

**Great Barrington Conservation Commission**  
**September 22, 2010 Meeting Minutes**  
7:00 pm Town Hall, Selectmen's Meeting Room

Present: Pat Kinne, Bruce, Gore, Orit Kadosh, Andrew Mankin, Jennifer Dezieck, Jennifer O'Connell, David Shanahan

**7:00 RDA – 9 Crissey Road**, filed by Robert and Jane Holcomb, DBA Apex Automotive. Proposed work is construction of a new pre-engineered building for their automotive repair business. Andrew Mankin recused himself. No issues were presented. A motion to close the public hearing was requested.

**MOTION:** Jessica Dezieck to close public hearing

**SECOND:** Bruce Gore

**VOTE:** 6-0, all in favor

A motion to issue a negative number 3 was requested.

**MOTION:** Jessica Dezieck to issue a negative number 3 for RDA with the following Special Condition: Accompanying plans dated 8/10/10 are followed.

**SECOND:** Bruce Gore

**VOTE:** 6-0, all in favor

**7:20 RDA – 249 Long Pond Road (Pfeiffer Arboretum)**, filed by the Great Barrington Land Conservancy. Proposed work is control of exotic invasive plants and trees by combination mechanical and chemical methods to re-establish native plants.

Chris Vleck, Great Barrington Land Conservancy and Rob Hoogs from Foresight Land Services were present. A site visit was conducted. Mr. Hoogs explained work to be done and pointed out wetland areas on a map of the area. Mr. Hoogs and Mark Volk rough flagged the wetlands boundaries and explained that the worst amount of invasives is in the wetlands with only a few native plants remaining. The goal is to return the site to native species. Lincoln Fish From Baystate Forestry then described invasive removal treatment for each area and the methodology involved. Commission members were impressed with the thoroughness of the presentation. After a few more questions a motion to close the public hearing was requested.

**MOTION:** Andrew Mankin to close the public hearing

**SECOND:** Jessica Dezieck

**VOTE:** 7-0, all in favor

Pat Kinne discussed issuing either a negative determination #3 or #5 and asked Rob Hoogs for his suggestions. He passed around a Draft Determination of Applicability with suggested conditions. A discussion ensued. A motion to approve was requested. A map with marked areas was requested.

**MOTION:** Jessica Dezieck to approve the Request for Determination as presented by Foresight Engineering with the Special Conditions as listed (attached).

**SECOND:** Orit Kadosh

**VOTE:** 7-0, all in favor.

**7:30 Request to Amend the Order of Conditions, SMA #6 for 316 Long Pond Road,** filed by Paul Chesloff. Proposed work would involve more excavation and blasting in the western hillside due to shifting the house's east wall off the fault line.

Craig Okerstrom Lang was present representing Paul Chesloff. Presented Sketch Plan. The house was shifted back, kept same rain gardens, deck may be a stone terrace. Mr. Okerstrom Lang said he would re-do working drawings and come back to the Commission with modified drawings. The View Management Plan is the same and the only change would be at the first floor elevation of the house. No further discussion. A motion to close the public hearing was requested.

**MOTION:** Andrew Mankin that we close the public hearing

**SECOND:** Jessica Dezieck

**VOTE:** 7-0, all in favor.

A motion to approve the amendment was requested.

**MOTION:** Andrew Mankin that the amendment as presented on these plans be approved with the conditions that prior to construction the following shall be submitted to the Conservation Commission: 1. Updated L-1 and L-2 plans showing the Sketch Plan with more detail and drafted on an Auto CAD, which would be used by contractors to build the site and landscape work. These updated plans would not substantially deviate from the Sketch Plan submitted with the SMA Amendment. 2. Update the Project Narrative and Plant List to coincide with updated L-1 and L-2 as necessary.

**SECOND:** Jessica Dezieck

**VOTE:** 7-0, all in favor.

**7:40 NOI – 0 Brookside Drive, Map 38/Lot 15, DEP File #167-0326,** filed by the Institute for Living Judaism – continued. The proposed work is to dredge material from Camp Eisner Pond. The affected resource areas are Bordering Vegetated Wetlands, Bank, Land Under Water, Riverfront Area and Bordering Land Subject to Flooding.

