

**Great Barrington Conservation Commission Meeting**  
**Great Barrington Fire Station, 37 State Road**  
**February 25, 2011**

**ATTENDEES:** Patricia Kinne, Bruce Gore, Jennifer Connell, Andrew Mankin, Dave Shannahan

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

7:00 NOI – 39 Dresser Ave, filed by Joel and Kate Millonzi. Proposed work is the demolition of a garden shed and construction of a new garage, and for the demolition of a pergola and the addition of a new connector between units 39A and 39B.

Alan Clark, architect, represented Joel and Kate Millonzi. The current site consists of two condominiums attached by a pergola. The Millonzis own both units and would like to add more square footage to the River Barn, the condominium closest to the river, and have proposed a 16' by 24' addition. The current law states that attached dwellings have to have a continuous foundation between them, but this wasn't a requirement when the pergola was built. The area needed to connect the two buildings is 256 square feet. The Millonzis would like to build a 2 car garage and plan on turning the current parking lot into a garden.

Proposed mitigation includes the bank on the east side of the River Barn, along with planting in the area that is currently a parking lot. Andrew Mankin stated that since the proposed work includes the addition of 1,100 square feet of area, the mitigation area needs to be 2,218 square feet. The problem is the fact that the mitigation has already essentially been used up by the previous project, so the issue will be finding up to 2,200 square feet of legitimate mitigation. Andrew Mankin advised Joel Millonzi to plan to do as much mitigation as possible, along with some alternatives such as donating to River Walk, and see what the DEP's response to the proposed mitigation is.

Agent Sewall advised that Project Native has a good comprehensive list of native plants. She stated that the incline area in the back of the property becomes questionable for mitigation because in the winter it is difficult to tell what is already there, and we don't want to destroy a plant that is already helpful there. Joel Millonzi stated that the parking lot is 1,000 square feet and will be converted to garden area. Joel Millonzi asked if mitigation includes the deterring of water off of the roofline, as currently the water is just coming off of the buildings into the soil.

Joel Millonzi questioned if 1,000 to 1,200 square feet of mitigation can be found, would a donation to River Walk in the amount it would cost to plant the additional 1,000 square feet serve as sufficient mitigation. Agent Sewall stated that such action would be just what she would suggest.

Alan Clark stated that the addendum submitted proposes to gutter all of the house except for the roof sloping toward the river. The gutters would direct the water into the town's storm drains, and the line connecting the gutters to the drains could be buried. David Shannahan suggested that Alan Clark look into the permissions needed to connect to the town's storm drains. In lieu of connecting the gutters to the drainage system, David Shannahan suggested the installation of an infiltrator. Agent Sewall will investigate whether storm water management is considered mitigation, and what the footage standards are. Andrew Mankin added that the DEP will want to see the sizing on the storm pipe and drainage system if Joel Millonzi decides to use the storm water management as mitigation.

Alan Clark stated that an excavation stockpile area might be necessary, but would be extremely short-lived. Andrew Mankin stated that the steep slope would require the installation of at least a silt fence, if not both a silt fence and straw waddles. In any area where erosion will be going downhill, a silt fence is best.

Chairman Kinne explained that Agent Sewall would get the amendments to Mark Stinson tomorrow, and we would need to wait for his response to the proposed mitigation. If all goes smoothly the Commission should be able to make a decision at the next March 28<sup>th</sup> meeting. Agent Sewall added that the DEP will want a construction sequence. Alan Clark stated that he would get the proposals to Agent Sewall as soon as possible.

**MOTION:** Andrew Mankin that we continue the public hearing until March 28<sup>th</sup> at 7:00

**SECOND:** Bruce Gore

**VOTE:** 5-0, 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.

Agent Sewall stated that she will look into how long filings remain open for without response from the applicant.

**MOTION:** Andrew to continue the public hearing until 7:30 on March 28<sup>th</sup>.

**SECOND:** Bruce Gore

**VOTE:** 4-0, all in favor.

## **MISCELLANEOUS**

1. Approve January 28, 2012 minutes

**MOTION:** Andrew Mankin that we approve the January 28, 2012 meeting minutes.

**SECOND:** Jennifer Connell

**VOTE:** 5-0, all in favor.

2. Enforcement Order 20 Berkshire Heights

David and Betty Vigneron, neighbors, were present.

Chairman Kinne explained that the new owner at 20 Berkshire Heights put a drain into an intermittent stream that the Commission had worked on several years ago to have restored. The property owners thought that they had been putting the drain into a drainage ditch. Evan Hardcastle, the contractor for the project, stated that he had just met with Peter Soules. Currently there is a 6-inch pipe in place for groundwater, and the owners had planned to put the water into what they thought was a drainage ditch, assuming that the drainpipe went to the town system. The ditch actually just flows across the street where it empties into the catch basin on David and Betty Vigneron's property, and then continues into a stream which empties into the Housatonic.

