

**Great Barrington Conservation Commission Meeting
Town Hall, 334 Main Street, Selectman's Meeting Room
August 22, 2012**

ATTENDEES: Andrew Mankin, Jennifer Connell, Jessica Dezieck, Bruce Gore
Chairman Mankin brought the meeting to order at 7:00 pm.

7:00 p.m. RDA Hurlburt Street for removal of a felled tree from the river channel.

Andrew Mankin stated that a site visit was done. USGS Department wants to remove tree because it is becoming a hazard to both the bridge and their monitoring station.

Agent Sewell noted that the right of way may be owned by the water district and may be a water department easement. We should contact the abuttors.

MOTION: Jessica Dezieck to close the public hearing

SECOND: Andrew Mankin

VOTE: 4-0, all in favor

MOTION: Jessica Dezieck to issue a Negative #2 with a condition of abuttor notification.

SECOND: Jennifer Connell

VOTE: 4-0, all in favor

(David Shanahan arrives at 7:10pm)

7:15 p.m. NOI #167-0367 for 295 Park Street for stabilization of the Housatonic River bank.

Mickey Marcus, presented the project to restore the eroded riverbank on the Housatonic River. There are multiple permits that have been filed. It's a multi-step process and November is the target to get all the permits.

Chris Semard of Neenah Paper commented that they were unaware of the riverbank washing away exposing waste when the property was purchased. It was reported to DEP. The first repair attempt was in 2008. SK Design did first work. Upon further investigation of the property, metal waste and household junk was discovered. Metal exploration test pits were dug. Magnetometer survey showed metal waste and riverbank eroding. The fix didn't work. Remediations were washed away. We are working with DEP to close the environmental condition. There is no ground water contamination. We anticipate closure with this environmental issue with the DEP by 4th quarter of this year. Our long range plan is to donate this land. We engaged Micky to come up with a better solution.

Mickey Marcus reviewed the plans and noted that a USGS gauge station was down the road near Division Street. A more geomorphic approach will be taken. A survey of cross-sections of river was done. We did a longitudinal profile of the river. We looked at high flow conditions. By putting structures in river to divert the flow, the water gets deflected and moves the channel away from the bank. Boulders, logs and vegetation are used. This should be a two week construction project. There will be a backhoe and dump truck in use. The backhoe will reach into the river bottom, scoop out material and put it to the side and replace it with two boulders. Logs are used with root logs in tact. There will be use of tribitity curtains to collect silt. Work to be done within the curtain to isolate work areas.

Jessica Dezieck asked if there is any adverse impacts down the river in using these stream veins?

Mickey Marcus answered that it will stabilize the bank and the little islands will disappear. It works best at high flows as it pushes the current away from bank. It will allow more vegetation along the bank. We have filed with the Army Corps of Engineers and are waiting for the permit. We have also filed with Natural Heritage. Work on riverbank would be a take of the wood turtle and will require a Conservation of Management permit. No work to be done until all the permits are in hand.

Mickey Marcus went on to explain that there is one area on the site that requires an excavation of heavy metals. Natural Heritage wants it all included in the Conservation Management permit. Would like orders to incorporate work under the MCP. Natural Heritage permit governs everything. We would ask that in the order it is stated that if they require plan changes that we give you those revised plans.

Agent Sewell commented that we need to wait for Natural Heritage letter before we can permit.

Mickey Marcus asked to have language in the OCC that says subsequent plans required by Natural Heritage be reviewed by Conservation Commission.

Agent Sewell noted that the reason we wait for National Heritage to permit is so there are not conflicting OCC's.

MOTION: Jessica Dezieck to continue the Public Hearing to September 26 at 7:00pm

SECOND: Jennifer Connell

VOTE: 5-0, all in favor

MISCELLANEOUS

1. Approval of July 25, 2012 minutes.

MOTION: Jessica Dezieck to approve July 25 minutes

SECOND: Jennifer Connell

VOTE: 4-0, all in favor

2. Special Permit #800-12 Cumberland Farms to develop 11 parking spaces and associated landscaping as site improvements at 148 Main Street.

