

GREAT BARRINGTON CONSERVATION COMMISSION
Wednesday, April 27, 2022

Call to Order: Chairwoman Van Olst opened the meeting via Zoom at 6:40pm. Roll call: Andy Didio, “aye,” Tom Ferris, “aye,” Michael Lanoue, “aye,” Andrew Mankin, “aye,” David Shanahan, “aye,” Van Olst, “aye.”

Also present: Conservation Agent, Shep Evans.

Public Meeting: The Commission is holding these public meetings 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 the Great Barrington Land Conservancy / Riverwalk Project, property at 197 Main Street. The works consists of removing one failing Silver Maple and 4 invasive Norway Maple trees adjacent to the River Walk Main Street access staircase to ensure public safety and avoid negative impact to the surrounding habitat.

Tom Ferris recused as a GBLC board member.

Christine Ward, GBLC Director of Riverwalk, stated the work is to remove a damaged tree near a stairway – for which no heavy equipment will be used to protect the soil/bank. A portion of the tree trunk will remain, and logs/chips used to support the habitat/environment. More sunlight and rehab planting of native plants will improve the area. The Conservation Commission conducted a site visit and agreed the work is required.

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

Mankin made a motion to approve the plan as presented with a negative determination #3;

Lanoue seconded. Roll call vote: Didio, “aye,” Lanoue, “aye,” Mankin, “aye,” Shanahan, “aye,” Van Olst, “aye.” All in favor, 5-0.

2. An RDA from John W. Field Tree Service on behalf of Bryan Rawls, property at 8 George Street. The work consists of removing one 26” diameter spruce tree within the buffer zone of an intermittent stream. The tree suffers from severe animal damage and root rot and will be flush-cut leaving the stump and existing roots in the ground to maintain the stability of the bank. Field stated the tree will be removed with a crane lifting it out onto the driveway to be processed. It was noted other nearby trees are in decent condition. Commissioners viewed the site and pictures. **Mankin made a motion** to approve the plan as presented with a negative determination #3; **Lanoue seconded.** Roll call vote: Didio, “aye,” Ferris, “aye,” Lanoue, “aye,” Mankin, “aye,” Shanahan, “aye,” Van Olst, “aye.” All in favor, 6-0.

Public Hearings: The Great Barrington Conservation Commission is holding these two 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. Two Notices of Intent from Native Habitat Restoration on behalf of Berkshire Natural Resources Council, properties are (A) Housatonic Flats at 439 Stockbridge Road and (B) Rising Pond Conservation Area, North Park Street. The proposed work consists of treating and removing invasive plant species as part of two Ecological Restoration Limited Projects.

Lanoue made a motion to open the public hearing; **Mankin seconded**. Roll call vote: Didio, “aye,” Ferris, “aye,” Lanoue, “aye,” Mankin, “aye,” Shanahan, “aye,” Van Olst, “aye.” All in favor, 6-0.

Jess Toro, Native Habitat Restoration, presented on the Rising Pond NOI providing background on invasive control and habitat restoration work to-date. The current request is for a 5-year NOI for cut paint and follow up treatment on regrowth. DEP approved permitting as ecological restoration. Toro explained the herbicides used and that Commission approval is required for treatment – she also noted follow up foliage spraying is likely in a few years. Toro stated funds are provided in a one-year funding cycle under a very competitive Mass Wildlife Heritage Program. Van Olst asked to visit the site and Toro will work with Evans to schedule.

Lanoue made a motion to close the public hearing; **Shanahan seconded**. Roll call vote: Didio, “aye,” Ferris, “aye,” Lanoue, “aye,” Mankin, “aye,” Shanahan, “aye,” Van Olst, “aye.” All in favor, 6-0.

Mankin made a motion to approve the NOI as presented with the standard order of conditions; **Didio seconded**. Roll call vote: Didio, “aye,” Ferris, “aye,” Lanoue, “aye,” Mankin, “aye,” Shanahan, “aye,” Van Olst, “aye.” All in favor, 6-0.

Toro presented on Housatonic Flats stating the work had been permitted previously for follow up heavy invasive control, but the original permit had not been extended. The request is for an 8-year NOI for touch up/follow up maintenance of invasives in open areas. Toro confirmed the area would be closed for the work and completed before June 30.

Van Olst asked for any additional questions or comments from the public – there were none.

