

Conservation Commission Minutes, 04072016

**Lenox Conservation Commission
Landuse Meeting Room
April 7, 2016
Minutes**

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

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

Request for Determination of Applicability, Tim and Anne Steben 21 Old Barn Rd., Map 8 Parcel 126. The project is for the construction of a new garage and mudroom off of the east side of the house.

Presenting their application were Mr. and Mrs. Steben. The application was reviewed and DL made a motion to issue a Negative 3 Determination with the following conditions:

The Applicants are to call for inspection after the silt fence is installed and the fill can only be placed between structure and the silt fence. VA seconded the motion and the Commission voted to agree 7-0.

There was a site visit on March 25th and attended by NC, VA, TF, JS, DL and DF.

Amendment of Notice of Intent (DEP File # 198-0277) Bernd Schoner, Map 1 Lot 36, 12 Sargent Brook Rd. Removal of an existing tight tank, installation of a Title 5 conforming sewage disposal system, hardscape walkways, subsurface propane tank, permitting of a boardwalk, and plantings of indigenous plant material.

Present were Rob Akroyd of Greylock Design Associates and Bernd Schoner.

Mr. Akroyd presented the plans which shows the elimination of the subsurface existing system and replaced with a surface one. Proposed are some hardscapes and walkways around the house. There had been plans for a subsurface propane tank, but due to ground water it is necessary for it to be above ground. A previous request for a boardwalk from the property to Laurel Lake has been withdrawn. The Applicant is asking to plant indigenous materials along the property line from abutting property that is labeled as Clearview.

Mr. Akroyd said that the proposed septic system pretreats effluent, which goes into a pump chamber, then infiltration chambers and then leaches into the ground. A retaining wall, part of the septic system, will need to be installed. Because of the small lot and close proximity to the abutting property (10 feet within property line) a licensed surveyor surveyed the subject parcel. This proposal is before the Tri Town Health Department and Mr. Akroyd stated it will be approved.

Reviewing the landscaping plan, Mr. Akroyd said that there would be a series of pavers, all dry laid, from the driveway to entries of the home. The above ground propane tank will be fenced in. The placement of that tank on the plan is the worst case scenario, and could be relocated.

Mr. Carpenter did not think the planting of trees could be included on this amended Order as it is another lot. He also expressed concern about planting as that entire parcel is a wetland and the Commission has already observed natural growth.

TF felt that the Commission should not be discussing the other lot when there wasn't an application. Mr. Akroyd wanted to take advantage of this opportunity to help Mr. Schoner determine if it is beneficial for him to pursue a new Notice in the future.

TF said that he was confused about a setback. Mr. Akroyd said that they were not asking for a variance. TF thought that the application would have to meet the setback.

Regarding the planting of other trees between the two abutting properties, Mr. Akroyd said that Mr. Schoner wanted to have privacy for the back yard and said that red maple, larch, white oak; lilac and winterberry would be considered. Six trees were shown on the plan.

Mr. Akroyd agreed to return to the Commission with a planting schedule and plan update. He will remove any indication of activity on the Clearview lot. Additionally he will provide Tri Town's approval, i.e., the disposal works permit

The retaining wall will be Goshen stone or field stone with a liner behind it. Mr. Akroyd said that it would be approximately 30 inches high.

RFC made a motion to continue the hearing to April 21st at 7:45 PM. DF seconded the motion and the Commission voted to agree 7-0.

There was a site visit on March 25th that was attended by NC, VA, TF, DL, JS and DF.

8:00 PM Request for Determination of Applicability, Matt Heim, 43 Lime Kiln Rd., Map 27 Parcel 11. The proposal is removal of rotten, falling down trees.

The application was reviewed.

JS made a motion to issue a Negative 3 Determination with the condition that the tree removal must be done in sections by a professional to preclude damage to the surrounding trees. The cut sections can be left lying on the ground. TF seconded the motion. The Commission voted to agree 7-0.

There was a site visit on March 25th and attended by NC, JS and TF.

Approve Minutes: March 17, 2016-VA made a motion to approve the minutes with amendments. JS seconded the motion and the Commission voted to approve 6-0-1. RFC abstained as she was not present for that meeting.

RFC made a motion to adjourn and DL seconded the motion. The Commission voted to agree 7-0 and the meeting was adjourned at 8:25 PM.

Respectfully submitted,
Peggy Ammendola