Andrew Mankin suggested that the letter to the Select Board state a strong recommendation to approve this plan because it is a strong upgrade in the storm water management and drainage of the site.

MOTION: Jessica Deziek to recommend to approve the Special Permit.

SECOND: Bruce Gore

VOTE: 5-0, all in favor

3. Ammendment DEP #167-312, Cumberland Farms, minor changes from original approved NOI issued on 11/7/07 including landscaping, additional bollards along storefront, & updated color scheme. Also requesting a one year extension.

Susan Smith of Cumberland Farms and Dan Delaney from Fuss and O'Neil. Susan Smith remarked that they are relocating parking spaces from around the pumps to the adjacent property. Dan Delaney reported that there will be no modifications to the store or rest of the site. We will repave the existing parking lot, re-image the store. The proposed work is to demolish existing parking lot, eliminate one curb cut and the

access will be along the side of building, a dead end parking stall with 11 parking spaces and added landscaping and sidewalk access to building.

Susan Smith said that the Planning Board has asked for revisions to landscaping and new plans are coming which will use a tulip tree and will be keeping most of the understory.

Andrew Mankin asked if there will be any changes to drainage system? Dan Delaney answered that no but added more rip rap. The railroad culvert eroded a channel and we can clean it up a little. We will put in a new head wall, a new pipe out and a new manhole. He also noted that a vortex separator will be installed and should be cleaned out every 2 years.

Jessica Dezieck asked that hay bales not be used and Dan Delaney stated they would use straw bales.

Jessica Dezieck asked about erosion controls. Dan Delaney said that silt fence with straw wattles to reinforce it to be used at lowest part of the property and in the stock pile area.

Dan Delaney noted that they would remove existing parking lot and repave then break up and remove adjacent parking lot then regrade and repave. They will be closed about 3 weeks while paving near the pumps.

David Shanahan asked about the plans for the asphalt being removed. Dan Delaney commented that he didn't anticipate any storage on site. Andrew Mankin noted that an amendment could say no storage of construction debris.

Agent Sewell commented that the CD101 7/27/2012- demolition plans to include straw wattles from southeast property line along silt fence to eastern corner of Cumberland Farms building.

Dan Delaney said they oversee on an on-call basis. The contact person would be the construction manager of Cumberland Farms. Andrew Mankin stated that as part of the conditions we want a pre-construction site visit and to get names and contacts of on site construction people.

Dan Delaney commented that if there is a big storm event and there was sediment behind wattles then there would be a need to stockpile it and then remove it. He also noted that the dumpsters are to stay where they are and a 4 foot fence will be constructed.

MOTION: Jessica Dezieck to close the public hearing

SECOND: Bruce Gore

VOTE: 5-0, all in favor

MOTION: Jessica Dezieck to accept the new plan with 5 special conditions as stated.

SECOND: Jennifer Connell

VOTE: 5-0, all in favor

MOTION: Jessica Dezieck to extend permit for one year to November 2013.

SECOND: Jennifer Connell

VOTE: 5-0, all in favor

4. Special Permit #799-12 Cafe Adam for restaurant at 420 Jennifer House Commons.
Andrew Mankin recused himself.

Harry Piesla is the architect. The project consists of moving an existing building from one location to another. The only construction that will happen to the existing building which is number 7 on the Jennifer House property is exterior decks and handicap ramps. No foundations, no new driveway. It is in Zone C outside of 500 year flood zone. Agent Sewell noted that it is outside of the resource area.

MOTION: Jessica Dezieck to close the public hearing

SECOND: Jennifer Connell

VOTE: 4-0, all in favor

MOTION: Jessica Dezieck that the Wetlands Act does not apply and that be recommended to the Select Board.

