

**TOWN OF GREAT BARRINGTON
CONSERVATION COMMISSION MEETING
MINUTES
WEDNESDAY, MARCH 9, 2016
6:00 P.M. – GREAT BARRINGTON TOWN HALL**

PRESENT: GAETAN LACHANCE – Chairman
BILL BOYER
LISA BOZZUTO
JEFF COHEN – not present
JESSICA DEZIECK
ANDREW MANKIN
DAVID SHANAHAN

SHEP EVANS – CONSERVATION AGENT

1. CALL TO ORDER

Chairman Lachance called the meeting to order at 6:00 P.M.

WPA NOI DEP WPA NOI 167-0400 submitted by Tata & Howard on behalf of the Great Barrington Fire District Water Department for the development of a new water supply source by drilling wells at 180 and 190 North Plain Road, Map 29 Lots 1 and 3. **Continued from February 24, 2016.**

Shep Evans reported that there has been no comment from Natural Heritage as of yet.

MOTION: Lisa Bozzuto to continue the public hearing until Wednesday, March 23, 2016

SECOND: Andrew Mankin

VOTE: 5-0-1 Jessica Dezieck recused

WPA NOI 167-0401 submitted by Tighe & Bond, Inc. on behalf of the Town of Great Barrington DPW for the repair of an existing culvert and associated slope stabilization on George Street adjacent to the residence at #3 George Street, Map 11 Lot 61. **Continued from February 24, 2016.**

Shep Evans reported that a 'no-take' letter has been received from Natural Heritage.

Gaetan Lachance said that the Commission had spoken in the past about their concern regarding the run-off from across the street.

Jess Dezieck said that vegetation filters better than rip-wrap, which is what is planned to be used. She suggested live staking.

MOTION: Jess Dezieck to close the public hearing

SECOND: Lisa Bozzuto

VOTE: 6-0

MOTION: Jess Dezieck to issue OOC with standard conditions and the special condition that there be live-staking off the bank in between the rip-wrap.

SECOND: Lisa Bozzuto

VOTE: 6-0

Miscellaneous:

- A. Discussion of an Enforcement Matter: Enforcement Order issued to James & Margaret Larkin on March 4, 2016 pertaining to the alteration of Flood Plain, Riverfront Resource Area, Bordering Vegetated Wetland on 15.6 acres of land east of Route 7 adjacent to the confluence of the Green and Housatonic Rivers, Map 38 Lot 44.

Shep Evans mailed an enforcement letter to the Larkins. Shep distributed a copy of an enforcement order to the Commission for review and signature. All signed.

- B. There will be a site visit by Misty Ann Marold at 79 Bridge St. on 3/17/16 at 10:30 AM. Shep Evans invited the members of the Commission to attend.
- C. MOTION: Jess Dezieck to approve the minutes from the 2/24/16 meeting as amended
SECOND: Lisa Bozzuto
VOTE: 6-0

Jess Dezieck spoke about the Kleinwald property on Lake Mansfield Rd. She said that trees are being removed.

Shep will look into the matter.

Jess Dezieck announced that she is joining the Fire Department, so July will be a busy month for her.

All members congratulated her.

Gaetan Lachance said that there was a good presentation at the Lake Mansfield Task Force meeting. Gaetan has contacted Mark Stinson about ideas that were presented to see if they are possibilities.

Lisa Bozzuto said that there was supposed to be something done on the property next to Griffin on Main St. as part of an OOC. This work was never done.

Shep said that he will check into this.

Citizen speak time – none

ADJOURNMENT:

On a motion by Jessica Dezieck, seconded by Lisa Bozzuto, the Commission adjourned its meeting at 6:30 P.M.

Respectfully submitted,



Cara Becker
Secretary

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PRESENT: GAETAN LACHANCE – Chairman
BILL BOYER
LISA BOZZUTO
JEFF COHEN
JESSICA DEZIECK
ANDREW MANKIN
DAVID SHANAHAN

SHEP EVANS – CONSERVATION AGENT

1. CALL TO ORDER

Chairman Lachance 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.

Shep Evans spoke to Dave Inglis who said that he will have an update by next month.

MOTION: Jessica Dezieck to continue the public hearing until Wednesday, April 27, 2016

SECOND: Andrew Mankin

VOTE: 7-0

Emily Stockman of Stockman Associates LLC for Jeanne Chesanow, property at #28 Blue Hill Road and #5 Roger Road, Map 37 Lots 1B and 2. Response to an Enforcement Letter dated September 22, 2015 and an update on the anticipated planting plan to be mutually agreed by the abutting property owners. **Continued from October 28, 2015.**

Emily Stockman presented the planting plan agreed upon by Ms. Chesanow and Mr. Marsh. Mr. Marsh asked for a couple of trees measuring 6-8 ft. and a white pine in the 12 ft. range. These are the most significant changes to the plan up to this point.

