

**Pittsfield Conservation Commission
Annual Report
July 1, 2020 through June 30, 2021**

Members

James Conant, Chairman
Thomas Sakshaug, Vice Chairman
Elizabeth Calebaugh
Stephanie Storie
Franz Forster
Jonathon Lothrop
Nicholas Caccamo – City Councilor

Division of Conservation Staff

Robert Van Der Kar, PWS, Conservation Agent
Theodore Kozlowski, Administrative Coordinator

Function/Mission:

The Commonwealth of Massachusetts authorized into state law the Conservation Commission Act (M.G.L. Ch. 131 § 8C) of 1957 that mandated each city and town in the Commonwealth establish a locally appointed municipal agency to provide for natural resource protection, acquire significant land and water areas, and to manage these properties for conservation and passive recreation purposes. In 1972, following the enactment of revised federal and state environmental laws, local Conservation Commissions were then assigned the responsibility of administering the rules set forth under the Wetlands Protection Act (M.G.L. Ch. 131 §40). Along with the regulatory administration, the Pittsfield Conservation functions to provide for the planning, preservation, stewardship, recreational uses, education, and coordination associated with the City's natural and open space resources; and it is the responsibility of the Conservation Commission staff to provide the assistance and technical analysis in relation to such functions. The foremost responsibility of staff persons is to implement and manage the statutory provisions of the Massachusetts Wetlands Protection Act and the environmental components of the municipal by-laws.

Staff also provides technical assistance to the Conservation Commission and applicants as to provide guidance regarding the technical review process and navigating the various permit granting authorities. In addition, staff also participates in pre-development meetings, which offers applicants opportunity for additional foresight into the regulatory requirements and planning preferences typically requisite by the Conservation Commissions prior to the submittal of final plan documents. These efforts have shown to better the permitting process by reducing public concern and limiting regulatory divergences.

The Conservation Commission meetings are regularly scheduled every three weeks; typically on Thursday evenings. Additional meetings are scheduled when necessary. Public notices are posted informing the public of meeting times and location. The meeting agenda is also posted in City Hall one week in advance of the meeting date as to notify the public of matters being examined by the Commission. Public hearings, held under the decrees of M.G.L. Ch. 131 §40 and in conformance with M.G.L. Ch. 39 §§ 23-A-C, by the Commission to formally vote to approve or deny the issuance of a permit for the proposed actions. The following report is a summary of the activities of the Conservation Commission during the 2021 fiscal year.

The following is a list of the applications received and permits issued by the Commission during fiscal year July 1, 2020 through June 30, 2021.

FY 2021 Application Figures:

| Application Type | Numbers of |
|---|------------|
| Requests for Determination | 16 |
| Determinations of Applicability | 16 |
| Abbreviated Notice of Resource Area Delineation | 0 |
| Order of Resource Area Delineation | 0 |
| Notice of Intents | 21 |
| Order of Conditions | 17 |
| Requests for Amendments | 5 |
| Amended Order of Conditions | 4 |
| Requests for Extensions | 7 |
| Extensions of Order of Conditions | 7 |
| Requests for Certificate of Compliance | 12 |
| Certificates of Compliance | 10 |
| Requests for Partial Certificate of Compliance | 3 |
| Partial Certificates of Compliance | 3 |
| Enforcement Orders | 7 |
| Emergency Permits | 7 |
| Building Permit Sign-offs | 100+ |
| Request for Conservation Restrictions | 0 |
| Conservations Restrictions Accepted | 0 |

Financial:

Budget: The Division of Conservation’s operational expenditures are primarily funded by state and local statutory fees paid by applicants seeking permits. FY 2021 began with a roll-over budget of \$101,816.00, of which, \$50,502.00 came from the City’s share of State mandated filing fees (revolving fund), and \$51,314.00 forwarded from the City’s local bylaw wetland filing fee (trust fund).

Total balance forwarded from FY 2021: \$101,816.00

Expenditures: The Division of Conservation disbursed the following monies in FY 2021:

Trust Fund expenditures:

- Membership dues (MACC, SWS, journal articles, and magazines)
 - Wild Acres Fishing Derby
 - Professional botanical services
 - Commission member apparel
 - Miscellaneous (i.e. special events, supplies, etc.)
- Total = \$1,758.40

Revolving Fund expenditures:

- Office Supplies and cellular phone
 - Legal Notices (those not reimbursed by project applicants)
 - Computer and computer software
- Total = \$2,445.92

Total Expenditures FY2021: \$4,204.32

Revenue: The Division of Conservation's income for FY 2021:

