

**Great Barrington Conservation Commission Meeting
Town Hall, 334 Main Street, Selectman's Meeting Room
May 23, 2012**

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

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

| 7:00 NOI [167-0359](#)– 55 Hurlburt Road, filed by Paul and Maureen Hickey. The proposed project involves the construction of a single family home and associated septic, potable water well, driveway, and yard. The applicant proposes to mitigate the altered bank of the intermittent stream prior to construction.

Andrew Mankin mentioned he has worked with their representative Ed McCormick but doesn't feel it will influence these proceedings.

Andrew Mankin asks to review the list of Special Conditions and start to go through them if anyone has any questions. Items that need a decision are the conditions needing dates for completion. Agent Sewell mentioned there is a lot of work and do we want to see it complete in one season or spread out? Do we want it completed before house site begins? David Shannahan asked who is going to do it? A contractor could answer what the time frame would be. Edward McCormick said they would like to get the work done as soon as possible. They were looking at number 6, culvert removal restoration to be completed by July 15th and also mentioned extending it a month allowing for weather conditions. Orit Kadosh agreed.

Andrew Mankin asked about the stream restoration and Edward McCormack mentioned a date of August 15th. Andrew Mankin asked about BVW restoration and Edward McCormack said they had a date of October 15th. Sarah Schultz said that was based on the planting season.

| David Shannahan mentioned that he was concerned with stream restoration and that it shouldn't be rushed. Edward McCormick noted that it should be done when there is the least amount of water and August is usually the driest month. He suggested moving everything a month giving us a little leeway. Agent Sewell felt is all doable and noted that it's a tremendous amount of planting and seeding and the fabric goes in once all the rip-rap comes out. We can say this date and if it isn't complete they will need to come back and change it. Andrew Mankin asked if there is any reason why we can't choose August 15. Agent Sewell noted that at the same time there is invasive species management happening. Jessica Dezieck concurred with this. Agent Sewell went on to say that number 4.5 is, "identify and remove invasive species" and is really the first thing that needs to happen but can occur at the same time as the upper culvert removal and restoration area is happening. They are looking to have this piece done this year and are looking to begin building in the spring. Edward McCormick said they would like to start building in the fall. Sarah Schultz noted that the intention is the stream restoration as previously spoken about, installing the new culvert and driveway with the least amount of impact to the stream at one time. So when we get down to that part of it we're going to do the driveway and that part all at once. Everything through the wetlands will be done at end of season. The new

owner will have to build up to the wetlands, the driveway will be done, and build on the upland. We will have no impact to the resource area once we are completed with the restoration.

Andrew Mankin suggested sticking with their dates. July 15th and then August 15th and October 15th.

Edward McCormick noted a correction on numbers 2 and 3. Number 2 plans talk about plans and number 3 talks about approved site plans. Plans should be all of number 3. Agent Sewell agreed. And Sarah Schultz gave the correct spelling of Matthew Puntin's name.

Sarah Schultz remarked that number 10 refers to condition 40 and talks about annual reports you will receive it by email or hard copy. Agent Sewell said to take out number 10 and Andrew Mankin confirmed.

Edward McCormick suggested that number 11 should state that the monitoring should be two years. Agent Sewell noted that two years from Oct. 15.

Edward McCormick noted there was a question with number 5 relative to underground utilities. He mentioned that the underground conduit will be installed at the same time as the culvert. Agent Sewell noted that it will be running along side of the driveway. Edward McCormick said there will not be any other disturbance of the wetlands. Sarah Schultz noted that on the plans there is a designation of a utility trench that comes from Hurburt Road up to the house. There will probably be a pull box on each end. When we take out the culvert and put in the new one we will just dig next to it so there won't be any other impact site or bore it and it will run up to the house.

Agent Sewell noted that on number 5 in the plan is a construction sequence that we can site. Andrew Mankin agreed.

Agent Sewell mentioned that any work beyond the box culvert cannot be done until restoration is complete. House not to be constructed before restoration completed and signed off on. No work outside of wetland BVW.

Agent Sewell asked where stockpiles are going? Sarah Schultz mentioned they will dig the foundation and leave a little dirt around it for back fill. The rest will either be stored outside the buffer zone or be hauled off site. Surround any in the buffer zone in silt fence so as not impact the resource area. Jessica Dezieck agreed that this was the best solution.

