

GREAT BARRINGTON CONSERVATION COMMISSION  
Wednesday November 30, 2022

**Call to Order:** Commissioner Andrew Mankin, on behalf of Chairwoman Van Olst, opened the meeting at 6:40pm. Those present via Zoom: Andy Didio, Tom Ferris, Michael Lanoue, Andrew Mankin, David Shanahan.

Absent: Kate Van Olst

Also present: Conservation Agent, Shep Evans

**Public Discussions:**

- 1) The Commission will hold a discussion about two Requests for Determinations of Applicability from Peter Schulte on behalf of himself and Ed Rogers concerning removal of several trees near the Housatonic River on the Schulte property at 12 Cottage Street and on the Rogers property at 15 Cottage Street.

Mankin stated a site visit was conducted for both properties – for 12 Cottage Street, the request is to remove trees near the riverbank. The Commissioners discussed that the trees can be taken down, but the standard for work at a river/stream is to flush cut the tree at ground level and leave the stump and root mass in the ground – it was stressed this is important so not to destabilize the bank/edge and cause erosion. In addition, it was stated that the trees should be replaced one for one with locally grown native plants/trees/shrubs to provide vegetation and stability. It was agreed that Schulte should submit a plan for replacement plantings. It was noted the RDA has been filed, but not advertised, so there cannot be a vote and the matter will be continued.

For the 15 Cottage Street property, the Commissioners discussed the request to remove a tree abutting the house that is across the road from the river. They agreed it should be taken down - and since three trees have already been planted in the yard and no space for additional planting, the current situation is satisfactory.

- 2) An Enforcement Order was issued on November 18, 2022 to Jhon Ferlain Torresmarin for violations of the Mass Wetlands Protection Act regulations (310 CMR 1.00) at 75 Brush Hill Road. The violations included extensive cutting, clearing, trenching and filling Riverfront and Buffer Zone of a Bordering Vegetated Wetland together with substantial alteration of several Intermittent Streams. The Order called for the property owner and/or his employees or agents to cease and desist from all activity in resource areas and Buffer Zones, and to hire a licensed professional engineer or wetland scientist to prepare and submit a restoration plan on or before 11/29/2022, and to attend the Conservation Commission Meeting on 11/30/2022 at 6:30. The Commission will discuss and decide next steps.

Evans stated he met with Ferlain Torresmarin, who was present at the meeting, had just purchased the land and was unaware of wetlands issues/requirements – but is eager to restore the property. Evans noted he has provided a list of professional engineers/wetland scientist and recommended allowing a reasonable time period to consult, organize and submit a restoration plan. Evans described the intermittent streams/trenches on the property and pipe that was installed to conduct water from the wetlands area around and under a planned driveway. The Commissioners discussed the relative benefits of removing installed pipe, stone/ gravel and unused pipe/metal from the property and how best to prevent further damage/erosion on the property. The Commissioners agreed the stone/gravel and unused pipe/metal/building materials lying on the site should be removed immediately and that an additional site visit would be held on December 2 to confirm how to address the installed pipe and stabilization for the winter. In addition, it was agreed that by the end of January a restoration plan should be submitted to the Commission.

**Didio made a motion** to extend the deadline for the restoration plan to the end of January; **Lanoue seconded**. Mankin asked if any additional discussion – Ferris asked if there a way to build on the property – Evans replied it is 2.5 acres and has not seen the entire property, but noted, in the past, driveways have been permitted through intermittent streams/wetlands. Mankin confirmed resource areas will be delineated in the restoration plan. By roll call vote the motion was approved unanimously.

**Citizen Speak Time / Commission Speak Time**

Mankin asked about another property on Cottage Street – regarding a violation where a patio was created – Evans confirmed an enforcement order was issued and Foresight has been retained to handle the restoration plan and implementation with work commencing in the spring.

**Next meeting date** TBD; proposed site visits TBD; new submissions requested by TBD. The Commissioners confirmed the regular meeting would be held on December 28.

**ADJOURN - Didio made a motion** to adjourn; **Mankin seconded**. By roll call vote the meeting was adjourned by unanimous consent at 7:30pm.

Respectfully submitted,

Stacy Ostrow, Recording Clerk