Mike Kulig presented. He said he has received all the permits and that the ideal time for work at the camp is between June 1<sup>st</sup> and July 1<sup>st</sup>. However, they cannot proceed with the work next month due to lack of funds. The Commission was unable to issue a complete Order of Conditions without a complete set of new plans. Mike Kulig will also give us a set of conditions that we may want to consider. He was advised that he should get the correct set of plans to the Commission as soon as possible so that it can be discussed at next month's meeting. A motion to continue was requested.

**MOTION:** Andrew Mankin to continue the public hearing until October 27<sup>th</sup> at 7:00

**SECOND:** Jessica Dezieck

**VOTE:** 7-0, all in favor

**7:50 NOI – Maple Ave., 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. A motion to continue was requested. David Shanahan recused himself from the vote.

**MOTION:** Andrew Mankin to continue the public hearing until October 27<sup>th</sup> at 7:30 p.m..

**SECOND:** Jessica Dezieck

**VOTE:** 6-0, all in favor.

**8:00 NOI – 100 Bridge Street, DEP File # 167-0354**, filed by the Community Development Corporation of South Berkshire. Proposed work will involve demolition of five existing buildings at the former New England Log Homes site as the initial phase of an overall redevelopment project.

Mary Brittain and Eric Bernardin of Fuss & O’Neil presented Existing Conditions Plan, Compensatory Storage Plan, Demotion Plan and Erosion Controls plans. Pointed out buildings to be demolished. Prior to demolition erosion and sediment control measures will be implemented. They are trying to push demolition forward to get work done. Lengthy discussion ensued regarding additional items and the possible existence of basements on the site. Agent Crescentini pointed out there was more than one item that was dependent on funding and the Commission needs that list. This is just for demolition. Any redevelopment is dependent on future funding. Pat Kinne asked for questions from the audience. Andrew Mankin expressed the opinion that anything that was removed would be a huge improvement to the site. After some discussion, Eric Bernardin said things will be closed out and made safe before another phase can begin. Tim Geller from the Community Development Corporation of South Berkshire explained that they need a balanced budget on the whole job before they can start and assuming funding they have applied for does fall into place, they will have a balanced budget for cost estimates. He feels it is a good environment for competitive bidding allowing them to get almost all the alternatives taken care of. However, they probably won’t be able to take concrete out of the ground. Conditions for approval were then discussed. It was requested that revised demolition plans include the provision to remove the woodpile at the southwest corner of the site. Also, no trees within the 200 ft. River Protection Zone and 100 ft. Wetland Buffer Zone will be removed with the exception of those within the perimeter immediately adjacent to the structures to be demolished. A list of added alternates is to be submitted prior to demolition. After further discussion regarding project time frame it was revealed that they do not have the necessary comments from Natural Heritage. The Commission was unable to proceed with an Order of Conditions without the required comments from Natural Heritage. It was decided to continue the public hearing to next month. A motion to continue was requested.

**MOTION:** Andrew Mankin to continue the public hearing until October 27<sup>th</sup> at 7:10 p.m.

**SECOND:** Jessica Dezieck

**VOTE:** 7-0, all in favor

## MISCELLANEOUS:

1. Special Permit, Application Under Zoning Bylaws for 173 Castle Street, Wise Residence. Application was for a deck and exterior stair. No issues as the proposed work were not in Wetlands. A vote was requested.  
**MOTION:** Andrew Mankin that the Wetlands Act does not apply.  
**SECOND:** Jessica Dezieck  
**VOTE:** 7-0, all in favor.
2. Special Permit Application for 3 Stillwell Street, Bramson residence. Requested permit was for operation of a small kennel as a home occupation. No migration issues, fence replaces previous fence. A vote was requested.  
**MOTION:** Andrew Mankin that the Wetlands Act does not apply  
**SECOND:** Jessica Dezieck  
**VOTE:** 7-0, all in favor.
3. Motion to approve the August meeting minutes was requested.  
**MOTION:** Andrew Mankin to approve minutes of August 27, 2010 meeting.  
**SECOND:** Jessica Dezieck  
**VOTE:** 7-0, all in favor.
3. Discussion and appointment of a ConCom representative to the Master Plan Committee. David Shanahan has already applied. A vote was requested.  
**MOTION:** Andrew Mankin that we appoint David Shanahan as the Conservation Commission representative to the Master Plan Committee.  
**SECOND:** Jessica Dezieck  
**VOTE:** 7-0, all in favor.
4. Driveway Permit application for 115 Hollenbeck Avenue, Maguire/Jacobson residence. No issues as proposed work not in Wetlands. A vote was requested.  
**MOTION:** Andrew Mankin that the Wetland Act does not apply  
**SECOND:** Bruce Gore  
**VOTE:** 7-0, all in favor.
5. Pat Kinne asked for comments on the O'Connell convenience station. No migration issues. The Fire Department heads up underground storage issues. Mentioned gasoline spill at the Mobil Station. They need to notify the Commission that it occurred.
6. The town is looking to place three beaver deceivers at three different locations although an application has not been submitted. David Shanahan asked if the regulations allow the Commission to address this if there is no current beaver activity. Discussed. Agent Crescentini to check the regulations.

