

**Conservation Commission
Wednesday, March 23, 2011
Meeting Minutes**

Attendees: Bruce Gore, Orit Kadosh, Jessica Dezieck, Jennifer Connell

Bruce Gore opened the meeting filling in for Chairman Patricia Kinne.

7:00 NOI – 9 Buttondown Lane, DEP #167-0355, filed by Daniel Jusidman. Proposed work will involve site grading associated with installation of an in-ground gunite swimming pool, removal of non-native invasives and removal of debris within the Riverfront Area. Applicant also proposes to set 3 large flat-topped boulders along the bank of the Williams River.

Rob Akroyd and Charles Ferris were present. Submitted revised drawings to the Commission, an updated narrative, and quantified impacts. The Commission members reviewed the updated plans. Rob Akroyd said they flagged the Williams River and the unnamed stream to the north. They have also removed the debris and proposed to regrade and replant to recreate that section of the understory. Discussed location of the pool. Mr. Akroyd stated that he would start the project in a couple of weeks or so. In the approved Restoration Plan the deadline for the work is July. Once the pool is formed and area backfilled they will plant. Plantings to include white pine, witch hazel, viburnum and blueberry. The special conditions prepared by Agent Hines were discussed. It was asked what silt erosion controls would be used - straw wattles now, silt fence, backup wattles, and stabilize the slopes with geosynthetic or jute. Agent Hines recommended that jute be used. Rob Akroyd will be the responsible party for compliance. Invasive removal has been withdrawn at this point.

A motion to close the public hearing was requested.

MOTION: Bruce Gore to close the public hearing

SECOND: Jessica Dezieck

VOTE: 4-0, all in favor.

A motion to approve was requested.

MOTION: Bruce Gore to approve the NOI for 9 Buttondown Lane, with the following six conditions as read.

1. A Pre-Activity Meeting will be held before any work begins. Present will be the Landscape Architect, Landscape Contractor, and a representative from the Conservation Commission.
2. A professional in the landscaping field shall be assigned as the person responsible for compliance with this OOC. The applicant shall notify the Conservation Commission at least 48 hours prior to any activity on the site and provide the name and telephone number of responsible landscape professional.
3. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace silt fences, straw bales, or any other devices planned for use during construction.

4. Within 10 days of completion of construction and re-grading on any given portion of the project, disturbed areas in the completed portion of the site shall be permanently seeded with erosion control/restoration seed mix.
5. Vegetated slope 12 feet from the northern side of stone terrace shall not be mowed or otherwise managed in perpetuity.
6. No pesticides or chemical fertilizers shall be used in the Riverfront Area.

SECOND: Jessica Dezieck

VOTE: 4-0, all in favor

7:10 NOI – 100 Bridge Street, DEP #167-0354, filed by the Community Development Corporation of South Berkshire. Proposed work will involve demolition of 5 existing buildings in the New England Log Homes site as the initial phase of an overall site redevelopment.

Agent Hines and DEP concerned there may be wetlands beneath the log pile. Agent Hines suggested that they could ask the Commission to issue an Order of Conditions to approve work only, not resource area delineations. With that scenario, they could continue with the demolition and file an ORAD for resource area delineation only. It was also deemed important that DEP receive a revised copy of any demolition plans before the Commission issues a permit.

A motion to continue was requested.

MOTION: Jessica Dezieck to continue the hearing until April 27th at 7:00 p.m.

SECOND: Bruce Gore

VOTE: 4-0, all in favor.

7:30 NOI – Maple Ave., 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.

A motion to continue was requested.

MOTION: Jessica Dezieck to continue the public hearing until April 27th at 7:10 p.m.

SECOND: Bruce Gore

VOTE: 4-0, all in favor

7:40 RDA – Hurlburt Road, filed by Tyler and Richard Malik. Proposed work will involve construction of a subdivision road including drainage, utilities, septic system, driveways, well, and a single family home.

Present: Mike Parsons, Chris Tryon and Tyler Malik. The Malik's want to create a second home on the rear of the property due to inadequate road frontage. Project is in the buffer zone of BVW that is across the street from this property, more than 50 ft., BVW in the rear of the property. They are not planning on doing anything within 100 ft. of that BVW. If and when they design a septic system they will map the edge of the BVW. Jessica Dezieck said it was 600 ft. away from Zone 2 and no NHESP. There are two culverts that will be taken out and replaced with one 18" culvert. Existing driveway will be topsoil and seeded where not used. No significant changes in grade. Plans were presented. The existing curb cut will be maintained. Riprap inlet and outlet protection to minimize erosion, minimal fill due to flatness of the site. A question was asked by an

abutter about drainage issues. Another question was asked about who is responsible for protecting the aquifer. Agent Hines recommended no mowing within 15-20 ft. of Hurlburt Road in order to protect the wetlands across the street. The homeowner was happy to comply with that.

