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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 July 16, 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: 923 8759 1060 and press #

Press # again

MINUTES CONSERVATION COMMISSION Wetlands Protection Act Public Hearing Remote Meeting Via Zoom Thursday, July 16, 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

Members Not Present:

Stephanie Dick

A quorum was present.

Also Present:

Robert Van Der Kar, Conservation Agent

Ted Kozlowski, Clerk

2. New Business:

- A. Continued: Mass DEP File #263-1005: Request to amend the Order of Conditions pertaining to the construction of a new single-family home and associated site work on property located at 184 Blythewood Drive (Map D12, Block 3, Lot 201). Such actions are proposed to occur within buffer zone associated with Bordering Vegetated Wetlands and Inland Bank (Onota Lake). The applicants are Craig and Tracy Crawford.

Mr. Van Der Kar gave his review of the application. There was a Natural Heritage comment was missing; it has since been submitted, NH file#13-32503. The Commission can issue an Order of Conditions.

Mr. Sakshaug clarified the wording of the Special Condition. The owner cannot fill 5,000 and then fill another 5,000 on another project. The whole property is limited to 5,000sft total.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to issue an Amended Order of Conditions with the Special Condition noted below; it was seconded by Ms. Bocchino and was approved by a Roll Call vote, with Chair Conant voting No.

SC #32. A recorded deed restriction, for 184 Blythewood Drive, providing notice to subsequent purchasers that limits the amount of fill for the single and complete project to less than 5000 square feet cumulatively of bordering and/or isolated vegetated wetlands and land under water body.

- B. Mass DEP File #263-1035: Request to amend the Order of Conditions pertaining to the construction of a new commercial building and associated site work on property located on Dalton Avenue (Map M14, Block 3, Lot 110). Such actions are proposed to occur within the Riverfront Area associated with the East Branch of the Housatonic River. The applicant is Freight House Realty, LLC.

Mr. Van Der Kar gave his review of the application. This is the current location of the Medex on Dalton at Hubbard Ave. The rest of the project was supposed to be a Cumberland Farms; it is now proposed to be a Taco Bell restaurant. The building moves closer to the river, but the gas pumps are no longer there. A lot of the stormwater was subsurface detention. That's been reduced and changed to LID. Overall, the project works better. The Commission would carry over the same conditions from the previous order. He sees no need to add any new conditions.

Mr. Caccamo asked about the arbor vitae that is proposed. He would hope that options other than arbor vitae could be used. He would hope the choice would make it more natural. Arbor vitae does have its advantages; Eastern Hemlock is a possibility.

He also asked about the parking spaces and runoff.

Bob Fournier, SK Design Group came forward to speak on the application. The area noted by the parking spaces is a painted island. It is possible to convert it to a rain garden island, but it would not capture much. Runoff drains towards the front.

Regarding the arbor vitae, that came out of a pre-development meeting with the city. Arbor vitae is used because it screens the cars in the drive-thru while still making the building visible from the street. Hemlock can grow up to 60ft and would need to be maintained and it could easily block the building.

Mr. Lothrop noted there were a number of concerns when they first permitted the Cumberland Farm, specifically the location to the river and the cut into the hillside in the back. While there are some improvements, it seems like a substantially different project. He's leaning toward an NOI. He asked about the stormwater plans.

Mr. Fournier referred to the Amended Stormwater Report that was submitted. Commissioners did not receive it as only 2 copies of the 200+ page document were submitted. Ultimately, this plan is 8,000sqft less impact on that portion of the property than the Cumberland Farm. There is also 7,000sqft less impact in the Riverfront. They've reduced the amount of blacktop and the building is the same size. Without the gas tanks, less driveway is needed. The technologies are updated from the Cumberland Farm. The Medex building also has a detention basin and work together to discharge to the river across the street.

Mr. Van Der Kar noted the modeling was TR55. The current numbers seem to be right and they did model 2-, 10-, -25 and 100-years.

Mr. Lothrop's concern is the consensus that the current models are just not sufficient. He's concerns about flooding on Dalton Ave. He also asked about the In Lieu Fees.

The first payment of the fee was paid out for the Medex building. They would have to provide the rest of the fee with the approval of the plan.

Mr. Sakshaug commented that this is less of an impact than the Cumberland Farms. If Commissioners want a continuance, that's fine but he's ready to approve the plan, personally.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the August 6, 2020; it was seconded by Ms. Bocchino and failed by a Roll Call vote with Conant, Sakshaug and Forster voting No and Bocchino, Caccamo and Lothrop voting Yes.

Mr. Sakshaug made a motion to approved the plan; it was seconded by Mr. Forster and was approved by a Roll Call vote with Lothrop voting No.

- C. File #20-10 - Request for Determination of Applicability for the installation of a utility pole on property located at 1740 Cascade Street (Map D13, Block 1, Lot 1). Such activities are proposed to occur within Riverfront Area associated with Hawthorne Brook. The applicant is David L. De Giorgis.

Mr. Van Der Kar gave his review of the application. This is minor in nature. They just want to put in another utility pole to shore things up. The Commission can issue a Negative Determination.

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.

- D. File #20-11 - Request for Determination of Applicability for the conversion of a residential porch to a three-season room on property located at 1092 North Street (Map H13, Block 15, Lot 1). Such activities are proposed to occur within buffer zone associated with Bordering Vegetated Wetlands. The applicants are Robert and Jennifer Aubin.

Mr. Van Der Kar gave his review of the application. This is straightforward but there is some history. They may need new footings for the porch, or they may not. The Commission can issue a Negative Determination. They do have a couple unpermitted structures in resource areas.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to Negative 3 Determination with the Special Conditions noted below; it was seconded by Mr. Forster and was approved by a Roll Call vote with Ms. Bocchino abstaining.

