

**Great Barrington Conservation Commission Meeting
Town Hall, 334 Main Street, Selectman's Meeting Room
November 28, 2012**

ATTENDEES: Andrew Mankin, Jessica Dezieck, Bruce Gore, David Shanahan, Lisa Bozutto, Jennifer Connell

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

7:00pm NOI 167-0369 Dave Inglis and Tom Coot 900 South Main Street for new agriculture in the resource area of the Green River, a Natural Heritage Endangered Species Habitat, and a 100 year flood plain.

A letter was submitted in support from Great Barrington Agricultural Commission. David Inglis, property owner and Tom Coot, Berkshire Environmental. Tom Coot said these are old agricultural fields that have been mowed and hayed since 2005. They do not qualify for an agricultural exemption. It is a priority habitat and is a flood plain and within 100 feet of the riverfront and thus required an NOI. At a site visit Natural Heritage said it was a taking of habitat. Tom Coot asked to know what the commission would like to see. It has been submitted to Natural Heritage and MEESA. Once signed off we will forward it to you. David Inglis would like to put a green house up and grow vegetables on the land.

Andrew Mankin asked about the buffer zone that is proposed. In the proposed 50' buffer zone we would like a plan, a planting list. Agent Sewell commented that she would like to see it mapped out. Tom Coot would like recommendations of shrub planting. David Shanahan said the river changes and alters course. He is concerned about how buffer zone is regulated in the future. David Inglis mentioned that it moves with the riverbank and would have to add to the buffer zone to stay in compliance. Tom Coot commented that in the Natural Heritage application this is addressed. Andrew Mankin said the Natural Heritage finding can be referenced. Agent Sewell noted that there needs to be clarity and communicate that to Natural Heritage as they will want to work with us. How long is the buffer zone? David Inglis said the area of concern is the area that was mowed up to the river. The area that would be worked intensively is between remediation of riverbank property to the edge of the area that is of concern agriculturally. The rest is natural riverbank protection and is in good shape. Agent Sewell commented that a plant list would be helpful and a propagation list.

Andrew Mankin said there needs to be a map of the buffer zone, what you are going to use to create the buffer zone, both layers and what species are to be used. Also, there is another piece of the property that has potential use. We would like to see everything you would like to do. Andrew Mankin also asked for specs on the greenhouse. David Shanahan asked what the foundation will be on the greenhouse. David Inglis said there is no concrete foundation. Andrew Mankin asked for the plan in event of flood.

We have to wait for Natural Heritage and MEESA.

MOTION: Jessica Dezieck to continue the public hearing until December 19, 2012 at 7:00pm

SECOND: Jennifer Connell

VOTE: 6-0, all in favor

7:15 pm NOI 167-0368 Joe Sokul 100 Bentley Rd. for upgrades to the wastewater treatment facility, Avery Lane wastewater pumping station, fairgrounds pumping station and the lining of a gravity sewer on Alford Road.

Joe Sokul, engineers Tony Desimone and Dan Lawrence in attendance for phase one of the wastewater treatment plant. Phase one involves some improvements to the building, new electrical, new service entrance, new backup generator that is equal to 100 percent of the plant capacity. It's a Western Massachusetts requirement. Relocated the press process of the sledge. Moving that to other side of the building. Give us a chance to load trucks indoors. Eliminates concern for odor. Installing a biofilter. Relocate an existing culvert. Will not disrupt the intermittent stream. Silt fence will be around the site and straw bales around drains. Plans are at the state level right now and we are waiting to hear from them. Want to put to bid in March or April. Estimated cost is 4.2 million. Dan Lawrence reviewed the plans.

Bruce Gore asked how deep below grade is the structure. Dan Lawrence answered that it is about 3 to 4 feet. Jessica Dezieck asked if the water temperature would be affected. Dan Lawrence commented there would be no change in temperature.

Carolyn Ivory, a resident of Grove Street, asked if odors will be addressed. Dan Lawrence said the bio filter will address that.

Fairgrounds pump station is in need of an upgrade. Dan Lawrence reviewed the plans. Will build it off line. Installing new wet well, new valve connecting to the piping. We need facilities above the 100 year flood plane so we had to fill and compensated by adjusting the grades with a retaining wall.

The other is the Avery Lane waste water pumping station and it will have upgrades to system. Alford Road will get a new sewer lining. All underground work.

We have letters from DEP and Natural Heritage.

MOTION: Jessica Dezieck to close public hearing

SECOND: Jennifer Connell

VOTE: 6-0, all in favor

10 special conditions read into the record.

MOTION: Jessica Dezieck to approve the plan with the 10 special conditions.

