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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 June 4, 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 and Facebook Live. 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: 958 2934 0383 and press #

Press # again

MINUTES CONSERVATION COMMISSION Wetlands Protection Act Public Hearing Remote Meeting Via Zoom Thursday, June 4, 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

Stephanie Dick
Nick Caccamo

Members Not Present:

A quorum was present.

Also Present:

Robert Van Der Kar, Conservation Agent
Ted Kozlowski, Clerk

2. New Business:

- A. Continued: File #20-01 - Request for Determination of Applicability for the installation of two seasonal docks on property located at 593 Lakeway Drive (Map F13, Block 1, Lot 101). Such activities are proposed to occur within Inland Bank (and its buffer zone) and Land Under Water Body associated with Onota Lake. The applicant is John Besnahan.

Mr. Van Der Kar gave his review of the application. This project is an after the fact permit for 2 docks. This has been continued from March. The material is pressure treated frame and a cedar decking, which have been employed over the last couple of years.

Mr. Caccamo asked why there are two docks. Mr. Van Der Kar noted that while it is not typical, it can be done. He suggested letting the Chapter 91 process continue and if there are any problems the state will flag it.

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 by Roll Call vote was approved unanimously.

1. Docks can only be installed following the issuance of a Chapter 91 license by the Mass DEP's Waterways Program.
2. Docks are to be removed prior to ice-on conditions at the location of the docks.

- B. Mass DEP File #263-1140: Notice of Intent application for the installation of a 176 square foot seasonal dock on property located at 60 Shore Drive (Map E13, Block 8, Lot 7). Such actions are proposed to occur within the Land Under Waterbodies associated with Onota Lake. The applicants are Michelle and Thomas Robert.

Mr. Van Der Kar gave his review of the application. They currently berth boats along a retaining wall. Over time the boats tend to pull the wall towards the lake. A dock will benefit the resource area, in this case. It is minor disturbance. The applicant needs this for their Chapter 91 license.

Mr. Sakshaug asked about the DEP recommendation, regarding the retaining wall. Should this be included as a Special Condition. That will be left up to the Chapter 91 process.

Mr. Lothrop asked what will happen to the wall. Will it be removed? Will the wall be addressed at all.

Matt Puntin, SK Design Group noted they are not proposing anything right now. It will need to be addressed and it is a big project, but it relatively stable at the moment. The dock will not be attached to the wall, it will be next to it.

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

1. The dock can only be installed following the issuance of a Chapter 91 license by the Mass DEP's Waterway's Program.
2. Docks are to be remove prior to ice-on conditions at the location of the docks.

C. Mass DEP File # 263-1141: Notice of Intent application for the removal of vegetation and earth grading on property located at 19 Roselyn Drive (Map F8, Block 5, Lot 35). Such actions are proposed to occur within Bordering Vegetated Wetlands and their associated buffer zone. The applicant is Allen Scaccia.

Mr. Van Der Kar gave his review of the application. This is for clearing of vegetation and replanting and some minor grading for a playset. It's pretty minor but a tricky site. All the proposed work is along the wetland boundary.

Mr. Lothrop asked about the woody material stacked on the property.

Brent White, White Engineering noted the materials will be removed. At the end of the project the lawn will be maintained.

Mr. Lothrop asked if the fence line will be elevated or flush to the ground. There will be space for animals and for water to flow. He noted the abutter is satisfied with the project.

Mr. Sakshaug asked about the discrepancies on some of the hydrology forms and wanted to make sure they were correct and made sense before they proceed. Mr. Van Der Kar noted it is still a hydric soil and should be noted as such.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the June 25, 2020 meeting; it was seconded by Ms. Bocchino and by Roll Call vote was approved unanimously.

D. Mass DEP File # 263-1142: Notice of Intent application for the removal and replacement of 17 trees on property located at 222 Pecks Road (St. Joseph's Cemetery: Map G13, Block 2, Lot 3). Such actions are proposed to occur within the Riverfront Area associated with Onota Brook. The applicant is the RC Bishop of Springfield.

Mr. Van Der Kar gave his review of the application. This is a pretty straightforward project. The Norway Maples lining Pecks Rd are in poor condition and are an invasive species. They are also proposing mitigation on the south end of the site, which addresses some of the performance standards. DEP was looking for an explanation of the performance standards, point by point. Otherwise, he does not have an issue with the project.

Mr. Sakshaug noted the high reputation the Commission has with the DEP. Standards need to remain high. He never wants to see something come back from DEP as being faulty on our part.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the June 25, 2020 meeting; it was seconded by Ms. Bocchino and by Roll Call vote was approved unanimously.

E. File #20-02 - Request for Determination of Applicability for subsurface drainage improvements, and the relocation of two bullpen areas, on property located the 84 Meadow Lane (Deming Park: Map J8, Block 14, Lot 24). Such activities are proposed to occur within Bordering Land Subject to Flooding. The applicant is the City of Pittsfield.

