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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

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

Members Not Present:

Stephanie Storie
Elizabeth Bocchino

A quorum was present.

Also Present:

Robert Van Der Kar, Conservation Agent
Ted Kozlowski, Clerk

2. New Business:

- A. 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 in Pittsfield (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.

Jackson Alberti, Foresight Land Services came forward to speak on the application. They submitted a revised plan and detailed wildlife habitat evaluation at the last meeting. They replaced the stabilization fabric with a coconut fiber material that will biodegrade after 4-6 years. They felt this is a vast improvement of the site.

Mr. Van Der Kar gave his review of the project. The evaluation was done well. He is suggesting a condition of setting the cap stone at 1079.0’.

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

- The top of stone rip rap elevation is to be set at 1079.0 based off of a NAVD88 survey datum. Because the approved plan uses an assumed datum, additional survey will be required to establish this elevation. Equipment used in said survey shall be capable of determining vertical measurements to within one-tenth of one foot.
- B. 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.

Matthew Puntin, SK Design Group came forward to speak on the application. He reviewed the maps and plans submitted. They are not near a Natural Heritage polygon and are beyond the floodplain for the work. They are proposing an addition at the back of the property. He noted nearly the entire building is outside of the Riverfront area. There’s a small corner at the southern corner of the property that is within it. The existing gravel area will remain the same. There is a loading dock proposed at the southern end of the parking area which causes a small amount of disturbance in the Riverfront. Another feature is a drainage system going around the rear of the property to an underground infiltration bed. In the northeast corner is a riverfront mitigation area. They have a slight increase in riverfront disturbance on an already developed site that’s beyond the typical maximum allowed. They are trying to restore the area; it is the closest to the river and it’s on our property. The only resource area is Riverfront.

Mr. Lothrop asked about the storm water management plan, specifically the water coming off the driveway. Currently it’s sheet flow, west to east across the property. There are no onsite structures to

capture storm water. There are a couple city catch basins off the apron of the driveway. They propose the same characteristics. A subdrain will be installed on the new building to intercept rainwater and put in an underground basin. They are mimicking what is there now; they are not increasing runoff and following the DEP standards. They are keeping it sheet flow instead of creating a point source discharge. It is a relatively large surface of the rooftop. The subdrain also provides mean of infiltration. It was designed for a 25-year storm. Typically, it's 2-, 10- and 100-years storms. 25 is a more realistic number, about 5 inches or rainwater. Mr. Lothrop would like to see this documented. He'd also like to see something that is more in keeping with addressing the gravel area and roadway itself so they can slow that water down. It's quite a difference in elevation.

Mr. Sakshaug asked about the regrading on the larger section, which he would consider work in the Riparian Zones. Why aren't we mitigating for that, and if so, what could be done to mitigate. In an existing gravel parking area, Mr. Puntin does not feel this qualifies as alteration. Beyond the area, that is an alteration. If a lawn area stays a lawn area, he does not believe that constitutes as an alteration. He's willing to discuss a larger mitigation area. They had a discussion on the grading and drainage. Mr. Puntin feels there is less runoff overall, given the drainage system on the building.

Chair Conant would like to see more detail on the stormwater management system; it's unclear how the water from the discharge enters the infiltration chambers and he would like the mean annual high water mark on the river calculated.

Mr. Van Der Kar gave his review of the project. He wasn't sure about the outlet invert elevation on the subdrain. The outlet comes in at 1044, roughly. The intent is it goes into a bed of underground chambers. He agrees with Mr. Sakshaug regarding mitigation, it is definitely an alteration. The trick is to sort out the degraded and non-degraded areas. Existing lawn areas are non-degraded.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the March 4, 2021 meeting; it was seconded by Mr. Forster and was approved unanimously by a Roll Call vote.

- C. Notice of Intent application for the construction of a house addition, a deck, and approval of an existing dock on property at 565 Pecks Road in Pittsfield (Map E14-2-108.) Such actions are proposed to occur within Inland Bank and its associated buffer zone. The applicant is Marc Rudoltz.

