

**Great Barrington Conservation Commission Meeting
Great Barrington Fire Station, 37 State Road
January 25, 2011**

ATTENDEES: Bruce Gore, Orit Kadosh, Jessica Dezieck, Jennifer Connell, Andrew Mankin, Dave Shannahan

Andrew Mankin brought the meeting to order at 7:00 pm.

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: Jessica Dezieck that we continue the public hearing at 7:30 on Wednesday, February 22nd. The meeting will be held at the fire station rather than at Town Hall due to a room conflict.

SECOND: Orit Kadosh

VOTE: 5-0, all in favor.

MISCELLANEOUS

1. Approve December 28, 2011 meeting minutes.

MOTION: Jessica Dezieck that we approve the minutes from the December 28th meeting.

SECOND: Orit Kadosh

VOTE: 5-0, all in favor.

2. Stockman and Associates LLC, estimate for delineating wetlands at McAllister Property Agent Sewall has gathered two estimates for wetlands delineation of the McAllister Property. Stockman and Associates estimates the project to be 56 hours at \$70 per hour, the project total being \$3928. This would include delineating the wetlands, flagging throughout the entire property, delineating the mean annual high water line, and bank delineation. No mapping would be involved. A surveyor would be responsible for doing the mapping.

Shannon Boomsma of White Engineering estimated the job to cost between \$3500 and \$4000. The cost includes a drawn map, but not a surveyed map.

Agent Sewall stated that she's hoping to have the land surveyed once it is delineated so that the wetlands and trails will be on the maps. The cost of surveying is likely around

\$6000. It's been suggested that local kids and schools outfitted with GPS's could perform the surveying by walking the trails and, with the use of a computer program, uploading the data collected into a map. Agent Sewall will look into estimates for the surveying.

There is currently \$8075 in an account for McAllister trail maintenance and creation. The money could be used to map the trails. At this time Christine Ward has no projects planned to use the money, but if something should happen during the summer such as felled trees, she may need some of the money for maintenance.

Andrew Mankin questioned what the benefit would be of delineating the wetlands on a protected property, and Agent Sewall explained that a number of the property abutters are creating trails which cross wetlands and property boundaries. By surveying the property, the location of the trails and their destinations could be identified. Andrew Mankin stated that if a comprehensive wildlife refuge is developed on the property, having the property surveyed would likely be intricate to the refuge's creation. Jessica Dezieck added that especially with the work days being held on the property, it is important to know what is in the property. Agent Sewall stated that although most of the boundaries of the property are known, the boundaries are unclear where the property goes down into the fire district. The fire district and water company maintain those roads.

Orit Kadosh added that it will be important to leave some money in the case that it should be needed for maintenance. Andrew Mankin stated that the surveying of the overall property goes hand in hand with the delineation, so they should both likely be approved together. Agent Sewall suggested that we work with a company who will allow us to do volunteer hours to reduce the price.

Andrew Mankin stated that we will wait on deciding on the delineation estimates until the next meeting. Agent Sewall will get an estimate from Foresight.

3. Proposal for Herb Farm/Educational Herbal Botanic Garden at McAllister Wildlife Refuge

Krysha Kurzyca presented her proposal to create an herb farm and educational herbal botanic garden that will become a CSA and educational place where there will be walks, workshops about herbs, and courses for children. She stated that some of the herbs are Chinese and are already grown in many herb farms, and that she has spoken to herbalists and was assured that there should not be any problems with spreading. Krysha Kurzyca stated that parking will not be an issue because there will be no more than 1 or 2 workers present at a time. She is not planning to build any structures aside from plant-holding structures such as a trellis.

Andrew Mankin explained that we have just started to look at the property and come up with a long term plan, and that we are in the middle of trying to determine what we want to do with the property. Agent Sewall identified that the garden would be a private venture on public land, which raises questions such as the legality, whether there would be rent required, and what action the Conservation Commission should take if it were to receive many proposals. The Commission would also need a way to ensure that Krysha

Kurzyca stayed at the property for a certain amount of time, and that when she left the property was returned to a manageable space.

Andrew Mankin presented a newspaper article from 1974 when Gerard McAllister had donated the land to Great Barrington and the Conservation Commission was put in charge of that land. Gerard McAllister donated the land to the town without any restrictions because they thought it was simpler due to a tax issue. Andrew Mankin stated that in several places in letters and in newspaper article it is clear that Gerard McAllister wanted the property to remain undeveloped and as a wildlife sanctuary. The Conservation Commission has always kept the property as a wildlife sanctuary, and it is not to be developed. The fields were being hayed by the Shaws before the land was donated to Great Barrington. When the fields started to close in as the Shaws stopped haying, the Conservation Commission contacted Morgan Allen to hay the fields and keep them open. The Commission had also decided that the mix of open fields and wooded areas and hedgerows was a good wildlife mix.

Andrew Mankin went on to state that he is in favor of the idea of the herb garden, but stated that in his opinion, in this particular situation, this property has always been kept undisturbed as it was in the 1960's and 1970's he believes that it should be kept that way.

