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CITY OF PITTSFIELD

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

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: 942 9793 9871 and press #

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MINUTES CONSERVATION COMMISSION Wetlands Protection Act Public Hearing Remote Meeting Via Zoom Thursday, April 1, 2021 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
Nick Caccamo
Elizabeth Calebaugh
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 #263-1155: Notice of Intent application for the construction of a building addition with related site work on property located at 13 Taconic Park Drive (Map H13, Block 20, Lot 5). Such actions are proposed to occur within the Riverfront Area associated with the West Branch of the Housatonic River. The applicant is Cavallero Plastics.

The applicant has requested a continuance of the item.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the May 13, 2021; it was seconded by Ms. Calebaugh and was approved unanimously by a Roll Call vote.

- B. Continued: Mass DEP File #263-1158: Notice of Intent application for the use of hydro-rakes and aquatic herbicides/algaecides to manage aquatic nuisance vegetation on property located at 669 Churchill Street in Pittsfield (Map D13, Block 2, Lot 2.) Such actions are proposed to occur within Inland Bank and Land under Waterbody. The applicant is Jeffrey Carr.

Dominic Meringolo, Solitude Lake Management came forward to speak on the application. This is a one acre pond, fairly shallow. It is an impoundment of water coming from Parker Brook and Lulu Brook; the outflow goes to Onota Lake. It is filed as an ecological restoration, as directed by the DEP. The pond has become degraded with decaying organic material and nuisance aquatic plants. Hydro-raking is the first step to clear out material and give the pond some depth. They are filing a 401 water quality certification. They can be more flexible if they are not limited to 100cuyd. They've spoken to DEP and the process has started. The second part is the maintenance with aquatic herbicides. They are not planning on using a lot of herbicides, only as needed following the hydro-raking.

Chair Conant would like to see a lot more information on the herbicides, specifically the names, EPA registration numbers, where it will be applied specifically, who will be doing it; he would like to see their licenses.

Mr. Van Der Kar gave his review of the project. He's glad to hear about the water quality application. Understanding the species and the encroachment into the pond, the applicant needs to spell out each of the standards and how they apply. They have time as the water quality will take some time. He recommended continuing to the item; they are not ready for an order yet.

Mr. Meringolo noted that they have listed the information requested in the application. They have not specified a company yet, but whoever will be used will have the appropriate licenses. They are planning on an ongoing monitoring program, so they can't say exactly where the treatment will be. He suggested conditioning it such that a map will be submitted to the agent when application is proposed.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the April 22, 2021 meeting; it was seconded by Ms. Calebaugh and was approved unanimously by a Roll Call vote.

- C. Continued: File #21-01 - Request for Determination of Applicability for outdoor marijuana cultivation and related site work on property at 997 Pecks Road in Pittsfield (Map E17, Block 1 Lot 101). Such activities are proposed to occur within the Riverfront Area associated with the Daniels Brook. The applicant is Northeast Cultivation.

The applicant has requested a continuance.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the April 22, 2021 meeting; it was seconded by Ms. Calebaugh and was approved unanimously by a Roll Call vote.

- D. File #21-05: Request for Determination of Applicability for the removal of a pine tree on property located at 529 Pecks Road (Map F14, Block 2, Lot 14.) Such activities are proposed to occur within buffer zone to Inland Bank (Onota Lake). The applicant is Dudley Kinnas.

Mr. Van Der Kar gave his review of the project. This is a stand-alone tree. The applicant is concerned the tree will fall into his home.

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. Calebaugh and was approved unanimously by a Roll Call vote.

- All parts of the tree are to be removed from the Zone A Flood Boundary and buffer zone following its cutting. Tree stump should be saw cut flush to grade.

- E. File #21-06: Request for Determination of Applicability for the demolition and replacement of a ski lodge, and stormwater management improvements, on property located at 101 and 102 Dan Fox Drive/Bousquet Ski Area (Maps G3/F2, Blocks 1/1, Lots 101/3.) Such activities are proposed to occur within buffer zone to Bordering Vegetated Wetlands and Land Subject to Flooding. The applicant is Blue Chair Properties.

James Scalise, SK Design Group came forward to speak on the application. The plan to demolish the existing lodge and replace it with a similar sized building, 15,000sqft. The building runs right along the maintenance garage. The new building is outside the buffer. The other piece is to do planting along the ponds with a stone diaphragm. The previous owners had some planting requirement that they are including. The lawn area is used in the winter for overflow parking. There will be a 25ft non-disturbance zone with the filter strip, which makes an improvement and satisfies an outstanding order on the property. They have met with the city to discuss several other projects; there is an erosion issue going on currently. They're taking measures to mitigate on site every day.

Mr. Lothrop asked about the water and sewer. The plan is to extend sewer to the tech park and water at Pines at Bousquet. They'll run them down the side of Dan Fox, then tie into the building.

