

**Pittsfield Conservation Commission
Annual Report
July 1, 2012 through June 30, 2013**

Members

James Conant, Chairman (July 1 – Present)
Thomas Sakshaug, Vice Chairman (July 1 – Present)
Bruce Andrews (July 1 – January 31)
Mitchell Boraski (July 1 – Present)
Chris Connell (July 1 – Present)
Franz Forster (July 1 – Present)
Peter Marchetti (July 1 – June 30)
Thomas Naughton (February 26 – Present)

Division of Conservation Staff

Robert Van Der Kar, Conservation Agent
Deborah Courtney, Executive Secretary/Planning Administrator
Catherine Van Bramer, Senior Clerk

The following report is a summary of the activities of the Conservation Commission during 2013 fiscal year. The Conservation Commission meetings are regularly scheduled every three weeks on Thursday evenings. Additional meetings are scheduled when necessary. Public Notices are posted informing the public of meeting times and location. The agenda of the meeting is also posted to inform the public. The Commission holds public hearings on submitted applications and vote to approve or deny issuance of a permit for the proposed work or activity.

The following is a list of the applications received and permits issued by the Commission during fiscal year July 1, 2012 through June 30, 2013.

FY 2013 Application Statistics

Application	Numbers of
Requests for Determination	29
Determinations of Applicability	29
Abbreviated Notice of Resource Area Delineation	0
Order of Resource Area Delineation	0
Notice of Intent	15
Order of Conditions	15
Requests for Amendments	1
Amended Order of Conditions	1
Requests for Extensions	0
Extensions of Order of Conditions	0
Requests for Certificate of Compliance	7
Certificates of Compliance	6

Requests for Partial Certificate of Compliance	0
Partial Certificates of Compliance	0
Enforcement Orders	2
Emergency Permits	3
Request for Project Change	1
Building Permit Sign-offs	348
Request for Conservation Restrictions	0
Conservations Restrictions Accepted	0
Request for Amendment of Conservation Restriction	0
Amendments of Conservation Restrictions	1

In addition to reviewing applications and issuing permits, the Commission (Conservation Agent) is responsible for conducting site visits to the proposed project areas prior to a public meeting or public hearing. After issuance of a permit, site visits are made to inspect erosion controls and monitor projects.

The Commission has a full-time agent who is available to the public to respond to requests and provide information related to the Wetland Protection Act. The agent frequently provides guidance and conducts site visits even when an application has not been filed. The agent conducts numerous site visits to determine whether an application is required under the Wetlands Protection Act, and to sign-off on building permits and certificates of occupancy.

Homeowners, Real Estate Agents, Engineers, Attorneys, Contractors etc., frequently call or contact the conservation office asking for guidance and information. It is important to educate and inform the public on what is required to comply with the Wetland Protection Act Regulations. The commission also responds to numerous reports of violations, and emergencies that may require additional site visits to determine whether an actual violation has occurred or emergency is imminent.

In addition to its responsibility of administrating the Wetlands Protection Act, the conservation commission has the responsibility of stewardship and management of numerous conservation properties throughout the City. The following is a list of the most significant properties under conservation commission supervision.

Barkerville Conservation Area - A 75-acre property located off of Barker Road. Through Article 97., the parcels are held by the Conservation Commission as conservation land. The parcels are open to the public for recreational use from sunrise to sunset. Rules and regulation governing these parcels are consistent with the rules and regulations that govern other conservation lands in the City. Generally, these rules and regulations do not permit dumping, off-road vehicle use, open fires, camping, dogs off leash, and cutting or removal of vegetation. Maintenance of the properties will be the responsibility of the Conservation Commission who will work with the city's Department of Public Services to perform these tasks.

Brattlebrook Farm/Park located off Longview Terrace Ext and Maple Grove Drive. The Park is approximately 178 acres. Previously, the commission completed a survey of the property and adopted a set of rules and regulations for the use of the property. Large signs with the rules and regulations have been installed in strategic locations. The property is combines agricultural and recreational uses. Large

acreage is cut for hay production, which saves the City the cost of mowing and maintaining significant area of the property.

Kirvin Park is located off Williams St. and is approximately 226 acres. This park is used extensively for recreation, but the property continues South of Sackett Brook up the mountain along Ashley Brook. A portion of the Park is within State Listed Estimated Rare Habitat Area.