SECOND: Jennifer Connell

VOTE: 4-0, all in favor

5. 55 Hurlburt update and proposed change of planting date.

Agent Sewell reported that we have received from Brett Kaminsky a report on site conditions. The upper 620' culvert restoration is complete. It has been seeded and mulched. Red maples not in yet and are waiting for cooler weather. It has to all be done by November 15. There was a small chunk below the upper culvert where the stream channel was not altered and was not restored. A long chunk to the access road has been restored. He did not put in live stakes for the same reason as above. There was rip rap excavation and then mixed top soil and bank run gravel were laid in channel to grade. There was a little bit of hydraulic connection but will right itself. Mr. Hickey doesn't want to put in the box culvert. So right now there is a restored stream channel to the road and a restored stream channel down the road but there is no hydraulic connection. He has a different buyer and have changed what they are selling to 26 acres. New owner doesn't want to do a road and doesn't want it to be a house site. What they are asking is to do the hydraulic connection and that's it until it's decided what they will do with the property. They don't want to do the box culvert they just want to restore the connection.

Andrew Mankin commented that the Enforcement Order says to restore area. He can open up the road and open up the hydraulic connection. They need to put in the box culvert or come back to us with an amendment.

Agent Sewell said that she will let their lawyer know. Brett didn't want to put in live stakes until cooler weather. Andrew Mankin commented that that would be okay. Agent Sewell noted that there is a completion day of November 15th.

6. Certificate of Compliance 100 Bridge Street and permitting update

Andrew Mankin stated that he did a site visit yesterday. Didn't see any problems.

David Shanahan said there was a good tour.

MOTION: Jessica Dezieck to issue Certificate of Compliance

SECOND: Bruce Gore

VOTE: 5-0, all in favor

Tim Geller gave an update of the property noting that they do not have to remediate the bank. He also noted that none of the resource areas will be replicated on site. The cap has to cover 100 percent of site and thus it will be impossible to recreate wetlands.

Agent Sewell mentioned that they should look at Neenah to get ideas about replicating wetlands.

Howard Henward reported that the Army Corps was there and there was debate of compensatory flood plain storage. Once cap is in place, it will raise the entire site above flood plain level. Best efforts will be made to replace storage. Army Corp is determining jurisdiction of this part of the river.

He went on to comment that the river bank is a natural habitat to some rare species.

Tim Geller discussed storm water and that the cap will not be impervious. A storm water management plan will need to be developed.

Andrew Mankin commented that a NOI will be required for a storm water management plan.

Howard Henward said he met with the town design review group and will continue dialog with the DEP and will look to the commission for guidance.

7. Other Business

- a. Jessica Dezieck reported that Lake Mansfield was vandalized and 7 people were arrested and caught. They ripped the weed fabric, signage was missing, kiosks were gone, split rail fence missing, lifeguard chair, some signs. Town is assessing the damage and will end up paying for damage. Did recover split rail fence, bike rack and lifeguard chair.
- b. McAllister property is being used heavily this year and there are complaints from neighbors. Agent Sewell posted signs that it is closed at dusk. There will be a kiosk at the main gate on Haley Road. We may need to address the land use regulations. The wetlands are delineated. Trails should be done by September 1. Needs more of a presence. Need to come up with some regulations.
- c. Burning Tree on hold.
- d. Andrew Mankin stated that he spoke with Ed May regarding Long Pond. This refers to the Water Quality Protection District, the town regulations. Because it is a water supply there's at least a 400 foot protected area. We need to talk to Ed May, the building inspector about this and he is the agent in charge of this.
- e. The retirement party for Pat Kinne was discussed.
- f. Agent Sewell said that there is a new permit extension act. It is now a 4 year extension.

MOTION: Jessica Dezieck to close public hearing at 9:03.

SECOND: Bruce Gore

VOTE: 5-0, all in favor

Respectfully submitted,
Julie Kelley
Secretary