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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 January 7, 2021 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: 953 4386 0857 and press #

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MINUTES CONSERVATION COMMISSION Wetlands Protection Act Public Hearing Remote Meeting Via Zoom Thursday, January 7, 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
Elizabeth Bocchino
Nick Caccamo

Members Not Present:

Stephanie Storie

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 (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.

Chair Conant noted the applicant submitted updated material after the deadline, so this item will be continued to the next meeting in order for the commissioners to review the information.

Jackson Alberti, Foresight Land Services came forward to speak on the application. The new information details the wildlife evaluation form and an updated site plan replacing the erosion control mat. They feel this significantly improves the habitat with plantings and the stabilization of the bank.

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

- B. Continued: Mass DEP File #263-1153: Notice of Intent application for the demolition of all structures on the residential property located at 619 Fenn Street (Map I9, Block 9, Lot 19). Such actions are proposed to occur within Bordering Land Subject to Flooding and buffer zone to Bordering Vegetated Wetlands. The applicant is Lige Realty, LLC.

Darrin Harris, Hill Engineers came forward to speak on the application. He reviewed the project to date. The property borders Silver Lake. There are 3 buildings that are falling down, existing concrete sidewalk, concrete driveway, a gravel area and an overgrown lawn. There is upland brush that turns into wetland brush in the back. There was a question as to the borders of the wetlands. They met the agent on site and reviewed the old GE wetlands plan. The bank in the back is where GE mitigated Silver Lake a few years back. The wetland limit was verified in the field and added to the plan.

There was another question about storm water impacts. They submitted a storm water package which looked at the runoff, both quantity and quality. This back lawn area, about 40x50' area, will be changed into gravel also. They propose adding a filter strip and a rain garden in the back to mitigate runoff. There will be about 500sqft of new plantings, rain garden, and filter strip. This is beyond the area they proposed no work in. They are leaving the whole big area untouched, and then adding plantings and the filter strip. They feel this mitigates any runoff.

There was a question about storm water issues during construction. They had a meeting onsite with the contractor and their environmental consultants. The plan is to pick away at the buildings, load the

debris into dumpsters and remove it off site. Should there be any debris left, they will be required to cover it with tarps. This is mostly due to other regulations related to the age of the building.

A habitat evaluation was submitted to the agent with more information about the site for the Appendix A. They believe they've provided everything required.

Mr. Van Der Kar gave his review of the application. Regarding the habitat evaluation, the applicant was able to show that the impacts they are proposing are less than 20%, which removes the need for an Appendix B, which they were initially seeking.

He relayed his concerns to the applicant's representative regarding storm water management. More information and supporting documentation is needed to show how they are complying with the performance standards. He proposed a condition to work through those issued after the OOC is issued. He feels this could work, but there is information that is needed.

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.

- C. Mass DEP File #263-1154: Notice of Intent application for the construction of a new dock, associated stairs, and paver patio on property located at 121 Thomas Island Road (Map F13, Block 13, Lot 1). Such actions are proposed to occur within Inland Bank and Land Under Waterbody (Onota Lake). The applicant is Michael Mazzeo.

Brent White, White Engineering came forward to speak on the application. He reviewed the site plan. They propose a seasonal dock. When they purchased the property, the applicants understood there was no valid Chapter 91 license. They filed the NOI in November. MADEP notified them there was a paver patio on the property, constructed between 2011 and 2016 which had not been permitted. The NOI included the dock, patio, as well as a planting list for the entire waterfront of the property, aside from the dock and the stairs between the patio and the lake. After a discussion with the agent, they have no issues with conditions regarding live stakes.

Mr. Van Der Kar gave his review of the application. There's a lot going on in the water, with the dock, the boat lift and a swimming raft; the Commission should be mindful of the Land Under Water Body impacts. Primarily, this is a Buffer Zone project. He appreciated the applicant addressing that tonight. They mitigated the impacts well. When all is said and done, it complies with all the performance standards.

