

**`Great Barrington Conservation Commission Meeting  
Town Hall, 334 Main Street, Selectman's Meeting Room  
July 25, 2012**

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

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

7:00 NOI 167-0363 - 615 South Egremont Road, filed by George Beebe. Proposed project is for an increase of land in agricultural production.

David Shannahan recused himself.

Agent Sewell did a site visit and found that there is 35' from top of the bank to edge of the corn. Mr. Beebe said he does not need more space. There is a special condition from National Heritage that Mr. Beebe not maintain the field edge until winter. Special Condition also to state that the field edge and the production boundary are the same. Only referring to a small portion of his property and he can not go further toward the Green River without permitting.

**MOTION:** Jessica Dezieck to close public hearing

**SECOND:** Jennifer Connell

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

**MOTION:** Jessica Dezieck to approve special conditions.

**SECOND:** Bruce Gore

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

Agent Sewell asked that the enforcement order be signed because work was done before permitting.

7:15 NOI 167-0365 Long Pond Road, Map 34 Lot 11A for proposed construction of a single family house and associated site work.

Mark Volk with Foresight Land Services presented two new plans dated 7/25/12. The plans show all the trees that are 4" in diameter and greater, their species and their size. 24 total trees to be removed: 16 that 6" or less in size and mostly hemlock. He noted that the screened porch is marked at 30' and there would be removal of 3 hemlocks. The driveway has been reduced from 20 to 12 feet wide and the culverts have been changed. There are about 400 yards of ledge removal by controlled blasting. Andrew Mankin commented that he would like the gazebo moved back. Mark Volk noted that the screened porch could be moved outside of the 50' buffer and remove the three trees.

Jessica Dezieck commented that she is concerned with removing so many hemlocks and Andrew Mankin noted that from the site visit it didn't look like the canopy would be disturbed.

David Shannahan asked what the regulations say. Agent Sewell responded that within 50' is the most protected. Andrew Mankin added that the Commission has the leeway depending on the site and the resource area to decide if there can be thinning of trees or if something can be built there. He went on further to say that because of the size of the trees and that the canopy is left intact he feels okay with trees that are being taken out. He stated that his concern lies with the gazebo location. It could be moved back 10 to 15 feet and those trees don't need to come out. It will impact the resource area because the more people use it the more it gets impacted. He would like to see the waterfront area plan scaled back with less impact on the shore.

Agent Sewell noted that the wording of Wetlands Act states that the inner 50 feet is at the Conservation Commission's discretion. It is the history of this Commission that building and decks and roofed places be kept out of that 50 foot line. This commission has precedent.

Mark Volk noted that we will move the screened porch behind the 50 foot line, remove the three trees.

Bruce Gore asked if the trees could be replanted elsewhere on property? Mark Volk agreed to plant eight 3 foot mountain laurels.

Agent Sewell restated that it is agreed to move gazebo back to the 50 foot line and planting eight 3 foot mountain laurels, and leaving tree removal as is on the plan.

**MOTION:** Bruce Gore to close public hearing

**SECOND:** Jessica Dezieck

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

**MOTION:** Bruce Gore to accept plan 167-0365 with additional revisions of moving the gazebo and the planting of eight 3 foot mountain laurels and 33 special conditions.

**SECOND:** Andrew Mankin

**VOTE:** 4-1, in favor: Jessica Dezieck opposed

7:20 NOI 21 North Plain Road for renovation to an existing house and construction of a single family house and related site work.

Mark Volk reported that there is an existing house and a section that will remain and another section that will be removed, the shed will be removed, concrete slabs to be removed, and the existing driveway to be removed. There is a proposed new house to be built with access to Christian Hill Road. Proposal to remove 3 maples. The amount of area being added is balanced. Balancing the redevelopment area with 1200 square feet of shrub plantings.

Agent Sewell noted that the site location for the dumpster and stockpiles need to be clear on the plans and would like it noted on the plans. Mark Volk said he would draw it on the box and initial it.

Agent Sewell asked if that was enough of a mitigation area and she would like to see more perennials planted.

Mark Volk noted that there is a full canopy. Agent Sewell would like to get a more flushed out vegetation area. Would like native plants. Whatever goes in needs to go in when water is available or be watered.

Jessica Dezieck asked if there was room for improvement where old the driveway is coming out.

Agent Sewell noted that it is a wash when you take graded and go over degraded. DEP template it only counts degraded over degraded. Grass does not count toward mitigated but does count toward improvement. Mark Volk said they would use verbaceous plugs.

Agent Sewell noted the removal of Regossa Rose.

