

Town of Lenox
Conservation Commission
Meeting Minutes

August 6, 2020

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

Staff: Gwen Miller, Town Planner

Others: Jim Roche

56 Lime Kiln Road, Request for Determination of Applicability: The proposed work is construction of a septic system to serve the single-family residence onsite. The activity will fall within the limits of the 100' buffer zone associated with a BVW. Approximately 3,5000 square feet of disturbance will occur within the Buffer Zone as a result of the proposed work.

- Mike Kulig (Berkshire Engineering) presented the proposed work, the installation of a septic system.
- DL asked about the slope on the east side.
- MK said he wouldn't bring it out more because it's closer to the wetland there. MK said he would like to level the slope out more.
- NC agreed there was no other place to put it; he didn't think it would bother anybody to lengthen to the slope out.
- MK noted there was a tree on the corner they would like to retain.
- VA agreed.
- NC noted the date of the site visit: at 56 Lime Kiln, 7/26—FJ from Berkshire Engineering, VA, MS, JS, RFC and DL, NC
- DL motioned to issue a -3 and allowing the suggested changes if they can make them work.
- VA seconded. All approved.

383 Housatonic Street, Request for Determination of Applicability: The proposed work is to expand current farming areas on site for hay or corn.

- Rodney Galton introduced the property. He noted the area in question was the land surrounding the house. There is a wetland to the northwest. Mr. Galton sent an e-mail to the Conservation Commission in response to DEP comments and clarifying the NRCS status, which shows it is important to the state for farm land. He noted they are looking to expand farming activity. He noted the current farmer who mows it has hayed it for 30 years, rotating between corn and hay. They would be looking to do the same. Clearing the wooded area and expanding fields around the house.
- Mentioned two large projects in Vermont which include two large barns
- NC said any land area that hadn't been worked in the last five years near the wetland couldn't be touched.

- RG said there had been work done in the past year. DEP provided him an aerial photo showing where top soil had been stripped.
- Conservation Commission indicated they couldn't count that as evidence.
- RFC asked if he had conducted a wetlands delineation.
- RG said they won't take any more land, and we will use the big field. We will stay out of the wetland area. We will submit an NOI.
- NC: if you do submit an NOI, we will hire a consultant to conduct an independent wetlands delineation and your business will pay for it.
- All you can do now is the big field (only). Not the area behind the house.
- Everything that is up in there now can still be mowed like the former farmer mowed it.
- There was consensus that the eastern field could be used for traditional farming activities. Nothing like building something or installing solar panels.
- RG asked if they could brush-hog the RoW to get between fields.
- MS asked if the utility is responsible for the RoW.
- RG confirmed: typical farming activities in the eastern field; NOI for the western section.
- NC said they were going to give a positive finding. They have found some of the work already done (the disturbance behind the house). Most work proposed is not exempt and will require a Notice of Intent, specifically for the western field.
- The language was slightly amended.
- Typical farming is explained under the Act. And allowed. NC clarified that is if it exists. It doesn't currently exist on that land.
- DL asked for the two names of towns in Vermont. RG stated they are actually designing them. One is in Sudbury and one is in Brattleboro.
- GM asked whether they would be transitioning to solar at some point, since their website is clearly a solar company website. RG said that was an unfair statement. They use sheep to keep grass down on their projects.
- RG noted that some of the land has been mapped as prime agricultural soils by the state.
- DL said there were sheep in the Town solar field on Willow Creek Road.
- RFC made a motion for positive three (3) and positive five (5).
- It was seconded and approved.
- Conservation continued about when the fields were disturbed as shown in the image from DEP. RG said the image was dated 2019.

EMERGENCY CERTIFICATE

- Richmond Mountain Road.
- Six (6) trees to be removed.
- Bill Gop and Neal Carpenter inspected the area and determined it to be a hazard.

Motion to adjourn at 8:41 p.m., seconded by VA. All in favor.