Mr. Lothrop asked Mr. Van Der Kar about the pavers. If the applicant didn't install them, how is this issue cured, administratively? Often these things get remedies with an Enforcement Order, which requires an after the fact permit. The work is associated with the property and that's where the enforceability is, the owner of the property at the time. This impact was noticed as a result of the project coming to us, rather than us actively finding it. Both he and the DEP recognized it and asked the applicant to address it in the project. The patio, originally, would have been permitted. Any issues could have been worked out.

Mr. Sakshaug asked about the boat lift, not being a boat person. They are becoming more prominent; they lift the boat out of the water. He feels they actually provides a greater level of protection for the lake. The Commission may recall the lowering of Stockbridge Bowl a few years ago; they found a number of boats sitting on the bottom which might not have made it there had they been lifted out of

the water. The lift meets the setback requirements. The lift will sit on posts. The license will specify the storage of the lift out of season.

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. Mass DEP File #263-1012 – Request for a three-year extension for the application of aquatic herbicides at Onota Lake. The request is being made by the City of Pittsfield’s Park, Open Space, and Natural Resource Program Manager, who will also present information on a new systemic herbicide product.

James McGrath, City of Pittsfield came forward to speak on the application. The current permit allows for contact herbicides, with varying degrees of success. It also allows for a systemic herbicide. He is requesting the Commission allow a new contact herbicide, Procellacor. It has been well received across the state and is being recommended by the city’s lake consultant. It actually recently received an award from the EPA, under their Green Chemistry category. Given that this product has a 3-5 year efficacy, he is requesting a three-year extension, with the permission to use Procellacor.

Mr. Van Der Kar gave his review of the application. This was originally issued in 2014. The request has been made in a timely manner. The Commission can issue a three-year extension.

Mr. Sakshaug asked if a new condition is needed for the new herbicide. It can work under the original Order, which generically states “contact” and “systemic” herbicides. The new herbicide fits within the existing order.

Mike Riordon, President of LOPA came forward to speak on the application. Eurasian Milfoil is out of control in Onota Lake. If left untreated, it will seriously impair the environment and the enjoyment of the lake. LOPA endorses the use of the Procellacor, which is very effective in targeting Milfoil with no significant impact on native species. There is a native Milfoil, which is endangered, which is rooted in one particular part of the lake. He’s sure the city will take every precaution to protect that species.

Chair Conant recommended extending the permit for three years.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to issue an extension to expire April 28, 2024; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

- E. EP 20-05: Ratification of Emergency Permit for a failed stream crossing located on Cascade Street at the Parker Brook crossing.

Mr. Van Der Kar gave his review of the application. This was the result of a severely failed culvert. He worked with the city engineer to come up with an appropriate culvert to work over this stream. The work is done; it needs some touching up but the water is flowing and not causing downstream concerns like before. They had the road closed; it was a pretty bad scene there for a while. The emergency’s been abated and they have a much better structure now, both structurally and environmentally.

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

F. Enforcement Order #20-04: Ratification of Enforcement Order for activities occurring at 740 Crane Avenue (Map K13, Block 1, Lot 27).

Mr. Van Der Kar gave his review of the application. The activity happened last spring. He has been working with the violator's consultant over the summer to determine the amount of fill that was placed in the floodplain. The site is the new John's Building Supply on Crane Ave. A plan was submitted which showed the volume of fill. As soon as it was submitted, they began removing fill. The site is free of illegal fill in the floodplain. They are now working on stabilization, which will happen in the spring with plantings.

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 by a Roll Call vote.

3. Other Business:

A. Minutes from the December 3, 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.

4. Adjournment:

Mr. Sakshaug made a motion to adjourn at 6:45pm; it was seconded by Ms. Bocchino and was approved unanimously by a Roll Call vote.

Submitted by Ted Kozlowski, Clerk

