

**Great Barrington Conservation Commission Meeting  
Selectman's Meeting Room, Town Hall  
September 28, 2011**

**ATTENDEES:** Pat Kinne, Andrew Mankin, Jessica Dezieck, Jennifer Connell, Bruce Gore, David Shannahan

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

7:00 NOI SMA #12– 324 Long Pond Road, filed by Edward Perkin. Proposed work will include the construction of a new house, associated site work, landscaping, swimming pool, well and septic system on a 10.428 acre parcel of undeveloped land.

Craig Okerstrom-Lang represented Edward Perkin, and Jim Delorento, the builder, was also present. Since the last meeting the ridge poles have been installed in the existing house location. Craig Okerstrom-Lang has worked with Edward Perkin to create a new plan which shifts the house location, and in doing so saves some trees from being removed in the foreground and eliminates the need to fill in as much of the ravine as was required by the original plan. The driveway layout has also been altered to allow for the expansion of the rain garden area for drainage by about 40 additional feet. Edward Perkin has agreed to wait on cutting an area in the trees for a view until the house is built, which would allow him to better visualize what alterations would be best. He has also agreed to allow no work in the field and to allow it to grow up. Access will be needed to the septic field, but this could be a smaller access road or trail. An 18" wide septic trench would need to be installed. Edward Perkin has agreed to reduce the house size by about 10%, and Jim Delorento stated that this will be a difference of reducing its length by about 10 feet and its width by about 5 feet. The height for the house will remain the same.

Chairman Kinne stated that she was very pleased with the changes that Craig Okerstrom-Lang had made. He will update the "erosion control grading and landscape plan" to reflect the proposed changes and will provide the Commission with an updated plan. He will also outline the physical site where the house and pool are proposed to be constructed, and will also mark the septic trench line. He will mark any trees larger than 6" in diameter that are to be removed, and once everything is marked the Commission will plan a site visit. Planting replacements of the trees to be removed was also discussed, though doing so at a 1:1 ratio may not be possible due to space restrictions. Jessica Dezieck stressed that the replanting should create a healthy conduction to any trees that are removed, and that species planted should be native and non-invasive.

Agent Sewall stated that on Monument Mountain, a special condition was included that when the pool was drained the water had to be removed, or there needed to be no chemicals in the pool. Craig Okerstrom-Lang explained that the pool will be a saline pool with light salt, so that you could open your eyes. One third of the pool water is take out every fall, but he could create an area specifically for the drainage of the pool water. Jessica Dezieck stated that we should research more into this matter. Craig Okerstrom-Lang stated that he is hoping to get the house started by January 1<sup>st</sup>. Andrew Mankin explained that the Commission needs to draw up a list of condition and would like to see the revised plans and the number of trees to be removed, but we shouldn't have a problem passing the plan. Agent Sewall will contact Craig Okerstrom-Lang if there is a problem in the mean time.

**MOTION:** Andrew Mankin that we continue the public hearing on October 26<sup>th</sup> at 7:00

**SECOND:** Jessica Dezieck

**VOTE:** 6-0, all in favor

7:10 RDA – 28 Blue Hill Road, filed by Jeanne R. Chesanow. Proposed work to remove invasives along intermittent stream and throughout property, reclamation of overgrown areas. Replanting of native species.

Andre Chesanow represented Jeanne Chesanow. Agent Sewall had met with Jeanne Chesanow and was pleased with the basic plan of covering an area with weed cloth for one growing season, removing the cloth and planting grass seed. Agent Sewall brought up concern about the general application of RoundUp in areas near the river. Andre Chesanow stated that he does not want to use RoundUp in those areas, and that if invasives grow again after the weedcloth application then they will clip and paint the areas. Andrew Mankin stated that from an erosion standpoint, it would be better to put the weed cloth down in the spring. Chairman Kinne questioned the proposed drain installation, and Andre Chesanow stated that he believes that the drain might need to be engineered at another time. Agent Sewall recommended that we see the design of the culvert at the end of the driveway. Jessica Dezieck mentioned that if Andre Chesanow doesn't do the work until next year, it's a good idea to call the Commission and have them check out the area. Andre Chesanow will likely start on the trees in the meantime.

