

Conservation Commission
April 2, 2009
Minutes
Landuse Meeting Room
Lenox Town Hall

Members present:

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

Members of the Lee Conservation Commission present were:

Chair Deborah Garry, DG; John Philpot, JP; Marilyn Hansen, MH; and Marilyn Stuart Dalheim,
MSD

Staff present: Martie Martin, the Administrative Assistant for the Lee Conservation
Commission, and Peggy Ammendola for the Lenox Conservation Commission.

Laurel Lake Preservation Association, Inc., NOI, Laurel Lake: NHESP Tracking number 08-25953; Lenox DEP File Number 198-0242; Lee DEP File Number 196-0371. This was a joint continued public hearing with the Town Of Lee on the subject of Notices of Intent filed by Laurel Lake Preservation Association, Inc. for property located at Laurel Lake in Lee and Lenox. The applicant is seeking permission to begin a multiple year, integrated management program to control aquatic vegetation utilizing area-selective treatments with USEPA/MA DAR registered herbicides, drawdown and hand-pulling. *(Continued from January 15, 2009, February 19, 2009, and March 2, 2009.*

Presenting the NOI was Marc Bellaud, Senior Biologist with Aquatic Control Technology, Inc.; Mark Alimansky, President of Laurel Lake Preservation Association, Inc., (LLPA); and Ray Grogan, Vice President of LLPA.

Both Mr. Alimansky and Mr. Grogan repeated the history of the Association and their continuing efforts to control the invasive plant species found in Laurel Lake.

TF reiterated that the NOI did not follow the outline of information as required in the document, Guidance for Aquatic Plant Management in Lakes and Ponds which gives specific requirements for any herbicidal treatment proposed and also nothing was stated in the NOI regarding the endangered snail species. JS questioned how the impact on the endangered snail could be monitored if there was not a pre-application survey. Mr. Bellaud stated that because the lake has been iced over, they have been unable to do a pre-survey. NC asked if they applicants could get permission from the dam owners to draw down the lake. At this point this has not been pursued.

Jay Baver, a member of the audience, said that he had been a student and employee of Milos Krofta of Water Technology and has performed studies on Laurel Lake for Mr. Krofta for a proposed water filtering system to remove nutrients from the Lake. The system was never installed, however nutrient studies have been done and the Lake was found to have a high phosphorous content, caused in part by septic systems. He also claims that the decomposition of the milfoil will cause more fish kill.

Mr. Baver is of the opinion that a program to control nutrients in the water would be needed along with the herbicide treatment in order to manage the explosive growth of the invasive plants. Chemicals alone would not have the desired results.

Discussion ensued about how to proceed. The decision was made to continue.

A request of Mr. Bellaud by a member of the public was to provide a reference for the claim that Diquat is bound to the sediment.

Speaking in opposition to the use of chemicals were the following:

Deidre Consolati

Gail Ceresia

Rick Chrisman

Ms. Consolati read two letters of opposition from parties she said were unable to attend.

Rick Chrisman offered to help organize an effort to make a community issue to assist the LLPA in helping to remove the milfoil.

JS(Lenox) and JP(Lee) made a motion to continue the hearing to June 1, 2009 at 7:00 pm at Lee Town Hall and VA(Lenox) and MH (Lee) seconded the motion. All agreed to continue.

Valley Mill NOI Lenox Valley WTF, LLC, 64-68 Willow Creek Road Map 9 Parcel Parcels 7 & 8. Modification to the existing Lenox Transfer Station and associated site work. Present was Jim Scalise of SK Design Group and Tom Garrity of Lenox Valley. Continued from March 19, 2009.

Mr. Scalise made two key changes that were brought to his attention at the site visit.

DL made a motion to approve the revised plans dated March 30, 2009 with the condition that Natural Heritage approves. JS seconded the motion and the Commission voted to agree 6-0-1. DF abstained as he has not been at previous meetings.

Site Visit: March 21, 2009 at Valley Mill attended by RFC, VA, TF, DL, JS, Tom and Steve Garrity; Jim Scalise and Brent Kaminski of SK Design.

Minutes: March 19, 2009 RFC made a motion to approve the minutes and JS seconded the motion. The Commission voted 6-0-1 to approve. DL abstained as he was not at that meeting.

Respectfully submitted,
Peggy Ammendola