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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. 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: 999 5272 6554 and press #

Press # again

MINUTES CONSERVATION COMMISSION Wetlands Protection Act Public Hearing Remote Meeting Via Zoom Thursday, October 29, 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 #263-1146: Notice of Intent application for the construction of a single-family home on property located at 301 Francis Street (Map H10, Block 27, Lot 3). Such actions are proposed to occur within Bordering Land Subject to Flooding. The applicant is Dominick Sacco.

Brent White, White Engineering came forward to speak on the application. He submitted an update site plan and updated elevation calculations as requested, with the proper elevation of the flood vents.

Mr. Van Der Kar gave his review of the application. Comp storage was the biggest issues, which they have taken care of; he has no issues with this project.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to issue Order of Conditions 1-31; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

- B. Continued: Mass DEP File #263-1147: Notice of Intent application for the removal and replacement of vegetation and rip rap from the shoreline, relocation of a dock, construction of a sand area and boathouse, and drainage improvements on property located at 53 Tor Court (Map E9, Block 1, Lot 16). Such actions are proposed to occur within Inland Bank and Bordering Land Subject to Flooding associated with Onota Lake. The applicant is the Susan Kirchner Nominee Trust.

Brent White, White Engineering came forward to speak on the application. A wildlife habitat evaluation was done with a favorable review. As part of that the bank was reviewed, showing less rock removal than previously proposed. An erosion control with coconut fiber will be installed. Overall, they are pleased with the project.

Mr. Van Der Kar gave his review of the application. There's a lot of work in the buffer zone. The habitat review showed no significant habitat; it was very well done. The commission can issue an OOC. He suggested adding some cranberry bushes.

Mr. Sakshaug noted it is a much improved application.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to issue Order of Conditions 1-33; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

- C. Continued: Mass DEP File #263-1148: Notice of Intent application for the removal and replacement of a retaining wall and installation of a seasonal dock 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. The stockpile of material has been removed. He's also discussed some minor details with the agent and they are fine with the elevation and planting conditions.

Mr. Van Der Kar gave his review of the application. The majority of the work involves shoreline work. The elevation should be at 1079'. He discussed an additional condition.

Mr. Sakshaug confirmed with Mr. Puntin that the elevation is acceptable to the applicant. It is.

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 by a Roll Call vote.

D. 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.

No one came forward to speak on the application. The applicant has requested the item be continued to the December 3, 2020 meeting.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the December 3, 2020 meeting; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

E. Continued: Mass DEP File #263-1152: Notice of Intent application for the annual winter drawdown of Onota Lake. Such actions are proposed to occur within the Land Under Waterbody associated with Onota Lake. The applicant is the City of Pittsfield.

James McGrath, City of Pittsfield came forward to speak on the application. The city has received the Natural Heritage determination on the bald eagle habitat; there will be no adverse impacts.

Robert Race, 50 Shore Dr. came forward to speak on the application. He is in favor of a drawdown, especially given no drawdown last year.

John Bresnahan, 593 Lakeway Dr. came forward to speak on the application. LOPA is in favor of the drawdown.

Dan Miraglia, 66 Ontario came forward to speak on the application. He is in favor of the drawdown.

Mr. Van Der Kar gave his review of the application. This is a complex project. He has nothing additional to add. He recommends approving the conditions from the DEP.

Mr. Lothrop asked about Condition 20, regarding the December 1 end of the drawdown. The specific date has been up for debate. Is a fixed date required? The DEP struggled with that one. The city does have ample time to make that happen in the time. He suggests keeping the December 1 date, but the commission can discuss it. Mr. Lothrop's concern is getting the full 2ft in time. Chair Conant suggested going with what was submitted and then amend down the road.

Seeing no further debate or discussion, Ms. Sakshaug made a motion to accept six (6) findings of fact; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

Seeing no further debate or discussion, Ms. Sakshaug made a motion to issue Order of Conditions 1-36; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

F. File #20-31 - Request for Determination of Applicability for replacement of beach sand on property located at 500 Lakeway Drive, Burbank Park Public Beach (Map E11, Block 1, Lot 1). Such activities are proposed to occur within Land Subject to Flooding and buffer zone associated with Inland Bank. The applicant is the City of Pittsfield.