Filing Fees:

- City's Share of State wetland filing fees (Acct. 23135)...\$5,283.50
- City of Pittsfield's local project review filing fees (Acct. 80050)...\$5,950.00

Grant/Donation Funding:

- CPA Funding of up to \$30,000.00 (funds not used will be sent delivered back to CPA account)

Total Revenue FY2021: \$11,233.50 (does not include grant, which has been fully reimbursed to City's general fund)

Impacts of Pandemic, Accomplishments, and Special Projects:

The nation continued to cope with the novel coronavirus (COVID-19) pandemic in FY21, as the virus continued to cause state, local, and federal agencies to modify their standard mode of operations in an attempt to reduce the cases of individual infections. For much of FY21 the City was in Phase III of a four-phase reopening program instituted by Massachusetts health officials in March of 2020. Under this phase, this office continued to operate primarily under its FY20 modified in-office work schedule, and the Conservation Commissions carried on with holding public meetings and hearings remotely through web-based meeting platforms, as the orders suspending certain provisions of the open meeting law (M.G.L. c. 30A § 20) issued by the Governor Charles D. Baker's Office remained in effect.

Following the widespread dissemination of vaccines in the early part of calendar year 2021 the number of new COVID-19 infections and hospitalizations decreased throughout Massachusetts, and as a result in March of 2021, the City entered into Phase IV ("New Normal Phase") of the reopening program. This phase saw the resumption of indoors and outdoors establishments, events, public places; including the eventual full opening of Pittsfield City Hall in May of 2021. In response to the reopening's, the Conservation Commission held its first in-person public meeting on June 24, 2021. This would be the Commission's first in-person meeting in over a 15-month period. While the Commission went back to meeting more consistent with pre-COVID-19 operations, they did vote to retain the use of electronic signatures; which to recap, in June of 2020 the Conservation Commission began the use of electronic signature to act as a usable and valid substitution for the written signatures of each member currently making up the commission. Initially this was implemented to avoid the need to meet in-person, however, the Commission voted to continue this procedure due to its consensus that it is more efficient. This vote has been filed at the Middle Berkshire Registry of Deeds and can be seen under Book 6659 page 24.

While COVID-19 did affect some of the normal annual activities, such as the commission members' attendance at the Massachusetts Association of Conservation Commissioners Annual Conference (held virtually in 2021), certain bigger annual events were reinstated. The Wild Acres Fishing Derby was a big success again in 2021 after missing 2020. This event was used as an opportunity to display the new Wild Acres trail, which was completed earlier in the spring of 2021. Ongoing projects such as the Wild Acres Dam removal and the Barkerville Conservation Area parking lot continued to move forward, however, were slowed due to impacts of the virus. It should be noted that the Conservation Commission did receive \$30,000 in funding from the Community Preservation Committee that would allow for the construction of the parking area. This work is slated to be complete in FY22.

The overall goal continues to be to serve the public by providing technical regulatory assistance while continuing with community-wide advancements in passive recreation opportunities, public outreach, and creative solutions to environmentally sensitive problems. The Conservation Commission continues to advance in its regulatory and technical engineering aptitude to effectively process applications in the most proficient manner. Staff works to ensure that each Commissioner has the appropriate tools and time to review and prepare refined questions and/or comments for each application before each public hearing.

The Conservation Commission has 21 days to hold a public hearing from the receipt of an application; and all applications receive decisions from the Commission within 21 days from the close of the public hearing, and in most cases, less than 7 days. All public hearings are held under the requirements of M.G.L. Ch. 131 §40 and its 2020 amendments, and in conformance with M.G.L. Ch. 39 §§ 23-A-C.

In addition to reviewing applications and issuing permits, the Commission, and/or Conservation Agent, is responsible for conducting site visits to the proposed project areas prior to a public meeting or public hearing. After issuance of a permit, site visits are performed to inspect the pre-construction site conditions, and include, but not limited to; verification of the proper installation of erosion controls, appropriate construction signage (DEP file number postings), and verification that all other environmental permits have been obtained (Massachusetts Endangered Species Act, US Army Corps of Engineers, US Environmental Protection Agency, etc.).

The Commission's Agent is available to the public to respond to requests and provide information related to the Wetland Protection Act. The Agent provides guidance and conducts site visits prior to applicants considering applying for an environmental permit as to assess project feasibility and provide regulatory suggestions. The Agent conducts site visits to determine whether an application is required under the Wetlands Protection Act, and primarily in response to sign-off requests made by the Building Inspections Office.