SECOND: Jennifer Connell

VOTE: 6-0, all in favor

MISCELLANEOUS

1. Chris Rembold Open Space Recreation Plan review.

First live chapter of master plan and most lengthy. Trying to meet the requirements of the State and incorporate it into the Master Plan. The document is lengthy and reviews open spaces. Conservation Commission could work with Agricultural Commission a way to forestall issues. As agriculture becomes more important part of economy and is more involved in community that they should know these regulations exist. Agent Sewell suggested a volunteer day or workshops with realtors. David Shanahan suggested 3 times per year with differing groups.

Chris Rembold went on to explain other priority areas of conservation in the town. Intend to present to the Great Barrington Trails and Greenways group and also at a public forum.

Andrew Mankin commented about aquifers and drinking water. No long term supply right now. Good supply but need a back up supply. Asked if there could be more emphasis on the development of that in the plan.

Andrew Mankin noted that the plan does not allow for no building in Scenic Mountain Act. Chris Rembold asked if that means there are whole areas that are not buildable. Andrew Mankin noted that the Scenic Mountain Act was created by us and approved by the State. We can make certain changes without state approval and others will have to go through the state. Chris Rembold stated that the scenery is critical to Great Barrington and we must protect it. Not sure people would agree that all Scenic Mountain Act protected areas are unbuildable. It could be done well and generate tax value. Conserve land strategically and wisely. Agent Sewell commented that Long Pond Road beautiful and precious place that is getting chopped up.

Chris Rembold noted that the Open Space Recreation Plan will open up grant opportunities.

Chris Rembold will come back in January and would like the Commission to review it and would like input.

2. Conflict of Interest Law and agreements collected.

3. Amendment to special permit 802-12 - Alan Clark of 39 Dresser Avenue came with NOI and then amended it now special permit requested from the Board of Selectman for the construction.

MOTION: Jessica Dezieck to give a positive recommendation based on the already approved NOI with special conditions for the site on 802-112 Special Permit.

SECOND: Jennifer Connell

VOTE: 6-0, all in favor

4. Budget review will be next month.

5. ZBA letter regarding Strassfeld appeal . Carolyn Ivory in attendance. 237 Long Pond Road and the dock. They have appealed the letter. ZBA has asked for comments on the situation. Ed May's letter said they would need to come to us for permitting for dock removal and revegetation of what had been mowed. We cannot permit anything because it is water quality overlay. It needs to be an enforcement order. Violations are that a dock was put into the water, and there was some clearing within 100 feet. We will send an enforcement order to remove dock and to stop clearing within 100 feet. Beyond 100 feet is town ZBA. They are coming to ZBA to use a boat. We do not have any jurisdiction over that. Agent Sewell noted that we have conflicting assessor maps. One says she owns to the waterfront other says to 50 feet of the water. Housatonic Waterworks says they own 10 feet around the pond. Andrew Mankin stated that if they own to the pond that doesn't change the issue of the violations of Wetlands and Water Quality. Andrew Mankin commented that we deal with the state regulations. We do not have the authority to go beyond the 100 feet. That would be the town's area. We need to act on this. Agent Sewell said she would like to talk to Ed May and that we would like to write an Enforcement Order. Andrew Mankin said we should go ahead with the Enforcement Order. Mark Stinson suggested to strike the Ed May letter and that would make the application to the ZBA moot and then rewrite the letter with town counsel. There has been ongoing removal of trees and under story. Andrew Mankin noted that this a drinking water supply and highly protected. Any degradation to the shoreline of drinking water is going to have damage. Agent Sewell said we will stick to our regulations.
6. 20 Berkshire Heights Enforcement Order review. Agent Sewell has been up to the site the plantings and demarcating markers are in. The will get a letter releasing the enforcement order.
7. 55 Hurlburt update. Doing great. Only thing not done is the putting in of the posts. Went over where the posts should be placed. Put flags where posts will go. SK will be the two-year watch person. New England Environment will do invasive species management plan that is a two-year plan. Everything else they've done.
8. Lake Mansfield update. Jessica Dezieck asked for volunteers for lake clean up.
9. McAllister update will happen next month.
10. Approve October minutes

MOTION: Jessica Dezieck to approve the October minutes.

SECOND: Jennifer Connell

VOTE: 6-0 all in favor

11. Approve November 15 Special Meeting Minutes

MOTION: Bruce Gore to approve the November 15 Special Meeting Minutes

SECOND: Jennifer Connell

VOTE: 5-0, all in favor (David Shanahan recused himself from the vote.)

12. Other business

Alex Sarbib Enforcement Order – he has cleaned it up, took all fill out and seeded. Was told he was not to cut down any more trees or do anything else in the Scenic Mountain area.

164 Front Street. – They did the abutments. The building is tied in to the temporaries but we losing huge chunks out of the original abutment. They came in with amendment. That was a year ago. If we don't hear from them by the first of year we want the site back in shape. They are wanting to do whole complex at once.

MOTION: Andrew Mankin to close the public hearing at 8:55 PM.

SECOND: Jennifer Connell

VOTE: 6-0, all in favor

Respectfully submitted,

Julie A. Kelley