James McGrath, City of Pittsfield came forward to speak on the application. This for the replacement of sand at Burbank Park. The city will hire a contractor to remove and replace sand and repair any other disturbances. The project will be about a week and will be done in frozen conditions to minimize impacts.

Mr. Van Der Kar gave his review of the application. The commission can issue a negative determination.

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

- The mean annual high-water mark is to be delineated with prefabricated siltation fence prior to the start of the project as to avoid placing sand below elevation 1079.0', or the normal summer pool elevation of Onota Lake.

G. File #20-32 - Request for Determination of Applicability for the installation of an irrigation system on property located at 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.

James McGrath, City of Pittsfield came forward to speak on the application. All the work is subsurface with no elevation change.

Mr. Caccamo confirmed the marks on the map are the sprinkler heads. All the water will be pointing in towards the field. They won't be watering every day; there will be an automatic rain sensors. The only way flooding could ever happen is if the pipes burst. They will coordinate the scheduling of watering of the two fields. Maintenance will be done by the Parks maintenance staff and they work closely with the Babe Ruth League. The field will be monitored regularly; it's a share responsibility but at the end of the day the maintenance staff will oversee it.

Mr. Van Der Kar gave his review of the application.

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.

H. File #20-33 - Request for Determination of Applicability for the installation of one utility pole on property Partridge Road in Pittsfield (Map J17, Block 1 Lot 7). Such activities are proposed to occur within buffer zone to Bordering Vegetated Wetlands. The applicant is Eversource Energy.

Mr. Van Der Kar gave his review of the application. This is a very minor project, with a single utility pole. The commission can approve this project.

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

- All spoils are to be removed from the buffer zone and erosion controls removed immediately following stable site conditions.

I. Continued: Mass DEP File #263-1118: Request for Certificate of Compliance for property located at 104 Ridge Avenue (Map G16, Block 2, Lot 3). The request is being made by Gary Mohr.

Brent White, White Engineering came forward to speak on the application. There were some live stakes and buffer plantings that were needed and have been completed. Photos have been submitted to clarify stakes versus plantings. They are intact and stable.

Mr. Van Der Kar gave his review of the application. From the pictures provided, it appears to have been done appropriately. It's got a good head start with a root system. The commission can issue a complete 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 was approved unanimously by a Roll Call vote.

J. Mass DEP File #263-1031: Request for Certificate of Compliance for property located on Churchill Street (Map D17, Block 2, Lot 502/503). The request is being made by Amerigreen Recycling.

Brent White, White Engineering came forward to speak on the application. This property is familiar to the commission. A partial certificate was issued earlier this year. There was an issue with the plantings, which have been rectified. Photos have been submitted. The agent recently went to inspect the site. Apparently, some of the trees were uprooted during the recent storms. The issue has been resolved. There are more trees over 5ft than proposed and they are all stable.

Mr. Van Der Kar gave his review of the application. It's good to see the trees in the ground. He hasn't had a chance to get out there but the photos are clear. Beech and Red Maple are appropriate plantings for this area. The commission can issue a complete certificate.

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 was approved unanimously by a Roll Call vote.

K. Mass DEP File #263-1081: Request for Certificate of Compliance for property located at 1801 East Street (Map L1, Block 2, Lot 501). The request is being made by Advance Materials Corp.

No one came forward to speak on the application.

Mr. Van Der Kar gave his review of the application. He felt the project came out very nicely. The commission can issue a complete certificate.

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 was approved unanimously by a Roll Call vote.

3. Other Business:

A. Minutes from the October 8, 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.

B. Review and discussion of 2021 meeting dates.

Mr. Sakshaug made a motion to approve the 2021 meeting schedule; 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 7:00pm; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

Submitted by Ted Kozlowski, Clark