Homeowners, Real Estate Agents, Engineers, Attorneys, Contractors etc., frequently contact the conservation office seeking guidance and information. It is important to educate and inform the public on what is required to comply with the Wetland Protection Act Regulations. The Commission also responds to reports of violations and emergencies that may require immediate response actions. Such actions are considered on a case by case basis where an assessment is made as to determine the severity.

In addition to its responsibility of administrating the Wetlands Protection Act, the Conservation Commission has the responsibility of stewardship and management of numerous conservation properties throughout the City. Prodigious effort is made to improve the quality and character of the City owned conservation properties, and continually works to preserve, protect, and manage each one of these lands. The following is a list of the most significant properties under Conservation Commission supervision.

Barkerville Conservation Area - A 75-acre property located off of Barker Road. Through Article 97, the parcels are held by the Conservation Commission as conservation land. The parcels are open to the public for recreational use from sunrise to sunset. Rules and regulation governing these parcels are consistent with the rules and regulations that govern other conservation lands in the City. Generally, these rules and regulations do not permit dumping, off-road vehicle use, open fires, camping, dogs off leash, and cutting or removal of vegetation. Maintenance of the properties will be the responsibility of the Conservation Commission who will work with the city's Department of Public Services to perform these tasks.

Brattlebrook Farm/Park located off Longview Terrace Ext and Maple Grove Drive. The Park is approximately 178 acres. Previously, the commission completed a survey of the property and adopted a set of rules and regulations for the use of the property. Large signs with the rules and regulations have been installed in strategic locations. The property is combines agricultural and recreational uses. Large acreage is cut for hay production, which saves the City the cost of mowing and maintaining significant area of the property.

Kirvin Park is located off Williams St. and is approximately 226 acres. This park is used extensively for recreation, but the property continues South of Sackett Brook up the mountain along Ashley Brook. A portion of the Park is within State Listed Estimated Rare Habitat Area.

Wild Acres is located off South Mountain Road and is approximately 49 acres. This property is used extensively by the public for picnics, fishing, and hiking. New to the property are an educational building, restroom facilities, pavilion, and kiosk. The new Wild Acres entrance is located off of the recently re-constructed South Mountain Road.

Tierney Conservation Area is located off Jason Street and is approximately 47 acres. This property has a beautiful pond with a beaver dam. There is a small parking area along Jason Street available for public use. There have been incidents of illegal dumping within the parking area and along the pathway, but through the help and assistance of the building maintenance department, the trash was cleaned up and disposed of properly.

Controy Pavilion is located off Lakeway Drive on the shoreline of Onota Lake. The property abuts Ramsey Beach another conservation property. The Pavilion is used by the public for picnics and special events. The City of Pittsfield reorganization of the Parks & Recreation Department transferred the maintenance and rental of the Controy Pavilion to the Building Maintenance Department. The property is also the location of the "Live at the Lake Concert" series held every Wednesday from July 1, through August 25 each year.

Fred Garner Park is located off Pomeroy Avenue and is approximately 10.3 acres. This property is located between the confluence of East and West Branches of the Housatonic River. There is a canoe access located on this property. The Park offers a beautiful nature walk along the Housatonic River. The property is also extensively used for youth soccer.

Onota Lake/Dan Casey Memorial Drive Conservation Area is located off the causeway (Dan Casey Memorial Drive) and is approximately 6.5 acres. This property offers spectacular views of Onota Lake and is a great location to pick blueberries.

There are numerous additional parcels under Conservation Commission stewardship throughout the City. The public can make arrangements to use Controy Pavilion and Wild Acres by contacting the Building Maintenance Department. The Division of Conservation would like to thank the Building Maintenance Department for all the work they do to maintain numerous conservation properties and the Department of Public Works & Utilities for additional help and assistance to maintain these properties. There are numerous individuals that have provided invaluable assistance when needed.

FY2022 Goals:

The following are goals for FY 2022:

- Continue ongoing planning to better conservation properties in ways that: encourage public use, reduce vandalism, promote outdoor education, and increase maintenance and supervision;
- Finalize the draft local legislation entitled the City of Pittsfield Lake and Pond Setback Ordinance;
- Work with the Parks Department on grant opportunities to allow for the incorporation of various natural resource area improvements projects;
- Work with regional agencies to explore local lands of significant environmental importance and determine ways to obtain or improve those lands for public good;
- Continue to provide educational outreach to local; educational institutions, agencies, organizations, and general public pertaining to environmental law, function, and value; and,
- Provide a more efficient permitting mechanism for applicants, interested public, and the Commission to submit and review permit applications; and,
- Continue improving on remote meeting usage.