

GREAT BARRINGTON CONSERVATION COMMISSION
WEDNESDAY, April 26, 2023

Call to Order: Chairwoman Van Olst opened the meeting at 6:40pm. Those present: Andy Didio, Tom Ferris, Michael Lanoue, Andrew Mankin, Kate Van Olst.

Absent: David Shanahan

Also present: Conservation Agent, Shep Evans

Request for Determination of Applicability (RDA) from Alexis Wreden & Robert Fakelmann of Workingdesign on behalf of Martin Mayerson, property at 351 Long Pond Road. The work consists of replacing and modifying an existing wooden pool-side deck. Continued from March 22, 2023

Wreden and Fakelmann presented plans for the extension and replacement of decking and other improvements within the area of a perennial stream. Mankin stated a site visit was conducted and the work will not increase impact on the stream, but an NOI is required under the statute due to the presence of the stream. The Commissioners asked that that the area be improved – planted with native bushes in the lawn closest to the riverfront area and a mitigation of invasives in the buffer zone in the same amount as the new deck area.

Mankin made a motion to issue a positive determination #1; **Lanoue seconded**. Van Olst asked if any additional discussion – there was none. By roll call vote the motion was approved unanimously.

Notice of Intent (NOI) DEP File # 167-0452 from Stockman Associates LLC on behalf of HLP Realty LLC, property located at #6 Omega Road. The work consists of construction of a single family house, garage and driveway in the Buffer Zone of an intermittent stream. Continued from March 22, 2023.

Emily Stockman presented and shared a site plan noting an intermittent stream bisecting the lot with banks delineated on the plan and noted the work area is within the buffer zone. She provided information on the discovery of two new drainage easements and a second intermittent stream creating overlapping buffer zones - which are reflected in the plan. It was confirmed buildings will be 50 feet outside the second intermittent stream and Stockman clarified there is more inner zone impact associated with grading. She highlighted that the mitigation area exceeds requirements at a 1-1.5 ratio and shared a plan for 3,000 sq ft of plantings of native saplings and shrubs. She also noted the graded area will be maintained with vegetative lawn.

Van Olst asked for any public comment –

- Bill Dunbar, 4 Omega Road, asked about the drainage ditch and culvert – Stockman replied with a description of the drainage and culverting across multiple properties into the intermittent stream.

Mankin made a motion to close the public hearing; **Lanoue seconded**. Van Olst asked if any additional discussion – there was none. By roll call vote the motion was approved unanimously.

Mankin made a motion to approve the NOI as presented with the standard order of conditions;

Lanoue seconded. Van Olst asked if any additional discussion – there was none. By roll call vote the motion was approved unanimously.

Evans stated he would send the final order to Stockman on Friday.

Notice of Intent (DEP # 167-0453) from EcoTech, Inc. on behalf of the Town of Great Barrington, property is the Lake Mansfield Road right-of-way and adjacent parking and recreation area. The proposed work consists of an upgrade and conversion of the roadway to a multi-use pathway and improvement of the existing parking and recreation area.

Art Allen, EcoTech, provided an overview of the project including upgrading/expanding the parking area, stormwater management, recreation area improvements, roadway narrowing, bank stabilization with plantings and drainage/culvert upgrades. He noted receipt of DEP and Commissioner comments which will be incorporated into the plans/narrative. He stated once there are final comments, a revised version will be submitted. Megan McDevitt, environmental engineer, Woodard and Curran, and Danielle Desilets, landscape architect, presented detailed plans for the improvements/upgrades covering the trails, beach, parking area, roadway, stormwater management and planting of trees, shrubs and seeding. The placement and surface of the roadway and paths was discussed as well as how sensitive areas would be protected including how the bank/top of bank would be restored/regenerated/preserved with plantings. It was clarified that all DEP comments were addressed.

Evans stated when final plans are submitted there can be further discussion/vote at the next meeting.

Allen asked for approval to extend the order of conditions for the outlet structure DEP #167-0426.

Van Olst asked for any public comment – there was none.

Mankin made a motion to extend the order of conditions for DEP File #167-0426 for another three years; **Lanoue seconded**. Van Olst asked if any additional discussion – there was none. By roll call vote the motion was approved unanimously.

Mankin made a motion to continue the public hearing to May 24 at 6:30pm; **Lanoue seconded**. By roll call vote the motion was approved unanimously.

