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## CITY OF PITTSFIELD

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

### Special instructions for participating in the October 29, 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](mailto: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: 917 4571 9308 and press #

Press # again

## MINUTES CONSERVATION COMMISSION Wetlands Protection Act Public Hearing Remote Meeting Via Zoom Thursday, December 3, 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 Storie

**Members Not Present:**

A quorum was present.

**Also Present:**

Robert Van Der Kar, Conservation Agent  
Ted Kozlowski, Clerk

**2. New Business:**

- A. Continued: Mass DEP File #263-1149: Notice of Intent application for lake bank stabilization and related site work on property located at 154 Blythewood Drive (Map D11, Block 2, Lot 9). Such actions are proposed to occur within the Inland Bank, Land Under Waterbodies, and Bordering Land Subject to Flooding associated with Onota Lake. The applicant is Eugene Trainor.

**Jackson Alberti, Foresight Land Services** came forward to speak on the application. A wildlife habitat evaluation has recently been submitted, along with a letter outlining the performance standards. He feels this plan will significantly improve the site for wildlife habitat. There will be removal of invasive and planting of native species.

Chair Conant asked about how the project will enhance wildlife habitat. The existing conditions are stone lining the existing bank with vegetation above that. The bank is being eroded right now. The proposal will permanently stabilize the bank. The plantings will increase habitat for aquatic species.

Mr. Van Der Kar gave his review of the application. The project has the potential of being a very good project. Guidance would be for the applicant to fill out Appendix B. He had some draft conditions. He suggested using something that biodegrades over time for reinforcement rather than polypropylene, perhaps coconut fiber or jute.

Mr. Sakshaug agreed about the matting and that Appendix B should be completed.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the January 7, 2021 meeting; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

- B. Mass DEP File #263-1148: Request for Amendment to Order of Conditions pertaining to the removal of a retaining wall to be replaced with a stone revetment along Onota Lake on property located at 16 Bakers Island Road (Map F13, Block 1, Lot 5). Such actions are proposed to occur within Inland Bank, Bordering Land Subject to Flooding, and Land Under Waterbodies associated with Onota Lake. The applicant is Joseph Dow.

**Matthew Puntin, SK Design Group** came forward to speak on the application. This is an amendment, changing the concrete retaining wall to a rip rap slope. It would be similar to other properties on the lake. They are also proposing a turbidity curtain in lieu of dewatering.

Mr. Caccamo asked Mr. Puntin about the rip rap material. The stone looks a bit unnatural. Mr. Puntin noted they can easily specify material that looks more natural, rounded cobble for example. Mr. Caccamo agreed that this was better than the vertical wall previously proposed.

Mr. Van Der Kar asked Mr. Puntin about sequence of events regarding removal of the wall. Mr. Puntin suggested that they keep the timber wall, do the work behind the wall, then pull out the wall. He noted the caveat that the wall may fall down by itself. He will do the best given the current state of the timber. He confirmed the elevation will be 1079ft.

Mr. Lothrop did like the improved plan and appreciated the turbidity curtain and the natural stone.

Mr. Sakshaug suggested added a 34<sup>th</sup> Condition that rip rap must be “natural” in appearance.

Chair Conant asked if Mr. Puntin knew the excavator to be used and what their experience in this type of work is, given the sensitive nature of the work. They have not finalized a contractor yet. In addition, a Chapter 91 license is required for this structure. Given the state’s backlog of applications, the work will not be done until next year.

Ms. Bocchino asked if any special action should be taken, given the state of the wall, the state’s backlog and the drawdown. Mr. Puntin noted the drawdown will be one foot, so the majority of the wall will continue to be below the water line. If it falls, it falls.

Ms. Bocchino asked Mr. Van Der Kar if he had any recommendations for management over the winter. Nothing new needs to be done; if it falls during the winter, an Emergency Permit could be issued to abate the situation as needed. Loss of property is justification for an Emergency Permit.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to issue a revised Order of Conditions 1-35; it was seconded by Ms. Bocchino and was approved by a Roll Call vote, with Chair Conant voting Nay.

