

Conservation Commission – October 21, 2021 in Zoom/Conference Call Meeting

Members present were Dr. John Schreiber, Co-Chair Chair, Mr. Freddy Friedman, Co-Chair, Mrs. Nanci Worthington, and Mr. Doug Hyde. Others present were Ms. Stockman, Mr. Mike Kulig, Ms. Nellie Wilson, Attorney Mr. Peter Puciloski and Mr. Mark Stinson, DEP Circuit Rider.

Meeting was called to order at 5:02 PM.

Meeting minutes of September 16th, 2021 were accepted as amended.

New Business:

Butler Hearing: Present for this hearing was representative, Ms. Nellie Wilson, Butternut Tree and Land Care, Inc. Applicant submitted an RDA for the purpose of removal declining 20" white pine tree, brush chipped and removed. Property location is 33 Mill River Great Barrington Road. Dr. Schreiber mentioned that there is a concern about shading and that the area, especially due to weather climate. Ms. Wilson mentioned that she had given the property owners a list of possible recommendations of replanting trees. After discuss a motion was made, seconded and so voted to close this hearing. A motion was made, seconded and so voted to approve this application as a negative #2 with the following conditions: native replanting with native vegetation near riverfront using provided list from Erin Rogers, and to provide shady, and permission for the Commission to complete a site visit once work is completed.

Wilkinson: Present for this hearing was Mr. Mike Kulig, Berkshire Engineering, Inc. Applicant submitted a NOI for the purpose of construction of a single family house. Property location is 15 Konkapot Road. Mr. Kulig submitted responses to DEP comments to the Commission. Mr. Kulig mentioned that the previous owner had filed a NOI in 2010. After reviewing the responses and comments a motion was made, seconded and so voted to continue this hearing till November 18th meeting.

Grassmarket LLC: Present was Ms. Emily Stockman, Stockman Associates, Inc. and Attorney, Mr. Pete Puciloski. Ms. Stockman mentioned that Mr. Mike Parson was hired to complete a survey that she submitted to the Commission. Ms. Stockman reviewed the submitted survey. Dr. Schreiber mentioned that there is a concern that the agriculture road will be and should only be used for agricultural use and would like agriculture road to be preserved. Ms. Stockman mentioned that there are no plans to install a circular road. Ms. Stockman will submit a plan for the new gravel driveway. Mr. Puciloski agreed to the Commission's condition regarding the wood road. Mr. Puciloski also will allow the Commission to complete a site visit when all project work is complete. A motion was made, seconded and so voted to continue this till November 18th meeting.

Harshbarger: No one was present so voted to continue to November 18th meeting.

Martin: No one was present. Dr. Schreiber will contact Mr. Timothy Martin and well driller. A motion to continue to November 18th meeting.

Cohen Emergency Permit: The Commission reviewed the emergency application for 24 Downs Road – well failed. Mr. Stinson mentioned that there's a dock that's not permitted. After the review a motion was made, seconded and so voted to sign the emergency permit.

NM Hill LL: The Commission noticed a working crew clearing on NM Hill Road. Mr. Stinson suggests a violation letter instead of a violation enforcement. After discussion a motion was made, seconded and so voted to send a violation letter.

The Commission reviewed the mail:

- Berkshire Conservation District – Massachusetts Legislature passed an Act Relative to Regulation of Plant Nutrients (ACT).
- Email was received from Ms. Hoffman who is interested in purchasing property at 476 Rhoades and Bailey Rd and is inquiring if they could build on the property. Dr. Schreiber drafted an email response to Ms. Hoffman that stated the Commission can't advise as to whether or not to purchase a piece of property. Per the Massachusetts Wetlands Protection Act 310 CMR 10 does strictly regulate any alternation or development in or near the wetlands/river front areas, and the best way to determine if property in question is permitting is to have an engineer familiar with the Wetlands Protection Act view the property.

Next meeting is scheduled for November 18th at 5PM.

A motion was made, seconded and so voted to adjourn at 7:49 PM.

Respectfully submitted,

Kathy Chretien
Secretary