7. 134 Hurlburt Road Enforcement Order for Carol Emerson. She had to replicate a wetlands area when she built a garage, approximately a year and a half ago. The replication area has been put in and a site visit was conducted. Pat Kinne feels they did what they needed to do but she was concerned about the proximity of the lawn.

**MOTION:** Pat Kinne all in favor of sending them a letter approving the work that has been done.

**SECOND:** Andrew Mankin

**VOTE:** 7-0, all in favor.

8. Presentation by Eric Westerlund regarding development of Lot 23 on Long Pond Road. Mr. Westerlund is considering building a second home on this property dependent on the Commission's opinion. He wants to clear a 40' swath down to the pond and presented a preliminary plan. He was told that anything within 100' from the pond is within The Commission's jurisdiction and the Commission would not approve a clear cut to the pond. He would need to submit a Notice of Intent and was advised of the measures to be taken.
9. Mr. Jim Driscoll from Christian Hill Road appeared regarding a house he wants to take down and rebuild parallel to the road. The existing house is approximately 12 to 14 ft. from a perennial stream. Pat Kinne advised Mr. Driscoll that he would have to submit a Notice of Intent with engineered drawings by October 8<sup>th</sup> to get on next month's agenda.
10. Presentation by Chris Rembold – Land use discussion regarding 325 and 389 Stockbridge Road, use of pavilion and adjacent field that extends westward along the Housatonic River behind the Gypsy Joynt restaurant. Mr. Rembold presented a plan of the lots. The owner wants to use the space to host temporary events such as weddings. The Commission was asked if these temporary activities, to include the possible erection of a tent and overflow parking (no paving of a parking area), were within the Commission's jurisdiction. It was pointed out that it could be considered alteration of a resource area if they are parking on a rainy day. Pat Kinne talked about the history of the site and the plantings that were to be done. A site visit would need to be done to ascertain what has been complied with and what has not. It also needs to be decided if parking cars is an exempt activity. After further discussion it was decided to have Agent Crescentini check these issues with Mark Stinson.
11. Agent Crescentini discussed the Municipal Wetland Bylaws. The Commission will talk about working on this project in the winter. Chris Rembold said Town Bylaws must be approved by a town meeting.
12. Chapter 40B Affordable Housing Law – ConCom comments for ballot question for Board of Selectmen meeting at request of Town Manager Kevin O'Donnell. Chris Rembold will explore whether the Commission is cut out of the process or not. We just need to be part of the streamlined process.

13. Larkin Site: Pat Kinne received a call that they built what was not approved. Ed McCormick asked her to attend a meeting tomorrow morning to discuss issues. He told her that the NRC, SK Design, Joe Wilkinson, the Larkin's, Smitty Pignatelli and Jonathan Robeson from Natural Heritage would participate via conference call. They have to get an agreement as to what was occurring on the down stream end. Mark Stinson was called and said he didn't understand why we needed to be at this meeting and contacted Natural Heritage; they were not aware of the meeting. Mark Stinson and Bob McCallum asked Pat Kinne to have the Commission continue to be their eyes and ears but they don't know what they will do at this point. At the site inspection SK Design was told that they had to come up with a plan. Agent Crescentini received a call from Joe Wilkinson telling him that the turtle sweep people had been there and he needed to start working immediately. When Agent Crescentini arrived on the site the excavator was already in the stream. All activity was documented with photographs.

Due to time constraints the McAllister Wildlife Refuge discussion was tabled.

Meeting adjourned at 9:50 p.m.