

**Great Barrington Conservation Commission Meeting
Town Hall, 334 Main Street, Selectman's Meeting Room
April 25, 2012**

ATTENDEES: Patricia Kinne, Orit Kadosh, Jennifer Connell, Andrew Mankin, Jessica Dezieck, David Shannahan

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

7:00 NOI – 55 Hurlburt Road, filed by Paul and Maureen Hickey. The proposed project involves the construction of a single family home and associated septic, potable water well, driveway, and yard. The applicant proposes to mitigate the altered bank of the intermittent stream prior to construction.

Sarah Schultz presented a wetland restoration plan and a stream bank plan. Rocks will be removed from the stream bank, and the stream bed will be raised to a level where it matches both the upstream and downstream panel bottoms so as not to create any pools. The stream will be lined with filter fabric and plantings will be performed both on the top of the slopes and intermittently in the center of the bank. Any rocks will be removed by hand, and transported using a non-motorized method. Once removed from the wetland the rocks may be taken off of the site or used somewhere else on the site.

Jessica Dezieck stated that she doesn't like the idea of fill being brought in for the stream channel, as if gravel is being removed then there doesn't seem to be a reason to bring gravel in and replace it. Jessica Dezieck asked if the channel could be graded instead, and Agent Sewall explained that one section has been dug out extensively, and it is difficult to tell what will be in that area until the riprap is removed. Agent Sewall added that it would be great to say that wherever possible, hand grading will be used with native soil if possible, so as to avoid bringing in things from outside sources wherever possible. Chairman Kinne added that because the area is so sensitive, specific information such as depths, exact materials to be used, and the procedures need to be specified in the plan. Agent Sewall suggested that the number of shrubs to be planted be specified, and that the existing trees be mapped for reference. Andrew Mankin added that numbers for the plantings to go in are important so that we can track the survival rate. He questioned what would be done to restore the non-stream bed area of the wetland.

Agent Sewall explained that the focus is to take care of the enforcement order so that we can then examine the home building as a NOI. The area has been mowed for about four years, and while certain species will survive, others won't. When it grows back we'll have a monoculture of what can survive a mowed situation, but has been a woody shrub swampland in history. If we do some groupings of shrubs, we're guaranteeing that as it grows we're reintroducing species diversification.

David Shannahan agreed with Agent Sewall's suggestion, but added that he didn't feel that people should be expected to do a huge involved planting such as that, and that we need to find an agreeable situation. Kate McCormack added that she didn't feel that the clients would be against doing some planting now, as they know that they'll likely be on hold for a year.

Andrew Mankin stated that this is a difficult restoration area because of the invasive species present, and that in ways it makes sense to wait and see what will grow. He stated that he agrees with Agent Sewall in that the more we can help this area in the beginning the better it would be. Otherwise, within a year, if it's all invasive species the job of getting it back to a healthy wetland will be much larger. It would be nice to see what a full restoration plan looks like after 12 months, creating a several-step plan in which a number of plantings are done, and then if the area needs more plantings after a year or isn't healthy, a further restoration plan would take place. Kate McCormack states that she has no problem doing a Phase I, but it is difficult to do a Phase II because we're unsure of what the area will look like in a year.

Andrew Mankin stated that he would want to make sure that it's very clear that when we revisit the area in 12 months, there may be a Phase II, and that we would need some fairly strong language in the current plan so that that could happen. Agent Sewall added that the proposed invasive species plan needs to be more specific and that it needs to include a list of the species that they see growing over the year. Jessica Dezieck suggested that we revisit the plan in the fall, so that what is growing in the summer could be assessed. Sarah Schultz added that the plan included immediate invasive species management, and that the area would be monitored for two years. Agent Sewall added that clarity of dates would be needed.

