

**TOWN OF GREAT BARRINGTON  
CONSERVATION COMMISSION MEETING  
MINUTES  
WEDNESDAY, NOVEMBER 19, 2014  
6:30 P.M. – GREAT BARRINGTON TOWN HALL**

**PRESENT:** ANDREW MANKIN – Chairman  
LISA BOZZUTO  
JEFF COHEN  
JESSICA DEZIECK  
GAETAN LACHANCE  
DAVID SHANAHAN  
KATE VAN OLST

SHEP EVANS – CONSERVATION AGENT

**1. CALL TO ORDER**

Chairman Mankin called the meeting to order at 6:30 P.M.

**WPA NOI 167-0369 from Dave Inglis of Mahaiwe Harvest located on South Main Street, Map 37 Lot 93 for new agriculture in the resource area of the Green River, a NHESP habitat and a 100 year flood plain. Continued from August 28, 2013. Update on progress.**

No new updates.

MOTION: Jessica Dezieck to continue the public hearing until the 12/17/14 meeting

SECOND: Lisa Bozzuto

VOTE: 7-0

**WPA RDA from Regio Almorì for clearing land and demolishing two structures in the Buffer Zone of a Bordering Vegetated Wetland at 177 & 185 State Road, Map 12 Lots 85, 86 & 87.**

Shep Evans read the description of work to be done as written in the RDA.

There has been no change to the plan since the October 22, 2014 hearing.

Shep stated that the abutters have been notified of the work plan.

Shep distributed a 'survey' of the property to the Commission and explained that there were items drawn by hand and not to scale as noted on the bottom of the copy of the survey.

Danny Bell asked what buildings, according to this survey, will be taken down.

Andrew Mankin responded that Building A and Building B will be removed, and pointed out where they are located.

Danny Bell stated that the right-of-way has been moved on the map. He asked where the proposed right-of-way will be.

Mr. Almorì responded that the current drawing of the right-of-way is not correct, it has been officially recorded back in the original spot.

Danny Bell said that the Lamplighter building should be left out of the record since it is not part of this RDA. Mr. Bell pointed out that the notice of record in the paper had the wrong reference numbers. He also asked why this work does not require an NOI since the work is in the buffer.

Andrew Mankin explained that not all projects require an NOI.

Claudia Shapiro stated for the record that Mr. Almorì explained at the October 22 meeting that he will be renovating the Lamplighter building and how he will need to tie into the town sewer to do so. In doing so, she believes that he will need an NOI.

Ms. Shapiro also stated for the record that there is a property line dispute that she feels Mr. Almori should address before he moves forward with anything else.

Andrew Mankin replied that the Commission is addressing wetland regulations, not boundary line issues.

MOTION: Jessica Dezieck to close the public hearing.

SECOND: Lisa Bozzuto

VOTE: 7-0

MOTION: Jessica Dezieck to issue a determination that the area and the work described is subject to approval by the Great Barrington Conservation Commission pursuant to the wetland by-law and regulations.

SECOND: Lisa Bozzuto

VOTE: 7-0

MOTION: Jessica Dezieck to issue a negative # 3

SECOND: Jeff Cohen

VOTE: 7-0

**WPA RDA from Berkshire Engineering for Sam Handel for installation of a small shed, removal of several dilapidated outbuildings and installation of an underground propane tank within the Buffer Zone of a Bordering Vegetated Wetland at 127 Monument Valley Road, Map 36 Lot 31.**

Shep Evans stated that all abutters have received notification about this project as per town regulations.

Nick Anderson explained that all of this work will be in the lawn area. There is no change in the project since the October 22, 2014 meeting.

MOTION: Jessica Dezieck to close the public hearing.

SECOND: Lisa Bozzuto

VOTE: 7-0

MOTION: Jessica Dezieck to issue a negative #3 with standard conditions.

SECOND: Lisa Bozzuto

VOTE: 6-0-1 David Shanahan abstains

**WPA RDA from Berkshire Engineering for Lucy Stille for a Subsurface Disposal System upgrade within the limits of a Buffer Zone adjacent to a pond on the property at 271 Monument Valley Road, Map 35 Lot 33.**

The site visit has been completed.

Nick Anderson explained that there will be an upgrade to the septic system. The leeching field is outside of the jurisdictional area. All disturbed areas will be maintained lawn. Nick said that there is good site access and there will be no tree removal. Silt fence or straw waddles will line the area.

MOTION: Jessica Dezieck to close the public hearing.

SECOND: Lisa Bozzuto

VOTE: 7-0

MOTION: Jessica Dezieck to issue a negative #3 with standard conditions.