Brent White, White Engineering came forward to speak on the application. The primary resource area would be the buffer zone from Onota. The addition is 440sqft and they are also proposing a deck. Both will be put on techno-posts. The deck is exempt, but they added it onto the scope of work. They are proposing a gutter system to a stone infiltration trench, holding approximately 5" of rainfall, more than sufficient capacity. They propose a 225sqft planting area with trees and shrubs. They are also memorizing the existing dock with 65sqft of shade over land under waterbody and bank. Overall, they have 23ft of bank alteration, under 10% of the total bank, which could be approved without a wildlife evaluation.

Mr. Sakshaug noted that he's glad to see a buffer zone project with a mitigation area.

Mr. Van Der Kar gave his review of the project. Essentially, it's a buffer zone project. You're looking for impacts on the floodplain or the inland bank. He agreed that it was nice to see the mitigation offer.

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

- D. Mass DEP File #263-1035: Request for an opinion as to the need for another amendment for a proposed change to the site plan for a drive-through on property located at 999 Dalton Ave (Map M14, Block 3, Lot 110.) Such actions are proposed to occur Riverfront Area of the East Branch of the Housatonic River. The applicant is Freight House Realty, LLC.

Matthew Puntin, SK Design Group came forward to speak on the application. He reviewed the history of the project. The current proposal is for a 2nd drive-thru lane. They are increasing impervious area in the riverfront. The last amendment reduced impervious; they are now increasing it slightly, about 1100sqft. They are increasing the storm water management capabilities.

Mr. Van Der Kar gave his review of the request. In his opinion, this Order needs an amendment. This project is just too big for a standard plan deviation.

Mr. Caccamo noted that this is the fourth time he's seen this project, including city council. With the extension of the impervious area, he suggested reducing the number of parking spaces to offset. That might be a good trade off.

Mr. Lothrop asked about the storm water management plan. They are proposing to take some impervious area and turn it green. To offset the additional 1,100sqft of impervious, they propose additional underground structures, similar to an infiltration chambers. It's based on 2-, 10- and 100-year storm per standards, and they included 25-year.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to require the applicant to request an amendment to the Order of Conditions; it was seconded by Mr. Forster and was approved unanimously by a Roll Call vote.

- E. 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.

Marc Volk, Foresight Land Services came forward to speak on the application. They are proposing this project is exempt as an agricultural activity. The project is 100ft away from the mean high water of Daniels Brook. All activities are proposed as agricultural, products being grown for human consumption. They've discussed this with DEP and they have no prohibition of agricultural activity in the WPA.

Mr. Van Der Kar gave his review of the project. There can be a lot to this. The question is, is the area and work subject to review under WPA? For agricultural projects, Riverfront are 100ft from mean high water, not 200ft. The most concerning issue is the mapping of the floodplain. We do not know where that is. They would prefer to see elevations.

Mr. Volk noted that the Pittsfield FEMA does not have elevation details, but Lanesborough does. He reviewed data from Lanesborough on Daniels Brook. He felt they were clearly out of the 100-year floodplain.

Mr. Van Der Kar asked Mr. Volk what the base flood elevation at the corporate boundary? It is 1140'. The floodplain diminishes significantly as you go down the stream bed. Mr. Van Der Kar would like to see them follow the TR55 methodology in the 1057 rules would be helpful. That will give a better depiction of the floodplain.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the March 4, 2021 meeting; it was seconded by Mr. Forster and was approved unanimously by a Roll Call vote.

- F. File #21-02 - Request for Determination of Applicability for a jurisdictional determination in an area where work would involve maintaining a stormwater management basin on property located off Walden Lane in Pittsfield (Map H15, Block 3 Lot 1). The applicant is Walden Village Club, Inc.

Mr. Van Der Kar gave his review of the project. This property is pretty straightforward. Maintenance projects like this are exempt. It's within a Buffer Zone, but the retention basin is exempt. The project can move forward, provided the Commission is comfortable it will not adversely impact the wetlands.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to issue a Negative 2 & 5 Determination with the special conditions noted below; it was seconded by Mr. Forster and was approved unanimously by a Roll Call vote.

