

**Great Barrington Conservation Commission Meeting
Selectman's Meeting Room, Town Hall
October 26, 2011**

ATTENDEES: Pat Kinne, Andrew Mankin, Jessica Dezieck, Jennifer Connell, Bruce Gore, David Shannahan, Orit Kadosh

Chairman Kinne brought the meeting to order at 7:00 pm.

7:00 NOI SMA #12- 324 Long Pond Road, filed by Edward Perkin. Proposed work will include the construction of a new house, associated site work, landscaping, swimming pool, well and septic system on a 10.428 acre parcel of undeveloped land.

Craig Okerstrom-Lang represented Edward Perkin. He presented a new plan which included a modified house site, plant lists, and a construction sequence. The house site has been adjusted, and by raising it by four feet the amount of blasting necessary will be limited. The new plan includes the addition of a saline pool, and the saline pool will be drained through a rain garden. Half of the trees to be planted are native, and future view cutting will be dealt with after the house is built. Craig Okerstrom-Lang mentioned that the blasting may damage tree roots, and that damage may not be evident for years, but he will try his hardest to avoid damage. There will be a fence set up during the construction process for erosion control.

MOTION: Andrew Mankin that we close the public hearing.

SECOND: Jessica Dezieck

VOTE: 7-0, all in favor.

Orit Kadosh read the following Order of Conditions:

1. Plans approved: SMAAct 1 dated 10/19/11 and SMAAct 2 dated 10/19/11
2. This approval does not include work in the View Management Area outlined in green on plan SMAAct 2 dated 10/19/11 submitted by Okerstrom-Lang.
3. No species from the Massachusetts Department of Agricultural Resources Prohibited Plant list may be planted on this property including Common Vinca, *Vinca minor*, and Japanese pachysandra, *Pachysandra terminalis*.
4. If the pool maintenance changes from saline to a chemical treatment, the water must sit without treatment for one week prior to draining.
5. Contact for this site is either Craig Okerstrom-Lang or Jim DeLorenzo
6. As plantings outlined on plans SMAAct 1 and SMAAct 2 are installed, the Conservation Commission agent will be notified and Craig Okerstrom Lang will provided a progress report regarding health and viability of the plantings for two consecutive growing seasons.

MOTION: Andrew Mankin to approve the SMA NOI with the conditions just read.

SECOND: Jessica Dezieck

VOTE: 7-0, all in favor.

7:10 RDA SMA – 326 Long Pond Road, filed by Alexander Sarbib. Proposed work includes grading and seeding a previously cleared area, and the removal of trees.

Agent Sewall had been in contact with Alexander Sarbib, who was not able to attend the meeting. He has seeded the area, and will be meeting with Tom Ryan the forester at 9:30 on November 2nd, and Agent Sewall will also attend the meeting. Agent Sewall had observed that Alexander Sarbib has about six piles of clean fill sitting on the property that were not there before, indicating that he may be intending to fill or flatten the area.

MOTION: Jessica Dezieck that we continue the public hearing on Tuesday, November 22nd at 7:10.

SECOND: Jennifer Connell

VOTE: 7-0, all in favor.

7:20 RDA – 389 Stockbridge Road, filed by John Delmolino. The proposed project will include the construction of walls to close in an open pavilion.

Bruce Gore recused himself.

Diego Gutierrez represented John Delmolino. A site visit was conducted, and John Delmolino was involved in the plant count, and the board counted 30 dogwoods. Former agent Elaine Hines had conducted a site visit on March 27th, 2010, and her report stated that 108 shrubs were planted, half dogwood, half elderberry. Diego Gutierrez stated that it seems like the plants were overgrown, as John Delmolino had not been touching the area, and other native species have been growing in addition to what was planted. Jessica Dezieck added that the no-mowing order is also an issue, as the area that is not supposed to be mowed is still being mowed. Chairman Kinne explained that it doesn't look like the building will be in compliance by next April, because the plantings have not been cared for, and she doesn't feel that the commission should issue permission to work on a building that hasn't fulfilled its outstanding compliance. Andrew Mankin added that to come into compliance, either the existing plants would need to be reestablished or more plants would need to be planting to bring the count up to the original numbers of the OOC. The plants would need to be maintained and thriving for two years, but at present over 70 percent of the plants are not there, and the area is not in compliance. Agent Sewall stated that she had discussed the possibility of an amended order of conditions, possibly having larger shrubs planted as the environment is turf and gravel and difficult to maintain plantings in. She added that if the mitigation areas are allowed to grow up, they would block the view of a person sitting in the buildings, so she questions how much John Delmolino is trying to create a strong mitigation area. Mark Stinson, from the Mass Department of Environmental Protection, was in the audience and added that at the original meeting, the commission must have required trees and shrubs to be planted in the mitigation area to assist in the interest of the act. If what John Delmolino proposes for an amended Order of Conditions, the commission can allow and amend that, but the level of protection offered by the amendment must be equivalent to the level of protection the original order required.

