

Conservation Commission Minutes, 07/20/2017

**Lenox Conservation Commission
Landuse Meeting Room
July 20, 2017
Minutes**

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

Members absent with notification: Dick Ferren, (DF); Rose Fitzgerald Casey, (RFC)

Staff Present: Peggy Ammendola, Land Use Clerk

Certificate of Compliance Brodbar, Map 13 Parcel 22, 351 Housatonic St.-

Presenting the request was Mike Kulig of Berkshire Engineering.

There was a site visit on July 12, 2017 which was attended by Mike Kulig and Commissioners VA, DL, TF and NC. JS went at another time.

The Commission asked Mr. Kulig to advise the owners of this property to file with the Commission if they ever work on the culvert.

DL made a motion to approve the Certificate. TF seconded the motion and the Commission voted to agree 5-0.

Certificate of Compliance Peebles, Map 44 Parcel 64, 183 Housatonic St.-

NC met Mr. Peebles on June 29 at the site and found that that it was in compliance.

DL made a motion to approve the issuance of the Certificate. JS seconded the motion. The Commission voted to approve 5-0.

Other Business:

- **241 Walker St., Dave Ward**-The Building Commissioner asked for the Conservation Commission to approve the demolition of the home. NC approved the request but advised Matt Ward that any work beyond the demolition requires a filing with the Commission.
- **Edward Merritt, 139-2 Lime Kiln Rd., Map 27 Lot 18-2**-Emails (pages) from Misty-Anne Marold of Natural Heritage & Endangered Species Program and Rob Akroyd of Greylock Design Associates regarding a Conservation Restriction (CR) given to the Commissioners. (Refer to minutes of: October 6th and 20th, November 3rd and 17th of 2016. At November 17, 2016 meeting this was withdrawn without prejudice.) NC spoke with Mr. Akroyd following the receipt of the emails and advised Mr. Akroyd to not file until he has the CR in hand, so that the NOI is complete upon filing. An outstanding balance from the previous filing will be paid upon filing if not before.
- **Lisa Conroy, 8 Brunell, Map 42 Parcel 38**-The Building Commissioner asked the Conservation Commission to approve ground disturbance for the installation of a gas line. NC approved the request.
- **Brian McAllister, 60 Dunmore Court, Map 8 Parcel 27, DEP File # 198-134**, The Commission received Compliance Initiative from DEP regarding a Superseding/Final Orders of Conditions. This was placed in file.
- **SMA, Pittsfield Municipal Airport (PMA), 0 West Mountain Rd., Map 27 Parcel 24**~~The Commission discussed the fact that the Department of Conservation and Recreation (DCR) has not acknowledged the receipt of materials provided by LCC at DCR's request or corresponded with the Commission regarding the status of PMA's request that the DCR review the Commission's SMA Order of Conditions dated March 7, 2017. Materials had been sent to Attorney Frank Hartig of DCR on April 11, 2017. The receipt of such was not acknowledged, and on May 4, 2017 a second communication seeking information was sent to Attorney Hartig. As of this date, there has been no response from DCR.

The Commission is concerned that the remediation order is not in compliance. According to procedure, if PMA were to file an appeal to the DCR, PMA was to inform the LCC within 10 days of their appeal. No such notice has been received therefore the LCC does not believe that there has been an appeal.

The Commission asked PA to draft a letter to DCR requesting that they give an update to the Commission regarding this matter.

Approve Minutes:

June 15, 2016-DL made a motion to approve the minutes with minor edits. JS seconded the motion and the Commission voted to approve 5-0.

Respectfully submitted,
Peggy Ammendola