SECOND: Lisa Bozzuto

VOTE: 7-0

**WPA NOI 167-0385 Kirt Mayland of Housatonic Solar 1, LLC and Michael Marcus of New England Environmental will update the Commission on various aspects of the project including discussions with the Natural Heritage and Endangered Species program. Emily Stockman of Stockman Associates will report on her review of the project on behalf of the Commission. Continued from May 28, 2014.**

Kirt Mayland presented an updated map to the Commission. One plan that was submitted included the staging area. Kirt explained that he removed from the plan the work on the trail and parking lot on Division Street. This may be added again in the future. Kirt showed a map of the 100 year floodplain and a map of a 10 year floodplain. The Conservation Restriction holder will be BNRC.

Emily Stockman spoke about Kirt Mayland's response to her comment document that was presented previously. She noted that the erosion control was increased.

Jeff Cohen asked if the elevation at Park St. is higher than that of the panels.

Kirt Mayland responded that you would not be able to see the array when driving along Park St.

Jeff Cohen asked if there is a vegetation plan along the road to diminish the view.

Kirt responded that there is enough wooded and green area to block the view.

Lisa Bozzuto asked if the mitigation area will be 1 to 1.

Emily Stockman responded that there is still discussion about this but it will be at least 1 to 1.

Emily suggested that the phasing plan should be more detailed.

Kirt Mayland acknowledged this and said they are working on the plan. Kirt explained that the storm water report was also modified; there will be no impervious surface. Ballasts and pads are now included and will meet the storm water policy.

Andrew Mankin asked Emily Stockman to help with the Order of Conditions to speed things up. Emily agreed. She suggested that she draft the special conditions to be shared with Kirt Mayland to ensure that all runs smoothly.

Jessica Dezieck asked for the floodplain numbers.

Emily Stockman replied that the numbers add up.

MOTION: Jessica Dezieck to continue the public hearing until the 12/17/14 meeting

SECOND: Lisa Bozzuto

VOTE: 7-0

#### Miscellaneous:

- Request for Certificate of Compliance, DEP File # 167-0359, from Sarah Schultz of SK Design Group for the Beth B. Sackler Trust. The property is the former Hickey Property adjacent to 55 Hurlburt Road, Map 31 Lot 29A.

Shep Evans stated that all is up to date.

MOTION: Jessica Dezieck to issue a Certificate of Compliance

SECOND: Lisa Bozzuto

VOTE: 6-0-1 Jeff Cohen recused

- Report on the "working group" on Wetland Bylaw & Regs and Scenic Mountain Regs.

Shep Evans stated that the working group is making progress. They are about a week away from a draft of a new by-law for the group to agree upon. This will then be presented to the Commission for a vote. The group will then move on to 'regulations'. There will be another working group meeting in 2 Wednesdays.

- Approval of Minutes from the October 22, 2014 meeting.

MOTION: Jessica Dezieck to approve the October 22, 2014 minutes as amended

SECOND: Lisa Bozzuto

VOTE: 5-0-2 Gaetan Lachance and David Shanahan abstained

- Other last minute items:

Kate Van Olst said that the current rain caused dirt to wash down Bridge St. The Main Street Renovation did not put in any erosion control.

Shep Evans said that Joe Sokul is aware of it and is dealing with the issue.

Jessica Dezieck reported that she no longer will be a member of the Lake Mansfield Improvement Task Force. Therefore, another member of the Commission will need to be the representative. The meetings are usually the first Monday of every month at 8:30 AM. This will be further discussed at the next meeting.

Shep Evans spoke about the Enforcement Letter to the Fairgrounds. He distributed the response letter to the Commission to read and discuss.

Shep said that he will talk to Tighe and Bond about this matter since the Fairgrounds mentioned that they spoke to them about this. Shep will assess and get back to the Commission.

Shep Evans reported that the forest cutting plan was received on behalf of Lynn Hutchinson. He distributed copies to the Commission.

Shep explained that the distance of this project from the pond is 150 ft. The Conservation Commission has jurisdiction within 500 ft. The Planning Board, Building Inspector, Selectboard and Town Manager all have copies of this plan. The Town will refer to Town Counsel to draft a letter that will include the Commissions opinions.

Jeff Cohen said that since the property is under an Enforcement Order, it would be good policy to say that 'as long as that order is outstanding, it would be inappropriate to permit any further cutting, under Wetlands By-Law', as well as mentioning the jurisdictional issue.

Andrew Mankin said that there is no permitable activity in this zone since it is a water quality district.

Shep will forward the Commissions thoughts to the Town Manager.

#### **ADJOURNMENT:**

On a motion by Jessica Dezieck, seconded by Lisa Bozzuto, the Commission adjourned its meeting at 8:05 P.M.

Respectfully submitted,



Cara Becker  
Secretary