



RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA

2021 APR 15 PM 12: 29

## 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](mailto: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: 949 3765 7141 and press #

Press # again

### MINUTES CONSERVATION COMMISSION Wetlands Protection Act Public Hearing Remote Meeting Via Zoom Thursday, March 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

Elizabeth Calebaugh

##### 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 #263-1155: 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.

Chair Conant noted that 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 1, 2021 meeting; it was seconded by Ms. Calebaugh and was approved unanimously by a Roll Call vote.

- B. Mass DEP File #263-1157: Notice of Intent application for the construction of a dock on property located at 567 Pecks Road in Pittsfield (Map E14, Block 2, Lot 109.) Such actions are proposed to occur within Inland Bank and Land under Waterbody. The applicant is Michael and Jason Rennie.

**Brent White, White Engineering** came forward to speak on the application. The proposed dock will be 3ft wide and 30ft long, centered on the property. There is 53ft of waterfront, so the 3ft of dock will allow us to comply with the setback to the abutters immediately to the north and south. The only comments were regarding a MESA review and the need for a Chapter 91 license. The issuance of an OOC will allow them to move forward with the Chapter 91 license, and they received a negative MESA review.

Mr. Van Der Kar gave his review of the application. The project is well below the performance standard review threshold for impacts. The Commission can issue an Order of Conditions.

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

- C. 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.

Chair Conant noted that DEP comments just arrived today. Given the amount of missing information from the application, he is recommending a continuance of the item.

Mr. Van Der Kar gave his review of the application. He agreed with Chair Conant and shares some of the concerns DEP has. The current conditions make it impossible to evaluate this property; they will need to wait for the growing season to properly review the project.

Chair Conant recommended Mr. Carr get in touch with Mr. Van Der Kar to discuss the application's shortcomings.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the April 1, 2021 meeting; it was seconded by Ms. Calebaugh and was approved unanimously by a Roll Call vote.

- D. Mass DEP File #263-1035: Request for an amendment to the Order of Conditions to include a widened drive-through to accommodate an additional menu board on property located off Dalton Avenue (Map M14, Block 3, Lot 110) The applicant is Freight House Realty, LLC.

**Matt Puntin, SK Design Group** came forward to speak on the application. This is a follow-up to the previous meeting. They've provided calculations on how they meet the standards. He feels this is relatively straightforward amendment.

Mr. Van Der Kar gave his review of the application. The project involves adding about 1200ft of impervious surface to make way for the new menu board. Stormwater was adjusted to accommodate that. The Commission would accept the new plans, and that's how you would amend the Order.

Mr. Lothrop asked Mr. Puntin to point out the stormwater changes. He wants to make sure they're not dumping a lot of water onto Dalton Ave during a high rain event. They're doing a series of catch basins, drain manholes, a storm septic for treatment. The main component to slow down the water is a series of underground chambers; they added a couple extra chambers to be safe. Eventually, it does discharge to the state drainage system. They are currently in a review process with the state as well. The connection is an existing manhole, which they will connect to.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to amend the Order of Conditions to reflect the plan set dated February 5, 2021; it was seconded by Ms. Calebaugh and was approved unanimously by a Roll Call vote.

- E. 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.

Chair Conant recommended a 3<sup>rd</sup> party independent review to confirm the equations and markings submitted on the plan by an independent engineer.

**Marc Volk, Foresight Land Services** came forward to speak on the application. Floodplain information was submitted, which confirmed the FEMA mapping. The elevation is shown as a dashed line. The plan was reviewed. They hope to have the review before the April 1 meeting. He confirmed the review would be for just the floodplain and not the overall project.

Mr. Van Der Kar gave his review of the application. He will reach out to consultants for the peer review of the Hydraulic and Hydrology analysis. The total fee of the review should be no more than \$1,000, to be paid by the applicant.

Mr. Lothrop confirmed that the scope of the review will be to confirm the information as submitted as being accurate? Or would they weigh in on the adequacy of the numbers in meeting the standards? Mr. Van Der Kar felt it would be both.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to require a peer review by a 3<sup>rd</sup> party professional engineer consultant of the applicant's hydraulic and hydrologic analysis and floodplain delineation. The fee is to be paid by the applicant and shall not exceed \$1,000; it was seconded by Ms. Calebaugh and was approved unanimously by a Roll Call vote.

- F. File #21-04: Request for Determination of Applicability for the construction of exterior stairs and the installation of a fence section on property located at 19-21 Dawes Avenue (Map I7, Block 21, Lot 1.) Such activities are proposed to occur Land Subject to Flooding and Riverfront Area. The applicant is Ledgewood Team, LLC.

Mr. Van Der Kar gave his review of the application. This is an after the fact permit for an exterior staircase replacement. There's a reasonable argument that it's exempt from the Rivers Protection Act. The fence is also a replacement of previous fencing. The project is less than 1 cuyd. The Commission can issue a Negative determination.

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.

- G. 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.

Mr. Van Der Kar gave his review of the application. He spoke with Mr. Puntin and he recognize a couple shortcomings in his application. He's 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 1, 2021 meeting; it was seconded by Ms. Calebaugh and was approved unanimously by a Roll Call vote.

- H. 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 application. This was the reconstruction of a shoreline wall. It might have been built one tier too high, which cuts it off the floodplain from the rest of the property. There was an area of vegetation to be maintained once a year; it appears the area is being maintained more regularly than that. It would be best to wait for the growing season to see how that looks.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the April 1, 2021 meeting; it was seconded by Ms. Calebaugh and was approved unanimously by a Roll Call vote.

- I. EP 21-01: Ratification of Emergency Permit for a fuel spill located at 1330 East Street.

Mr. Sakshaug made a motion to ratify the permit; it was seconded by Ms. Calebaugh and was approved unanimously by a Roll Call vote.

- J. EP 21-02: Ratification of Emergency Permit for a ruptured water main located at 41-43 Thomas Island Road.

Mr. Sakshaug made a motion to ratify the permit; it was seconded by Ms. Calebaugh and was approved unanimously by a Roll Call vote.

### **3. Other Business:**

- A. Minutes from the February 4, 2021 meeting.

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

### **4. Adjournment:**

Mr. Sakshaug made a motion to adjourn at 6:40pm; it was seconded by Ms. Calebaugh and was approved unanimously by a Roll Call vote.

Submitted by Ted Kozlowski, Clerk

