**Town of Lenox**

**Conservation Commission**

**Meeting Minutes**

**Thursday, May 7, 2020**

**7:30 p.m.**

**Members present:** Chair Neal Carpenter, (NC); Mark Smith (MS); Joseph Strauch, (JS); David Lane, (DL); Rose Fitzgerald Casey, (RFC); Vincent Ammendola, (VA); Dick Ferren, (DF)

**Staff present:** Gwen Miller, Town Planner

NC opened the meeting at 7:30 p.m.

1. ***Request for Determination of Applicability: Septic System, 234 Kemble Street***

The proposed project involves replacement of current septic system with a new Title 5 compliant system. The proposed septic tank locations falls within the 100 foot Buffer Zone of the wetlands located on the property. The Conservation Commission did conduct a site visit on May 5th. All were in attendance except for DL, who visited the site later on his own.

Mike Kulig of Berkshire Engineering represented the owner. He responded to a question from MS about the level of the tanks in relation to the buffer zone. He said if the grades are suitable they will raise the tanks higher out of the buffer zone. They don’t want to move the pipe because of a nice stone wall that exists in front of the house. They will be able to use the driveway to avoid bringing machinery through elsewhere. There will be a trench dug in the field. Board of Health had comments on the size of the tank; they incorporated those comments to go with a larger tank and larger jet for the tank.

RCF made a motion for a -3 determination. VA seconded.

All approved; DL abstained

***Other Business: Emergency Certificate for March Tree Removal at Lenox Woods***

NC informed the Commission that on March 18th an emergency certificate had been granted to the mixed-use Lenox Woods site at 55 Pittsfield Road for tree removal. Neal told the owners to check w/ DEP per the Order of Conditions. DEP told NC to have Tree Warden Warren Archey and DPW Superintendent Bill Gop review the trees that needed to come down. They observed a number of dead and damaged ash and other tree species posing an eminent threat to public health and safety and sent an e-mail to NC and suggested the trees be removed and issue an emergency certificate. Mark Stinson from DEP recommended this be in the next meeting minutes though no formal motion or vote is needed.

1. ***Notice of Intent, Clifden and Wexford Court (Birchwood Village)***

Conservation Commission conducted a site visit on May 5th. All members were in attendance including Mike Kulig (MK) from Berkshire Engineering.

The public hearing as opened at 7:45 p.m. Mike Kulig explained that the project entails repairing the road and replacing the street lights. He explained that the work is staying in the road itself. The NOI was filed because some of the proposed work falls within the 100’ buffer zone.

One member of the public attended this hearing, Matt Miller from Galway Court.

Mike Kulig described scope of work, and the level of repair needed on the road and how this presented an opportunity to replace the street lights at the same time. He noted the work had been designed some time ago and the condominium association is now in a position to conduct the project and hope to complete in the 2020 summer. He explained that pavement had deteriorated and they have had drainage problems. They will identify sub-grade conditions in order to replace old materials with more stable materials. The contractors will clean up area as they work. He explained work related to the culvert. They will use some fill to give it some cover but will not touch the culvert itself. They will have to run new power to every light. Mike referenced the resource areas on the maps.

RCF asked about the culvert observed at the site visit. MK said they will not touch the culvert but stabilize the fill above it.

DF asked about the small berms…what will happen to them when they re-pave? MK said they will be retained because they mitigate run-off; there are proposed berms in the filed plan.

Mike Kulig said the materials to be used will be the same as what exists now.

Matt Miller (abutter on Galway) noted there is one pipe for the front of the property, and one culvert for the back; he wondered where water comes from through the rear culvert, specifically if the water is from the same source for the front pipe and the rear culvert. Mike Kulig said they are different water sources. Matt Miller had not been familiar with the pipe that runs across driveway and into Galway. Mike Kulig explained in greater detail the patterns of drainage and water flow on the site. Mike Kulig explained that the Birchwood Village Condominium Association will oversee the project.

Matt Miller asked if the pipe will be inspected annually or if there is any protocol for its maintenance. Mike Kulig said it depends on the requirements of the original subdivision.

NC read comments from Mark Stinson (Western Massachusetts DEP Circuit Rider): If this work is an exempt minor work in a buffer zone, the Conservation Commission cannot issue an Order of Conditions; applicant would need to file a Request for Determination of Applicability (RDA) or the Conservation Commission could issue a negative (-) 5 determination in a Determination of Applicability in response to the filed Notice of Intent (NOI).

DL makes a motion for a negative (-) five determination. RF seconded. All in favor (7-0)

NC read the exemptions applied to this specific filing:

Installation of underground utilities within existing paved or unpaved roadways and private roadways/driveways, provided that all work is conducted within the roadway or driveway that all trenches are closed at completion of each work day

Pavement repair ,resurfacing and reclamation of existing roadways within the right-of-way configuration provided that the roadway and shoulders are not widened, no staging or stockpiling of materials, all disturbed road shoulders are stabilized within 72 hours of completion of the resurfacing or completion and no work on the drainage system is performed other than adjustments and/or repairs to respective structures within the roadway.

1. **Approval of Minutes (March 5, 2020)**

All approved the minutes of March 5, 2020.

The meeting adjourned at 8:13 p.m.