Mr. Van Der Kar gave his review of the application. Deming Park is 90% in the floodplain. The majority deals with subsurface drainage. Another smaller component are the pitcher's mound and the bullpens. They are just moving from one space to another. This is not a problem.

Mr. Sakshaug confirmed there is no real elevation change.

Mr. Lothrop asked about the drain shown in the photo. Mr. Sakshaug noted that what appears to be a broken drain is actually just a shadow when the picture was taken.

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

F. File #20-04 - Request for Determination of Applicability for the jurisdictional determination of a sediment (stormwater) basin, and invasive plant removal from within it, on property located at 45 Woodlawn Avenue (Map I10, Block 4, Lot 101). Such activities are proposed to occur within buffer zone associated with Silver Lake. The applicant is the Pittsfield Economic Development Authority.

Mr. Van Der Kar gave his review of the application. This project fits 2 exemptions. He is unclear if the basin is within the buffer zone of Silver Lake. This involves water chestnuts, which are highly invasive.

Mr. Caccamo confirmed that the basin can be treated without any spillage into Silver Lake. Mr. Van Der Kar cannot be sure with this herbicide. The Commission can put up a barrier to prevent leakage into the lake. It will take at least two treatments this year and probably again next year.

Mr. Lothrop asked if the screen is sufficient to keep it out of the main lake. It is, from a hydrological standpoint. It can be moved by birds, etc.

Mr. McGrath noted the immediate need is to address the retention basin and to develop a long-term plan for the basin and sediment forebay. He is working with the new management of PEDDA.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to issue a Positive 1 determination; a Positive 2B Determination stating the resource delineation associated with Silver Lake has not been confirmed by the Determination; a Negative 3 Determination with the special

condition noted below; it was seconded by Ms. Bocchino and by Roll Call vote was approved unanimously.

- Herbicide treatment is to occur only with the retention basin. At no point are herbicide products allowed to be carried through the outlet of the basin and into Silver Lake.

G. File #20-05 - Request for Determination of Applicability for the maintenance and expansion of paved driveway and parking areas on property located on North Street (Map H16, Block 7, Lot 101). Such activities are proposed to occur within buffer zone associated with Bordering Vegetated Wetlands and Inland Bank (Pontoosuc Lake). The applicant is LSG Investments, LLC.

Mr. Van Der Kar gave his review of the application. This is for the improvements and expansion of an existing road and parking area to accommodate vehicles. The proposal does not occur on the applicant's property. It's within 100ft of the lake and very close to a BVW. It was unclear where the trail goes and the nature of the grading. Existing contour information would be helpful, along with sorting out the ownership issues.

Mr. Lothrop noted this is city property and asked where the Community Development Board is on this project. He did some work a few years ago and it looks great. He's unsure how it all works. Do we have concurrence from the landowner? Mr. Van Der Kar noted RDAs do not require owner approval.

Scott Graves, LSG Investments came forward to speak on the application. When people back up they back up on the curb and hitting trees. Most of the people are going to the beach. He wants to remove the trees and adjust the grading so they back up onto grass. He will continue to maintain it.

Mr. Sakshaug noted this project is large enough to warrant an NOI.

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 by Roll Call vote was approved unanimously.

Mr. Caccamo left the meeting at 7:00pm.

H. Mass DEP File # 263-1012– Request for a one-year extension of the Order of Conditions issued to the City of Pittsfield for the management of invasive aquatic plants at Onota Lake. The request is being made by James McGrath, City of Pittsfield's Park, Open Space, and Natural Resource Program Manager.

Mr. Van Der Kar gave his review of the application. This was first issued in 2014. The applicant is seeing a one-year extension. The Commission can issue an extension.

George Haddad, 150 Blythewood came forward to speak on the application. The weeds are out of the water already. He supports this project.

Michael Riordan, LOPA came forward to speak on the application. They support the project.

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

- I. Mass DEP File # 263-80 – Request for Certificate of Compliance for an Order of Conditions issued to property located at 639 South Street (Map H4, Block 2, Lot 1). The request is being made by the Country Club of Pittsfield.

Chair Conant noted he is an employee of the Country Club of Pittsfield and will be abstaining from discussion and voting for this item. Vice Chair Sakshaug chaired for this item.

Mr. Van Der Kar gave his review of the application. There were no mitigations or restrictions. The Commission can issue a COC.

Seeing no further debate or discussion, Mr. Lothrop made a motion to issue a complete Certificate of Compliance; it was seconded by Ms. Bocchino and by Roll Call vote was approved with Chair Conant abstaining.

- J. Mass DEP File # 263-193 – Request for Certificate of Compliance for an Order of Conditions issued to property located at 639 South Street (Map H4, Block 2, Lot 1). The request is being made by the Country Club of Pittsfield.

