitted. TF seconded. The motion carried with six votes in favor.

**Notice of Intent, Town of Lenox, Maps 5 & 10, Richmond Mountain Road**

NC stated the Town of Lenox was seeking to replace the water line system on Richmond Mountain Line and remove two (2) old and damaged culverts, replacing these with two (2) new culverts that will be designed and constructed to the stream crossing Intent to the Conservation Commission. SvD stated the town needs to replace the 1893 cast iron water pipe—with lower water flows, it is more likely to freeze and break over time. The new pipe will be four (4) feet from the surface) and made out of duct Cottage and one by the Stockbridge town line. SvD stated it has never to his knowledge been overwhelmed. TF stated it is about 2/3 full of debris presently.

SvD stated there will be erosion control, silt fences and dust control. They will close the road Monday through Friday, re-opening the road each Friday at noon through the weekend. They hope to do the culverts during low water periods. He noted the bor wooden guard rails will be replaced with steel guard rails.

He noted that DEP had provided comments, and Steve Mack from Foresight Land Services had responded. SvD had further documentation from DEP indicating their approval of Steve Mack's responses.

TF suggested they use construction fencing to define the limit of work on the project side. NC stated this would be included in the Order of Conditions. He also asked what the restoration plan is in case they have to come in along the sides. SvD said they about the plan for directing presently entrenched drainage along the wing walls. SvD said there will be water bars installed, and the wing wall could be metal or gabion, depending on the cost.

TF also suggested revisions to the general conditions:

On conditions #2 and #3, he suggested they use tarp instead of wood chips for temporary stabilization.

On condition #4, silt fence or versus carefully positioned straw bales—switch to "and" because of the steep slope.

On condition #6, change "shall" to "may" regarding the installation of sediment traps. Ms. Cederholm confirmed they planned on working only in dry conditions, but they need the option in case of sudden storms.

On condition #8, he noted that the fueling of equipment cannot happen within 200 feet (instead of 100 feet as written in the NOI) of the brook.

DL made a motion to accept the NOI with TF's amendments. TF seconded. The motion carried with six positive votes.

**Other Business**

The Commission scheduled a site visit at Baker's Pond with Town Manager Christopher Ketchen and Town Planner Gwen Miller for Friday, March 25 at 3:00 PM. They had received an RDA for the placement of a gazebo on an existing foundation at Baker's Pond project prior to contemplating the gazebo RDA.

The Commission scheduled a site visit to review proposed amendments to an NOI (DEP File #298-0227) on Sargent Brook Road for Friday, March 25 2016 at 2:30 PM.

**Minutes Approved**

JS moved to accept the minutes of February 18, 2016. TF seconded. Motion carried with five (5) positive votes. DF abstained.

The meeting adjourned at 8:30 PM.