- The applicants is to remove the trampoline from the wetland resource area(s)
- The applicant is to file a Notice of Intent application for the installation of the fence and the shed prior to the commencement of any other work on the property that would require Conservation Commission review, or by November 1, 2020; whichever is sooner.

- E. File #20-12 - Request for Determination of Applicability for the repaving of an existing parking area on property located at 253 Wahconah Street (Map H12, Block 2, Lot 6). Such activities are proposed to occur within Bordering Land Subject to Flooding associated with Onota Brook. The applicant is Leon Pernice and Associates, Inc.

Mr. Van Der Kar gave his review of the application. This site is familiar. There is a lot of pavement that needs to be replaced, both for parking and for sidewalks. Their representative did a good job with the plan. They have a very accurate survey on this property. His only concern is they cannot have any additional fill to the site. Even a subtle change in elevation can make a difference for stormwater storage. The Commission can issue a Negative Determination.

Daniel Pernice, Leon Pernice & Associates came forward to speak on the application.

Mr. Caccamo asked if blacktop was the preferred surface; would using concrete change the project. That would significantly change the project, which was already bid. They will be replacing in kind with no change of dimensions.

Mr. Lothrop asked if there were catch basins in the parking lots; there are and they will remain the same. They will be stripping the top 2", milling and replacing it to existing elevations and grades. Mr. Lothrop noted that the management of the paving and grading is critical. It's important to have someone onsite.

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.

- The applicant shall plant twelve (12) Red Maple (Acer rubrum) trees, no smaller than 1” in DBH, in areas within 200’ of the Onota Brook and areas currently maintained as lawn
- F. Continued: Mass DEP File # 263-1077 – Request for Certificate of Compliance for an Order of Conditions issued to property located at 133 Seymour Street (Map H11, Block 1, Lot 9). The request is being made by David Carver.

Mr. Van Der Kar gave his review of the application. There is no additional information. He recommends withdrawing the application without prejudice.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to withdraw the application without prejudice; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

- G. Mass DEP File # 263-1031 – Request for Certificate of Compliance for an Order of Conditions issued to property located at on Churchill Street (Map D17, Block 2, Lot 503). The request is being made by BVD Solar, LLC.

Mr. Van Der Kar gave his review of the application. The site visit was held with most of the Commissioners. The Commission has three options: complete, partial or it can be continued to the next meeting.

Mr. Sakshaug noted the site looked good overall. However, the plan called for planting trees 5-6’ tall; it would be a stretch to call them 2’ and he is concerned about their viability as the weeds are growing faster and will overtake the current trees.

Mr. Lothrop agreed. Overall, the site is much better but the trees were so small they had to be flagged to be found and they are in peril. He’s OK with either a continuance or a partial.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to issue a Partial Certificate of Compliance with the complete certificate to be issued after the correct size of tree, the correct number of trees and the correct species is planted; it was seconded by Mr. Lothrop and was approved unanimously by a Roll Call vote.

- H. Mass DEP File #263-1015: Request for Extension of the Order of Conditions associated with a culvert replacement project. The request is being made by the Pittsfield Department of Public Services and Utilities.

Mr. Van Der Kar gave his review of the application. This is Phase 2 of the replacement project. They are ready to do the work and will need time to complete the project. The Commission can issue a 3-year extension to August 20, 2023. There is a good geomorphology report being generated which is great to have.

Ms. Bocchino confirmed that there has been a previous extension request. They have already extended this for 3 years. There have been issues with easements and funding which have hung things up. He is confident they will break ground this year.

Ricardo Morales, City of Pittsfield came forward to speak on the application. They are finalizing the bid package by the end of the month. They expect to break ground about a month after that. About a month ago they got easement approvals.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to issue an Extension to the Order of Conditions to August 20, 2023; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

3. Other Business:

- A. Request to consider a standard plan deviation for the Ashuwillticook Rail Trail project filed under Mass DEP File # 263-1104. The proposed project changes will be presented by representatives of Fuss and O'Neill, Inc.

Mr. Van Der Kar gave his review of the project. From time to time requests come in for deviations, which allow for minor plan changes. In this case, there's a change in the path alignment, which reduces the work in the Buffer Zone. The Commission can approve the standard plan deviation. This fits the criteria.

Mr. Sakshaug made a motion to accept and approve the standard deviation plan requiring no further action; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

- B. Approval of funds to pay for Commission laptop computer.

Mr. Van Der Kar noted that a laptop would be useful for the Commission, given the rise in virtual meetings. In addition, the laptop can have all the relevant documents to review project, CAD for example.

Ms. Bocchino confirmed that there will be no licensing issues with the programs, CAD for example. He will confirm with the IT department, but he does not expect any issues.

Mr. Caccamo requested that a copy of ArtsMap be on the laptop, assuming there are no licensing issues.

Mr. Sakshaug made a motion to approve the funds to pay for the Commission laptop computer; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

- C. Discussion pertaining to the Dan Fox Greenway Corridor

Mr. Lothrop wanted to wrap up the Commissions involvement with the project. He noted that the Greenway does extend to across Dan Fox Dr. There appears to be a couple signs on the property and would like to determine if they should be removed or permitted.

Mr. Lothrop made a motion to work with the Department of Community Development to determine the legal status of the signs on the property and to take appropriate action to request removal of the signs; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

D. Minutes from the June 4, 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.

E. Minutes from the June 25, 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, with Mr. Caccamo abstaining.

4. Adjournment:

Mr. Sakshaug made a motion to adjourn at 7:10pm; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

Submitted by Ted Kozlowski, Clerk