Andrew Mankin stated that the cleanest way to continue would be for John Delmolino to submit a request for an amended Order of Conditions, and ask for a change in the plantings if that's what he would like to do, and ask for the closing in of the pavilion. It is at the commission's discretion as to whether the closing in of the pavilion is going to increase resource area impacts. The RDA will be continued, and Andrew Mankin told Diego Gutierrez that he will need to make his case that the enclosing of the pavilion will not affect the area.

MOTION: Andrew Mankin that we continue the public hearing on Tuesday, November 22nd at 7:20.

SECOND: Jessica Dezieck

VOTE: 6-0, all in favor.

7:30 NOI – Maple Avenue, Map 30, Lot 45, DEP file # 167-0343, filed by George Beebe, continued. The proposed project will provide flood protection and bank stabilization along approximately 600 feet of the left bank of the Green River while providing excess compensatory flood storage.

David Shannahan recused himself.

George Beebe was not present at the meeting.

MOTION: Andrew Mankin that we continue the public hearing on Tuesday, November 22nd at 7:30.

SECOND: Jessica Dezieck

VOTE: 6-0, all in favor.

7:40 RDA – Brook Lane, filed by Sean and Kristen Flynn. Proposed work includes the addition of a deck to a single family home within the riparian zone of Thomas and Palmer Brook.

Chairman Kinne recused herself.

Agent Sewall conducted a site visit and said that the site is in the riparian zone of Thompson Palmer Brook, and is 25 feet from the brook. A truck will be backed down the driveway and onto the lawn area by about 10 feet, a post hole will be dug, and a bucket of dirt may be churned up.

Andrew Mankin stated that he had driven down to the property and it looked straightforward.

Mark Stinson added that the commission needed to issue a Negative #2, but some sort of improvement is needed in order to issue that. Andrew Mankin stated that Sean and Kristen Flynn would be required to plant 2 native one gallon plants within the 25 foot riparian zone.

MOTION: Jessica Dezieck that we close the public hearing.

SECOND: Jennifer Connell

VOTE: 6-0, all in favor.

MOTION: Jessica Dezieck that we approve the RDA with a Negative #2

SECOND: Jennifer Connell

VOTE: 6-0, all in favor.

7:50 NOI – Filed by the Great Barrington Fire District. Proposed work will include the replacement of a water main from Main Street to Cottage Street Bridge. The work is within 200 feet of the Housatonic River.

It was discovered prior to the meeting that the issue was exempt, so no discussion was required.

8:00 RDA – 88 Christian Hill Road, filed by Allegrone Homes Inc. Proposed work includes the installation of an inground pool, spa, and associated landscaping. The work is within the buffer zone of a Bordering Vegetated Westland and the riparian zone of an intermittent stream.

Jim Scalise. Craig Okerstrom-Lang was also present. Jim Scalise identified that a mistake was made in the previous construction. A wetland line was flagged in 2004, but a silt fence was put up at a different angle, resulting in inadvertent clearing in the outer buffer zone. Allegrone Homes is requesting to construct a swimming pool on the property, which will require less than 5,000 square feet of clearing, and erosion controls will be used during the construction.

Chairman Kinne stated that one delineation was approved in the past from White Engineering. Jim Scalise stated that the delineation that is being used now is about five feet closer to the house now than it was in the original White Engineering plan.