Andrew Mankin explained that the neighbors currently have a problem with excessive water as it is. David Vigneron stated that the previous owner of 20 Berkshire Heights had taken a bulldozer to the property. David Vigneron expressed that he believed prior to the bulldozer work the property had been wetland as there was surface water present, especially in the winter. The Commission had created a plan calling for the restoration of the stream bed and its flow, and one patch from the original plan was acknowledged. David Vigneron acknowledged the fact that the previous owners had not identified the location of that area to the current owners, and he would like to see the Commission recall that the area had been identified and take appropriate measures about that, since so much of the area has been lost.

Chairman Kinne stated that she believed the area was referred to as an isolated wetland. Many trees were also planted in the area. Eric Hardcastle said that the client is willing to discuss different drainage options, but has already invested a certain amount of money and would like to utilize what they've already installed on the property. Andrew Mankin

stated that he would like to see the area replanted, as it was originally, and the current owners have mowed down the old plants from a previous order.

David Shannahan stated that it is important to determine where all of the pipes go, and that a dye test can be used to find that out. Betty Vigneron added that the hillside had between 25 and 30 evergreens which have all been cleared, increasing the water flow to the area below. Andrew Mankin stated that the hillside is not jurisdictional for the Commission, but if the drainage from that area drains into the wetlands, it could be jurisdictional.

Chairman Kinne stated that there had been an isolated wetland on the property that was not jurisdictional. The problem with the current situation is that the pipe is going in where it shouldn't be. Andrew Mankin added that he would like to see restoration of the area within 100 feet of the intermittent stream. Eric Hardcastle added that the current footing drain will not increase or decrease with rainfall, as the groundwater will be directed off in a steady flow, and from a cost perspective, he would like to see it stay.

Andrew Mankin stated that the only temporary action to be taken is to cut back the current direction of the water and add a small riprap area that would be removed once a final solution is reached. Andrew Mankin instructed Eric Hardcastle to riprap an area on its way into the stream, take it back about ten or fifteen feet, but not to put riprap in the stream itself. Next month the Commission will need a comprehensive plan on what the owners are planning to do with the footing drain, and the actions they plan to take in the restoration of the vegetative material in that 100 foot area. If the pipe is terminated, it will need to be removed. Agent Sewall will email Eric Hardcastle the RDA form and the filing deadline for the March meeting.

Chairman Kinne instructed that Eric Hardcastle will contact Joe Sokol about the drainage system and may take the pipe out. Otherwise he will take a 10 foot section of the pipe out, put riprap in, remove the machinery as soon as possible, and come back to the Commission next month with an RDA for the restoration of the stream or a plan for using the water dispersed.

Betty Vigneron requested a copy of the dye test and its results.

### 3. Monument Mills update

Agent Sewall stated that the old NOI will likely be thrown out and the Commission will be presented with a new one. Andrew Mankin added that the old NOI will need to be formally withdrawn.

4. 100 Bridge Street update

Agent Sewall had not yet gone to Bridge Street, but would be visiting the site tomorrow.

5. 113 Christian Hill Road Driveway Permit

Agent Sewall updated the Commission and stated that the confusion had been worked out, and that Agent Sewall had been directed to the wrong property.

6. 5 Meadow Lane

Andrew Mankin shared that he had come across large deposits of gravel and fill on Meadow Lane and had stopped an excavator from pushing it into a wetland. He and Agent Sewall will visit the site tomorrow to get more information.

7. McAllister Property

Agent Sewall stated that Kristen Kurzyca had rescinded, and that Agent Sewall had told her to come back in a year to see where the Commission was in terms of planning for the property. Andrew Mankin added that if anyone has plans of a dog park or a CSA for the property, it would be best to just say no at the present time.

8. Conservation Funds

Agent Sewall stated that the Conservation Land Fund needs to be voted on at a town meeting. It can be used for delineating the McAllister property.

9. Dale Culleton property on the corner of Brookside and South Main Street

Agent Sewall stated that the owners had applied for an extension but didn't actually need to do so because the extension was automatic, as they fell in the timeline of the permit extension act. The property has been silt fenced. Bruce Gore pointed out that there is still machinery on the property, and Chairman Kinne added that work should not be proceeding at all unless it's on the order. Agent Sewall will call to check to make sure that work is not proceeding.

10. McAllister Delineation

Agent Sewall had called Foresight Land Services to get a third delineation estimate.

White Engineering was a little bit higher with some costs, but they did include a sketch of the wetlands. Agent Sewall questioned how to present the estimates to the Commission, and Bruce Gore stated that the Commission would vote on the estimates to choose which service to use. Agent Sewall added that because the Commission will be using the Wetlands Protection Fund, Kevin O'Donnell's approval will be needed. Agent Sewall stated that her vote would currently be to use Emily Stockman for the delineation, as she is the only one who has actually come to the property. Chairman Kinne pointed out that

Mike Parsons may have done some of the original work on the surveying, and Andrew Mankin agreed that we should definitely get a quote from Kelly, Granger and Parsons for the surveying.

A motion was made to close the public hearing.

**MOTION:** Andrew Mankin that we close the public hearing.

**SECOND:** Bruce Gore

**VOTE:** 5-0, all in favor.

The public meeting was closed at 8:32 pm.

Respectfully submitted,

Paige Cerulli, Secretary