

Conservation Commission Meeting

Thursday, April 30, 2015

Present: Jessica Dezieck, Jeff Cohen, Gaetan Lachance, and Lisa Bozzuto

Absent: Andrew Mankin and David Shanahan

Shep Evans-Conservation Agent

Vice Chairman Dezieck called meeting to order at 6:30 p.m.

1. **WPA RDA - from Robert and Yvonne Forman, property on Hillside Avenue, Map 14 Lot 158. The applicants are seeking a determination whether a small stream of water and land adjacent are an area subject to jurisdiction of the Wetlands Protection Act.**

There was discussion regarding the Forman's hiring Emily Stockman to do a delineation because they are interested in purchasing the lot next door. If a wetland is determined and there is a buffer zone, this may have an impact as to the siting of the house and another site visit may be necessary. As a result of the Commissions site visit, it appears that there is a wetland that may be determined by Emily Stockman. Closing may be in a month or so.

MOTION: Lisa Bozzuto to continue public hearing for the Forman lot 158 on May 27, 2015 at 6:30 p.m.

SECOND: Jeff Cohen

VOTE: 4-0

2. **WPA RDA - from Seth Keys for Fair Ground Redevelopment Corp, property at 659 Main Street, Map 25 Lot 5. The proposed work includes roping off and flagging wetlands along the Main Street frontage of the property; Setting up a concession Tent (40'x80'), a Big Top Tent (90'x90'), and a Backstage Tent (30'x60'); provision of parking for public and circus vehicles; three days of performances; striking and packing tents and equipment; and cleaning up the site prior to departure.** In light of attendance of the Commission of 4 members, thereby constituting a quorum and Lisa Bozzuto's disclosure that she is an abutter, Lisa asked the applicant if they had any objection to her participation. The alternative would have been that she recuse herself, thereby, requiring a continuation because of lack of quorum. The applicant agreed to her participation.

The circus will be held at fair grounds, which will be very similar to last year, but with different tents. The only tent different is the Circus tent which is smaller. Instead of stakes with ropes, temporary fencing will be installed 20' from the wetlands and it will be comparable to last year. Prior to setting up the tents, the Conservation Commission will make a site visit just before the fence goes up to review and approve placement and parking locations. Parking will be on the left hand side of the access road, parking attendants will be in place and right hand side of the access road parking and mowing will be limited to 20 feet from access roadway. The circus is due to arrive on Wednesday, July 15th. The site visit by the Conservation Commission will be scheduled for July 12th.

MOTION: Lisa Bozzuto to close the public hearing

SECOND: Jeff Cohen

VOTE: 4-0

MOTION: Lisa Bozzuto to issue negative determination #2 with special conditions that the final decision on the location of where the fencing will be placed and where parking will be allowed will be made at the site visit on Sunday, July 12th.

SECOND: Jeff Cohen

VOTE: 4-0

3. **WPA RDA – from Matthew S. Marro of Marro Environmental Consulting for Fair Ground Community Redevelopment Corp., property at 659 Main Street, Map 25 Lot 5. The applicant is seeking a determination whether an area on the subject is an area subject to jurisdiction of the Wetlands Protection Act and/or the Great Barrington Wetlands Bylaw.**

In light of attendance of the Commission of 4 members, thereby constituting a quorum and Lisa Bozzuto's disclosure that she is an abutter, Lisa asked the applicant if they had any objection to her participation. The alternative would have been that she recuse herself, thereby requiring a continuation because of lack of quorum. Matthew Marro, speaking on behalf of his client, approved Lisa Bozzuto's participation.

Matthew Marro said he has been an environmental consultant for 30 years. Mr. Marro was hired by Fairground Community Redevelopment Corp. Mr. Marro gave an overview of his report regarding Map 25 Lot 5. He explained that he completed a soil evaluation and bored holes in 5 areas which were flagged in November. However; soil shows flood plain area but doesn't support wetlands under state definition. Conclusion after testing this area Mr. Marro states that the area has uplands soils, hydrology and vegetation that are not conducive to Wetlands. His conclusion is that this is not a Wetlands area. Jess Dezieck-Acting Chairman asked the date of testing and was the area covered with snow. Mr. Marro stated that the testing was completed in November, there were smatterings of snow and it was a very cold day which was a very good day to dig soils. Shep Evens stated that the area that was tested possibly was done on land the town owns and not fairground property. In Mr. Marro's narrative of April 7, 2015 he stated the Conservation Commission asked him to do delineation around the ditch. The Commission did not ask him to do delineation around ditch but the land between town owned property where the ditch runs and working back to interior access roadway. Perhaps this was not clearly communicated to Mr. Marro. An E-mail from the DEP circuit rider indicated that it was too early in the year to evaluate wetland plants. The Commission would prefer the testing be completed during the growing season and not in the Fall after mowing was completed. The Conservation Commission feels that Mr. Marro was working in the wrong place which was delineation on town property and in the ditch. The Conservation Commission suggested that it would be appropriate to wait until new vegetation has surfaced, at which time, an evaluation of the subject area would be reconsidered.

MOTION: Jeff Cohen to continue the public hearing until the May 27th meeting, to contact Wetland Scientist Emily Stockman, at the cost of the Commission, to determine if she could prepare an evaluation of the applicants submissions.

SECOND: Jess Dezieck

VOTE: 4-0

4. Miscellaneous:

- "working group" on Wetland Bylaw & Regs and Scenic Mountain Regs went very well at Mini Town Meeting on April 29, 2014
- McAllister property-no update
- Approval of March 25, 2015 minutes, Lisa Bozzuto motion, Jeff Cohen second, unanimous vote.
- Approval of April 7, 2015 minutes, Lisa Bozzuto motion, Gaetan Lachance second, unanimous vote

5. Adjournment: Motion by Jess Dezieck, second Jeff Cohen, by a unanimous vote of approval the Commission adjourned at 8:20 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Terry Walker".

Terry Walker

Recording Secretary

