

Conservation Commission Minutes, 06/16/2016

**Lenox Conservation Commission
Landuse Meeting Room
June 16, 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, Raymond D. Hegerty & Gina Reda-Hegerty, 47 Sargent Brook Rd., Map 1 Parcel 22. - Modifications within the footprint of the existing structure; concrete pads for code compliant entry stairs and rear steps for a new patio door.

This meeting was originally scheduled for June 2nd, but the representative for the applicant was not available, therefore it was rescheduled for today.

There was a site visit on May 25th and attended by TF, VA, NC and Simone Natali of Berkshire Engineering.

Presenting the application was Ms. Natali. She provided a revised drawing to depict the BVW bordering Sargent Brook which was not on the original plan.

JS made a motion to issue a Negative 2 Determination. RFC seconded the motion and the Commission voted to approve 6-0.

Notice of Intent filed, Bridgette A. Brown, 240 West St., Map 6 Parcel 22. Partial removal and reconstruction of a fire damaged single family home resulting in a net increase of approximately +/-234 SF of additional building footprint, as well as the installation of a low pressure sewer line connection to the existing municipal sewer system. All work is proposed to occur within the 100' buffer zone to a bordering vegetated wetland and intermittent stream bank.

There was a site visit on June 13th which was attended by VA, NC, TF, JS, DL; Mike Kulig of Berkshire Engineering and Mark Michaud, the contractor.

Ms. Natali presented a revised plan which now included the addition of more silt fencing on the south end of property and an extension of the same fencing going around the northwest corner of the house. It also showed the revision in the location of the fencing that is around the vegetable garden.

TF questioned whether the sewer line would be routed over or under the 48 inch culvert that is used for the intermittent stream.

Ms. Natali said that upon excavation, if the ground above the culvert is too shallow, the sewer line will be routed under the culvert.

Mr. Michaud was advised to call when the silt fencing is in place. Work on the foundation for the addition cannot be started until this has been checked for compliance.

DL made a motion to approve with the changes made and the special condition. VA seconded the motion and the Commission voted to approve 6-0.

Certificate of Compliance, Shakespeare & Company, Map 7 Parcel 22.

There was a site visit on June 14th that was attended by NC, TF, Rob Hoogs of Foresight Land Services and Steve Ball of Shakespeare and Company. Everything was found to be in compliance.

Mr. Hoogs brought in photos of the current conditions around the holding pond and rain garden and stated that this work had been completed some time ago. He said that both are functioning well, but that there is a heavy infestation of phragmites in the rain garden. Mr. Hoogs said that he will be filing an RDA at a later date for a maintenance plan to deal with the infestation.

RFC made a motion to issue the Certificate of Compliance and TF seconded the motion. The Commission voted to agree 6-0.

*DF arrived at this point in the meeting.

Other Business:

Pittsfield Municipal Airport, 0 West Mountain Rd., Map 27 Parcel 24, Notice of Intent Scenic Mountain Act, A formal notice was received on today's date from Attorney William Martin who represents Joseph Cardillo. Attorney Martin advised that the stabilization work related to the airport beacon project has been completed and the Cardillos would not allow further access from their driveway. Additionally, the notice stated that the only parties entitled to use the easement going forward will be the airport personnel for maintenance of the access trail and beacon. The continued hearing for the beacon project is scheduled for July 21, 2016.

Environmental Notification Form, Lenox Landfill Solar PV Project, 65 Willow Creek Road, was received today for the Commission's review.

Docks at Laurel Lake-NC said that existing docks are built to different standards and there should be some regulations. He encouraged the Commissioners to look online to see how other communities deal with docks. It is understood that Monterey has something in place. **Laurel Lake LLC, Drawdown Report-**Ken Wagner is scheduled for August 4, 2016 at 7:30 PM.

Martha Lane, Order of Conditions, Map 18 Parcels 46, 47, 51, 52, 57 and 58- DEP File Number 198-0288. This document was recorded at the Registry of Deeds, Book 5741 Page 207 on 6/12/2016. Rob Akroyd of Greylock Design Associates sent the following email to PA on June 15th stating the following:

"There is an error on the Order of Conditions for the Martha Lane Project.~ We may have listed the organization incorrectly on the NOI but the Order of Conditions lists the organization as Katz Murphy and Greenwald; it should be Macalin Realty Trust.~ I have spoken with the Registry and they said to do the following:

Have the Lenox Conservation Commission amend the Order of Conditions in the following manner:

Have the word "Corrected" written on the top of the OOC.

Correct the Organization.

Asterisk the correction and at the bottom of the page explain the correction."

This email was shared with the Commission and the Notice of Intent was examined. The Commission had correctly issued the Order of Conditions using the name provided as the Applicant on the Notice of Intent. Discussion ensued and it was decided that it would not be appropriate for the Commission to make this change, as Katz, Murphy and Greenwald and Macalin Realty Trust are two different entities. PA was asked to have the Town Planner consult with Town Counsel regarding this request.

Site Visits-June 21, 2016 at 9:00 AM

- Notice of Intent filed by Oliver Curme, The Dormers LLC, 138 Pittsfield Rd., Map 22 Parcel 32.
- 2. RDA filed by Neal Carpenter, 170 Hubbard, Map 45 Parcel 38-1.
- 3) RDA filed by Jennifer Storti, 18 Willow Lane, Map 44 Parcel 55.

Approve Minutes-June 2, 2016-TF made a motion to approve the minutes as amended and DF seconded the motion. The Commission voted to agree 7-0.

RFC made a motion to adjourn and DF seconded the motion. The Commission voted to adjourn 7-0. The meeting was adjourned at 8:45 PM.

Respectfully submitted,
Peggy Ammendola