Mr. Lothrop is feeling some segmentation happening here. From his understanding from being on city council, the Pines has a private sewer line down Tamarack Rd. He feels this should all be in one package.

That is why they met with the city. They have 3 projects on three separate lots and are looking to coordinate them all together. They are requesting approval of just the lodge currently.

He was concerned about what would happen if they build the lodge and the sewer wasn't ready yet. Because the building is the same size, they have a septic system which could be used. They will be maintaining it for just that eventuality.

Mr. Van Der Kar gave his review of the project. As Mr. Scalise point out, this is 2 projects. The south is entirely in the buffer zone. The north side is happing in buffer and resource areas. It is certainly an improvement. If the diaphragm gets too full with material, the only remedy would be replacing stones; that might be a condition to include.

Chair Conant feels this needs the oversight of an NOI in the buffer zone. The impacts of the project are critical to the pond and the extensive wetland ecosystem that starts there and goes through Wild Acres and through to the Housatonic River. In many cases when there's a question mark about buffer zone projects, they take the cautious route and ask for an NOI to address concerns and spell out exactly what will happen and how it will happen.

Mr. Scalise requested some middle ground, getting a determination for the demolition only. They can file an NOI in the interim for the erosion issues. That would be a great help for their schedule. Chair Conant is amenable to that.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to issue a Negative 2 & 3 Determination for demolition of the lodge at 101 Dan Fox and the remaining project at 102 Dan Fox Drive with the special conditions noted below and a Positive 4 Determination for work associated with the property at 101 Dan Fox Drive including the reconstruction of the ski lodge; it was seconded by Ms. Calebaugh and was approved unanimously by a Roll Call vote.

- The stone diaphragm is to be inspected annually. Should the trench be occupied with >25 sand/silt/clay sized particles, the stone is to be replaced with clean stone of the same size. Any stone removed from the BMP is to be removed from wetland resource areas and buffer zones.
- F. File #21-07: Request for Determination of Applicability for the removal of a spruce tree on property located at 45 Taylor Street (Map H6, Block 7, Lot 9.) Such activities are proposed to occur within Land Subject to Flooding and Riverfront Area. The applicant is Jorge Aguilar.

Mr. Van Der Kar gave his review of the project. This is similar to the previous project this evening. He sees nothing wrong with the project; 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. Calebaugh and was approved unanimously by a Roll Call vote.

- All parts of the tree are to be removed from the Zone A Flood Boundary and buffer zone following its cutting, with the exception that 1 cubic yard of processed wood chips can remain on the property for mulching flower and garden beds. Tree stump should be saw cut flush to grade.

- G. File #21-08: Request for Determination of Applicability for the installation of ten, six-inch diameter bollards on property located at 107 John Street (Map G10, Block 6, Lot 9.) Such activities are proposed to occur within Land Subject to Flooding and Riverfront Area. The applicant is John's Tractor and Excavation Service.

Mr. Van Der Kar gave his review of the project. This is straightforward. They are seeking to install bollards. The volume is a quarter of a yard, which is insignificant.

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

- H. Continued: Mass DEP File #263-1097: Request for a Complete Certificate of Compliance for property located at 600 Merrill Road (Map L13, Block 2, Lots 1.) The request is being made by Thomas Flynn.

The applicant has requested a continuance to the next meeting.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the April 22, 2021 meeting; it was seconded by Ms. Calebaugh and was approved unanimously by a Roll Call vote.

- I. Continued: Mass DEP File #263-1089: Request for a Complete Certificate of Compliance for property located at 44 Shore Drive (Map E13, Block 8, Lots 11.) The request is being made by Raymond Wallach.

Mr. Van Der Kar gave his review of the project. They need to wait for the growing season to determine if the seed mix has been planted.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the May 13, 2021 meeting; it was seconded by Ms. Calebaugh and was approved unanimously by a Roll Call vote.

- J. Mass DEP File #263-1103: Request for a Complete Certificate of Compliance for property located at 2 & 4 Federico Drive (Map M11, Block 7, Lots 209 & 210.) The request is being made by SK Design Group.

Mr. Van Der Kar gave his review of the project. The project is in compliance; he found nothing wrong.

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

- K. Mass DEP File #263-1094 – Request for Extension to the Order of Conditions issued to the Bousquet Ski Area for property located at 102 Dan Fox Drive (Map, Block, Lot). The request is being made by Michael E. MacDonald.

James Scalise, SK Design Group came forward to speak on the application. They are not ready to make snow at the moment, they just didn't want the order to expire.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to extend the Order of Conditions until April 3, 2024; it was seconded by Ms. Calebaugh and was approved unanimously by a Roll Call vote.

3. Other Business:

A. Minutes from the March 4, 2021 meeting.

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

Submitted by Ted Kozlowski, Clerk