Chair Conant noted he is an employee of the Country Club of Pittsfield and will be abstaining from discussion and voting for this item. Vice Chair Sakshaug chaired for this item.

Mr. Van Der Kar gave his review of the application. There were no mitigations or restrictions. The Commission can issue a COC.

Seeing no further debate or discussion, Mr. Lothrop made a motion to issue a complete Certificate of Compliance; it was seconded by Ms. Bocchino and by Roll Call vote was approved with Chair Conant abstaining.

- K. Mass DEP File # 263-241 – Request for Certificate of Compliance for an Order of Conditions issued to property located at 639 South Street (Map H4, Block 2, Lot 1). The request is being made by the Country Club of Pittsfield.

Chair Conant noted he is an employee of the Country Club of Pittsfield and will be abstaining from discussion and voting for this item. Vice Chair Sakshaug chaired for this item.

Mr. Van Der Kar gave his review of the application. There were no mitigations or restrictions. The Commission can issue a COC.

Seeing no further debate or discussion, Mr. Lothrop made a motion to issue a complete Certificate of Compliance; it was seconded by Ms. Bocchino and by Roll Call vote was approved with Chair Conant abstaining.

Chair Conant returned to the meeting.

L. File #20-06 - Request for Determination of Applicability for the construction of a 16' x 30' boathouse on property located at 976 West Street (Map D9, Block 3, Lot 12). Such activities are proposed to occur within buffer zone associated with Inland Bank (Onota Lake). The applicant is David Mixer.

Mr. Van Der Kar gave his review of the application. It's pretty straightforward. Work is to construct a boat house and removing a large pine tree.

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

M. Mass DEP File # 263-958 – Request for Certificate of Compliance for an Order of Conditions issued to property located at 120 Shore Drive (Map E13, Block 3, Lot 5). The request is being made by Cooley Shrair.

Mr. Van Der Kar gave his review of the application. The project involved a concrete retaining wall. The work never happened. The Commission can issue a COC, checking the Invalid box.

Seeing no further debate or discussion, Ms. Sakshaug made a motion to issue a Certificate of Compliance checking the Invalid OOC box; it was seconded by Ms. Bocchino and by Roll Call vote was approved unanimously.

N. Mass DEP File # 263-1112 – Request for Certificate of Compliance for an Order of Conditions issued to property located at 7 Peters Path (Map G16, Block 2, Lot 12). The request is being made by Richard and Cynthia Nasman.

Mr. Van Der Kar gave his review of the application. This involved installing new Jersey barriers. The project looks great and is very pleased with their work.

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

O. Mass DEP File # 263-550– Request for Certificate of Compliance for an Order of Conditions issued to property located at 120 Shore Drive (Map E13, Block 3, Lot 5). The request is being made by Cooley Shrair.

Mr. Van Der Kar gave his review of the application. This is a buffer zone project. The measurements of the building match the plans. The Commission can issue a COC.

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

P. 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. The Commission asked for an as-built plan and they have not provided one.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the June 25, 2020 meeting; it was seconded by Ms. Bocchino and by Roll Call vote was approved unanimously.

Q. Mass DEP File # 263-1016– Request for Certificate of Compliance for an Order of Conditions issued to property located at 108 Ridge Avenue (Map G16, Block 2, Lot 3). The request is being made by David and Lorena Coggins.

Mr. Van Der Kar gave his review of the application. The site looks good and the plantings came out nice. An As-Built plan was requested and have not received one.

Brent White, White Engineering came forward to speak on the application. An amendment was submitted in 2018 that showed all the original improvements. It was his understanding that plan satisfied the As-Built requirement. Mr. Van Der Kar found that acceptable.

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

3. Other Business:

A. File #EO 20-02: Ratification of Enforcement Order issued to the Pittsfield General Electric Athletic Association located at 303 Crane Avenue (Map I14, Block 5, Lot 1) for unauthorized work located in Inland Bank, Bordering Vegetated Wetlands, Land Under Waterbodies, and Bordering Land Subject to Flooding.

Mr. Van Der Kar gave his review of the application. This is regarding the draining of a pond in a golf club fairway. There are a lot of permit layers. A restoration plan is required, then an NOI. The owners have been responsive and will work with the Commission. They have not received a formal response.

Michael Doos, GEAA came forward to speak on the application. There were some technical issues. They have a plan to be reviewed and they expect to get it to Mr. Van Der Kar next week.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to ratify the Enforcement Order; it was seconded by Ms. Bocchino and by Roll Call vote was approved unanimously.

B. Minutes from the March 5, 2020 meeting

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

4. Adjournment:

Mr. Sakshaug made a motion to adjourn at 7:25pm; it was seconded by Ms. Bocchino and by Roll Call vote was approved unanimously.

Submitted by Ted Kozlowski, Clerk

