

Summary of Proposed Conservation Restriction for Town of Lenox Watershed

In September 2012, a watershed study committee appointed by the Board of Selectmen unanimously recommended that the Town of Lenox pursue the idea of placing a permanent Conservation Restriction (CR) on the town's watershed lands on Lenox Mountain. On February 28, 2013, the committee unanimously approved the attached draft of the CR and sent it to the Selectmen for final approval and placement on the Annual Town Meeting Warrant for Town approval

Purpose

The purpose of the proposed CR is to add an extra layer of permanent protection that will safeguard Lenox Mountain forever as a conservation area, whether or not it is used for the town's water supply.

Structure of the CR

- The Town of Lenox will continue to own, manage and control the land for the benefit of the Town for the purpose noted.
- The Town asks the Lenox Conservation Commission and Berkshire Natural Resources Council to co-hold the CR.
- The role of the co-holders is to ensure that the terms of the CR are upheld.
- The co-holders have created a Memorandum of Understanding that will guide joint administration of the CR.

Provisions, if approved by Town Meeting:

- The Town will have full authority to manage and improve the watershed, water supply infrastructure, forest, trails, roads, culverts, gates, etc, subject to ongoing oversight by the MA Department of Environmental Protection, as is the case today.
- Residential, commercial and industrial development will be prohibited. The co-holders will have legal authority to enforce these prohibitions.
- Non-motorized public recreation (foot, ski, snowshoe, bicycle) on identified trails and woods roads will be permitted. The Town may close certain trails to the public if access creates a threat to public health or safety. The CR holders do not have the right to create new trails.
- Recreational activities such as hunting, fishing, swimming, camping etc. remain under control of the Town, subject to DEP regulations and guidelines. Motorized recreational use is prohibited.
- Most costs associated with the CR will be covered by BNRC. The town will be responsible for cost of its own legal review of the final document and preparation of title description prior to recordation.

Members of the Watershed Study Committee include: Selectman John McNinch, moderator; Neal Carpenter and David Lane, Lenox Conservation Commission; Jeff Vincent and Rick Fuore, Lenox Public Works Department; Warren Archey, Eugene Chague, Jo Anne Magee and Thomas Romeo, Lenox residents; Deborah Caine, Richmond resident; Tad Ames, Berkshire Natural Resources Council.