- SC#31. The top of the stone riprap slope is to be set at elevation 1079.0’ based off a NAVD88 survey datum. Coir logs, as depicted on the “Slope Section” cross-section detail of the approved plans, are to make-up the remaining slopes up to the “Proposed Plantings” (as depicted on the approved plans and details), or when site grades flatten below 4H:1V.
- SC#32. Not including the planting bed locations identified on the “Plan to Accompany Notice of Intent Application”, dated November 16, 2020 (hereinafter, approved plans), a combination of native adventitious rooting woody shrub species, such as, Speckled Alder (*Alnus rugosa*), Red-osier Dogwood (*Cornus sericea*), Silky Dogwood (*Cornus amomum*), Buttonbush (*Cephalanthus occidentalis*), and Silky Willow (*Salix sericea*), are to be installed in areas where the coir logs are proposed to be staked, as described in the “Slope Section” cross-section detail of the approved plans. The top of the coir logs are to be planted with herbaceous plugs every six (6) inches on-center. Appropriate soil shall be applied as needed to the coir logs to provide the adequate growing media. The success rate of the herbaceous plugs and live stakes is to exceed seventy-five (75) percent within three growing season following installation.
- SC#33. The existing timber retaining wall is to remain in place during the entire excavation period. Once the stone riprap and geotextiles have been installed per the approved plans

(generally), then the wall can be removed. It is understood that this requirement will shift the toe of the riprap slope back towards the lawns areas, but no more than five feet. The turbidity curtain shall remain deployed at its proposed location until all work on lake slopes (Inland Bank and adjacent embankments) is complete.

- SC#34. Rip Rap must be “natural” in appearance.
  - SC#35. The work shall only be done during permitted lake drawdown conditions.
- C. Mass DEP File #263-1153: Notice of Intent application for the demolition of all structures on the residential property located at 619 Fenn Street (Map I9, Block 9, Lot 19). Such actions are proposed to occur within Bordering Land Subject to Flooding and buffer zone to Bordering Vegetated Wetlands. The applicant is Lige Realty, LLC.

**Darrin Harris and Jeff Randall, Hill Engineers** came forward to speak on the application. The owner would like to demolish three buildings on the property, a house and 2 out buildings. They would like to clear the site and level it off. They would like to bank the compensatory storage capacity for future development while the OOC is still open.

Mr. Sakshaug suggested that at least part of this lot will be opened up to move cars around at some point. It’s fairly clear that’ll be the future intention. He does not want to avoid the stormwater management. Mr. Harris noted that any future project would have to be brought forward to the Commission. Mr. Sakshaug confirmed that the fence closest to the parking lot will be removed.

Mr. Lothrop asked what sort of erosion controls they’ll be setting up. Straw waddles will be put around the site during demolition and removal. They have siltation capture along East and Fenn Sts. His concern is about keeping things out of Silver Lake. Demolition is a dirty process with dust and debris; he wants to understand how that’s going to be managed being so close to the lake. Will they use a water spray to keep dust down? That is a typical request and can be conditioned. It’s a small site and should be done within a week. There is a section that GE repaired that will be a buffer; no work will be done there.

Mr. Van Der Kar gave his review of the application. A casualty of segmenting this project would be ignoring the stormwater management models. He has concerns about wetlands delineations. It appears to encroach onto the property a bit. He would like to see the resources delineated and not overlooked. The property is entirely within the 10-year floodplain, which is considered significant wildlife habitat. They filled out an Appendix A. There could be a justification that this is not significant habitat, it just needs to be looked at. The part of the plan that skims six inches of topsoil and replaces with gravel needs to be looked at. There is not enough information on impacts in the plan.

Chair Conant noted that the building is in dangerous condition and needs to be demolished. However, the applicant does need to work with the agent to discuss any further work and the impacts, as well as the stormwater management. That can be worked through after the demolition of the building. The demolition of the building can be handled through an Emergency Permit in the meantime.

Mr. Lothrop confirmed that Mr. Van Der Kar had the authority to do this once the Order is issued. Emergency Permits can easily be condition however the Commission sees fit. They will also be coordinating with the Health Department.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the January 7, 2021; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

- D. File #20-03 - Request for Determination of Applicability for confirmation of various wetland resource area boundaries within portions of the CSX railroad Right of Way located in Pittsfield. The applicant is CSX Transportation Inc.

Mr. Van Der Kar gave his review of the application. The applicant is required to have a resource delineation. It is about 9 miles. He's reviewed the GIS data and they match; he has not done an on-site inspection.

**Stephen Herzog, Wood Plc** came forward to speak on the application. He noted that he previous agent, Mr. Mitchell, reviewed the delineations about five years ago and they have not changed in the interim.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to issue a Positive 2a Determination, noting the boundaries are being confirmed; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

- E. File #20-35 - Request for Determination of Applicability for the replacement of a section of municipal sewer conveyance located near Fourth Street in Pittsfield. Such activities are proposed to occur with Bordering Land Subject to Flooding and buffer zone associated with Bordering Vegetated Wetlands. The applicant is the City of Pittsfield/DPU.

