

**Great Barrington Conservation Commission Meeting
Town Hall, 334 Main Street, Selectman's Meeting Room
October 24, 2012**

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

Absent: Lisa Bozutto

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

7:15pm NOI #167-0367 for 295 Park Street for stabilization of the Housatonic River bank. Agent Sewell commented that the applicant is waiting for National Heritage to develop the conservation management plan in response to the NOI. Applicant would like work to be done this year for bank stabilization in the spring. Andrew Mankin stated that as soon as approval comes through they would like special meeting. Agent Sewell noted that there needs to be at least 48 hours notice because the agenda needs to be posted for that long.

MOTION: Jessica Dezieck to continue the public hearing to week of the 12th of November.

SECOND: David Shanahan

VOTE: 5-0, all in favor

MISCELLANEOUS

1. Approval of September 26, 2012 minutes

MOTION: Jessica Dezieck to approve September 26, 2012 minutes

SECOND: David Shanahan

VOTE: 5-0, all in favor

2. Christine Ward reported on the 2012 trail season at the Lake Mansfield Conservation Forest. Stewardship efforts were reported on. Community outreach was also reported on. Commission was thanked for donation of lumber. Brochure developed through volunteer efforts has been completed and printed. A 3.5 walking loop in the watershed area map developed. Website has been updated and expanded through donated efforts. Stewardship with BCC opportunities workshop continues. Maintenance of trails has been ongoing. Work with control of invasive species ongoing. Garlic mustard eradication an ongoing problem. Simon's Rock volunteers came out and were cutting back invasive species. Reported on the garden club outing to trails. Next steps would be benches along the trail. Continue to maintain trails, connect with students. New idea – an internship for the forest. Jessica Dezieck to be first intern and will help develop the program.
3. Jessica Dezieck gave an update on the Lake Mansfield Improvement Task Force activities. Lake is doing really well. A plan has been developed to remove phragmites.

We have final draft copy. All damages done by vandals have been submitted to DA's office for damage restoration. The town applied for a grant for storm drainage. The grant is for study and one for the work. Agent Sewell suggested that real signs be made for no hunting.

Review 55 Hurlburt Enforcement Order, site visit, new parcel maps, and future action.

Andrew Mankin noted that a site visit was done. Agent Sewell commented that we want to get really clear where we are in the enforcement order as the property is changing hands. Kate McCormick reviewed a memorandum from Ed McCormick: #1 removal of the stored rip rap. Wilkinson will remove it after the ground freezes to put steel plates over the wetland to traverse the area where the culvert was. #2 live stakes are not available and should be in mid November. Should be done by November 23. Erosion control is linked to live stakes. Erosion control will stay there and will be removed when stakes are planted. Item 23, we are suggesting red cedar posts to demark the area at 40 feet apart not 20. Craig Okerstrom noted that locusts that length are not straight enough to use. Andrew Mankin commented that he would be okay with 40 feet because there will not be a house up there now. Craig Okerstrom said there is a curve to it and it is hard to show the line with 40 feet. Andrew Mankin said to make it 30 feet. Andrew Mankin said to use small Conservation discs noting do not disturb. David Shanahan commented that he would like there to be consistency from parcel to parcel with signs. Craig Okerstrom said the posts would be 4 feet in the ground and 42 inches above ground. Kate McCormick noted that Item 40, environmental monitoring is going to stay with SK until completion and they will file at end of the work. An annual report to be done for 2 years from SK. Craig Okerstrom noted that funds are held in escrow to pay for this. Kate McCormick talked about the invasive species, New England Environmental shall implement the plan. They've been engaged but no work done to date and was to be started on October 15th. Nicky Marcus or Carol Frost are the contact people. Jessica Dezieck asked about the end date and it was noted as October 15, 2014. Kate McCormick to email Agent Sewell when they start. Craig Okerstrom asked about 2 piles of debris that they would like to burn. They are outside of the no mow no disturb area and can they put invasives on the burn pile to be burned? Jessica Dezieck asked can we clarify the regulations. Agent Sewell asked if it is out of the 50 foot buffer zone? Craig Okerstrom said it is within 100 feet of the stream and maybe out of the 50 foot buffer zone. David Shanahan asked what would be used to mow it. Craig Okerstrom said they will come back to you to build the box culvert. Agent Sewell noted that it was approved as a mowed lawn. Craig Okerstrom asked when would the Certificate of Completion would be issued. Jessica Dezieck noted that there is not one issued for the enforcement order. Andrew Mankin noted that there are two separate things going on, the enforcement order and the notice of intent for the box culvert. David Shanahan you can come in if house is built or not being built. Bruce Gore said there is a partial Certificate

of Compliance that we have issued. Andrew Mankin said that for the enforcement order a letter of compliance would be sent. If you want to get a Certificate of Compliance to close this out they would have to come back to us with a new notice of intent if they wanted to do the stream crossing. Craig Okerstrom said they might want to do amended Order of Conditions to change size of culvert. Agent Sewell noted that our question is, now that we have a contiguous stream, will this be a driveway. Craig Okerstrom said it will be a seasonably mowed lane. Andrew Mankin commented, figure out what you want to do and come back with an amended Order of Conditions.