**MOTION:** Andrew Mankin that we issue a Negative #3 with the following conditions: No broad application of Round Up – it must be specific, and that the culvert design be submitted prior to construction.

**SECOND:** Jessica Dezieck

**VOTE:** 6-0, all in favor.

**MOTION:** Jessica Dezieck that we close the public hearing.

**SECOND:** Andrew Mankin

**VOTE:** 6-0, all in favor.

7:20 RDA SMA -- 326 Long Pond Road, filed by Alexander Sarbib. Proposed work includes grading and seeding a previously cleared area, and the removal of trees.

Alexander presented a zoned plan specifying the number of trees within each zone that are to be removed. He would like to grade and seed the area that is already cleared. Andrew Mankin explained that the Commission doesn't like to permit parkification without having a more detailed plan, because it is vague in terms of the permission being granted. Chairman Kinne explained that this situation is new to the Commission, as generally people approach the Commission with house plans. She stated that the forester has volunteered to come out to see the site to confirm that parkifying it would indeed make the forest healthier. Alexander Sarbib agreed to this, and Chairman Kinne explained that the immediate concern is to make sure that there is no erosion through the disturbed area, and ideally it needs to be seeded and growing within the next month.

Alexander Sarbib stated that he believes the area needs to be cleaned up and graded before being seeded. Andrew Mankin explained that if he is going to fill or remove soil, he would need to file a Notice of Intent. He stated that Alexander Sarbib has a choice. Plan A: We leave this RDA open so he does not have to file another one and pay the fee again, and we give him permission to seed the area and return next month with a forestry plan with the help of the forester under the open RDA. The Commission would review the plan and probably give Alexander Sarbib permission under that plan. If Alexander Sarbib decides that he wants to do grading and parkification and a road, then he would need to return to the Commission and file a Notice of Intent.

Alexander Sarbib decided to seed the area and return to the Commission in a month with a forestry plan created with the help of the forester. He will complete the seeding by October 15<sup>th</sup>, and he has permission only to seed before the next meeting.

**MOTION:** Andrew Mankin that we continue the public hearing on October 26<sup>th</sup> at 7:10.

**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.

George Beebe was not present at the meeting.

**MOTION:** Andrew Mankin that we continue the public hearing on October 26<sup>th</sup> at 7:30.

**SECOND:** Jessica Dezieck

**VOTE:** 5-0, all in favor – David Shanahan recuses himself.

7:40 RDA – 389 Stockbridge Road, filed by John Delmolino. The proposed project will include the construction of walls to close in an open pavilion.

Diego Gutierrez represented John Delmolino, who has reapplied for an RDA. John Delmolino would like to put installation around the perimeter of the pavilion and cover the insulation; no other work would be done to the exterior of the building. Andrew Mankin replied that the work itself doesn't seem to be a problem, but the problem is with the site in general, and with the outstanding Order of Conditions that has not been completed as far as the required replanting on the bank of the Housatonic River. Although John Delmolino spoke with Agent Sewall and agreed to apply for both an RDA and a Certificate of Compliance, he has not yet actually filed for the Certificate of Compliance. Chairman Kinne added that the work is being done on the pavilion, which was approved under specific conditions. The Commission does not know if the conditions have been met or not, and the conditions specified that the plantings needed to be maintained for a two year period. The Commission cannot approve an RDA without knowing that the property is in compliance with what was said before. Agent Sewall conducted a site visit and it does not look like the plantings on the bank have survived or maintained themselves, as she was only able to count about 10 of 108 specified plantings, which would be a violation of the NOI for that building.

Chairman Kinne stated that she feels that we should put off the RDA for another month until John Delmolino decides if he wants to apply for a Certificate of Compliance. Jessica Dezieck concurs. Diego Gutierrez asked what John Delmolino could do to get compliance at the October meeting, and Chairman Kinne stated that he would need to replant or show that the plantings have been maintained. Even if he replants, the Commission can't grant compliance for 2 years, as the Wetlands Protection Act specifies that the plants must make it through two growing seasons. David Shanahan stated that even though there is an open NOI with no Certificate of Compliance, that in itself doesn't prevent the issuance of an RDA. If John Delmolino plants the area again, David Shanahan feels that he would be in compliance, as he would be showing in good faith that he is trying to comply by taking the trouble to do the replanting.