David Shannahan proposed that to determine if the Commission could even consider something like the herb garden, a question should be directed at the town manager. Andrew Mankin explained that the Commission does have land use regulations now that discuss what can and cannot be done with the property. Agent Sewall stated that Morgan Allen is a private enterprise, but Orit Kadosh stated that the situation is different because Morgan Allen could be asked to stop at any point with no delay to the results. A CSA is a lot of time and investment, and is much more permanent. Orit Kadosh stated that the herb garden was a wonderful idea, but added that the Commission does not know if it's something that we could do, or if it's something we want to do as a matter of precedent and whether it's in line with the wishes of the donor. Orit Kadosh added that because the Commission is just constructing its plan, she doesn't believe that the herb garden is something the Commission would be in favor of, because it is a private undertaking.

Krysha Kurzyca countered that although the herb garden is a private undertaking, it is for the benefit of the community. The garden is enhancing and it is not a huge amount of land. Jessica Dezieck responded with the fact that the issue isn't the fact that the Commission doesn't think that the herb garden will enhance the property, but there are many things the Commission could possibly do to enhance the wildlife. Orit Kadosh added that other people could come forward and also propose projects that they think are enhancing, and that other people won't see those projects as being enhancing. The intention was to keep the property wild. The Commission needs to keep the property true to the spirit in which it was given. The issue of enhancement is really subjective, so it would be difficult to justify doing one project and not another project. Jessica Dezieck encouraged Krysha Kurzyca to give her email and contact info to Agent Sewall and come to the McAllister meetings too to help. Krysha Kurzyca stated that the haying is being done before the monarch butterflies are gone, and David Shannahan

explained the time when hay is harvested is determined by when the hay itself is ready so that it is useable to feed to horses. Andrew Mankin stated that as a board we are not currently interested in entertaining the idea of the herb garden. Bruce Gore added that the Commission cannot entertain the idea based on what has been done in the past, as the herb garden is a commercial venture. After a ten year plan has been created, the Commission might be able to consider the idea.

4. Mass DOT Emergency Permit for Beaver Dam Breach on Thomas and Palmer Brook, Route 23

Agent Sewall presented an informational update that there are a number of dams along Thomason Palmer Brook where beavers have stopped up the culverts.

5. Dave Shannahan Board of Health Beaver Dam Breach and Trap permit

David Shannahan recused himself.

David Shannahan stated that there is no beaver trapping going on currently because the pond is frozen, but it is necessary to bring the water levels under control. There are three dams which are causing an 18 inch increase in the water level. The pond has only been higher than it currently is one time, which was when the beavers had done the same thing. If there is trapping and breaching, the issue goes to the Board of Health, but if only breeching involved then it goes to the Commission. This is still an issue for the Board of Health at the moment. David Shannahan offered to organize a site visit for the Commission members. The goal is to return the pond to its previous condition and to reduce the water level.

6. Zoning Board of Appeals Special Permit, 34 Prospect Street

The property was zoned as one, but is now zoned as two. A firewall will be installed between two garages.

MOTION: Jessica Dezieck that the Wetlands Act does not apply.

SECOND: Orit Kadosh

VOTE: 5-0, all in favor.

7. Lake Mansfield Forestry Workshop Update

Agent Sewall explained that part of the grant that Christine Ward got for the logs moved out of Lake Mansfield is to build a kiosk for the McAllister property. Agent Sewall was not sure just where a kiosk should be located, but raised the point that if the property is maintained then it will get more publicity which will result in more people visiting the property, so parking is going to become an issue. Details such as what the kiosk looks like, where it will be located, and what it will be for will need to be determined. Jessica Dezieck stressed the need to have more Commission members at the McAllister meetings, as lots of ideas are presented during the meetings. The logs will be pulled out of Lake Mansfield on February 11th to be transported to the milling site.

8. Scenic Mountain Act definitions review

Agent Sewall stated that we will continue the review next month. Agent Sewall is focusing on reworking the definitions and is looking at other towns to do so. Next month's meeting will begin at 6:30 to talk about definitions. Andrew Mankin added that he had talked to Shep Evans who had

helped to write the Conservation Commission's regulations. Shep Evans, a member of the MACC, had said that he would be willing to help, as he had mostly written the regulations for the town of Stockbridge.

9. Other business

Agent Sewall stated that the Massachusetts Association of Conservation Commissions is coming up with their conference. Agent Sewall will be attending, and other Commission members are welcome to attend. Their attendance will be paid by the town.

Agent Sewall also shared that the Zebra Mussel Forum will be presenting a conference held by Doug Jensen on February 4th. Agent Sewall had reserved one ticket if a Commission member should want to attend.

Andrew Mankin stated that the Commission has a Letter from Lauren Sartori stating that the balance of the Wetlands Protection Fund is \$50,566. The funds can only be used for wetlands protection.

10. A motion to adjourn was requested.

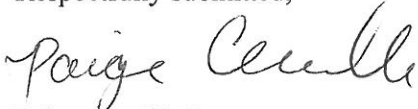
MOTION: Jessica Dezieck that we close the public hearing.

SECOND: Orit Kadosh

VOTE: 6-0, all in favor.

Meeting adjourned at 8:07 pm.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paige Cerulli".

Paige Cerulli, Secretary