Jessica Dezieck said that she did not see any shrubs in the field. Agent Sewell said that we walked perimeter of field. There is a plant list for the field on page 3 of 4 on May 8th plans. There is also a stream planting plan. Andrew Mankin noted that we need the field planting completed. Kate McCormick asked who do you need confirmation of planting from? Agent Sewell said we just need notification that they are in. Agent Sewell said we should have a memorandum by the November meeting. Andrew Mankin said a letter that refers to enforcement order but not the notice of intent. Letter stating plants have been planted with understanding they need to be monitored for 2 years. Kate McCormick said that the memorandum sent addresses all open issues. Can you issue something now to speak to these issues. Agent Sewell commented that stakes won't even be in until Nov. 24. Craig Okerstrom said the new owner wants to know this has been resolved. Kate McCormick said that funds will be available for these issues in memorandum. Andrew Mankin asked if we can get something from you stating that an escrow account has been set up and what it covers. Do we send a letter stating we have reviewed open issues and Conservation Commission is happy but still need live stakes to be planted. Agent Sewell said we are in agreement with the open issues. Add item seven on list about shrubs in field. Agent Sewell commented that there needs to be added wording about needing an amended NOI for the driveway. Concerned about no equipment be driven through intermittent stream or delineated wetlands. Send a letter referring to email from Ed McCormick that we are in agreement and adding that the planting in field need to be done. No motorized vehicle driving through intermittent stream or wetland and no mowing and to modify posts to 30 feet. Jessica Dezieck said to acknowledge New England Environmental notification of invasive species removal. Agent Sewell said there will be demarcating at the same time. Demarcation and rip rap removal done at the same time, when ground is frozen provided that it's frozen enough. Agent Sewell said this might not happen in 2012.

5. Nick Andersen with 20 Berkshire Heights review. Nick Andersen reported that the enforcement order is due by October 31. Temporary markings will be moved over by the 31st. Birch stock limited right now but other plantings going in. Andrew Mankin stated there will be a site visit next month.

6. Certificate of Compliance 164 Castle Hill – SMA and WPA. Nick Andersen reported it was for wetland enhancement project as well as a garage construction and house renovation project. The plants associated with the two NOI's have had their two year growing span. SMA NOI amended slightly with generator installed by garage with a wood fence enclosure. Have updated as-built with that noted. Andrew Mankin stated that if they wanted to build the gazebo and boat rack they will have to file anew. Site visit done. Invasive species removal was good. We could use this as example to what other projects should look like.

MOTION: Jessica Dezieck to issue the Certificate of Compliance for SMA with as-built plan

SECOND: Jennifer Connell

VOTE: 5-0, all in favor

MOTION: Jessica Dezieck to issue the Certificate of Compliance for WPA with no gazebo and boat rack constructed

SECOND: Jennifer Connell

VOTE: 5-0, all in favor

7. Special Permit #801-12 – replacement of free-standing sign at Project Native. Agent Sewell noted this is out of all jurisdictional areas. No problem with sign.

MOTION: Jessica Dezieck that wetland acts does not apply

SECOND: Bruce Gore

VOTE: 4-0, all in favor

8. Review of Long Pond violation letters from Ed May. Andrew Mankin to talk to Ed May to see if there has been any response. Reviewed letters sent by Ed May to residents on the Pond.

9. Review No Pumping Water signage and posting. Agent Sewell said we need signage wording. David Shanahan commented that we need police assistance with this. Andrew Mankin agreed that we should talk to police about this and to go through proper channels. Agent Sewell said she would bring it up at a department meeting. The signs should read no pumping or removal of water or depositing of water and should have the town seal and Conservation Commission per order of MA Wetlands Protections Act.

10. Review 326 Long Pond Rd Enforcement Order – Agent Sewell commented that fill was dumped in SMA. Mr. Sarbib called back right away. He has been trying to get it surveyed. Do we want to give him a date that it needs to be surveyed? Andrew Mankin stated that we want to get the Scenic Mountain line marked and get the fill out of there.

He needs to have it all done by Tuesday, November 27 or he will get fined and it needs to be on a survey. Also he needs to put ground stakes 15 feet apart. We will have a site visit on that Tuesday, November 27. Site needs to be stabilized for erosion.

11. Grove St. Emergency Permit. Agent Sewell said that she has not received any information.
12. Certificate of Compliance Benedict Pond. Agent Sewell said there was a site visit and it's beautiful.

MOTION: Jessica Dezieck to issue Certificate of Compliance

SECOND: David Shanahan

VOTE: 5-0, all in favor

13. McAllister update and Wetlands Delineation Report will be heard in November.
14. David Shanahan noted that the town departments have a lack of communication with public. I suggest easy information for public for Wetlands Act and Great Barrington Conservation Commission. Suggests a blog. Could a volunteer do a blog or help in another way? Andrew Mankin said might be something for a greenager to do. Agent Sewell commented that website updating is a winter project.

Other business. Possibility of purchasing a laptop through the wetlands budge. Andrew Mankin asked to get the details to bring to next meeting.

MOTION: Jessica Dezieck to close public hearing at 8:45pm.

SECOND: David Shanahan

VOTE: 5-0, all in favor