

GREAT BARRINGTON CONSERVATION COMMISSION
Wednesday, May 25, 2022

Call to Order: Chairwoman Van Olst opened the meeting via Zoom at 6:35pm. Roll call: Andy Didio, “aye,” Michael Lanoue, “aye,” Andrew Mankin, “aye,” David Shanahan, “aye,” Van Olst, “aye.”

Absent: Tom Ferris

Also present: Conservation Agent Shep Evans.

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 Mass DOT Highway Division; the property is State Highway ROW on Route 23/183 from mile marker 9.8 to 11.6; the proposed work is resurfacing and related work. Evans stated this was courtesy/pro forma RDA from Mass DOT for standard resurfacing. Amer Raza, Mass DOT, provided details of the work and improvements within the existing layout. 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: Lanoue, “aye,” Mankin, “aye,” Shanahan, “aye,” Van Olst, “aye.” All in favor, 4-0.
2. An RDA from Berkshire Engineering on behalf of Butternut Basin Ski Area; the property is at 380 State Road; the proposed work is replacing two 12 inch water pipes within the 100 ft. buffer zone of the snow-making water pond that are leaking. Mike Kulig stated this is to fix a leaking steel pipe in the same location using the same materials as exists now. He noted work would be done in segments over four weeks. It was confirmed that erosion controls would be properly installed during construction. 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 for the RDA; **Lanoue seconded**. Roll call vote: Didio, “aye,” Lanoue, “aye,” Mankin, “aye,” Shanahan, “aye,” Van Olst, “aye.” All in favor, 5-0.
3. An RDA from Colin Kemble; property at 275 Division Street, Map 33 Lot 40U; the work proposed is constructing a single family house and related site work. Evans stated a house was permitted but never built. A prospective buyer is asking for the Commission’s comments on building a house. The Commissioners discussed the requirement to keep the building and septic system out of the 100-foot buffer zone/wetlands area. Evans will send a letter to applicant stating if the plan is in keeping with or an improvement on the previously approved plan, the Commission is likely to approve a new plan, but not guaranteed.

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. An NOI from SK Design Group on behalf of Joseph Aberdale; property at 405 North Plain Rd.; construction of a single family house partly within the Buffer Zone of a Wetland.
Mankin made a motion to open the public hearing; **Lanoue seconded**. Roll call vote: Didio, “aye,” Lanoue, “aye,” Mankin, “aye,” Shanahan, “aye,” Van Olst, “aye.” All in favor, 5-0.
Bob Fornier, SK Design Group and Joe Aberdale presented on the plan to build near Hart Pond – with the porch sitting within the 100’ foot buffer zone. Erosion controls to protect run off and stockpiling during construction were discussed. Aberdale was also informed if an extension of the order was required, it would need to be filed 30 days before it expires. It was confirmed that Evans would be updated regularly as work progresses.
Mankin made a motion to close the public hearing; **Lanoue seconded**. Roll call vote: Didio, “aye,” Lanoue, “aye,” Mankin, “aye,” Shanahan, “aye,” Van Olst, “aye.” All in favor, 5-0.
Van Olst asked if any questions/concerns - there were none.
Didio made a motion to approve the plan as presented with the following conditions: Notify the Conservation Agent when erosion controls practices have been installed; install an appropriately sized slurry pit to handle all of the drilled well slurry; install a supplemental silt fence to protect the soil stockpile on the downhill side; **Mankin seconded**. Roll call vote: Didio, “aye,” Lanoue, “aye,” Mankin, “aye,” Shanahan, “aye,” Van Olst, “aye.” All in favor, 5-0.
2. An NOI from DPC Engineering , LLC on behalf of the Town of Great Barrington; property off Main Street; Conversion of one wet-pit / dry-pit pump station into a submersible pump station and establishment of compensatory flood storage.
Lanoue made a motion to open the public hearing; **Mankin seconded**. Roll call vote: Didio, “aye,” Lanoue, “aye,” Mankin, “aye,” Shanahan, “aye,” Van Olst, “aye.” All in favor, 5-0.
Jeremy Bourque, DPC Engineering, presented on a Town project to upgrade one of four pump stations – two of which are already approved. Commissioners had visited the site. This request is to upgrade a submersible pump station and create compensatory storage. Bourque outlined work in resource areas at both sites. Work at the Fairgrounds including the demolition of underground structures and conversion to a submersible pump station/valve vault as well as raising the grade/fill in the floodplain to avoid damage to the system and adequate access to the pumps. Compensatory storage at Olympian Meadows would include taking out an amount equal to fill at Fairgrounds, clearing of low-lying vegetation/two trees, and replanting. Bourque noted he was awaiting input from Natural Heritage on the sites. The Commissioners reviewed the plan in detail - invasive species control as well as supplemental plantings were requested for Olympian Meadows. There was also a request for signage at Olympian Meadows to inform the public about work in progress.
Mankin made a motion to continue the public hearing; **Shanahan seconded**. Roll call vote: Lanoue, “aye,” Mankin, “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.

Mankin recused.

The Commissioners will review the letter and send Evans any comments.

2. 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. Evans stated the Commission currently has jurisdiction over the 200-foot riverfront resource area adjacent to all rivers/streams – the proposal is to extend the riverfront/resource area and jurisdiction from 200 to 500-feet. He clarified the impact of this requirement would be an NOI would be required that includes a fully engineered permit application. It was noted that it would not mean that a permit cannot be issued within 500-feet, it just provides an additional level of oversight/review as well as specificity in the application and a more formal process when the water supply might be impacted. It was also stated this would cover public and private – and potential new water sources. The Commissioners discussed the idea of having a provision in the Town code for an exemption in extreme circumstances.

Mankin made a motion to follow the suggestion of the Town Planner and delete the part of the regulation that refers to the zoning overlay district and keep the part of the regulation that refers to the 500-foot area; **Shanahan seconded**. Roll call vote: Lanoue, "aye," Mankin, "aye," Shanahan, "aye," Van Olst, "aye." All in favor, 4-0.

3. A request from Ben Nickley of Green Berkshires LLC to install and maintain a Kestrel nesting box in the open meadow at McAllister Wild Life Refuge.

Mankin made a motion to allow Green Berkshires LLC to install and maintain a Kestrel nesting box in the open meadow at McAllister Wild Life Refuge; **Shanahan seconded**. Roll call vote: Lanoue, "aye," Mankin, "aye," Shanahan, "aye," Van Olst, "aye." All in favor, 4-0.

4. Should the Town opt out of the State Mosquito Control spraying program?

The Commissioners recommended the Selectboard vote to opt out of the State Mosquito Control spraying Program. It was noted the Selectboard had voted to opt out of all spraying at their last meeting.

Approval of minutes: June 23, 2021; Sept 22, 2021; Oct 27, 2021; Nov 17, 2021; Jan 26, 2022; Feb 23 2022, and March 23, 2022. Moved to next meeting.

Citizen Speak Time / Commission Speak Time

Adjourn - Mankin made a motion to adjourn; **Shanahan seconded**. Roll call vote: Lanoue, "aye," Mankin, "aye," Shanahan, "aye," Van Olst, "aye." All in favor, 4-0. Chairwoman Van Olst adjourned the meeting by unanimous consent at 7:50pm.

Respectfully submitted,

Stacy Ostrow, Recording Clerk