Wild Acres is located off South Mountain Road and is approximately 49 acres. This property is used extensively by the public for picnics, fishing, and hiking. New to the property are an educational building, restroom facilities, pavilion, and kiosk. The new Wild Acres entrance is located off of the recently re-constructed South Mountain Road.

Tierney Conservation Area is located off Jason Street and is approximately 47 acres. This property has a beautiful pond with a beaver dam. There is a small parking area along Jason Street available for public use. There have been incidents of illegal dumping within the parking area and along the pathway, but through the help and assistance of the building maintenance department, the trash was cleaned up and disposed of properly.

Controy Pavilion is located off Lakeway Drive on the shoreline of Onota Lake. The property abuts Ramsey Beach another conservation property. The Pavilion is used by the public for picnics and special events. The City of Pittsfield reorganization of the Parks & Recreation Department transferred the maintenance and rental of the Controy Pavilion to the Building Maintenance Department. The property is also the location of the "Live at the Lake Concert" series held every Wednesday from July 1, through August 25 each year.

Fred Garner Park is located off Pomeroy Avenue and is approximately 10.3 acres. This property is located between the confluence of East and West Branches of the Housatonic River. There is a canoe access located on this property. The Park offers a beautiful nature walk along the Housatonic River. The property is also extensively used for youth soccer.

Onota Lake/Dan Casey Memorial Drive Conservation Area is located off the causeway (Dan Casey Memorial Drive) and is approximately 6.5 acres. This property offers spectacular views of Onota Lake and is a great location to pick blueberries.

There are numerous additional parcels under Conservation Commission stewardship throughout the City. The public can make arrangements to use Controy Pavilion, and Wild Acres by contacting the Building Maintenance Department. The Division of Conservation would like to thank the Building Maintenance Department for all the work they do to maintain numerous conservation properties and the Department of Public Works & Utilities for additional help and assistance to maintain these properties. There are numerous individuals that have provided invaluable assistance when needed.

Additional highlights of FY 2013 included

In FY 2013, the Division of Conservation employed a new Conservation Agent in October of 2012. Under the current direction, it is the overall goal of the Division is to continue to serve the public by providing

technical assistance, and to also provide community wide advancements in passive recreation, environmental, and creative solutions to environmentally sensitive problems. With this, staff accomplished the following in FY 2013:

- Through a collaborative effort with Lyon Aviation, Inc. and the Onota Fishing Club, the Conservation Commission sponsored a youth fishing derby at the Wild Acres Conservation Area;
- The Pittsfield Conservation Commission sponsored a Massachusetts Association of Conservation Commission's (MACC) Unit 1 Training Session at the Controy Pavilion. Individuals from Mass DEP, MACC, and Commissioners from various parts of the Commonwealth were in attendance;
- The Division of Conservation (Conservation Agent) was the recipient of a MACC Fawcett Fund Scholarship;
- The Massachusetts Society for the Prevention of Cruelty to Animals awarded the City of Pittsfield the cost for labor and materials to install a water level control device as part of the Division of Conservations campaign to resolve flooding problems resulting from beaver activity;
- The Division of Conservation contributed to the preparation of a comprehensive draft for municipal stormwater management ordinance; and,
- Educational Outreach - Examples include: Staff performed lectures to various local educational institutions, including to Berkshire Community College students on the fundamentals of the environmental law, including the laws of the Massachusetts Wetlands Protections Act; and per the request of the Housatonic River Valley Association, performed a PowerPoint presentation to Pittsfield High Students with regard to stormwater treatment methodologies and policy.

**DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF CONSERVATION
ANNUAL REPORT 2012 – 2013 (Fiscal Year 2013)**

FUNCTION/MISSION:

The Commonwealth of Massachusetts authorized into state law the Conservation Commission Act (M.G.L. Ch. 131 § 8C) of 1957 that mandated each city and town in the Commonwealth to establish a locally appointed municipal agency to provide for natural resource protection, acquire significant land and water areas, and to manage these properties for conservation and passive recreation purposes. In 1972, following the enactment of revised federal and state environmental laws, local Conservation Commission were then also assigned the responsibility of administering the rules set forth under the Wetlands Protection Act (M.G.L. Ch. 131 §40). Along with this regulatory oversight, the Pittsfield Conservation functions to provide for the planning, preservation, stewardship, recreational uses, education, and coordination associated with the City's wetland and open space resources; and it is the responsibility of the Conservation Commission staff to provide the assistance and technical analysis in relation to such functions. The foremost responsibility of staff persons is to implement and manage the statutory provisions of the Massachusetts Wetlands Protection Act and the environmental components of the Municipal By-laws.