- excavation elevations cannot exceed (or go deeper than) the outlet invert elevation of retention basin #1.
- Soils are not to be stockpiled. Spoils are to be immediately placed in a dump truck and hauled off site to a proper disposal facility.

- G. File #21-03 - Request for Determination of Applicability for construction of a sidewalk and related site work on Dalton Avenue in Pittsfield (approximately 650 west of the Dalton corporate boundary). Such activities are proposed to occur within the Riverfront Area of the East Branch of the Housatonic River. The applicant is the MA Department of Transportation

Amer Raza, MADOT came forward to speak on the application. They propose 350ft section of sidewalk along Dalton Ave, between both entrances of the Colonial Gardens Apartments. They will excavating the existing ground and curbing. The site will be loamed and seeded.

Mr. Van Der Kar gave his review of the project. He wishes there were exemptions for these types of minor projects, but there aren't. An NOI is required. There's also a catch basin really close to the site. They are creating a new impervious surface in the Riverfront area.

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

- H. Mass DEP File #263-1084: Request for a Complete Certificate of Compliance for property located at 150 Blythewood Drive (Map D11, Block 2, Lots 6&7.) The request is being made by George Haddad.

I.

Jackson Alberti, Foresight Land Services came forward to speak on the application. The work included improvements to the shoreline and removal of sediment and associated work. The property was reviewed and feel is completed to the Commission's satisfaction.

Mr. Van Der Kar gave his review of the project. The project came out well, with creative engineering. It's an exemplary project the Commission can point to down the road.

Mr. Sakshaug was glad to see applicants coming in for the COCs.

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

- J. Mass DEP File #263-1106: Request for a Complete Certificate of Compliance for property on Onota Street & Pecks Road (Map G13, Block 1, Lot 202.) The request is being made by C-TEC Solar, LLC.

No one came forward to speak on the application.

Mr. Van Der Kar gave his review of the project. It looks like the project came out well. He was not sure about the seed mix. It was a very specific mix and the representative sent in their contract with the seed company. He's fine with that.

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

- K. Mass DEP File #263-1092: Request for Extension of the Order of Conditions until March 7, 2022 for property at 710 Churchill Street (Map E13, Block 1, Lot 2.) The request is being made by Winadu Real Estate Co, LLC.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to issue an extension to March 7, 2022; it was seconded by Mr. Forster and was approved unanimously by a Roll Call vote.

3. Other Business:

- A. Mass DEP File #263-1145: Per Program Policy DWW 91-1, a discussion regarding any objections the commission may have in the Massachusetts Department of Environmental Protection's consideration of substantial plan changes during its review of an appeal for a Superseding Order of Conditions.

Mr. Van Der Kar noted this is a tricky policy. When DEP is reviewing plans for a Superseding Order and the applicant makes a plan change, DEP has to evaluate to see if the change is significant. If they feel it's significant, they either remand it back to us or get our permission to allow the plan changes. Is the Commission OK with the DEP allowing for substantial plan changes to the Dalo project on Williams St? That's all that's being asked.

Mr. Lothrop struggled with this one. He couldn't determine the difference between the two plans. This was permitted in the fall; that plan set went away. Looking at a map with an October date, he can't make the determination because he doesn't know what was permitted, or even what is proposed. He's at a loss on this one. It may be a better plan but he can't tell that.

Chair Conant felt they should hear it again, but can be persuaded otherwise.

Mr. Sakshaug noted the question is, do they want to see this again, or do they want let DEP handle it?

Seeing no further debate or discussion, Mr. Sakshaug made a motion to object to the DEP considering substantial changes to the plan without remanding the issue back to the Commission; it was seconded by Mr. Forster and was approved unanimously by a Roll Call vote.

B. Minutes from the January 7, 2020 meeting.

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

4. Adjournment:

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

Submitted by Ted Kozlowski, Clerk