**Nick Keenan, Kleinfelder** came forward to speak on the application. This is to replace 320ft of sewer, trying to restore the capacity of the line. It is in the 100 block of 4<sup>th</sup> St, behind the houses, about 30ft off of the bank. They've identified provisions exempting the project from an NOI.

Mr. Van Der Kar gave his review of the application. Portions of the project will be exempt from the WPA. The parts in floodplain are not exempt, but they are not looking to change the grade.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to issue a Negative 2 & 3 determination with the special conditions noted below; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

- All grades are to be restored to existing conditions, seeded and mulched. Erosion controls are to remain in place until site conditions are deemed stable.

- F. File #20-34 - Request for Determination of Applicability for the installation of a swimming pool on property at 63 Nottingham Drive in Pittsfield (Map E8, Block 3 Lot 16). Such activities are proposed to occur within buffer zone to Inland Bank. The applicant is Natalia Eddy.

Mr. Van Der Kar gave his review of the application. Accessory buildings within 50ft are exempt. This is really close, which is why an RDA was suggested. The Commission can issue a Negative 3 Determination.

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

- Erosion controls are to be installed prior to project commencement and removed immediately following stable site conditions.

G. File #20-36 - Request for Determination of Applicability for the installation of an accessible ramp and associated work on property located at 80 Tennyson Avenue in Pittsfield (Map J9, Block 16 Lot 10). Such activities are proposed to occur within Bordering Land Subject to Flooding. The applicant is Kathleen Avery.

Mr. Van Der Kar gave his review of the application. Floodwaters are fairly deep so the entire ramp is within bordering land subject to flooding. There is a lot of materials and refuse piled on the property that can be removed to offset any impacts from the ramp. This is just over the allowable amount of impact the Commission is accustomed to allowing.

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

- All debris is to be removed from the property and no debris or materials are to be stored on the property in perpetuity.

H. Mass DEP File #263-207: Request for Certificate of Compliance for property located at 16 Lillybrook Road (Map B8, Block 3, Lot 208). The request is being made by Robert Powers.

Mr. Van Der Kar gave his review of the application. This is the result of a bigger subdivision project. This particular lot is not subject to the Commission's jurisdiction. The commission can issue a Partial COC for this property.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to issue a Partial Certificate of Compliance for B8-3-208, 16 Lillybrook Road; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

I. Mass DEP File #263-1088: Request for Extension to Order of Conditions for property located at 1786 East Street (Map L10, Block 3, Lot 5). The request is being made by BVD Solar, LLC.

Mr. Van Der Kar gave his review of the application. The project is complete except for an as-built plan. They have asked for the extension to prepare that.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to issue a one-year extension to expire; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

J. File #EO 20-02: Review of wetland resource area restoration plan for property located at 303 Crane Avenue (Map I14, Block 5, Lot 1).

**Jackson Alberti, Foresight Land Services** came forward to speak on the application. They delineated what they believed to be the previous borders. Mr. Van Der Kar witnessed pit tests to

determine the depth of the fill to be removed. They will be removing an average of 1.5ft, 405cyd to be removed from the area to the existing grade. That entire area will be seeded with a wetland seed mixture. Shrub plantings will be along the perimeter and a significant number of plantings on the western edge adjacent to the cart path. All soil will be stored on-site. This is a preliminary plan and are hoping for input by the Commission.

Chair Conant proposed a site visit on Friday, December 11 at 1pm.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to conduct a site visit on December 11, 2020 at 1pm; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

- K. File #EO 20-03: Review of wetland resource area restoration plan for property located at located at 1450 North Street (Map H16, Block 99, Lot 00).

**Brett Kamienski, SK Design Group** came forward to speak on the application. They propose a mitigation plan to restore 421sft of BVW and 409sft of associated buffer zone. They used test pits to determine the boundary underneath the fill, witnessed by Mr. Van Der Kar. They propose to remove the fill to get it back to its original grade. Once removed, the area will be hand raked with a planting plan in the spring. They will remove three of the kayak racks.

Mr. Van Der Kar gave his review of the application. The plan is quite nice and he appreciated the effort put forth. The Commission can approve the order. The work should not be done now, as the weather has turned.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to approve the Enforcement Order to be conducted beginning in the spring growing season; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

### **3. Other Business:**

- A. Minutes from the October 29, 2020 meeting.

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

### **4. Adjournment:**

Mr. Sakshaug made a motion to adjourn at 7:15pm; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

Submitted by Ted Kozlowski, Clerk

