

GREAT BARRINGTON CONSERVATION COMMISSION

March 23, 2022

Call to Order: Chairwoman Van Olst opened the meeting at 6:45pm. Those present via zoom: Andrew Didio, Michael Lanoue, David Shanahan, Kate Van Olst. Conservation Agent, Shep Evans. Absent: Andrew Mankin.

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 Molly Comstock, property at 3 Seekonk Road. The project consists of establishing a new minimum tillage organic vegetable farm outside of the inner 100 foot riverfront area along Seekonk Brook.
Comstock presented a plan for minimum tillage organic farm in an area that is 100 feet from the edge of the brook. A site visit was conducted to see the area to be used.
Van Olst asked if any questions/concerns - there were none.
Didio made a motion to approve the plan as presented with a negative determination #3 with the condition that the agricultural practice be maintained outside the 100-foot setback from the stream; **Shanahan seconded**. Roll call vote: Didio, "aye," Lanoue, "aye," Shanahan, "aye," Van Olst, "aye." All in favor, 4-0.
2. An RDA from Kimberly Wetherell on behalf of David Katzoffv, property at 97 Brush Hill Road. The project consists of replacing a failed 3 bedroom septic system with a new 5 bedroom septic system.
Wetherell presented the plan to install a new septic system. The Commissioners had conducted a site visit to view the area.
Van Olst asked that Evans visit the property before work begins to ensure erosion controls are ok.
Van Olst asked if any questions/concerns – there were none.
Didio made a motion to approve the revised as proposed with a negative determination #3 and with the condition that Evans inspect erosion controls; **Lanoue seconded**. Roll call vote: Didio, "aye," Lanoue, "aye," Shanahan, "aye," Van Olst, "aye." All in favor, 4-0.
3. An RDA from Foresight Land Services on behalf of Berkshire Natural Resources Council (BNRC), property on State Rd. The project consists of installing a wooden foot bridge over an intermittent stream replacing a hiking trail ford through the stream.
Jackson Alberti from Foresight presented on a foot bridge to be constructed over an intermittent stream that crosses a hiking trail. He noted Natural Heritage determined that no MESA review was required.
Van Olst asked if any questions/concerns – there were none.
Didio made a motion to approve the plan as presented with a negative determination #3 and with standard conditions; **Lanoue seconded**. Roll call vote: Didio, "aye," Lanoue, "aye," Shanahan, "aye," Van Olst, "aye." All in favor, 4-0.

4. An RDA from Benjamin Barrett, property at 35 Locust Hill Road. The project consists of constructing a 24'x48' garage and a 24' x 36' pole barn outside the Buffer Zones of Bordering Vegetated Wetlands.

Natural Heritage had determined that these were not MESA projects. The Commissioners had conducted a site visit to view the area.

Van Olst asked if any questions/concerns – there were none.

Lanoue made a motion to approve the plan with a negative determination #1 and with standard conditions; **Didio seconded**. Roll call vote: Didio, “aye,” Lanoue, “aye,” Shanahan, “aye,” Van Olst, “aye.” All in favor, 4-0.

Evans confirmed the Determination is good for three years - if an extension is needed, it must be applied for via an email or letter addressed to the Commission at least 30 days prior to the last day of the three-year term.

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, a new handicap ramp and related site work. Continued from February 23, 2022.

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

Neil Elms appeared and the background/current status of the project and requirements for Commission voting/ approvals was discussed.

Van Olst asked if any questions/concerns – there were none.

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

Didio made a motion to approve the plan as presented with the special condition of planting 12 winterberry shrubs to be inspected and approved by Evans with all standard conditions; **Lanoue seconded**. Roll call vote: Didio, “aye,” Lanoue, “aye,” Shanahan, “aye,” Van Olst, “aye.” All in favor, 4-0.

2. An NOI from Greylock Design Associates for Eric & Jennifer Aronson, property at 9 Buttowndown Lane. The proposed project is for installation of native understory plantings as a restoration effort to replace trees and shrubs that were erroneously removed from the Riverfront Area. Continued from February 23, 2022.

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

Rob Akroyd from Greylock provided an update and noted he is awaiting a DEP file number. He requested approval to burn brush piles, remove fallen trees and order plants.

The Commissioners discussed the request and agreed that moving forward piecemeal would not be prudent as plan/controls must be in place to support enforcement and evaluation. A DEP file number is necessary before the Commission can issue an Order of Conditions.

Van Olst asked if any additional questions/concerns – there were none.

Lanoue made a motion to continue the public hearing to the April meeting; **Shanahan seconded**. Roll call vote: Didio, “aye,” Lanoue, “aye,” Shanahan, “aye,” Van Olst, “aye.” All in favor, 4-0.

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

1. A draft letter summarizing the Commission's November 29, 2021 site visit to several properties within the mapped Scenic Mountain Area along Castle Hill Ave. Continued from February 23, 2022.

Evans stated the letter will be provided for the next meeting.

2. 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. Continued from February 23, 2022.

Evans stated that approval for the 28 Kirk Street water management plan requires four votes in favor to amend the order of conditions – the prior vote did not carry the motion – and he proposed a revote. It was noted that the public hearing does not have to be reopened. He also stated that another site visit had been conducted and Shanahan had reviewed the site plan.

Van Olst asked if any additional questions/concerns – there were none.

Didio made a motion to amend the plan as presented; **Lanoue seconded**. Roll call vote: Didio, “aye,” Lanoue, “aye,” Shanahan, “aye,” Van Olst, “aye.” All in favor, 4-0.

3. Jess Toro updated work in progress/next steps in the Rising Pond conservation area. She stated an ecological NOI has been filed and is awaiting a DEP file number. Next phase is mostly cut/paint work in the eastern section. It was decided that a site visit should be conducted before April 18.

4. David Paulson from the DFW Natural Heritage Program attended to provide an update on the Agawam Lake restoration plan. Evans provided background/current status stating this is a huge project, mostly located in Stockbridge. He stated DEP had issued a Superseding Order of Conditions - and Paulson would provide a document covering implications for GB rising out of the Stockbridge experience and the Superseding Order so that the project could proceed in synchrony.

Van Olst asked if any additional questions/concerns – there were none.

Evans stated he would send the Superseding Order to the Commissioners.

Approval of minutes

Citizen Speak Time / Commission Speak Time

Adjournment - Didio made a motion to adjourn the meeting of the Conservation Commission; **Shanahan seconded**. Roll Call Vote: Didio, “aye,” Lanoue, “aye,” Shanahan “aye,” Van Olst, “aye.” All in Favor, 4-0. Chairwoman Van Olst adjourned the meeting by unanimous consent at 8:50pm.

Respectfully submitted,

Stacy Ostrow

Recording Clerk