Agent Sewell asked about erosion controls. Andrew Mankin noted that it was pretty clear on that. Item number 25 talks about stockpiles and erosion controls.

Agent Sewell questioned the erosion controls that are part of restoration plan where a whole 25 foot perimeter for erosion controls will be at the start of the restoration. Sarah Schultz said that it should not be on the restoration plan but strictly on the Notice of Intent plan. For the restoration, straw waddle check dams will be installed and silt fence after excavation. The check dams will be inserted 50 feet on center. Agent Sewell noted her concerns that the erosion controls for the restoration are pretty minimal and wouldn't want to see it all going in at once. She also mentioned not to block the ponding site. She will put that in number four that erosion controls

only have to go to the edge of the orchard field as sited on the plans 4 of 6 February 9th revision date of May 10.

Agent Sewell asked about blocking erosion control around ponding site. Jessica asked it not be blocked. Sarah Schultz mentioned they could put a break in about five feet apart and overlap them so something can migrate around it. Jessica Dezieck noted that the migration period runs until the end of June. Agent Sewell asked for three breaks.

Andrew Mankin remarked on number 25 that the stockpiling will be down below.

Agent Sewell posed the question regarding number 24 and replacement trees. Jessica Dezieck agreed that replacement trees should be installed. Andrew Mankin noted that the orchard trees would not work as they are all in one location. Because the whole project is in the buffer zone trees should be replaced fairly close to where they are being removed and would like a one to one replacement. Agent Sewell agreed and noted they should be native trees and okay to keep away from the house. Andrew Mankin asked what is the necessity to take out the Norway spruces. Sarah Schultz explained that the Norway spruces are not native but are non-invasive either. Once the roots get cut during the process the tree will die and they also have a very shallow root system causing them to fall over quite easily. Trees will be planted 25 feet on center. Jessica Dezieck noted that the red maples are indicative of a wetland. Sarah Schultz noted that 11 trees will be taken out and 11 native species will be planted. Bruce Gore asked what size tree will be planted. David Shannahan felt it was unnecessary to plant something larger than 25' due to the shock to the tree. Andrew Mankin mentioned a five-gallon pot would suffice.

Jessica Dezieck questioned the invasive removal and what herbicide would be used. Sarah Schultz noted that Brett will flag and then hire a licensed person who will come out four times this year and four times next year. Jessica Dezieck had concerns about the use of Round Up and David Shannahan said that the licensed applicator should use what works best in that condition. Andrew Mankin commented that we would prefer Rodeo or an aquatic equivalent.

MOTION: Jessica Dezieck that we close the public hearing.

SECOND: Bruce Gore

VOTE: 6-0, all in favor

MOTION: Jessica Dezieck to approve the plan presented for 55 Hurlburt Road with Special Conditions as Attachment A and DEP #1670359 May 23.

SECOND: David Shannahan

VOTE: 6-0, all in favor

Agent Sewell mentioned that there is an Enforcement Order. We will site this Order of Conditions and take out number four and put it into the Enforcement Order and the Order of Conditions contains all of the conditions.

| 7:15 NOI [167-0362](#)– Rising Pond Dam, filed by Kevin Mooney of General Electric. Proposed work is for the repair and/or replacement of portions of the existing dam structure, including: replacement of rip-rap downstream of the spillway, repair and enhancement of the concrete downstream spillway apron, minor regarding of the right embankment, and minor vertical extension of the right downstream concrete training wall.

Agent Sewell noted that they requested a continuance until the June 27 hearing. To allow time for MA DEP to issue the 401 permit.

MOTION: Jessica Dezieck that we continue the public hearing until Wednesday, June 27 at 7:00.

SECOND: David Shannahan

VOTE: 6-0, all in favor

| 7:30 NOI [167-0343](#)– 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.

MOTION: Jessica Dezieck that we continue the public hearing until Wednesday, June 27 at 7:30.

SECOND: Jennifer Connell

VOTE: 5-0, all in favor

| 7:35 NOI [167-0363](#)- 615 South Egremont Road, filed by George Beebe. Proposed project is for the squaring off a corner of agricultural land currently in use.

David Shannahan recused himself.