**MOTION:** Andrew Mankin to continue the public hearing until October 26<sup>th</sup> at 7:20.

**SECOND:** Jessica Dezieck

**VOTE:** 5-0, all in favor – Bruce Gore recuses himself.

## MISCELLANEOUS

1. Approve August 24, 2011 meeting minutes.  
**MOTION:** Andrew Mankin to approve the August 24<sup>th</sup> meeting minutes  
**SECOND:** Jessica Dezieck  
**VOTE:** 6-0, all in favor
2. Jane from Berkshire Environmental Action Team with a ten minute presentation on stream culverts that are not passable to fish and other wildlife.  
Jane presented information about a project that the Berkshire Environmental Action Team (B.E.A.T.) is conducting. They are currently surveying every water crossing and culvert in Berkshire County. Some crossings are in excellent condition, while others are in bad shape. B.E.A.T. is in need of people to go out and do surveys of these crossings, and eventually all of the gathered data will be put into a database which will rate and provide information about the culverts.
3. Certificate of Compliance from 1985 – 115 Brush Hill Rd. for installation of culvert and riprap banks for driveway crossing. Dennis Dowling representative  
Agent Sewall visited the property and stated that everything looked fine.  
**MOTION:** Andrew Mankin that we approve the Certificate of Compliance for 115 Brush Hill Road.  
**SECOND:** Jessica Dezieck  
**VOTE:** 6-0, all in favor.
4. Change of November meeting due to Thanksgiving  
Due to the fact that the November 23<sup>rd</sup> meeting falls on the night before Thanksgiving, Chairman Kinne suggested that we move the meeting to Tuesday, November 22<sup>nd</sup> instead. All board members approved. Agent Sewall will check in the meeting book to make sure that there is no room conflict on that night.
5. Discussion on fees and revenues for SMA and WPA  
Agent Sewall explained that the town would like the Conservation Commission to look at the current fees for applications. Andrew Mankin stated that we raised our fees less than two years ago, and that we won't be raising them again at this time. Chairman Kinne added that our fees are pretty close to what other towns charge.
6. Linda Shafiroff represented Kristen Flynn and Sean Flynn of 7 Brook Lane. Kristen and Sean Flynn are performing renovations inside their house, and would like to add a 12x14 foot deck off the back of the house. Because the deck is elevated, a post would need to be installed, which they had been planning to dig by hand. Linda Shafiroff addressed the Commission to ask if Kristen and Sean Flynn would need to file an RDA. Chairman Kinne recused herself, and Andrew Mankin stated that the applicants would need to file an RDA because the location is within 50 feet of the mean annual high water line.
7. Letter about culvert problems on State Road  
Agent Sewall responded to a letter received about culvert issues on State Road which have resulted in badly flooded cellars. The situation is not an issue for the Commission, but Agent Sewall wrote an acknowledgement asking that they let the Commission know if there is anything we can do. David Shannahan brought up the idea of talking to the town about taking care of culverts ahead of time before storms, and therefore taking a proactive approach. Developing a list of problem culverts and stream crossings that need to be checked and doing so twice a year would be a better policy than waiting for the water to back up. Bruce Gore mentioned that he has seen

the town checking bridges repeatedly, but David Shannahan stated that having an actual list would be favorable to just checking the crossings.

8. Conflict of interest test

Chairman Kinne will email the conflict of interest test to the Commission members, as it must be taken by all members every two years. It must be completed by December 28<sup>th</sup>.

9. A motion to adjourn was requested.


**MOTION:** Andrew Mankin to adjourn the meeting at 8:58 pm.

**SECOND:** Jessica Dezieck

**VOTE:** 6-0, all in favor

Meeting adjourned at 8:58 pm.

Respectfully submitted

  
Paige Cerulli, Secretary