

## **GREAT BARRINGTON CONSERVATION COMMISSION**

Wednesday, January 26, 2022

**Call to Order:** Chairwoman Van Olst opened the meeting at 6:31pm. Those present via zoom: Andrew Didio, Michael Lanoue, Andrew Mankin, Kate Van Olst. Conservation Agent, Shep Evans. Absent: David Shanahan.

**Public Meeting: The Commission is holding this public meeting to consider Requests for Determination of Applicability (RDAs) under the Mass Wetlands Protection Act, the Great Barrington Wetland Bylaw or the Berkshire Scenic Mountains Act as follows:**

1. An RDA from Bob & Barbara Watkins, property at 7 Butternut Lane for the installation of a new subsurface disposal system within the Buffer Zone of a Wetland.

Mike Parsons stated septic testing determined there is an intermittent stream flowing to the north on the property. The original septic is being abandoned and the plan is to replace/upgrade with a new unit. He stated no clearing/tree removal is needed, but the system is partially within the 100 foot buffer zone.

Didio asked for the septic to be shifted north further from the stream/wetland and buffer zone.

Evans stated a full Notice of Intent was not needed, but if there's a better option for the septic location that would be preferable.

The Commissioners asked Parsons to submit a revised plan for the February meeting.

2. An RDA from 780 Main Street LLC, property at 780 South Main Street for a new parking area expansion at the East Mountain Medical Center.

Jackson Alberti of Foresight Land Services presented a site plan and detail on the expansion of the parking lot area by adding 4,900 square feet of asphalt – 900 feet of which is in the 100 foot buffer zone at the southwest corner. He outlined plans for managing stormwater, keeping a natural vegetation buffer between the work and the wetland and adding native plants.

**Didio made a motion** to issue a negative determination #3 with the condition that a planting and location plan be submitted for approval prior to construction; **Mankin seconded**. Van Olst asked if any discussion – there was none. Roll call vote: Didio, “aye,” Lanoue, “aye,” Mankin, “aye,” Van Olst, “aye.” All in favor, 4-0.

3. An RDA from Tyler and Wendoly Langlois, property at 235 Monument Valley Road for construction of a 30' x 50' sport court and a 14' x 28' sport house/shed.

Evans stated this is an RDA issued under the Scenic Mountain Act. Parsons stated the proposal is to add a sport court and house south of the main house - no additional clearing is needed. Langlois clarified it is a basketball/pickleball court and a 12-foot, one story/room, sloped roof house. Evans noted it is not a substantial alteration under the Scenic Mountain Act.

**Mankin made a motion** to approve the plan with a finding of negative determination #3;

**Didio seconded**. K. Van Olst asked if any discussion – there was none. Roll call vote: Didio, “aye,” Lanoue, “aye,” Mankin, “aye,” Van Olst, “aye.” All in favor, 4-0.

4. An RDA from Christian Na, property at 8 Brookside Road for removal of two very large Spruce trees dangerously close to the residence.

John Field was in attendance representing the owner.

Evans stated he had completed a site visit noting this may not be jurisdictional as it is doubtful there would be significant impact on the river. The Norway Spruce trees are 159 and 144 feet from the river, but very close to the house. Upon removal, stumps and roots would remain in the ground.

**Didio made a motion** to approve removal of the trees with the condition that the roots remain in the ground; **Lanoue seconded**. Van Olst asked if any discussion – there was none. Roll call vote: Didio, “aye,” Lanoue, “aye,” Mankin, “aye,” Van Olst, “aye.” All in favor, 4-0.

**Public Hearings: The Great Barrington Conservation Commission is holding these public hearings to consider Notices of Intent (NOIs) under the Mass Wetlands Protection Act, the Great Barrington Wetland Bylaw or the Berkshire Scenic Mountains Act as follows:**

1. An NOI from BERKHILL72GB, LLC, property at 72 Stockbridge Road for proposed repaving, handicap ramp installation and related site work – Jackson Alberti and Neil Elms representing the property owner. S. Evans reminded Commission members a site visit was completed.

Mankin recused on this matter.

**Didio made a motion** to open the Public Hearing; **Lanoue seconded**. Roll call vote: Didio, “aye,” Lanoue, “aye,” Mankin, “aye,” Van Olst, “aye.” All in favor, 4-0.

Alberti shared the site plan including the commercial business lot and existing one-story structure with a paved driveway, surrounding lawn and concrete walk. He stated there is a perennial stream on the north side and the property slopes down to 200 feet of riverfront. He stated the proposed paving work would include adding native plantings as a buffer and a 1-inch lip to prevent stormwater from entering and sediment accumulations. Neil Elms added it is critical to get the lot area paved since some of the sidewalk was removed creating a safety issue. He also noted there would be a larger landscaping plan along with other improvements. The Commissioners discussed that area plantings had been disturbed and provisions were needed for protection – and expressed interest in reviewing/approving the plant list.

Van Olst noted that future planting/development plans should be communicated before work begins so there is no confusion about plans or permits. She asked if there was any public comment – there was none.

**Didio made a motion** to close the Public Hearing; **Mankin seconded**. Roll call vote: Didio, “aye,” Lanoue, “aye,” Mankin, “aye,” Van Olst, “aye.” All in favor, 4-0.