Andrew Mankin noted that Mr. Beebe was not in attendance. Agent Sewell presented a letter from National Heritage noting that the wood turtle and a couple other species are in this priority habitat area and would not be impacted by the project. They wanted to make sure there was no activity on the field edge. They only want any activity to happen during the dormant period of November 1st through March 15th. That was the only Special Condition that they wanted us to include in the Order of Conditions. Agent Sewell also noted that the DEP did not have any issues with the configuration because the river is channeled due to the bridge and the culvert and a couple of wing walls. Not an erosion area. There are no plans of planting, just let natural vegetation retake. He will gain about an acre. We will ask that he change the narrative in the NOI because he talks about squaring off the field and that's not what we're doing, we are increasing land for production. There was discussion about planting 25 feet from the waterway

and Orit Kadosh noted that it should be a 100 feet. Agent Sewell said that he was applying it. If it is new land going into production then he has to apply for approval and that's what he is doing. Andrew Mankin mentioned that he is adding field space and with a Notice of Intent we can give him permission to do that.

MOTION: Jessica Dezieck that we continue the public hearing until June 27 at 7:35.

SECOND: Jennifer Connell

VOTE: 5-0, all in favor

8:00 p.m. Orit Kadosh left the meeting.

8:05 RDA - 35 West Plain Road, filed by Great Barrington Rudolf Steiner School. Proposed work is for irrigation of a soccer field using water pumped from the Green River.

| ~~Hartel~~ Helmuth Sommer explained that there is an existing soccer field that is plowed up and has been graded and reseeded. The area is approximately 75000 square feet. We need water to get hydro seed started. We have a pump set up at a pond at the school and would like to use the Green River if there is trouble with the pond on a temporary basis. Andrew Mankin asked if after each time would the pump and tub be taken out away from Green River after each use.

| ~~Hartel~~ Helmuth Sommer would leave it because they need it every morning and would remove at end of summer. End of August. It would use about 15,000 gallons every other day. Andrew Mankin said he and Jessica Dezieck looked at it and there would be minimal amount of disturbance and erosion. Jessica Dezieck asked if there would be mesh over the intake. It was noted that the opening has a funnel attached and very small valve. It is a brand new pump that would sit in a vinyl tub. Only the intake hose in the river. It will be two or three feet above water level and Helmuth Sommer said he will be there if there is a flood to remove it.

Andrew Mankin said we can find a negative #2 determination.

MOTION: Jessica Dezieck that we find a negative #2 determination and it will be removed by August 30.

SECOND: Bruce Gore

VOTE: 5-0, all in favor

MISCELLANEOUS

1. Approval of April 25, 2012 meeting minutes.

MOTION: Jessica Dezieck that we approve the April 25 minutes.

SECOND: Bruce Gore

VOTE: 6-0, all in favor

2. Christine Ward update on the Lake Mansfield Improvement Task Force:

- a. The Select Board selected the task force to act on behalf of Lake Mansfield. Christine Ward resigned from Parks Commission and will now chair the Task Force as a citizen at large.
- b. We are utilizing 604 Clean Water Grant. It is a planning grant to develop a storm water mitigation plan for Knob Hill. We will apply for the next grant to implement the plan. That kind of grant is happening already for the Castle Hill storm drain system. By 2013 construction will begin on the catch basins and storm drains on Castle Hill Avenue which will provide the filtration that is needed in that space. After those two projects the only areas of concern will be the parking area and the eroding road.
- c. The task force has noted that the weed assessment is outdated. This summer's assessment from your budget has been approved.
- d. The summer water testing has begun as the beach is set to open over Memorial Day weekend. Weed fabric has been installed. New signage has been contributed by lake Mansfield Alliance all coordinated with Berkshire South.
- e. Continued limited mowing policy to help grow stronger roots.
- f. There has been some illegal cutting of cattails. We will do some outreach in the newsletter.
- g. There is a stand of invasive phragmites. Have been trying to control with volunteer cutting without success. One option we are looking at is a very careful application of an herbicide. The Nature Conservancy uses this technique and it needs a licensed application. We have asked for a management plan and would consider it for recommendation at our next meeting. We would look to you for guidance in filing the NOI and funding.
- h. We have received a collaborative grant to create a user brochure with a newly development map of the Lake Mansfield trails. There will also be updating of the kiosks and printing of brochures. Christine Ward will provide a draft by email for your recommendation.
- i. There are some concerns regarding campers in the forest. Large alcohol bottles have been found. Police are aware and do go in there and we just want to be on top of it. Rules are camping okay with prior approval.
- j. Old telephone poles have been removed.