Chairman Kinne stated that information should be added to the plan, including the materials that will be added to raise the level of the stream bed, what will happen with the stones removed from the stream, the specific plantings to be performed to get the wetland back to where it needs to be, and some of the larger landmark trees should be added to the plan. Agent Sewall requested that the type of seed mixture to be used also be specified. Chairman Kinne urged that the plan be resubmitted to Agent Sewall within the next week or two so that the members have a chance to review it before the May meeting.

Sarah Schultz presented the NOI. The single family home will be constructed in the upland portion, the driveway will be of minimum width and will be gravel coming off of the existing field road. A septic system and well will also be installed. The applicant would like to do an orchard planting area with native fruit-bearing species. That area is in the buffer zone. There is a proposed 25 foot nondisturbance zone along the wetland area, which would be marked either with a fence with a sign, or with iron pipes. Kate McCormack stated that although the Commission has been addressing the enforcement order before examining the NOI, she would like to know if there are any foreseeable changes to be made to the NOI so that Sarah Schultz can begin working on them to save time. David Shannahan stated that he had no problem talking about what issues they might find with the NOI, but stated that there may be additional problems that are discovered before the next meeting.

Sarah Schultz explained that the plans have been created to include a culvert based on where the stream is unaltered. Large trap rock will be the base of the driveway, and gravel will be laid over it. Water will be able to flow through the trap rock.

Andrew Mankin expressed concerns over taking trees down, as those trees are in the buffer zone. He encouraged Sarah Schultz to come back with an NOI where such trees do not need to be removed.

MOTION: Andrew Mankin that we continue the public hearing until Wednesday, May 23 at 7:00

SECOND: Jessica Dezieck

VOTE: 6-0, all in favor.

7:15 NOI – 17 Seekonk Road, filed by the Town of Great Barrington. The proposed project involves the repairing of the embankment across from 17 Seekonk Road and includes the installation of a soldier pile and lagging retaining wall, the installation of a rockfill buttress, and relocation of two stormwater outfalls.

Chairman Kinne stated that she had attended the site visit and was very impressed with what was being done, but was concerned about the exposed bank on private property.

It was explained that a large landslide was caused by the hurricane. Part of the fix includes the redirecting of a drainage pipe. The work will take place where the big slide occurred, and at the base where there was a less dramatic embankment failure in 2007. A different repair had been done previously, which included the use of an amnesty slope and native plantings. FEMA examined the area and stated that they wanted a soldier pile and lagging wall to be used, and for drainage to be redirected by bringing it down to other side of the road. The discharge will be on the upstream side of the bridge. Erosion control in the form of straw waddles and silt fence will be installed down towards bottom of slope during construction.

Agent Sewall requested that whoever is on site has her number in case something happens. Joe Sokol explained that they have not heard from Natural Heritage as of yet, and that once all of the permits are set, there will be a 2 week advertisement period and a week to 10 day bid review process. Construction is expected to last for 6 to 8 weeks through August and September.

MOTION: Andrew Mankin that we close the public hearing

SECOND: Jessica Dezieck

VOTE: 6-0, all in favor.

MOTION: Andrew Mankin that we approve the NOI with the standard OOC.

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.

MOTION: Andrew Mankin that we continue the public hearing until 7:30 on May 23.

SECOND: Jessica Dezieck

VOTE: 5-0, all in favor

Discussion of clearing along the bank of the Green River.

David Shannahan recused himself.

Agent Sewall stated that George Beebe had brought in a limited NOI for new agriculture. He understands that Natural Heritage will be notified. One of the dilemmas is the fact that the work has already been done to a point. The project is very small.

7:45 NOI – 434 Stockbridge Road, filed by Narain Schroeder of the Berkshire Natural Resources Council. Proposed work includes resource area improvement in the Housatonic floodplain, the removal of junk and debris including old farm equipment, tires, etc from oxbow wetland resource areas. It is proposed to keep an old pasture mown.

Chairman Kinne stated that there had been questions regarding the machinery to be used on the land for this removal, and what the erosion control measures would taken, but those questions had been pretty much answered in the revised plan.