A motion to close the public hearing was requested.

MOTION: Jessica Dezieck to close the public hearing

SECOND: Bruce Gore

VOTE: 4-0, all in favor

A motion to approve was requested.

MOTION: Jessica Dezieck to approve the RDA with a negative No. 3 for Hurlburt Road with a recommendation for No Mowing within 15-20 ft. of Hurlburt Road.

SECOND: Orit Kadosh

VOTE: 4-0, all in favor.

7:50 – Proposed revisions to the Rules and Regulations of the Commission. This proposal will update and recodify the existing Chapter 217 of the Great Barrington Town Code by replacing it with a new Chapter 217, inclusive of: Article I, Purpose; Article II, Administration; Article III, Wetland protection Regulations; Article IV, McAllister Wildlife Refuge; Article V, Use of Lake Mansfield Recreation Area; and Article VI, Berkshire Scenic Mountains Act.

Agent Hines presented the Great Barrington Code Book, Chapter 217 for the Conservation Commission. Much of the previous information was incorrect having to do with outdated fees and hours, and confusing formatting. All necessary corrections were made with the help of Chris Rembold, Town Planner. The Berkshire Scenic Mountains Act was added to Chapter 217 along with the Lake Mansfield Recreation Area Code. Changes in Resource Area language pertaining to tributaries of the Green River were revised within the Great Barrington Wetlands Regulations to reflect the existing Bylaws. Agent Hines asked the Commission members to review in preparation for a vote at the next meeting.

8:00 – Proposed change of the current Land Use Regulation fine (#12) from \$100 maximum per day to \$300 maximum per day. The recently approved Lake Mansfield Recreation Area Code cites a \$300 maximum fine per day for violations. However, the current Land Use Regulations state a maximum \$100 per day fine. It was decided that the fine should be the same amount in both sets of Regulations.

A motion to approve was requested.

MOTION: Jessica Dezieck to change the current Land Use Regulation fine from \$100 maximum per day to \$300 maximum per day.

SECOND: Jennifer Connell

VOTE: 4-0, all in favor

MISCELLANEOUS:

1. 111-113 Brush Hill Road, Request for Certificate of Completion filed by Lawrence and Ronnie Cohen.

Rob Akroyd was present. A site visit was conducted on 3/22/11. Agent Hines reported that the wetland replication area appeared not to have been planted. Phragmites are

growing adjacent to that area and are spreading. However, she feels it would create more of a disturbance to the area to remove them than to leave it as it is. It was decided to approve.

A motion was requested.

MOTION: Bruce Gore to approve the Certificate of Completion

SECOND: Jennifer Dezieck

VOTE: 4-0, all in favor

2. 162 Division Street Emergency Order. Repair the access road to the Housatonic Water Works pump station, remove silt by hand and repair cement culvert after reviewing Engineered Plans. Road was inaccessible due to recent heavy rains. The Commission members signed the Order.

3. 676 Stockbridge Road, Request for Certificate of Compliance filed by Dawn N. Zucco. Agent Hines performed a site visit. She recommended compliance while stating that a culvert that is closest to the house is blocked and should be cleaned out. She also recommended that they continue with the following ongoing conditions: 1. No chemicals used on driveway such as road salt. 2. 25 ft. no disturbance zone maintained around the house.

Will Brinker spoke and said that the suggested ongoing conditions should be written in a letter to the present owners. Agent Hines agreed to write a letter including the recommendations and request repair of the culvert.

A motion to issue was requested.

MOTION: Jessica Dezieck to issue the Certificate of Completion

SECOND: Bruce Gore

VOTE: 4-0, all in favor

4. A motion to approve meeting minutes was requested:

MOTION: Jessica Dezieck to approve the meeting minutes for 2/23/11

SECOND: Orit Kadosh

VOTE: 4-0, all in favor

5. 148 Castle Hill: Lot in Scenic Mountain Area. Two large trees were cut down and three were de-limbed. Agent Hines went to the house on March 18th to explain to the homeowners that they needed a permit to cut down the trees. The owner, Louis Gardella, told Agent Hines that she was trespassing and to leave the property. Agent Hines, accompanied by Andrew Mankin and Officer Zucco returned to the property to issue a Stop Work Order, which Mr. Gardella refused to accept. Pat Goff, a friend of the family was present and offered to complete a SMA RDA and submit for the next meeting. Due to the fact that the trees have been de-limbed, the soil is wet and trees considered a hazard, it was agreed that removal of the trees be approved. All were in agreement.

6. Preliminary Plan by Dale and Sandra Alden. This is a preliminary plan for a subdivision. The area is not near any resource areas.

A motion to adjourn was requested.

MOTION: Bruce Gore that the meeting adjourn

SECOND: Jessica Dezieck

VOTE: 4-0, all in favor.

Meeting adjourned at 8:37 p.m.

Respectfully submitted,

Pamela Torres, Secretary