Planting is planned for the springtime.

Emily Stockman said that she does not feel that future monitoring is needed. She suggested pictures or site visits only.

MOTION: Jessica Dezieck to close the public hearing

SECOND: Andrew Mankin

VOTE: 7-0

MOTION: Jessica Dezieck to approve the planting plan as presented dated 2/20/16 with the following conditions:

October 1st deadline for picture submission and with the survivability of 75% for 3 years for 5 Rogers Rd.

SECOND: Andrew Mankin

VOTE: 7-0

Request for determination of Applicability submitted by TEC Associates for Housatonic Rail Road Company (HRRC) seeking an update of the wetland delineation along the ROW of the Railroad in support of their preparation of a Vegetation Management Plan for 2016 thru 2020.

Shep reported that TEC Associates requested an update on the wetland delineation. Andrew Mankin said, in the past, at the crossing of streams and rivers there were markers that said "Do Not Spray."

Shep Evans suggested distributing a smaller version of the plan to the Commission who can go and look at the areas.

David Shanahan asked about TEC Associates; who are they? who hired them? And will they comply with the Commissions requests?

Andrew Mankin said that he will coordinate the research.

MOTION: Jessica Dezieck to continue the public hearing until Wednesday, April 27, 2016

SECOND: Andrew Mankin

VOTE: 7-0

WPA NOI 167- 0399 from S-K Design Group for 79 Bridge Street Realty, LLC.

Property is located at 79 Bridge Street, Map 19 Lot 139. The project includes development of a new hotel, parking and driveway areas, walkways and utilities. The project falls within the Riverfront Resource Area, Bordering Land Subject to Flooding and the Buffer Zone. **Continued from October 28, 2015.**

Kate McCormick stated that 79 Bridge St. Realty, LLC has now purchased the property. Work will begin but not in the jurisdictional area at this point.

Emily Stockman spoke about the site visit.

The applicant read through the comments that Emily passed along on the draft conditions. Sarah Shultz reported that all work and planting below the mean water line has been removed from the plan.

Jeff Cohen asked that the word "request" be removed from special condition #26.

Emily Stockman agreed.

All agree that '3 years after phase 3 of monitoring' should be the wording.

The Commission requested an E-mail report regarding the storm water maintenance results once a year.

Kate McCormick asked that there be no tall signs about not plowing into the river.

Andrew Mankin asked that a plan be developed to make it all work.

Emily Stockman said that she will add to the conditions that the applicant will come up with a plan for signage and submit to the Conservation Commission.

Emily Stockman will clarify condition #52.

There was discussion about conditions 43-46.

Dale Abrams asked about the developable area that is to be given an easement. GBLC wants to develop an area, not manage one that is already developed.

Sarah Shultz responded that the area could be developed for amenities to the hotel. (Shuffleboard, gazebo, etc.)

Emily Stockman responded that this area could be challenging to develop. A Conservation easement would protect it, however.

Christine Ward asked if it is relevant that it is already under protection.

Andrew Mankin replied yes but said it is a good trade given the amount of land given being larger than what was taken.

Emily Stockman will revise the conditions and send along to the appropriate groups.

MOTION: Jessica Dezieck to continue the public hearing until Wednesday, April 27, 2016

SECOND: Andrew Mankin

VOTE: 6-0-1 Gaetan Lachance recused

Request by SK Design Group for a 3 year Extension of the Order of Conditions for the 55 Hurlburt Rd. project (DEP # 167-0372) originally issued on April 4, 2013, amended in October 2015 and due to expire in April, 2016.

Sarah Shultz distributed a letter about the invasive work that has been done.

She asked for a 3 year extension of the OOC.

Lisa Bozzuto asked that the OOC says "no herbicide use."

Sarah replied that it does; it says 'using dab application.'

MOTION: Jessica Dezieck to issue a 3 year extension of the Order of Conditions

SECOND: Andrew Mankin

VOTE: 6-0-1 Jeff Cohen recused

WPA NOI 167-0400 submitted by Tata & Howard on behalf of the Great Barrington Fire District Water Department for the development of a new water supply source by drilling wells at 180 and 190 North Plain Road, Map 29 Lots 1 and 3. **Continued from February 24, 2016.**

Waiting for a statement from Natural Heritage.