It was explained that there is proposed rubbish removal at the site. Most of the rubbish is along the bank of the old Oxbow wetland, so Berkshire Natural Resources Council proposes to acquire the property from Shannon Brownson, but it has to be cleaned up first. The project will involve the removal of the metal debris and anything that can be accessed from the bank without getting down into the wetland. The goal is to have a small parking area and have it be open to public access for pedestrians.

Andrew Mankin stated that the site visit was good, and that this will be a definite improvement to the area.

MOTION: Andrew Mankin that we close the public hearing.

SECOND: Jessica Dezieck

VOTE: 6-0, all in favor

Agent Sewall read the general conditions and specified that in case of an emergency, the Commission is to be contacted, and our number will be included in the conditions. Since slopes are not being dealt with, in times of heavy rains the area needs to be checked within a reasonable workday.

David Shannahan requested clarity on the “use chain and hand tools where needed,” stating that materials should not be dragged if at all possible. Materials to be removed should be pulled directly up to avoid dragging too much soil.

MOTION: Andrew Mankin that we approve the NOI with the following conditions read by the agent.

SECOND: Jessica Dezieck

VOTE: 6-0, all in favor

8:00 NOI – Rising Pond Dam, filed by Kevin Mooney of General Electric. Proposed work is for the repair and/or replacement of portions of the existing dam structure, including: replacement of rip-rap downstream of the spillway, repair and enhancement of the concrete downstream spillway apron, minor regarding of the right embankment, and minor vertical extension of the right downstream concrete training wall.

Kevin Mooney explained that there is erosion at the base of the concrete understructure which needs to be repaired.

Paul Davis, the Wetland Scientist for GZA, presented. The dam needs to be more stabilized to preserve its functionality. A toe wall will be installed and the current rip rap will be replaced. The old concrete slab will be removed and recast with speedbumps at the top. Temporary impacts of the project include the need to work in the water, so most of the water will be moved through the channelway and around the dam. A causeway will be built to give the machinery access to the dam, and the riprap put in as a temporary platform will stay after the project is complete. A turbidity curtain will be installed and filter fabric will also be placed. The old concrete slab will likely be sawed out with a concrete saw, or possibly removed with a jackhammer. General Electric is still waiting to hear from the Army Corps of Engineers and from Natural Heritage.

Chairman Kinne stated that because the applicant is waiting to hear from Natural Heritage, the Commission cannot close the hearing.

Agent Sewall specified that concrete trucks should be washed out far away from the resource areas, and asked if the gravel from the temporary road would be taken off site. Paul Davis explained that some of the gravel may be used for fill for the flattening of slopes, and it could be used as a top dressing. Agent Sewall specified that the gravel must not be left in a pile.

David Shannahan suggested that we should specify a specific place away from the river where fueling and greasing of the equipment would be done, and that equipment should be checked for leaks every day.

MOTION: Andrew Mankin to continue the public hearing until 7:15 on May 23rd.

SECOND: Jessica Dezieck

VOTE: 6-0, all in favor.

MISCELLANEOUS

1. Approve March 28, 2012 meeting minutes.

MOTION: Andrew Mankin that we approve the March 28 meeting minutes.

SECOND: Jessica Dezieck

VOTE: 6-0, all in favor.

2. Lake Mansfield – Con Com approval of estimate from Geosyntec for Weed Assessment summer 2012 using Wetlands Protection Funds
Andrew Mankin and Orit Kadosh recused themselves for the evening.

Agent Sewall explained that Lake Mansfield has used Geosyntec in the past for weed assessments. Assessments are done every 5 years to get a baseline for how the lake is doing. Estimates were collected from a few people, and the Geosync estimate was approximately \$3,339 to do the weed assessment. The money would come from the Wetlands Protection Fund and the assessment would be done this summer.

MOTION: Jessica Dezieck that we approve the \$3,000+ for the weed assessment survey.

