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

MINUTES CONSERVATION COMMISSION Wetlands Protection Act Public Hearing Pittsfield City Hall, Room 203 Thursday, March 5, 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

Members Not Present:

Nick Caccamo

A quorum was present.

Also Present:

Robert Van Der Kar, Conservation Agent
Ted Kozlowski, Clerk

2. New Business:

- A. Continued Mass DEP File #263-1137: Notice of Intent application for the construction of a single-family residence and associated site work on property located at 610 Churchill Street (Map E13, Block 1, Lot 204). Such actions are proposed to occur within buffer zone

associated with the Inland Banks of Onota Lake. The applicant is Onota Lake Front Properties, LLC.

Matthew Puntin, SK Design Group came forward to speak on the application. The continuation of this application is based on a question as it relates to MA DEP 401 water quality certification, dealing with the subdivision of land. The only resource affected in this project is Land Under Water as it relates to docks. Speaking with DEP, they do not believe they will have to go through the entire process and may not have to do a deed restriction, as there's already a restriction related to the Natural Heritage program. There is a clerical issue relating to the recording of the dock licenses. Two of the licenses were recorded late and are therefore invalid. Ultimately, the 401 issue is not going to be a major hurdle. He suggested a condition be added as a check and balance.

Mr. Lothrop confirmed this is the lot that already has a dock on it, Lot 5.

Mr. Van Der Kar gave his review of the application. The commission can issue an Order of Conditions, carrying over the conditions from the previous order.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to carry over the Order of Conditions 1-36 from the 7/10/2012 Order, adding the date of 1/14/2020 in all applicable areas in Condition #35; it was seconded by Ms. Bocchino and was approved unanimously.

- B. Continued Mass DEP File #263-1138: Notice of Intent application for the construction of two single-family residences, associated site work, and residential docks on properties located at 630 and 640 Churchill Street (Map E13, Block 1, Lot 202). Such actions are proposed to occur within the Inland Bank of Onota Lake and its associated buffer. The applicant is Onota Lake Front Properties, LLC.

Matthew Puntin, SK Design Group came forward to speak on the application. This is similar to the previous project. This is a double lot, yet to be subdivided. If the project is approved, the lot will be divided once the houses are built. This also included docks in the application; they have not been built yet. DEP wants to make sure the paperwork is all done properly. A special condition could be added to the Order requiring the lot be subdivided before construction.

Mr. Van Der Kar gave his review of the application. Both projects need a water quality certificate and the applicant is working that out with DEP. He asks for a special condition requiring the lot be subdivided before construction.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to carry over the Order of Conditions 1-36 from the 7/10/2012 Order, adding the date of 1/14/2020 in all applicable areas in Condition #35 and the condition noted below; it was seconded by Ms. Bocchino and was approved unanimously.

- The formal subdivision of the parcel of land identified on the 2020 City of Pittsfield Assessor's map as being Map E13, Block 1, Lot 202 must occur prior to any work related to the construction of the single-family homes and their appurtenances.
- C. Mass DEP File #263-1139: Notice of Intent application for the replacement of an existing business sign with a new sign in the same location on property located at 765 East Street (Map I9, Block 9, Lot 34). Such actions are proposed to occur within Bordering Land Subject to

Flooding associated with the East Branch of the Housatonic River. The applicant is Berkshire Mazda.

Mr. Van Der Kar gave his review of the application. This sign was missed when they submitted their bigger NOI for the construction of a building. They want to replace the current sign with one that is more solid. It may display a little larger amount of floodwater. At the end of the day, the compensatory flood storage area was larger than required. The project complies with standards.

Chair Conant asked about the footing and base of the sign. The new one will be right in front of the current one.

Ken Boudreau, Hill Engineering came forward to speak on the application. The new sign is smaller than existing, made of aluminum and includes weep holes. They are designed to flood. There will be no change to the grade and will have erosion controls around the work area.

Mr. Lothrop confirmed the sign will be flush to the ground.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to issue Order of Conditions 1-32; it was seconded by Ms. Bocchino and was approved unanimously.

- D. 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 Bresnahan.

No one came forward to speak on the application.

Mr. Van Der Kar gave his review of the application. This is for the installation of two docks and have been there for years. He's trying to get a Chapter 91 license for both. This is really more for them than for the Commission. The state will sort out any issues in the Chapter 91 process. Two docks is a little unusual. From the Commission's standpoint, it's well below the performance standards for both resource areas.

Mr. Lothrop asked about the construction or the materials used. In order to be consistent, he feels the application is incomplete and should be continued to get more information.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the April 2, 2020 meeting; it was seconded by Ms. Bocchino and was approved unanimously.

3. Other Business:

- A. File #EO 20-01: Ratification of Enforcement Order issued to Riverbend Millwork located at 595 Onota Street (Map G12, Block 1, Lot 111) for unauthorized work located within Riverfront Area associated with Onota Brook.

This parcel received an OOC in 2017 involving several buildings. They planned on building a lumber mill; that never happened but they have been stockpiling logs along the brook. There is no longer a

valid permit for the property. He has been in discussion with the owner and they have been responsive. A restoration plan was due yesterday but SK Design has been contracted to do the work. He trusts they will receive a plan for the next meeting. When first permitted, there was a large restriction on the property and that has been done. They now just need to clean it up and get it back into compliance.

Mr. Lothrop asked if there is an ultimate use or are they just cleaning up and seeing where it goes. His area of stockpile got a lot smaller because of this. He imagines they will come back at some point with a plan.

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

- B. Discussion pertaining to a request for Emergency Permit being sought by the Lake Onota Preservation Association pertaining to potential ice damage from the lack of lake drawdown.

Mr. Van Der Kar reviewed the project. This request is coming from outside the city. All actions the Commission takes can be appealed. The lake was not drawn down this winter. Ice plowing is now causing damage to Dan Casey Dr. He reviewed photos of the damage caused because of ice. Guard railings are no longer freestanding and are not connected to the substrate. The Commission agreed this is a significant safety concern.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to issue the Emergency Permit; it was seconded by Ms. Bocchino and was approved unanimously.

- C. Minutes from the February 6, 2020 meeting

Mr. Sakshaug made a motion to accept the minutes as presented; it was seconded by Ms. Bocchino and was approved with Ms. Dick abstaining.

4. Adjournment:

Mr. Sakshaug made a motion to adjourn at 6:40pm; it was seconded by Ms. Bocchino and was approved unanimously.

Submitted by Ted Kozlowski, Clerk