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2021 JUN -4 AM 8:01



## 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: 845 6152 0358 and press #

Press # again

### MINUTES CONSERVATION COMMISSION Wetlands Protection Act Public Hearing Remote Meeting Via Zoom Thursday, May 13, 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 Calebaugh  
Stephanie Storie

##### Members Not Present:

Nick Caccamo

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 to the June 24, 2021 meeting.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the June 24, 2021 meeting; 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/algacides 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.

The applicant has requested a continuance to the June 3, 2021 meeting.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the June 3, 2021 meeting; it was seconded by Ms. Calebaugh and was approved unanimously by a Roll Call vote.

- C. Continued: Mass DEP File #263-1159: Notice of Intent application for the replacement of an existing garage and patio with a new garage and deck on property located at 152 Blythewood Drive in Pittsfield (Map D11, Block 2, Lot 8.) Such actions are proposed to occur within buffer zone associated with Inland Bank and Bordering Vegetated Wetlands. The applicant is Mike Dargi.

Mr. Van Der Kar gave his review of the application. He had a chance to walk the site with the applicant. They looked at the boundaries. The missing flags were added. There was a slight modification, but it would not have affected the work. Replacing Hemlocks for Hemlocks is not a good idea; Eastern Red Cedar would be a better choice and another plant to give a 2:1 ratio. A couple dead Ash trees need to be removed, which was included in the application.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to issue Order of Conditions 1-32; it was seconded by Ms. Calebaugh and was approved unanimously by a Roll Call vote.

- D. Mass DEP File #263-1161: Notice of Intent application for the construction of an addition and a seasonal dock on property located at 142 Blythewood Drive in Pittsfield (Map D11, Block 2, Lot 3.) Such actions are proposed to occur within Inland Bank and its associated buffer zone, and Land Under Waterbody (Onota Lake). The applicant is Bernard & Joyce Gelbard.

**Brent White, White Engineering** came forward to speak on the application. The proposed addition is outside of the 50ft setback and no closer to the existing structure. They are managing roof run off with a rain garden and a drip infiltration strip. There is no Chapter 91 license for the existing dock, so they are seeking to permit that with this application.

Mr. Van Der Kar gave his review of the application. This is a buffer zone project. The dock has been there for many years, and they are permitting that now. It all complies and the commission can issue an Order of Conditions.

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

- E. Mass DEP File #263-1162: Notice of Intent application for the construction of a single-family house and associated appurtenances on property located at Blythewood Drive in Pittsfield (Map D11, Block 1, Lot 112.) Such actions are proposed to occur within buffer zone associated with Bordering Vegetated Wetlands. The applicant is Todd Driscoll.

**Jim Scalise, SK Design Group** came forward to speak on the application. They propose a single family home on the upland side of Blythewood Dr. Resource areas were determined a few years ago, and have been included in the plan. They plan to mark a 50ft non-disturbance area and create a lawn. They are staying out of the buffer zone entirely and staying 50ft away from the bank resource.

Mr. Van Der Kar gave his review of the application. He has a few concerns on this project. He meant to reach out today, but ran out of time. Back 2014 there was an ANRAD, which has since expired, but they tend to stay the same. He noted an old road on the property which needs to be resolved before they continue. Mr. Scalise would be happy to submit an Existing Conditions plan for the next meeting.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the June 3, 2021 meeting; it was seconded by Ms. Calebaugh and was approved unanimously by a Roll Call vote.

- F. File #21-13: Request for Determination of Applicability for the installation of a stockade fence on property located at 16 Spencer Street (Map J9, Block 10, Lot 7.) Such activities are proposed to occur within Bordering Land Subject to Flooding. The applicant is Kristin Gomez.

Mr. Van Der Kar gave his review of the application. This is a small section of fence to be installed. It's about a half a cubic yard. 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. File #21-12: Request for Determination of Applicability for the installation of a seasonal dock on property located at 44 Shore Drive (Map E13, Block 8, Lot 11.) Such activities are

proposed to occur within Inland Bank and Land Under Waterbody (Onota Lake). The applicant is Raymond Wallach.

Mr. Van Der Kar gave his review of the application. The applicant is seeking the determination to accompany the Chapter 91 application.

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. File #21-14: Request for Determination of Applicability for the installation of a water line to service existing irrigation systems on property located at 84 Meadow Lane/Deming Park (Map J8, Block 14, Lot 24.) Such activities are proposed to occur within Bordering Land Subject to Flooding. The applicant is the City of Pittsfield.

Mr. Van Der Kar gave his review of the application. This is a conventional installation of water lines. There's no fill and the work is not in the 10-year flood zone.

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.

- I. File #21-15: Request for Determination of Applicability for the installation of a pump house and associated water and wastewater utility improvements along Dan Fox Drive. Such activities are proposed to occur within Bordering Land Subject to Flooding and buffer zone associated with Bordering Vegetated Wetlands. The applicant is the City of Pittsfield.

Mr. Van Der Kar gave his review of the application. 95% of this project is exempt. He asked Mr. Kennan about the wastewater line and how they intend to get the lines under the culvert.

**Nick Keenan, Kleinfelder** was not prepared to respond at his point, but would be happy to check the inverts and get back to the commission. There should be plenty of cover.

Mr. Sakshaug confirmed there was a culvert that takes the stream under Dan Fox Dr.; Mr. Van Der Kar could not confirm as he's not been out there.

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.

- J. File #21-16: Request for Determination of Applicability for the relocation of existing canoe racks on property located at 1450 North Street (Map H16, Block 99, Lot 0.) Such activities are proposed to occur within buffer associated with Bordering Vegetated Wetlands. The applicant is the Pines Condominium Association.

Mr. Van Der Kar gave his review of the application. Last year there was an enforcement for some fill on this property; the fill was to support the canoe racks. A restoration plan was approved and has not been started. That plan included approval of one set of racks; the applicant is asking for four racks. There should be some attempt made to restore the wetlands before this application is approved.

Mr. Lothrop agreed; they lose their leverage if they approve this now.

**Brett Kamienski, SK Design Group** noted the plan was to piggyback the work. They'll have a contractor on site and hoped to do all the work at once, rather than having them come back.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the June 3, 2021 meeting; it was seconded by Ms. Calebaugh and was approved unanimously by a Roll Call vote.

- K. 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 application. The commission will need to continue this to the next meeting.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the June 3, 2021 meeting; it was seconded by Ms. Calebaugh and was approved unanimously by a Roll Call vote.

- L. Mass DEP File #263-1101: Request for a Complete Certificate of Compliance for property located on Central Berkshire Boulevard (Map B1, Block 1, Lot 101.) The request is being made by Christian Hanson.

Mr. Van Der Kar gave his review of the application. Things seem to be in place; the commission can issue a complete certificate.

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.

- M. Mass DEP File #263-1090: Request for an extension to the Order of Resource Area Delineation for property located on Hubbard Avenue (Map M13, Block 1, Lot 4-8 & 20.) The request is being made by JW Kelly Enterprises, Inc.

Mr. Van Der Kar gave his review of the application. He hasn't inspected it since the previous site visit. Things might have changed, but the commission can issue an extension. It can be extended out to 2024.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to issue an extension of the ORAD to until June 12, 2024; it was seconded by Ms. Calebaugh and was approved unanimously by a Roll Call vote.

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

- A. Minutes from the April 22, 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 6:40pm; it was seconded by Ms. Calebaugh and was approved unanimously by a Roll Call vote.

Submitted by Ted Kozlowski, Clerk