**MOTION:** Jessica Dezieck to close the public hearing

**SECOND:** Jennifer Connell

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

**MOTION:** Jessica Dezieck to accept plan as proposed with additional revisions and 33 special conditions

**SECOND:** Jennifer Connell

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

7:40 RDA 127 Monument Valley Road to extend a grassy lawn to the north of the residence.

James Trapp from Webster Landscape explained that they would like to mow down invasives and smooth out existing grade to a small area adjacent to intermittent stream.

Jessica Dezieck commented that there are two vernal pools potentially off the wetland and are certified that are on same side of the property. Looks like it is a good distance away. We should look into what the restrictions are and if it impacts this property. Looks like they are about a half mile away.

Agent Sewell noted that we try to leave some level of buffer zone along an intermittent stream of 10' to keep it shaded. Additional gardens going in and screening going in and the opportunity for native plants to go in.

James Trapp noted that along the road there will be a mixed deciduous hedge. Native viburnum, blueberry plantings.

Agent Sewell noted that the rhododendron will be moved closer to the stream. The rhododendron will be plucked out with forks on a tractor and placed into a hand prepared area.

**MOTION:** Bruce Gore to close public hearing

**SECOND:** Jessica Dezieck

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

**MOTION:** Bruce Gore to approve RDA with conditions of a 10' buffer along stream, the rhododendron is allowed to be moved closer to the stream into a hand dug area out of the 10' buffer line. Plantings on the site will consist of at least 35 % native plantings.

**SECOND:** Jessica Dezieck

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

## MISCELLANEOUS

1. Approval of June minutes.

**MOTION:** Jessica Dezieck to approve the minutes

**SECOND:** Jennifer Connell

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

2. Review of Special permit 796-12 from Barrington Brook, LLC and Stone Path Development, Inc., for an Open Space and Residential Development of 59 units at Burning Tree Road, Londonberry Drive, and Thrushwood Drive, Great Barrington

Andrew Mankin went on record stating he has used Mr. McCormack's professional services in the past and did not feel it would be a conflict.

Bruce Gore also went on record to state that he is related to an abutor to this property and that would not pose a conflict.

Edward McCormack and Jim Scalice here to seek recommendation to planning board to approve special permit to convert the former Burning Tree Development to an open space residential development that requires a special permit.

Jim Scalice explained the open space for residential development. The plan will remove as much activity from the buffer zone as possible. Would avoid wetland impacts. However, there will be some wetland involvement. Entrance where bridge was built is a detention basin. Because of the intensity of the rooftops being built because there are more houses proposed we are increasing that to the outer fringe of the buffer zone and place a structure inside the pond. We will enlarge the detention basin by 25 percent and install an outlet control structure inside the pond that will be removed and replaced but no work on the wetland side of the berm. There is no new point source discharge. Area two still needs a pond and it still needs to be built. Improve outlet to the storm sceptor. Last part is at the crossing. One street light is in the buffer zone. No widening of pavement proposed. We would like to obtain a letter of recommendation to the planning board. Erosion control plan needs to be shored up and improved upon. Work in the buffer zone can be handled through RDA process or recommendation process.

Andrew Mankin noted that it is good job keeping everything out of the resource areas. Storm water management is his biggest concern.

Jim Scalice mentioned that there is a 2" thick storm water management analysis. We are required to meet sub division standards not storm water management standards. There is no new point source discharge is proposed and no work in the buffer zone. No new impervious work in the buffer zone. We have 80% removal, we have infiltration. We've exceeded sub division standards and have exceed old standards under the storm water management.

Andrew Mankin said that because it is such a big project it is beyond his abilities to evaluate properly. He has a question of what would be the best path to make sure the storm water plan is appropriate going forward. The scope and size of project has changed. Andrew Mankin also commented that the erosion control plan needs to be good.

Bruce Gore asked if the Commission will get a copy of the erosion plan. Jim Scalice suggest that be a recommendation to receive it and he would go over the plan if need be.

Agent Sewell asked if the tree line is a non disturb zone? Will they be getting that in their deed? Jim Scalice said it would be part of the Homeowners Association. Ed McCormack noted that all open space regulated by association. Jim Scalice suggested that it be staked out and marked in advance.

Agent Sewell asked if the detention basins would be seeded or planted with wetland species. Jim Scalice said that a basin mix would be used. Agent Sewell also asked if these basins would be operated and maintained in perpetuity and if there is a maintenance plan. Jim Scalice responded that there is a maintenance plan and they will be operated and maintained in perpetuity.

