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CITY OF PITTSFIELD

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

MINUTES CONSERVATION COMMISSION Wetlands Protection Act Public Hearing Pittsfield City Hall, City Council Chambers Thursday, September 16, 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
Elizabeth Calebaugh
Jonathan Lothrop
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 #263-1169: Notice of Intent application for the improvements to an existing stormwater drainage system on property located at 467 Pecks Road (Map M13, Block 12, Lot 26.) Such actions are proposed to occur within the Inland Bank and Land Subject to Flooding associated with Onota Lake. The applicant is the City of Pittsfield, Department of Public Works.

Tim Croce, City of Pittsfield DPW came forward to speak on the application. He had no additional information to present.

Mr. Van Der Kar gave his review of the application. They were waiting on Natural Heritage comments. They recently submitted no comments.

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.

- B. Mass DEP File #263-1170: Notice of Intent application for site grading, the installation of a seasonal dock, and, field stone patio on property located at 198 Blythewood Drive (Map D12, Block 4, Lot 2.) Such actions are proposed to occur within the Bordering Land Subject to Flooding associated with Onota Lake. The applicant is Lynn Campana.

Brent White, White Engineering came forward to speak on the application. They submitted a wildlife habitat evaluation. There is currently an opening to the waterfront. They hope to flatten the berm, create a natural buffer strip with native plantings. They also propose a new dock. They have not received Natural Heritage comments yet.

Mr. Van Der Kar gave his review of the application. He noted the wetland boundary matters on this site. They plan on taking some of the berm and filling in some smaller depressions. It's important to understand the exact impact. He was confused on the soil profiles. He asks they look at the profile a little closer. They just need more information on the soil hydrology. Mr. White noted the analysis was done last summer, a particularly dry season. They are happy to retest the soil.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the October 7, 2021 meeting; it was seconded by Ms. Calebaugh and was approved unanimously.

- C. Mass DEP File 263-1005: Request for an amended Order of Conditions for the modifications of a previously approved building footprint. The property is located at 184 Blythewood Drive (Map D12, Block 3, Lot 201.) Such actions are proposed to occur within the buffer zone associated with Bordering Vegetated Wetlands. The applicant is Arshad Quadri.

Brent White, White Engineering came forward to speak on the application. This property has been before the commission a number of times over the years. They amended the orders about a year ago for a single family home. After that, they sold the property to Dr. Quadri. They have been refining the plans. There is very little difference. The footprint is increased about 45sqft, which is why they are here for an amendment. They are not proposing to change the limit of work. They previously staked the limit of work; that will not change with this amendment.

Mr. Lothrop noted a typo in the application. Mr. White will submit a corrected application.

Mr. Van Der Kar gave his review of the application. This project has been with us since 2013, but they appear close. His biggest concern is the wetland boundary might have gotten larger since 2013. That happens when you clear woody vegetation. It's not substantial, but it is an increase.

Mr. Lothrop confirmed the status of the erosion controls. They do need to be repaired.

Mr. Sakshaug would like to see the delineations updated.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the October 7, 2021 meeting; it was seconded by Ms. Calebaugh and was approved unanimously.

- D. Continued: File #21-22: Request for Determination of Applicability for site grading work on property located at 160 Newell Street (Map J9, Block 4, Lot 7.) Such actions are proposed to occur within Bordering Land Subject to Flooding. The applicant is Joshua Healy.

Ann Rossi, Berkshire Engineering came forward to speak on the application. She got some feedback from Mr. Van Der Kar. They broke it down to one-foot increments. They are confident with the increments. They lack banked compensatory storage in two lower elevations. The original submission didn't include those elevations. The interest of the Act is met; not much storage will be lost.

Mr. Lothrop asked Mr. Van Der Kar if it were possible to remove some soil and bring in something more permeable, possibly gravel. Ms. Rossi noted the material they currently have is pretty permeable.

Mr. Sakshaug's concern is the lower elevation fill. He's not clear on what's going on. The lower it is, the more important it is. Usually, they let less than a yard go; this is about 6 yards.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the October 7, 2021 meeting; it was seconded by Ms. Calebaugh and was approved unanimously.

