

**TOWN OF GREAT BARRINGTON
CONSERVATION COMMISSION MEETING
MINUTES
WEDNESDAY, NOVEMBER 15, 2017
6:30 P.M. – TOWN HALL
334 MAIN STREET**

PRESENT:

GAETAN LACHANCE
BILL BOYER
LISA BOZZUTO
JEFF COHEN
JESSICA DEZIECK
ANDREW MANKIN
DAVID SHANAHAN

SHEP EVANS – CONSERVATION AGENT

1. CALL TO ORDER

Gaetan LaChance called the meeting to order at 6:30 P.M.

WPA NOI 167-0369 from Dave Inglis of Mahaiwe Harvest located on South Main Street, Map 37 Lot 93 for new agriculture in the resource area of the Green River, a NHESP habitat and a 100 year flood plain. A new reviewer will be assigned it/ when the ENF from Mr. Inglis is received at NHESP. **Continued from August 28, 2013.**

MOTION: Andrew Mankin motioned to continue WPA NOI 167-0369 until the next meeting on December 20, 2017.

SECOND: Lisa Bozzuto

VOTE: 7-0

WPA NOI 167 0413 from Berkshire Engineering, Inc. on behalf of Butternut Basin, Inc., property at 380 State Road, Map 42 Lot 2. The proposed project includes the continuance of seasonal snow making as conducted in the past, drawing water from two ponds and two wells as currently permitted under the Water Management Act. Benjamin Nailer presented to the Commission on behalf of Berkshire Engineering. This WPA NOI Order of Conditions is reviewed by the Commission once every five years.

MOTION: Andrew Mankin motioned to renew the WPA NOI 167 0413 with the new Order of Conditions for five years.

SECOND: Jess Dezieck

VOTE: 7-0

WPA RDA from Frederick Boehmer on behalf of Jeff Barbuto, property at 37 Lake Buel Road, Map 42 Lot 18C. The proposed work includes demolition and removal of a small old deck and construction of a new larger deck in its place. All work done will be in the Buffer Zone of a Bordering Vegetated Wetland.

The Commission visited the property on October 25, 2017. The new deck will be 18ft. in length and mounted on concrete piers. No trees will be cut during construction. The Agent recommended that a condition be set that erosion controls are used during construction.

MOTION: Andrew Mankin motioned to approve a Negative 3 with conditions to add a description of the proposed work to the application and have erosion controls installed and inspected by the Conservation Agent prior to construction.

SECOND: Jess Dezieck

VOTE: 7-0

WPA NOI from Berkshire Engineering on behalf of Camp Institute of Living Judaism (Camp Eisner), property at 52 Brookside Road, Map 38 Lot 11. The proposed work at Eisner Pond includes repair to a retaining wall, the dam outlet, the low level outlet structure and the inlet valve and removal of accumulated sediment. At the request of the Engineer, **continued from May 31, 2017 until December 20, 2017.**

The engineers have been delayed because they have not obtained a chapter 91 license, this license is necessary in order for the work to proceed.

Discussion of an Enforcement Order issued to James Larkin on March 4, 2016 pertaining to alterations to resource areas at the confluence of the Green and Housatonic Rivers (Map 38 Lot 44). **Continued from September 27, 2017.**

The Agent said after the last vote made by the Commission he has issued \$300.00 a day fines to the Larkin's totaling \$4,800.00 in fines. Mr. Evans suggested continuing to work with Mr. Larkin and use the plan he presented to the Commission as a starting point. Mr. Evans noted there is one key element missing from Mr. Larkin's restoration plan and that is replacement of the cut trees. Mr. Mankin said the main objective of the Commission is to protect the crucial resource areas and if there happens to be a violation, to get that resource area restored. Mr. Mankin continued to say that fines are merely a tool to encourage an eventual restoration plan and in the case of the Larkin property fines are not working as an effective tool to reach our goal of getting the area restored. Gaetan LaChance suggested giving the Larkins the option to use the money incurred towards having the Larkin's hire a wetland scientist to develop a suitable restoration plan. Lisa Bozzuto said she is no longer comfortable with issuing daily fines. Jeff Cohen said that stopping the fines does not do the Commission any good, "if we leave the fines we can waive them once he presents a suitable plan or permit him to apply them to hiring wetlands professional." Jess Dezieck said "our job is protect the

resource area and maybe our approach with the Larkin's in not working, we might not need a fancy plan like we normally like to see." Mr. Mankin said "that if we move forward with Shep's suggestion we still need a very detailed plan, that we did not design for Mr. Larkin, including a list of trees that will be planted." David Shanahan said "it might be helpful to not have the fines accruing while we are still negotiating with Mr. Larkin and attempting to reach a viable solution."

MOTION: Jess motioned to discontinue issuing additional daily fines until further notice but continuing the legal process of the fines that have already been issued and have three members of the Commission meet with the DEP Circuit Ryder, Mark Stintson to develop an outline to be presented to Mr. Larkin within two weeks of this meeting and give Mr. Larkin until the January 24, 2018 meeting to come back before the Board.

SECOND: Andrew Mankin

VOTE: 6-1 Jeff Cohen Opposed.

Other subjects not reasonably anticipated by the Chair.

Citizen speak time:

Walter Atwood on behalf of the Great Barrington Fire District Water Company. Mr. Atwood said the No Dogs sign that was installed at the Green River swimming hole, abutting the McAllister property, to slow down the foot traffic by the aquifer. Mr. Atwood said there is a no trespassing order issued by the State, this is not something the Fire District strictly enforces but we want stop people from using this area. Andrew Mankin said the Commission will help in any way to maintain good water supplies in Town and be amenable to new water source locations.

Approval of Minutes of the October 25, 2017 Conservation Commission Meetings.

MOTION: Jeff Cohen moved to approve the October 25, 2017 Conservation Commission Meeting Minutes.

SECOND: Lisa Bozzuto

Vote: 7-0

On a motion made by Andrew Mankin, seconded by Lisa Bozzuto, with a unanimous vote the meeting was adjourned at 8:00PM.

Respectfully submitted,



Rebecca Jurczyk
Recording Secretary