Craig Okerstrom-Lang explained that the plans have been redesigned so that the spa will now be included in the pool and will not protrude out from it. Fill would need to be brought in to taper off two feet in the back corner of the pool.

Brett Kaminski identified the plants and trees present in the delineation field. Nine or ten of the trees are currently being choked out by vines.

David Shannahan pointed out that during the original site visit when the Notice of Intent was filed, although there was no water on the property or in the stream at the time, there were areas of silt laid out flat, indicating that the area did have a great deal of water flowing through it at times. Chairman Kinne stated that she would like to conduct a site visit to see the soils. The area had been made into lawn, and it should not have been done without permission, as there is lots of water in that area. Andrew Mankin agreed and would like Brett Kaminski to be present at the site visit so the members can see the delineation. He also requested that an invasive species removal plan be constructed to be presented at the next meeting, as that could help mitigate the lawn that was put into the buffer zone. A site visit will be conducted on Tuesday, November 1st at 3:30.

MOTION: Andrew Mankin to continue the public hearing on November 22nd at 7:40.

SECOND: Jessica Dezieck

VOTE: 7-0, all in favor.

MISCELLANEOUS

1. Approve September 28, 2011 meeting minutes.

MOTION: Andrew Mankin that we approve the September 28, 2011 meeting minutes.

SECOND: Jessica Dezieck

VOTE: 7-0, all in favor.

2. Shannon Boomsma, White Engineering, update on Monument Mills, 174 Front St.

Shannon Boomsma stated that they have approval from the Army Corps of Engineers. There is a change in how the concrete pads will be constructed: the original pad locations will be used, but instead of a single pad four concrete blocks will be placed in each pad location. The same sized area will be affected. Shannon Boomsma stated that they will try to use pre-cast blocks, but they might have to be poured on-site. John Verones will be overseeing the construction, and he explained that the road will be started on next week, and by the following week work in the water will begin. Wood cribbing was approved, but they would like to use steel cribbing, which will be put in through the floor of the building. The steel cribbing includes steel posts that go all the way through the building, rather than just supporting it. Shannon Boomsma stated that the concrete pads, the steel cribbing, and the gravel in the road will be left for the winter, but the steel plates over the wetlands areas will be removed for the winter. Because the level of the river is higher than it was originally, they do have to dewater to put the concrete pads down, which is why they went to the Army Corps of Engineers. They will sandbag the area and put the concrete pads down. Joe Wilkinson is the contractor, and John Verones will be the liason between what occurs onsite and the other people involved. He will oversee the project and make sure that it is in accordance to the plans. The presentation was informational, and no voting was required.

3. NOI to sell real estate property subject to exemption under G.L. c.61A located at 14 Round Hill Road, Great Barrington. The Town has first right of refusal.

The town needs permission from each committee to sell the property. Agent Sewall explained that there are two property owners: Lynn Hutchinson and Jonathan Shapira. The property is 9.93 acres and priced at \$700,000.

MOTION: Andrew Mankin that the Conservation Commission is not interested in the property.

SECOND: Jessica Dezieck

VOTE: 7-0, all in favor.

4. Christine Ward and Will Conklin – presentation for a forest management project in the Lake Mansfield Forest.

Christine Ward explained that there are 8 to 10 stockpiled logs in the Lake Mansfield Forest, and is asking for permission to remove and utilize the logs. Will Conklin explained that the plan for the logs' removal would be to take them up Dehon Road to the Lake Mansfield parking area where they would be processed. The transportation of the logs would be done by oxen and horse power, and could provide a demonstration and learning opportunity for the public. The logs would be pulled out 1 or 2 at a time, requiring 6 to 8 trips. Christine Ward added that because Dehon Road is a private road, they would be contacting all land owners of Dehon Road to request their permission for the transportation. The operation will be done when the ground is frozen. The work would be in a resource area. Chairman Kinne stated that it would be a good idea to file an

RDA. Christine Ward added that they are hoping to include this project in a proposal for the Great Barrington Trails and Freeways to apply for grants, and they would be seeking a letter of the Commission's support and approval for that grant. Andrew Mankin stated that the commission should be able to give them a letter approving the use of the logs, as the grant application is due by November 14th. Christine Ward will file an RDA for the next meeting.

