

GREAT BARRINGTON CONSERVATION COMMISSION
Wednesday, July 27, 2022

Call to Order: Chairwoman Van Olst opened the meeting via Zoom at 6:33pm. Roll call: Andy Didio, “aye,” Tom Ferris, “aye,” Michael Lanoue, “aye,” Andrew Mankin, “aye,” David Shanahan, “aye,” Kate Van Olst, “aye.”

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 under Scenic Mountain Act Regulations from Kelly Granger Parsons & Associates on behalf of Steven Yang, property located at #15 & #17 East Mountain Road. The proposed work includes conversion of a pre-existing +/- 1,000 ft. woods road into a standard driveway and constructing a home with associated clearing, and well, septic and utility installation.

Mike Parsons, Kelly Granger Parsons, presented on his client’s intention to create a driveway from an existing woods road and clearing to build a house – Commissioners had visited the site. He stated an NOI under the Scenic Mountains Act Regulations should be filed with the Commission – and noted the client was advised work cannot commence. The Commissioners agreed an NOI and more details are required – and cautioned clearing/work should be avoided until the NOI process is completed. It was confirmed that all of the property is under Scenic Mountains jurisdiction. It was stated the client can attend a Commission meeting or reach out to Evans if there are questions.

Mankin made a motion to issue a positive determination to require a Notice of Intent be submitted by the applicant; **Ferris seconded**. Van Olst asked if any additional discussion – there was none. Roll call vote: Didio, “aye,” Ferris, “aye,” Lanoue, “aye,” Mankin, “aye,” Shanahan, “aye,” Van Olst, “aye.” All in favor: 6-0.

Evans stated he would send information to Parsons.

- 2) An RDA under the Mass Wetlands Protection Act from Jess Cooney, property at 2 State Rd. The proposed work includes repaving the existing driveway and parking area with no increase in the size of either the driveway or parking area.

Evans stated no one is here for this matter, but following the site visit he spoke to the applicant and will connect with the contractor to discuss what work is being proposed. He suggested skimming off the existing surface and adding new smooth paving. He noted there is not yet a survey of the boundary lines. The Commissioners expressed concerns about erosion controls during construction, disturbance to area under the pavement and the location of the work relative to the right of way. It was confirmed a Notice of Intent would require a site plan and document the work/process – and anything that deviating from that requires notice to Evans.

Mankin made a motion to issue a positive determination to require a Notice of Intent be submitted by the applicant; **Shanahan seconded**. Van Olst asked if any additional discussion – there was none. Roll call vote: Didio, “aye,” Ferris, “aye,” Lanoue, “aye,” Mankin, “aye,” Shanahan, “aye,” Van Olst, “aye.” All in favor: 6-0.

- 3) An RDA from Christopher Rembold on behalf of the Town DPW; property located adjacent to Fairview Terrace. The work will consist of clearing out accumulated silt and debris from the existing intermittent stream / drainage ditch that runs along the south side of Fairview Terrace. Work will be performed by the DPW crew using backhoe and hand tools as needed. No bank or existing woody vegetation will be disturbed.

Rembold presented on clearing of the drainage ditch and designated surrounding area. Mankin requested work be done while the area is dry and to be careful sediment does not get into Thomas and Palmer Brook during cleanout. It was confirmed the work is clearing debris not excavation. Evans confirmed this has been a good remedy in the past, but it has been three years, so a new request is required.

Mankin made a motion to issue a negative determination #3 with standard conditions; **Didio seconded**. Van Olst asked if any additional discussion – there was none. 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 this public hearing 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, DEP File# 167-0448, 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. Continued from May 25, 2022

Justin Skelly, DPC Engineering, presented changes to the project stating the amount of cut and fill has been reduced for the Fairgrounds site and the secondary site at Olympia Meadows for compensatory storage was eliminated. He stated the limits of work has been adjusted to keep everything at the town-owned pump station site. He shared a site plan noting modifications to be made to existing structures to accommodate regrading and the addition of a new valve vault/pipe connection to the existing force main. He noted the erosion controls boxing in the entire limits of work. He stated Natural Heritage previously approved the Fairgrounds work so there is no need for further coordination/review.

Mankin 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 Notice of Intent as presented with standard conditions; **Shanahan seconded**. Van Olst asked if any additional discussion – there was none. Roll call vote: Didio, “aye,” Ferris, “aye,” Lanoue, “aye,” Mankin, “aye,” Shanahan, “aye,” Van Olst, “aye.” All in favor: 6-0.

Other matters:

- 1) **A request from Christopher Rembold on behalf of the Town DPW** for a Certificate of Compliance with the Order of Conditions, DEP File 167-0431. The project consisted of construction of a multi-use path along the old Route 7 right of way from the Barrington Brewery parking area north to the CHP parking area.

Mankin recused as an abutter.

Rembold stated the project began three years ago to put in a paved multi-use use path and is now complete/closed out – and an as built set of plans has been submitted. He noted at the permitting, concerns were raised about tree clearing and the need for replanting to ensure slopes were revegetated and stabilized after construction. He stated the plants have taken well and are subject to a five-year period for review. It was confirmed this is the full extent of the path and that the Town is the steward. Eileen Mooney asked about the project cost and Rembold stated he would get that information. Evans stated he reviewed the as built plan and noted the Town had planted more than required by the special conditions – he also noted the special conditions survive the issuance of the Certificate of Compliance and requires an annual inspection of trees/shrubs over five growing seasons.

Didio made a motion to approve the issuance of a Certificate of Compliance to include special conditions 2, 3 and 4 requiring five years of monitoring/stewardship of planted trees/shrubs and to receive a report from the Town on the condition of the plantings in late October/early November of each calendar year; **Lanoue seconded**. Van Olst asked if any additional discussion – there was none. Roll call vote: Didio, “aye,” Ferris, “aye,” Lanoue, “aye,” Shanahan, “aye,” Van Olst, “aye.” All in favor: 5-0.

Ferris asked how we track NOIs, Certificates of Compliance, etc.? Evans explained regulations under Wetlands Protection and Scenic Mountains place the burden of going forward at the outset or completion on the applicant. He stated once an order of conditions is issued it is recorded in the registry of deeds and clouds the deed/title – so the applicant is incentivized to complete the work since an open order of conditions precludes doing additional work and conveying the property. It was added that conditions often require inspection during the work.

Citizen Speak Time / Commission Speak Time - None

ADJOURN – Mankin made a motion to adjourn; Ferris seconded. The meeting was adjourned by unanimous consent at 7:50pm.

Respectfully submitted,

Stacy Ostrow, Recording Clerk