Mankin made a motion to close the public hearing; **Ferris seconded**. Roll call vote: Didio, “aye,” Ferris, “aye,” Lanoue, “aye,” Mankin, “aye,” Shanahan, “aye,” Van Olst, “aye.” All in favor, 6-0.

Mankin made a motion to approve the NOI as presented with the standard order of conditions; **Lanoue seconded**. Roll call vote: Didio, “aye,” Ferris, “aye,” Lanoue, “aye,” Mankin, “aye,” Shanahan, “aye,” Van Olst, “aye.” All in favor, 6-0.

2. Continued from February 23, 2022, 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.

Rob Akroyd, Greylock Design, recapped discussion/requirements for restoration of the property and stated the DEP file number was received. The current request is to burn the remaining burn pile in place and grind out 30 stumps for better placement of plantings. The Commissioners discussed concerns about disturbance/damage to the soil and resource area and agreed the brush should be moved and burned in the driveway and the stumps left in place noting they would decay relatively quickly and would not impede planting.

Van Olst asked for any additional questions or comments from the public – there were none. **Mankin made a motion** to close the public hearing; **Lanoué seconded**. Roll call vote: Didio, “aye,” Ferris, “aye,” Lanoué, “aye,” Mankin, “aye,” Shanahan, “aye,” Van Olst, “aye.” All in favor, 6-0.

Mankin made a motion to approve the NOI per the plan and that there will be no stump grinding or brush burning in the riverfront area; **Lanoué seconded**. Roll call vote: Didio, “aye,” Ferris, “aye,” Lanoué, “aye,” Mankin, “aye,” Shanahan, “aye,” Van Olst, “aye.” All in favor, 6-0. Akroyd stated he would advise Evans when planting begins.

Add on item – Housatonic Valley Association (HVA).

Allison Dixon, Berkshire Watershed Conservation Manager for HVA presented on the Road-Stream Crossing Management Program focused on culverts in Town to collect data on barriers for fish and wildlife and assess vulnerability/risk for flooding. Dixon reported she had discussed the data with the Town and the Brush Hill Road culvert was identified as highest priority. Dixon reported a preliminary design has been created to replace the culvert – next steps are to finalize and permit the work. Dixon stated efforts will be combined/coordinated with other towns to manage process and costs. She will present to the Selectboard on May 23.

Shanahan expressed concerns about adding items to the agenda.

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 is being worked on and Van Olst stated it would be continued.
2. Chapter 61 / Right of First Refusal: Review and comment to the Selectboard on whether the Town should exercise or waive its Chapter 61 right of first refusal on the following two parcels of land on Lake Buel Road identified as follows:
 - a. 0.615 acres designated as Parcel A, to be conveyed from Steven Weinberg to Bearman Nucifero Revocable Trust and removed from Chapter 61 status;
 - b. 0.492 acres designated as Parcel B, to be conveyed from Bearman Nucifero Revocable Trust to Steven Weinberg, and removed from Chapter 61 status.

Evans presented stating two abutting property owners on Lake Buel Road propose to swap two small parcels within Chapter 61 land. The Town has the right of first refusal on purchase of the land or can assign that right to a nonprofit or otherwise – or can waive that right. Evans stated the land would not be of interest to a conservation group and the Town would have no interest in purchasing it as it does not connect to any other land the Town owns.

Van Olst asked for any additional questions or comments from the public – there were none.

Mankin made a motion to recommend the Selectboard waive their right of first refusal; **Lanoué seconded**. Roll call vote: Lanoué, “aye,” Mankin, “aye,” Shanahan, “aye,” Van Olst, “aye.” All in favor, 4-0.

3. Recommended Revisions from the Town Planning Department, to Chapter 217-14.1; 217-14.5 and 217.15 of the Great Barrington Wetland Regulations as circulated to the Commission.

The Commissioners expressed a strong interest in maintaining jurisdiction/control over the areas supplying the Town's water to ensure its continued high quality. Evans stated the Planning Board's interest is to get the water overlay district related language and cross-references removed. There was discussion about the impact/or not of removing the language. would impact of removing the language. The Commissioners agreed to discuss further at the next meeting.

Approval of minutes – Minutes will be discussed/approved at the next meeting.

Citizen Speak Time / Commission Speak Time

Adjourn – Hearing no objection, Chairwoman Van Olst adjourned the meeting at 8:10pm.

Respectfully submitted,

Stacy Ostrow
Recording Clerk