



CITY OF PITTSFIELD

PITTSFIELD CONSERVATION COMMISSION, CITY HALL, 70 ALLEN STREET, PITTSFIELD, MASSACHUSETTS 01201
413-499-9359

Special instructions for participating in the August 6, 2020 meeting of the Pittsfield Conservation Commission:

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A, Section 18, and state and federal orders and guidance imposing strict limits on the number of people that may gather in one place, this hearing of the Pittsfield Conservation Commission will be conducted exclusively via remote participation. For this hearing, members of the public who wish to watch the meeting may do so on PCTV. Public comment may be made prior to the meeting by calling 413-499-9359 or by emailing rvanderkar@cityofpittsfield.org. Live public access via telephone will also be provided through the dial-in information listed below. In the event that we are unable to do so, we will post an audio or video recording, transcript, or other comprehensive record on the City’s website as soon as possible after the meeting.

Dial: 312 626 6799
Enter the Meeting ID: 980 9041 6035 and press #
Press # again

**MINUTES
CONSERVATION COMMISSION
Wetlands Protection Act Public Hearing
Remote Meeting Via Zoom
Thursday, August 6, 2020 at 6pm**

Chair Conant called the meeting to order at 6:00 p.m. Those in attendance are noted below.

Chair Conant informed all in attendance that in accordance with MGL Chapter 30A, Section 20, voices are being recorded and pictures are being taken of all in attendance.

1. Roll Call

Members Present:

- James Conant, Chair
- Thomas Sakshaug, Vice Chair
- Franz Forster
- Jonathan Lothrop
- Elizabeth Bocchino
- Nick Caccamo
- Stephanie Dick

Members Not Present:

A quorum was present.

Also Present:

Robert Van Der Kar, Conservation Agent

Ted Kozlowski, Clerk

2. New Business:

- A. Mass DEP File #263-1144: Notice of Intent application for the replacement of a 48-inch diameter concrete culvert with a three-sided concrete box culvert at May Brook on property located on West Street. Such actions are proposed to occur within Inland Bank, Bordering Vegetated Wetlands, Land Under Waterways, Bordering Land Subject to Flooding, and Riverfront Area associated with May Brook. The applicant is The City of Pittsfield.

Mr. Van Der Kar gave his review of the project. They are replacing an old culvert with a larger, square culvert. Both he and the DEP have questions; the applicant has not had a chance to respond.

No one came forward to speak on the application.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the August 27, 2020 meeting; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

- B. File #20-13 - Request for Determination of Applicability for the construction of a single family house, driveway and associated utilities on property located on Williams Street (Map M7, Block 1, Lot 101). Such activities are proposed to occur within buffer zone associated with Bordering Vegetated Wetlands. The applicant is Joseph Dalò.

Mr. Van Der Kar gave his review of the project. The project has some permitting history, dating back to 1988. In 1993, another permit was issued; no COC has been requested. The applicant should apply for a COC for the 1993 Order of Conditions before submitting an NOI for this project.

No one came forward to speak on the application.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to issue a Positive 3 & 4 Determination; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

- C. File #20-14 - Request for Determination of Applicability for the construction of a fence on property located 140 Hancock Road (Map G15, Block 19, Lot 6). Such activities are proposed to occur within buffer zone to Inland Bank and Bordering Land Subject to Flooding. The applicant is Anthony & Diana Crea.

Mr. Van Der Kar gave his review of the project. There are multiple projects in this filing. One is for an after-the-fact fence; the western side has been installed already. He is also proposing after-

the-fact permitting for a small area that was converted to a sand beach. He is also requesting permitting for after-the-fact fill for the construction of a swimming pool. The Commission approved the pool, but it was supposed to be placed at grade and was filled in, instead. When they did that they filled in the floodplain; they are looking for compensatory storage for that fill. There are a number of different options here.

No one came forward to speak on the application.

Mr. Lothrop is concerned they have seen after the fact permitting from this applicant before. The history of this applicant is such that the permitting always comes after whatever work the applicant has already done.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to request a Certificate of Compliance including an as-built plan for work already done and stay the RDA until that is complete; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

D. File #20-15 - Request for Determination of Applicability for the installation of a new stormwater management system on property located at 501C Dalton Avenue (formerly 495 Dalton Avenue: Map K13, Block 1, Lot 9). Such activities are proposed to occur within Riverfront Area associated with the Unkamet Brook. The applicant is KO Resources, LLC.

Mr. Van Der Kar gave his review of the project. Typically, work in resource areas require an NOI. This project removes some parking lot and returning it to pervious surface. This is a major improvement to the stormwater treatment currently in place. The Commission can issue a Negative 2 Determination.

No one came forward to speak on the application.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to Negative 2 determination; it was seconded by Ms. Bocchino and was approved by a Roll Call vote, with Mr. Caccamo voting No.

E. File #20-16 - Request for Determination of Applicability for golf course fairway maintenance work on property located 639 South Street (Map H4, Block 2, Lot 1). Such activities are proposed to occur buffer zones and Bordering Land Subject to Flooding. The applicant is the Country Club of Pittsfield.

Chair Conant recused himself from this project. Vice-chair Sakshaug took over the meeting.

Mr. Van Der Kar gave his review of the project. This is work on a sand trap hazard and doesn't make any change to the current surface. They are also replacing the drainage lines; the discharge remains the same.

Brent White, White Engineering came forward to speak on the application. He did some research on the floodplain and established the 10-year floodplain boundary.

Seeing no further debate or discussion, Ms. Bocchino made a motion to issue a Negative 2 determination; it was seconded by Mr. Forster and was approved by a Roll Call vote; Chair Conant abstained.

Chair Conant rejoined the meeting.

F. File #20-17 - Request for Determination of Applicability for tree removal on property located 5 Lawrence Drive (Map L15, Block 3, Lot 13). Such activities are proposed to occur within buffer zone associated with Inland Bank. The applicant is Travis Bolte.

Mr. Van Der Kar gave his review of the project. This involves the removal of about 12 trees in Buffer Zone to Inland Bank. He is not sure if this Inland Bank is jurisdictional. For purposes of this meeting, they will assume it is jurisdictional. The applicant is proposing they leave the stumps. The Commission can issue a Negative 3 Determination with conditions.

No one came forward to speak on the application.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to issue a Negative 2 Determination with the special condition noted below; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

- All trees are to be saw cut flush to grade. At no point are stumps to be removed with roots attached.

G. File #20-18 - Request for Determination of Applicability for installation of a prefabricated shed on property located at 8 Lombard Street (Map J10, Block 5, Lot 2). Such activities are proposed to occur within Bordering Land Subject to Flooding. The applicant is Catherine Fulks.

Mr. Van Der Kar gave his review of the project. They are proposing to put a pre-fabricated shed on their property. The shed alone works out to just over 1.15 cubic yards. He is unclear what the foundation will be made out of, which can affect the stormwater.

Mr. Sakshaug asked about the foundation and what it will be made out of.

Ms. Catherine Fulks came forward to speak on the application. They plan on using pressure-treated lumber, building a foundation to hold it steady. Mr. Sakshaug noted that would cause more displacement, and they are already over their usual limit; that would take up more space. Whatever water that is not in your yard, now goes to someone else's yard.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the August 27, 2020 meeting; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

3. Other Business:

A. Minutes from the July 16, 2020 meeting

Mr. Sakshaug made a motion to accept the minutes as presented; it was seconded by Ms. Bocchino and was approved by a Roll Call vote; Ms. Dick abstained.

4. Adjournment:

Mr. Sakshaug made a motion to adjourn at 6:25pm; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

Submitted by Ted Kozlowski, Clerk

