

GREAT BARRINGTON CONSERVATION COMMISSION
Meeting via Zoom and in person at 334 Main Street, Great Barrington, MA
Wednesday, July 26, 2023

Call to Order: Chairwoman Van Olst opened the meeting at 6:38pm. Those present: Andy Didio, Tom Ferris, Michael Lanoue, David Shanahan, Kate Van Olst. Absent: Andrew Mankin.
Also present: Conservation Agent, Shep Evans

1. Approval of Minutes of the June 28, 2023 meeting.

Lanoue made a motion to approve the June 28, 2023 minutes; **Shanahan seconded**. Van Olst asked for any discussion – there was none. By roll call vote the motion was approved unanimously.

2. Notice of Intent (DEP File # 167-0455) from Solitude Lake Management on behalf of URJ Eisner Camp for an Aquatic and Mechanical Management Program for Camp Eisner Pond to control Invasive and/or Nuisance Aquatic Vegetation through USEPA/MA registered Mechanical techniques or hand pulling. Continued at the Applicant's request to August 23, 2023.

Evans stated Solitude is working on a water quality certification as required by the DEP and has requested to continue to the next meeting.

Lanoue made a motion to continue to the next meeting on August 23 at 6:30pm; **Shanahan seconded**. Van Olst asked for any discussion – there was none. By roll call vote the motion was approved unanimously.

3 Request for Amendment to Order of Conditions (DEP File # 167-0452) from Emily Stockman on behalf of HLP Realty LLC, property at 6 Omega Road. The proposed work consists of constructing an attached deck approximately 12 ft. by 20 ft. and an elevated walkway approximately 4 ft. by 21 ft. on the Southeast corner of a new single family home under construction. The associated work area requires no new grading and does not encroach on the nearby Buffer Zone Mitigation Area.

Stockman presented a request to amend the Order of Conditions to include a walkway and 12x20 deck addition to the rear of the house. She confirmed there would not be any additional impact within the buffer zone and no encroachment on the limit of work or buffer zone mitigation area. She continued to state the request specifies the use of sono tubes and pressure treated wood, but she noted helical piers and a composite deck may be used instead – but the request is for the worst case scenario. The Commissioners discussed the installation and relative advantages of helical piers vs sono tubes based on their impact. It was also confirmed under the deck would be a combination of vegetation and stable stone.

Van Olst asked for public questions/comments – there was none.

Lanoue made a motion to approve the Amended Order of Conditions as presented with the condition that sono tubes or helical piles are used as footing for the deck; **Shanahan seconded**. Van Olst asked for any discussion – there was none. By roll call vote the motion was approved unanimously.

4. **Notice of Intent (DEP File # 167-0456)** from Foresight Land Services on behalf of Daniel Zevin and Megan Tingley, property at 85 Division Street. The proposed work includes improvements and related site work to an existing single family house within Land Subject to Flooding and Riverfront Land adjacent to the Williams River.

Bryan Siter, Foresight Land Services, presented a request to remove the existing deck and remove/rebuild the garage to bring them further away from the River and to regrade the driveway. He noted these changes would be within the existing footprint and would have less impact on the resource area. The Commissioners discussed deck removal techniques, the need for erosion control and concerns about debris being discharged into the River.

Van Olst asked for any public questions/input – there was none.

Didio made a motion to approve the plan as presented with the condition that the contractor ensure that demolition of the existing deck does not result in any discharge of soil or construction debris into the Williams River; **Lanoue seconded**, Van Olst asked for any discussion – there was none. By roll call vote the motion was approved unanimously.

Stier stated regarding the 24 Cottage Street Enforcement Order, Natural Heritage responded that there is no potential impact, but has asked for photographs at completion to ensure compliance with the restoration plan. He confirmed work would start in late August. Van Olst asked for a planting plan with specific size, number and species.

5. **Request for Determination of Applicability** from Vanasse Hangen Brustlin, Inc.(VHB) on behalf of Massachusetts Electric Company (MECO), property is the Main Street Roadway (R.O.W.) in Great Barrington. The proposed work includes the installation of one new mid-span utility pole along with the replacement of one existing pole adjacent to Main Street, within the Buffer Zone to Bordering Vegetated Wetland. All work will be conducted from the shoulder of Main Street R.O.W.

Jim Bolduc, VHB, presented the request to install a midspan pole and the replacement of one pole and noted the new pole is in a bordering vegetative wetland.

Van Olst asked for any public questions/input – there was none.

Didio made a motion to issue a negative determination #3 for a pole replacement and a new pole installation; **Lanoue seconded**. Van Olst asked for any discussion – there was none. By roll call vote the motion was approved unanimously.

6. **Discussion:** The Commission will hold a Public Hearing to consider current and possible new filing fees for new permits, amendments to existing permits, inspections, certifications, and miscellaneous research. The Commissioners asked Evans to provide a list of what would trigger a fee and to create a proposed schedule of fees to present to the Commissioners.

Evans stated the Town has local application filing fees which have not been adjusted in the last 10 years and not kept up with real expenses – an example is the increased cost of newspaper legal notices. He clarified that normal time and operating costs are covered in the Town budget, but there are projects and requests that need significant follow on work/research that are not accounted for – an example is when a Certificate of Completion is not requested, but when the property is sold, one is required to clear title. He added that projects can be 20+ years old and require significant research/follow up to rectify in a short timeframe - which is beyond the normal course of work responsibilities. Mark Stinson, DEP, suggested requiring a bond to ensure project completion. Evans stated the burden should remain on the applicant to complete the process. It was agreed that Evans would compile a list of procedures/activities that would trigger fees and what those fees might be, for discussion with the Commissioners at the next meeting. It was noted any changes would require public comment and a vote

Lanoue made a motion to continue to the next meeting on August 23 at 6:30pm; **Shanahan seconded**. Van Olst asked for any discussion – there was none. By roll call vote the motion was approved unanimously.

7. Citizens Speak Time

a. Several concerned citizens asked about clearing weeds in Lake Mansfield from the boat launch to the dock. Evans clarified the Commission is charged with stewardship of the Lake Mansfield conservation area and would approve permitting and the Lake Mansfield Task Force is a stakeholder group. There was a discussion about weed harvesting techniques - using equipment vs hand pulling and the significant effort required. Van Olst stated as the Town owns the lake, she would reach out to Chris Rembold to better understand next steps. The citizens stated they would come back next meeting.

b. Joe and Michelle Maki presented their plan for an outdoor cannabis cultivation site on their property at 920 Main Street. They stated that a special permit application will come before the Selectboard and the Commission is being asked to provide its perspective. The Commissioners discussed the plan, and while there are wetlands on the property, the cultivation site is outside the buffer zone. **Lanoue made a motion** to send a letter to the Selectboard stating that the Conservation Commission has reviewed the plan and it does not raise any jurisdictional concerns or interests; **Ferris seconded**. Van Olst asked for any discussion – there was none. By roll call vote the motion was approved unanimously.

J. Maki expressed interest in joining the Conservation Commission and Evans suggested he attend a few meetings and join site visits.

Van Olst stated this is her last meeting as Chair and while she is out, she suggested other Commissioners plan to chair.

8. **Adjournment – Lanoue made a motion** to adjourn; **Shanahan seconded**. By roll call vote the motion was approved unanimously at 7:48pm.

Respectfully submitted,

Stacy Ostrow, Recording Clerk