MOTION: Jessica Dezieck to continue the public hearing until Wednesday, April 27, 2016

SECOND: Andrew Mankin

VOTE: 7-0

Request for Determination of Applicability submitted by White Engineering, Inc. on behalf of Berkhill 11, LLC for the clearing of shrubs and trees within the Buffer Zone of a Bordering Vegetated Wetland at 11 Crissey Road, Map 9 Lot 36-29. **Continued from February 24, 2016.**

This request was withdrawn

Miscellaneous:

Discussion of an Enforcement Order issued to James & Margaret Larkin on March 4, 2016 pertaining to the clearing, including cutting and stockpiling whole trees and other woody debris in Riverfront Area, Bordering Vegetated Wetland and Bordering Land Subject to Flooding adjacent to the confluence of the Green and Housatonic Rivers, Map 38 Lot 44.

Jim Larkin and Jim Larkin Jr. were present. They stated that they need to bring this parcel back into production and that it is not wetland.

Shep Evans explained that this land is not currently in agricultural production and has not been within 5 years. Therefore, it does not qualify for an exemption.

Andrew Mankin stated that the land is in the riverfront and endangered species protection area. He explained to the Larkin's that there are laws and regulations regarding this area and the use of the land.

Jim Larkin Jr. said that they can't afford to spend a lot of money but could assemble a team to delineate the area.

Shep Evans explained the process for applying for an NOI to the Larkins.

Request submitted by Foresight Land Services for a 3 Year Extension of the Order of Conditions for the 100 Bridge Street project (DEP # 167-0373) originally issued on May 2, 2013, amended in March 2014 and due to expire in May 2016.

MOTION: Jessica Dezieck to grant request for a 3 year extension of the OOC

SECOND: Lisa Bozzuto

VOTE: 6-0-1 Jeff Cohen recused

Report on McAllister Reserve – Stakeholder group meeting held on March 14, 2016. Review of preliminary recommendations for the maintenance and enhancement of the reserve.

Jeff Cohen spoke about the stakeholder group meeting.

He explained that the property was gifted to the town and the Conservation Commission has the responsibility to maintain.

Andrew Mankin said that the McAllister's wanted it as a wildlife habitat and open space. He said the Conservation Commission should maintain that wish. Andrew said that walking trails are good but they are not within the original intent of the gift. Andrew asked if it wouldn't be better to spend money to remove the invasives.

Jess Dezieck said that the invasives need to be taken care of first.

Lisa Bozzuto said that the tree committee talked about getting interns to do this type of work. (inventory) She said that she can bring the request to them.

Jess Dezieck said she does not want the Conservation Commission to relinquish control of any activity there.

MOTION: Jeff Cohen that the Conservation Commission approve the formation of an AdHoc Committee (of the Conservation Committee) charged with oversight of the McAllister Reserve to be Chaired by Jeffrey N. Cohen, including the following members:

Shep Evans

Cara Becker

Will Conklin

Jess Toro

Rachel Fletcher

Deb Phillips

Jess Wikle

Christine Ward

Proposals shall be (competitively) obtained for :

Staking of the boundaries of the Reserve with Conservation Commission markers,

Mapping of existing trails and resources,

Natural Resource Inventory,

Investigation as to potential for "Stewardship" by an appropriate 501C(3) organization and

Meetings are to be scheduled with abutters as well as an appropriate public forum so as to involve the community in the process of enhancing maintenance and use(s) of the Reserve.

SECOND: Andrew Mankin

VOTE: 7-0

Request submitted by McCormick, Murtagh & Marcus for review of Town first refusal option and release of a 1.149 Ac lot on Lake Buel Road. Family proposes to transfer out of Chapter 61 for the purpose of enabling other family members to build a single family residence. The Conservation Commission is advisory to the Select Board.

Jeff Cohen requested that it say; "because it stays in the family."

MOTION: Jessica Dezieck to send a positive recommendation to the Selectboard

SECOND: Andrew Mankin

VOTE: 7-0

Citizen speak time. None

Approval of Minutes of the February 24, 2016 and March 9, 2016 Conservation Commission Meetings.

MOTION: Andrew Mankin to approve the minutes from the February 24, 2016 and March 9, 2016 meetings

SECOND: Jessica Dezieck

VOTE: 7-0

ADJOURNMENT:

On a motion by Jessica Dezieck, seconded by Lisa Bozzuto, the Commission adjourned its meeting at 8:50 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Cara Becker". The signature is written in dark ink and is positioned directly below the phrase "Respectfully submitted,".

Cara Becker
Secretary