Notice of Intent (DEP # 167-0454) from Peter Schulte on behalf of Ed Rogers, property is at #15 Cottage Street. The proposed work consists of construction of a one-story addition on 196 sq. ft. crawl space, removal of 180 sq. ft. of asphalt drive and replace with grass, removal of 20 sq. ft. of concrete sidewalk & add 8 sq. ft. of new concrete sidewalk.

Schulte presented stating the proposed addition is on the opposite side of the river and provided details on planned trees/native plantings to be added. It was stated that no issues were raised on the site visit.

Van Olst asked for any public comment – there was none

Mankin made a motion to close the public hearing; **Lanoue seconded**. By roll call vote the motion was approved unanimously.

Mankin made a motion to approve the NOI as presented with a standard order of conditions; **Lanoue seconded**. Van Olst asked if any additional discussion – there was none. By roll call vote the motion was approved unanimously.

Request for Determination of Applicability from Mass DOT Highway Division, property is within the existing layout of Route 7. The proposed work consists of resurfacing and related work from the Stockbridge/Great Barrington Town Line to the Route 183 & Route 7 intersection.

Amer Raza, MassDOT, presented on roadway pavement removal/replacement work within the layout of Route 7. It was noted work should take a month and is scheduled for this year – and added work would be daytime which would reduce traffic to one lane. It was noted this is considered exempt activity.

Mankin made a motion to issue a negative determination #3; **Lanoue seconded**. Van Olst asked if any additional discussion – there was none. By roll call vote the motion was approved unanimously.

Request for Determination of Applicability from Foresight Land Services on behalf of Berkshire Mountain Bakery. The property is at 367 Park Street, Housatonic. The proposed work consists of paving the existing gravel parking area in front of the existing commercial building accessed from Park Street.

Bryan Siter, Foresight Land Services, presented a plan for paving the parking lot from the end of the Bakery's freezer to the road and around the front of the building – he stated the jurisdictional area within 200 feet of the riverfront is not within the work area because it is a canal off the Housatonic River that is manmade and an exception under the Wetlands Protection Act. He added that the bordering vegetative wetlands off the edge of the canal has a 100 foot buffer zone within the paving area and described environmental controls that would be put in place. The Commissioners discussed concerns about the existing erosion/vulnerability, water runoff and overall deterioration of the area over time and the canal-riverfront distinction. It was agreed that where there is paving in the buffer zone there should be mitigation, improvement of the habitat and stabilization of the bank. The Commission asked that stormwater management and restoration/mitigation plans be submitted. Evans stated he would get the DEP's Mark Stinson's opinion on the canal exception. Van Olst also requested a more current map/delineation.

Mankin made a motion to continue the public hearing to May 24 at 6:30pm; **Lanoue seconded**. By roll call vote the motion was approved unanimously.

Evans clarified this is a public deliberation by the Commission. The Commissioners discussed requesting an NOI for the project – and agreed to wait to review updated/additional plans.

Request for Determination of Applicability from TEC ASSOCIATES on behalf of the Housatonic Railroad Company, Inc. The applicant is seeking Commission approval of their delineation of wetlands along HRRC's right-of-way.

Tom Lewis, TEC ASSOCIATES, requested that a site visit of the train tracks/route be scheduled – the Commissioners agreed to meet May 12 at the Housatonic Fire Station. Evans pointed out the letter from the applicant includes a request to issue a positive determination #2a confirming the resource boundaries and the Commissioners agreed they are unable to make that determination. It was also noted the delineation in the map provided is not sufficient. It was clarified the Railroad files a vegetation management plan every five years.

CITIZEN SPEAK TIME

1. Bill Dunbar stated those participating on Zoom cannot see the plans presented in person by the applicants – It was agreed that Chris Rembold would ask how Town boards/commissions handle.
2. Jonathan Hankin asked about the Town Code regarding the designated resource area/500 foot setback from the Green River. It was discussed that this is not a setback and the provision only establishes jurisdiction. Hankin stated the water quality protection overlay district did away with the relevant bylaw. It was stated that Rembold would be contacted to get clarity.

CONSERVATION COMMISSION'S TIME

1. The Commissioners expressed interest in getting another Commission member and agreed the Town should be asked to help promote via social media.

MEDIA TIME

1. Eileen Mooney stated she would put a notice about new members in the NEWSletter.

ADJOURNMENT – **Mankin made a motion** to adjourn; **Lanoue seconded**. By roll call vote the meeting was adjourned by unanimous consent at 8:35pm.

Respectfully submitted,

Stacy Ostrow, Recording Clerk