MOTION: Andrew Mankin that we give them approval to use the logs per their plan.

SECOND: Jessica Dezieck

VOTE: 7-0, all in favor.

5. McAllister meeting update – Agent Sewall

Agent Sewall had a meeting last Wednesday evening to discuss the McAllister property, its current state, the steps that could be taken to improve it, and to begin making a plan. There are a tremendous number of invasives on the property now, and going in to handsaw bittersweet as a first step in caring for the property was proposed. The hope is to devise a plan over the winter detailing how to assess the property, possibly involving dividing the property into zones and sending volunteers out into each zone to determine what is present. Jessica Wikle, who was present at the meeting, stated that permission from the Commission would be needed to cut any plants on the property, and as wetland streams are found throughout most of the property, they would need to file an RDA to work there. Jessica Wikle explained that it is possible to stay out of the wetland areas for the time being. Andrew Mankin asked Jessica Wikle to stay out of working in the wetlands areas for the meantime, assess what work they would like to perform, and return to the Commission with an RDA for invasive species removal.

MOTION: Andrew Mankin to allow invasive species removal in areas approved by Agent Sewall outside jurisdiction.

SECOND: Jessica Dezieck

VOTE: 7-0, all in favor.

6. Application for special permit under zoning bylaws – 32 Sumner St.
The issue is out of jurisdiction.

MOTION: Andrew Mankin that the Wetlands Act does not apply.

SECOND: Jessica Dezieck

VOTE: 7-0, all in favor.

7. Review of Town's Charter memo from Board of Selectmen

Agent Sewall explained that the town will be holding a meeting on Monday, November 14th at 6:00 pm to review the town charter, and would like a representative from each committee present. Agent Sewall and Chairman Kinne will likely both attend.

Chairman Kinne stated that she received an email from State Bridges explaining that they will be in the Alford Town Hall to discuss the rebuilding of the bridge on Alford Road just on the town line. Part of it is in Great Barrington, so they would like a representative from the Commission to be there. Chairman Kinne can attend.

8. 337 Long Pond Road Certificate of Compliance

Jennifer Connell recused herself.

Chairman Kinne stated that members have seen the property and say that it is great.

MOTION: Andrew Mankin that we issue a Certificate of Compliance for 337 Long Pond Road.

SECOND: Jessica Dezieck

VOTE: 6-0, all in favor.

9. Rising Pond Dam Emergency Certification – presented by Kevin Mooney from GE Kevin Mooney (GE Employee), Paul Davis (wetlands biologist), and John Andrews, (structural engineer), were present. Kevin Mooney explained that during Hurricane Irene the dam was monitored and a sink hole 3 feet in diameter and 7 feet deep developed. The contractor, LLB Corp was notified along with the Great Barrington Police and Fire chiefs, and the office of Dam Safety. The hole was patched, and monitoring continued. It was discovered that a scour hole had developed and worked its way underneath the concrete wall of the dam. The proposal is to divert the water flow away from the area to allow work to be completed. This would be done by sandbagging (by crane) the top of the dam to divert the flow. Grout bags filled with cement will also be placed underneath the existing concrete wall to create a wall for stabilization. The area adjacent to the wall would be filled up to the riprap, and any remaining spaces would be filled with grout and concrete. The project is anticipated to last about a week.

Agent Kinne stated that we would sign the emergency order, and any contact needed can be done through Agent Sewall.

MOTION: Andrew Mankin that we approve the emergency order.

SECOND: Jessica Dezieck

VOTE: 7-0, all in favor.

10. Seekonk Brook Emergency Driveway Permit

Agent Sewall explained that Joe Sokol had called about an emergency permit for Seekonk Brook, as the damage occurred because of Hurricane Irene. Agent Sewall hadn't yet been up to see the property, and the application must be in by tomorrow or Joe Sokol will have to fill out an NOI. David Shannahan will go over to see the property tomorrow morning.

11. A motion to adjourn was requested.

MOTION: Andrew Mankin to adjourn the meeting at 9:17 pm.

SECOND: Jessica Dezieck

VOTE: 7-0, all in favor

Meeting adjourned at 9:17 pm.

Respectfully submitted

Paige Cerulli
Paige Cerulli, Secretary