**Mankin made a motion** to approve the plan as presented with standard conditions, and once plantings are chosen, to provide a schedule to Evans; **Lanoue seconded**. Roll call vote: Didio, “aye,” Lanoue, “aye,” Mankin, “aye,” Van Olst, “aye.” All in favor, 4-0.

2. An NOI from Sean Van Deusen for the Town of Great Barrington, properties on Park Street, for proposed upgrades at two Town-owned wastewater pump stations.

**Mankin made a motion** to open the Public Hearing; **Didio seconded**. Roll call vote: Didio, “aye,” Lanoue, “aye,” Mankin, “aye,” Van Olst, “aye.” All in favor, 4-0.

Jeremy Bourque of DPC Engineering attended representing the Town. Evans stated this is for an upgrade for two wastewater pump stations. He noted there is no compensatory flood storage problems and a site visit would not be practical/useful. Bourque stated the two sites on Park Street – Cone Avenue and Risingdale locations, are adjacent to the Housatonic River and are part of Town infrastructure upgrades. He provided plan details that included a submersible substation; a new valve vault and clearing/expansion for ease of access. He noted overgrown shrubs would be cleared, lawn restored and vegetation added after the project is completed.

K. Van Olst asked if there were any public comments/questions – there was none.

**Mankin made a motion** to close the Public Hearing; **Lanoue seconded**. Roll call vote: Didio, “aye,” Lanoue, “aye,” Mankin, “aye,” Van Olst, “aye.” All in favor, 4-0.

**Mankin made a motion** to approve the Notice of Intent with plans as presented; **Lanoue seconded**. Roll call vote: Didio, “aye,” Lanoue, “aye,” Mankin, “aye,” Van Olst, “aye.” All in favor, 4-0.

#### **Discussion: The Commission will discuss various items of interest or concern:**

1. Williams Riverfront and State Listed Species habitat violation at #9 Button-down Lane. Rob Akroyd of Greylock Design is documenting injury and developing a restoration plan.

Akroyd of Greylock Design presented a site plan noting areas near the Williams River where trees had previously been removed. The Notice of Intent would cover the restoration of these areas with the replanting of indigenous plants that support the natural understory.

Mankin asked to do a site visit once there is a firm plan.

Evans stated the habitat/understory need to be improved and Natural Heritage approval is required.

The Commissioners asked Akroyd to go forward with the plan.

2. A draft letter summarizing the Commission’s November 29, 2021 site visit to several properties within the mapped Scenic Mountain Area along Castle Hill Avenue.

Mankin recused on this matter.

Evans reviewed the site visit to Castle Hill Avenue/Shoval’s property to view the residential property and lower properties down the hill. He stated there had been considerable conversation/comment from neighbors about trees being cut down, noise and unregulated work on the property. He stated he is in the process of composing a letter to the neighbors to address their concerns and will have a draft for the next Commission meeting.

3. Update regarding NOI # 167-0436 for Bank Stabilization at 56 River Street, continued since October 2020 to resolve issues raised by the Natural Heritage Program, now by the Army Corps of Engineers.

Evans stated this has been continued since October 2020 due to Natural Heritage issues re: ownership of the embankment - the owner has been identified and a deed registered. He also stated Natural Heritage issued a conditional letter of approval specifying conditions for the clean-up of the bank at River Street and the Army Corps of Engineers is requiring a report on any changes to the resource area.

Alberti described the revised plan that includes bank stabilization, planting 60 native shrubs and added erosion controls. He stated work would occur July-Oct during low flow time.

Evans stated this can proceed without a Notice of Intent and the Commissioners can review the revised plan with changes at the February meeting and there can be a vote. He also noted the Commission's Order of Conditions would include all Natural Heritage conditions and he would prepare an Order of Conditions to be reviewed/approved at the February meeting.

4. Request from White Engineering to Amend the Order of Conditions (DEP File # 167-0439) adding a storm water system to manage groundwater encountered while excavating for a new foundation under the barn at 28 Kirk Street.

Aaron Biasin of White Engineering stated work on the barn reconstruction at 28 Kirk Street created stormwater run off that flowed onto the neighboring property. He proposed adding a pump to redirect flow and tie into the catch basin. He also stated there would be an operations and maintenance plan for quarterly inspections of the property.

Evans stated there is a storm drain on Kirk Street, but water cannot be pumped there directly. He clarified this is a proposed amendment to the Order of Conditions – and he asked if Commissioners would want it revised.

Mankin requested a site visit to determine where the water is pumped before approving. The Commissioners agreed to table the matter for the February meeting.

## **Approval of minutes**

### **Citizen Speak Time / Commission Speak Time**

1. Tom Ferris stated he met with Evans and expressed his interest in joining the Conservation Commission. The Commissioners thanked T. Ferris for his interest and noted Evans will follow-up with Ferris on next steps.
2. Dagan Diaz-Krier, 20 Kirk Street, stated that he lives next door to the 28 Kirk Street barn renovation and is pumping water out of his basement constantly creating a serious and dangerous situation. The Commissioner discussed what actions can be taken in an emergency and suggested contacting Sean VanDeusen and the DPW.

**Adjourn** - Chairwoman Van Olst adjourned the meeting by unanimous consent at 9:18pm.

Respectfully submitted,

Stacy Ostrow  
Recording Clerk