SECOND: David Shannahan

VOTE: 4-0, all in favor

3. Update on McAllister wetlands delineation and survey maps
Agent Sewall had spoken to Emily Stockman, and she is on board for performing the delineation this summer. Agent Sewall had also spoken with Mike Parsons about possibly doing some survey work. The surveying would need to be done prior to July in order to use budgeted line item this year for land conservation maintenance and trail work. Agent Sewall stated that a few thousand dollars should be left in the budget for Lake Mansfield in case anything happens in their trail structure that would require work. This information was just provided as an update.
4. OSRP meeting update
David Shannahan, Agent Sewall, and Chairmen Kinne attended the OSRP meeting. There was nothing specific to report, but the project is progressing and doing well.
5. Discussion on 20 Berkshire heights
Chairman Kinne stated that the applicants are not pleased with the Commission's proposed 50 foot no-mow zone and are talking about appealing the decision to the state. Agent Sewall had a conversation with Nick Anderson of Berkshire Engineering. Anne Brusey had contacted Mark Stinson from the DEP and would like to hire Beth Goodman, a wetlands enforcement attorney. According to Mark Stinson, the court will not likely care about the history of the property. Because the Commission based the 50 foot line on the history of the property, not on what the actual fractation was, Mark Stinson believes that the decision will not hold up in a court. Agent Sewall had explained to Mark Stinson that the Commission had stated that it was open to conversation and welcomed an RDA if the applicants wanted to readdress the boundaries. Mark Stinson was concerned that the Commission had used a 2004 boundary, but Agent Sewall had also explained that the Commission had offered to let the applicants use the 2004 boundary or pull a new

boundary. Nick Anderson stated that they would be hiring Emily Stockman, and will have her repull the boundaries.

Chairman Kinne stated that she is glad that Emily Stockman will be the one to pull the boundaries, as she has a great reputation. It is possible that the wetland is smaller than it was in 2004. Jessica Dezieck questioned whether the court would look back and realize that there are two open enforcement orders on the property, but no one present knew if that would happen. Chairman Kinne stated that going to court could be expensive for the town, but if someone such as Emily Stockman is being hired to pull the boundaries, she feels confident. David Shannahan stated that he would like to see Emily Stockman's report, and if she supports changing the boundaries, then the Commission could do so.

Agent Sewall suggested that the Commission amend the enforcement order, as the applicants have to return to the May meeting with a demarcation plan, and it may be worth explaining that we had heard that Emily Stockman had been asked to delineate, and that the Commission would be happy to readdress the issue and find amenable arrangements to the enforcement order. David Shannahan agreed with this idea, and Chairman Kinne stated that the Commission cannot vote to change anything this evening, as it wasn't listed on the agenda.

6. Julie Kelly was introduced as the new secretary. Jennifer Connell will also be training on the postage meter to help with the mailing schedule.
7. New England Log homes
Agent Sewall stated that New England Log Homes is talking about going into their phase II. The project is progressing.
8. White house square did not come back about doing their patio.
Agent Sewall stated that Camille's had dug a lot of area up, but they are out of jurisdiction because of the 200 foot boundary. Diego Gutierrez spoke with Chris Rembold today and Chris Rembold told him to come up with a site plan. Agent Sewall did find the history of the property listed under 325 Stockbridge Road. Agent Sewall and Jessica Dezieck will delve into the file to better understand the history of the property. Chairman Kinne stated that she feels very strongly that the original 10% of development property.
9. Chairman Kinne stated that she had received a phone call about cutting on Long Pond Road. Jim Mercer had called, and Agent Sewall had told him that if he could not work it out with the property owner, to call her back.

A motion was made to close the public hearing.

MOTION: Jessica Dezieck that we close the public hearing.

SECOND: David Shannahan

VOTE: 4-0, all in favor.

The public meeting was closed at 8:59 pm.

Respectfully submitted,

Paige Cerulli

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Secretary