Andrew Mankin stated he thought this was a good plan. Storm water management is the biggest issue. With other large housing projects we had an outside consultant review storm water plan. We need assurances regarding storm water management.

Chris Rumbold noted that if the storm water management is concern it's a good idea to review the NIFTY's permit. Also, make that recommendation to the planning board to take a look at this and hire expertise if you feel you need it.

Andrew Mankin commented that most of this is out of our jurisdiction with the exception of the two detention basins.

Andrew Mankin stated that the issue is whether an RDA or NOI will be required for the building of the two detention basins. Need at least an RDA. Storm water management will be directly related to the two basins. If there is a permit it will give us a chance to look at the plan. At the same time we could give our recommendation to the Selectboard that we are concerned about storm water management and that the applicant will be coming to us with and RDA or NOI.

**MOTION:** Bruce Gore to close the public hearing.

**SECOND:** Jessica Dezieck

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

**MOTION:** Jessica Dezieck to give a positive recommendation to the Planning Board with the concerns mentioned. That they will return to us with a Notice of Intent for detention basins within jurisdictional zones. We would like to consider marking the wooded line a no mow zone, no more clearing past the line indicated on the plan, the limit of work, that we review the erosion control plan when complete, that we are concerned about storm water management plan and will be reviewing with NOI. Recommended no invasive species be planted in the landscape management plan that are listed on MA invasive species list.

**SECOND:** Bruce Gore

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

3. Review of Special Permit 798-12 from Stephen Bennett to construct a new single family residence and associated site work within the Water Quality Protection Overlay District, at a parcel on Long Pond Road identified as Lot 11A Map 34.

Andrew Mankin asked that since we have just permitted it as far as the special permit do we forward our decision to the town? Agent Sewell asked if there were other considerations that need to be looked at. One consideration is saffrovite, while not listed in Massachusetts is listed in NY, CT, and NH. It is very unique to Long Pond Road and is on the house site. It is not protected in Massachusetts but should be brought to the attention of the Planning Board.

**MOTION:** Jessica Dezieck to close public hearing

**SECOND:** Jennifer Connell

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

**MOTION:** Jessica Dezieck to send letter of recommendation to the Board of Selectman and a copy of the 33 Conservation Commission Special Conditions and a note about the saffrovite.

**SECOND:** Bruce Gore

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

4. 55 Hurlburt NOI Amendment 167-0359

Jim Scalice noted that he worked with Joe Wilkinson to come up with a plan that would be non-intrusive to the resource area but save a significant amount of money and a more efficient way to do the stream restoration. We have looked at his equipment and have specified which pieces could be used and what the ground pressure would be with those pieces of equipment. Instead of a wheelbarrow, a tractor will be used on fiberglass mats

that will be laid down. Joe Wilkinson noted that there are several rocks weighing over 250 pounds that could not be removed by hand.

**MOTION:** Jessica Dezieck to approve amendment to use of a Takeuchi TB014 mini excavator and the small tractor the Kubota L3830 with fiberglass mats. The Kubota stays away from the wetland. Only the TB104 goes to the wetland.

**SECOND:** Bruce Gore

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

5. Certificate of Compliance CHP –

David Shannahan noted that it looks pretty well attended to and the wetland area looks great. No demands for anything at this point.

**MOTION:** Bruce Gore to issue Certificate of Compliance

**SECOND:** Jessica Dezieck

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

6. Review of site visit 237 Long Pond Road – Sharon Strasfeld’s property. Housatonic Water Company was concerned about some clearing at water’s edge.

Andrew Mankin stated that the issues are checking with water quality district for Round Pond. Need research to see if water quality is stronger law for them more than wetlands laws. Check with DEP to see if DEP’s water quality protection covers this. Health Department might have jurisdiction. Surface water supply triggers other things.

David Shannahan mentioned that there needs to be an understanding all the tiers of regulation to prevent further issues. Andrew Mankin suggested that the regulations be mailed to all property owners on that pond and that a letter be sent to Sharon Strasfeld explaining that the small stone dock cannot be permitted.

7. A request from the public was for name plates.

8. Andrew Mankin noted that a new Chairman and Vice Chairman need to be voted upon.

**MOTION:** Jessica Dezeick that Andrew Mankin be appointed Chairman

**SECOND:** David Shannahan

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

**MOTION:** Jessica Dezieck to appoint Bruce Gore as Vice Chairman

**SECOND:** Jennifer Connell

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

**MOTION:** Jessica Dezieck to close the meeting at 9:20p.m.

**SECOND:** Jennifer Connell

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

Respectfully submitted,

Julie Arnet Kelley  
Secretary