Staff also provides technical assistance to the Conservation Commission and applicants to provide guidance regarding the technical review process and navigating the various permit granting authorities. In addition, staff also provides responses during pre-development meetings, which offers applicants additional foresight into the regulatory requirements and planning preferences typically requisite by the Conservation Commissions prior to the submittal of final plan documents. These efforts have shown to better the permitting process by reducing public concern and limiting regulatory divergences.

STAFF:

Planning and Development staff consists of the following positions:

- Conservation Agent, Robert Van Der Kar – This position provides technical assistance and management to the overall functions of the City's Division of Conservation. The position is 100% funded by the City's general fund.
- Executive Secretary/Administrative Planner, Deborah Courtney – This position provides part-time administrative support to Conservation activities, primarily in relation to the functions of the Conservation Commission. This position provides customer support to the public, assists in the coordination of pre-development meetings with potential applicants, and provides other administrative functions, as required.
- Senior Clerk, Catherine Van Bramer - This position provides part-time administrative support to Conservation activities, including acting as the recording secretary for each Conservation Commission meeting.

FINANCIAL:

Budget: The Division of Conservation is operational expenditures are primarily funded by statutory (state and local) fees paid by applicants seeking permits. FY 2013 began with a roll-over budget of \$40,332, of which, 21,448.14 came from the City's share of State mandated filing fees (revolving fund), and \$18,884 forwarded from the City's local bylaw wetland filing fee (conservation fund). An annual allocation of \$1,500 from the City's general fund was again allotted for management and control of beaver for FY 2013.

Total balance forwarded from FY 2012

\$40,333.00

Spent: The Division of Conservation expended the following in FY 2013:

- Membership dues for Conservation Commission members and the Conservation Agent...\$514.00
- Professional licensing for the Conservation Agent...\$100.00
- Professional conferences and symposiums... \$113.00
- Office Supplies and cellular phone...\$290.00
- Beaver trapping...\$750.00 (approximate)
- Monies from donations, grants, scholarships...\$2,135.00
- Conservation Property Passive Recreation Study (disc golf at Kirvin Park)...\$250.00
- Miscellaneous fees (legal advertisings, etc)...\$100.00 (approximate)

Total Expenditures FY2013	\$4,252.00
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Revenue: The Division of Conservation's revenue for FY 2013 was as follows:

- City's Share of State wetland filing fees...\$2,903
- City of Pittsfield's local project review filing fees...\$3,012
- Wild Acres Maintenance Fee Payment....\$15,000
- Grants...\$1,700
- Donations...\$2,000
- Scholarships...\$135.00

Total Revenue FY2013	\$24,750.00
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SIGNIFICANT ACCOMPLISHMENTS / SPECIAL PROJECTS:

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In addition to the above, the Conservation Commission continues to advance in its regulatory and technical engineering knowledge to effectively process applications in the most proficient manner. Staff continues to ensure that each Commissioner has the appropriate time to review and prepare refined questions and/or comments for each application before each public hearing. The Conservation Commission has 21 days to hold a public hearing from the receipt of an application; and all applications receive decisions from the Commission within 21 days from the close of the public hearing, and in many cases, less than 7 days.

2014 GOALS:

The following are goals for FY 2014:

- Continue to perform due diligence planning on bettering Conservation Properties to encourage public use;
- Develop a comprehensive plan for the maintenance and potential passive recreational uses at Brattlebrook Park;
- Work with the Parks Department on grant opportunities to allow for the incorporation of a handicapped access trail at the Wild Acres Conservation Area;
- Continue to develop and execute the establishment of a disc golf course at Kirvin Park;
- Advance the zoning of a City wide stormwater management ordinance;
- Seek grant opportunities for additional water level control devices on flood prone City properties influenced by beaver activity; and,
- Work with regional agencies to explore local lands of significant environmental importance and determine ways to improve those lands for public good; and
- Continue to provide educational outreach to local; educational institutions, agencies, organizations, and general public pertaining to environmental law, function, and value.