6. Housatonic Water Works Company Letter

Agent Sewell mentioned that a letter was received from James Mercer regarding a brush clearing within the Housatonic waterworks watershed. Trees, brush and other vegetation have been cleared for a recreational area. They are requesting the area be restored to original condition. Andrew Mankin said we need to go out there, at least one or two board members along with Agent Sewell. Agent Sewell noted that they have an easement of the first 10 feet in from water. Orit Kardosh asked if it was within the 10 feet and Agent Sewell said there was clearing and boat launch put in. David Shannahan mentioned that it would be a good idea for Mr. Mercer to

communicate with all of the people who it concerns. Bruce Gore noted that it is a wetland issue and clearly in our jurisdiction. It is not our jurisdiction to uphold the easement but it is to uphold the Wetlands Protection Act. Andrew Mankin said we will schedule a site visit. It is 237 Long Pond Road. Jessica Dezieck suggested a letter be sent scheduling a site visit immediately and correspond with Mr. Mercer about what we're doing.

Bruce Gore said he would recuse himself because he worked for an abutter of Mr. Mercer.

7. Review Great Barrington Special Conditions

Agent Sewell would like to do get us to pass a general body of special conditions that are our general special conditions.

8. 20 Berkshire Heights

Agent Sewell received a letter from Berkshire Engineering. She is in contact with Nick Andersen. The owner stated that they had the same mower as the last owner and did not communicate with them of the no mow zone. They are now aware and apologized. The letter goes on to outline all of the work done so far to meet our requests and they are asking for extension of enforcement order dates. They are updating the wetland deliniation. They are requesting only a 10 foot no mow zone on either side of the intermittent stream. Agent Sewell noted that they are willing to appeal it. Mark Stinson posed the question to Agent Sewell: is the Enforcement Order applicable to the infraction. We made an Enforcement Order that was applicable to the site and not necessarily the infraction. Mark Stinson felt the Enforcement Order would not hold up in court because we were asking for much more than the infraction that the Enforcement Order was for. There will be no mow zones of the wetlands specifically and we can ask for demarcation of that wetland and whatever mow zone gets decided on. They are asking for an extension of the Enforcement Order dates so it will be an amended Enforcement Order. They will come in the June 27 meeting with more information and the new deliniation. David Vigneron of 80 Lewis Avenue asked how does an intermittent stream in regard for its set back for no mow in this town in this year, how is that applied? Agent Sewell responded that according to the Wetlands Protection Act an intermittent stream has a 100 foot buffer zone. That first 50 feet having much more exempt activities from the homeowner as opposed to the closest 50-feet. You cannot alter it specifically yourself. You cannot convert to lawn.

Andrew Mankin noted that there was an ongoing Enforcement Order on this property that was never complied with and whether they appeal our decision of 50' no mow zone, would that hold up in an appeal.

David Vigneron noted that it is an overly generous ruling of 50 feet. If you had opportunity in future to stipulate the more typical set back that Mark Stinson might agree that it would be an agreeable position.

MOTION: Jessica Dezieck that we amend the Enforcement Order for 20 Berkshire Height until June 27 at 7:15.

SECOND: Bruce Gore

VOTE: 5-0, all in favor

9. Berkshire Motor Cross

Agent Sewell commented that at the Bogies site they are talking about an every other Friday night race track event. They will come in with a temporary race track and come in with temporary fencing. Andrew Mankin asked how close this is to the river? Agent Sewell noted that it is just out of flood plain. There are wetlands on the abutting property. They don't have to file anything with us. Hay bales will be around the track. They said they have to maintain the track impeccably using a very specific clay, gravel, sand conglomeration so that it holds together. Andrew Mankin suggested that it be checked on once up and running. Agent Sewell mentioned that they may have to apply to National Heritage because they are in a priority habitat for a little bump of their track.

Andrew Mankin stated that Pat Kinne is going to resign as Chairman and from the Commission and he will be interim chair.

A motion was made to close the public hearing.

MOTION: Jessica Deziek that we close the public hearing.

SECOND: Andrew Mankin

VOTE: 5-0, all in favor.

The public meeting was closed at 8:38.

Respectfully submitted,

Julie Arnet Kelley
Secretary