- E. File #21-30: Request for Determination of Applicability for the restoration of a fieldstone retaining wall located on the shoreline of Onota Lake on property near 854 West Street (Map E9, Block 1, Lot 10). Such work is proposed to occur within Inland Bank. The applicant is the Onota Heights Trust No. 2.

Mr. Van Der Kar gave his review of the application. This is pretty straightforward. There is a beach that leads to a retaining wall. The wall is leaning. They propose to excavate the wall and reposition it. Most of the work will be in the buffer.

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.

- All work is to occur landward of the mean annual high water line (elevation 1079.0' NAVD88), and must be performed in the dry.
- As-built site grades are to match the existing condition. Any excess soils removed during wall excavation are to be removed from the buffer zone and resource areas.

- F. File #21-31: Request for Determination of Applicability for the installation of a prefabricated shed on property located at 40 Fairfield Street (Map H6, Block 6, Lot 9). The proposed activities are located within the Riverfront Area of the West Branch of the Housatonic River. The applicant is Joseph and Deidre Torra.

Joseph Torra came forward to speak on the application. They propose the demolition of the garage and prep the ground for a shed. The demolition is permitted. They hope to do all the work at once, so they don't have to pay the contractor twice.

Mr. Van Der Kar gave his review of the application. This involves replacing a garage with a shed. The garage is larger than the shed and the garage is on the verge of falling into the river. Overall, this project is an improvement to the riverfront.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to issue a Negative 2 & 3 Determination; it was seconded by Ms. Calebaugh and was approved unanimously.

- Work is to be performed 15' from the top slope associated with the West Branch of the Housatonic River.
- Soil disturbance is limited to the footprint of the shed and at a depth of no greater than 18".
- Areas of the former garage that are not being occupied by the footprint of the shed are to be left as unmaintained vegetated areas.

G. Continued: Mass DEP File #263-1124: Request for a Complete Certificate of Compliance for work performed within the Eversource F132 electrical utility corridor. The request is being made by Eversource Energy.

No one came forward to speak on the application.

Mr. Van Der Kar gave his review of the application. The applicant is still working on the removal of debris. They hope to finish it in the next day or so.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the October 7, 2021 meeting; it was seconded by Ms. Calebaugh and was approved unanimously.

H. Continued: Mass DEP File #263-1045: Request for a Complete Certificate of Compliance for work done on property located on Churchill Street (Map D12, Block 2, Lot 201, 202.) The request is being made by Aegis Renewable Energy.

No one came forward to speak on the application.

Mr. Van Der Kar gave his review of the application. The applicant has requested a continuance.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to continue the item to the October 7, 2021 meeting; it was seconded by Ms. Calebaugh and was approved unanimously.

I. Mass DEP File #263-1097: Request for a Complete Certificate of Compliance for work done on property located at 600 Merrill Road (Map L13-2-1.) The request is being made by Audi Pittsfield.

Haley Puntin, SK Design came forward to speak on the application. She had nothing to add.

Mr. Van Der Kar gave his review of the application. They were waiting on caps for the discharge pipes. They were installed in January, are accessible and can be accessed at any time.

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.

- J. Mass DEP File #263-1109: Request for an Extension of the Order of Conditions for work done at 52 Gordon Street (Map I8, Block 99, Lot 62.) The request is being made by Central Berkshire Habitat for Humanity.

Brent White, White Engineering came forward to speak on the application. They've seen great progress and are waiting on buffer plantings. The biggest holdup is the mitigation offsite on West Housatonic St. They had a contractor lined up, but were unable to do the work immediately; then Covid happened. They are expecting dumpsters next week to start loading the debris and will be able to find a contractor to do the work.

Mr. Lothrop confirmed the intended work on West Housatonic is to tear up the asphalt. They've left enough asphalt to get in and out and to be able to park a trailer on occasion.

Mr. Van Der Kar gave his review of the application. He had nothing new to add.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to issue an extension of the Order of Conditions through September 14, 2023; it was seconded by Ms. Calebaugh and was approved unanimously.

- K. Mass DEP File #263-1111: Request for an Extension of the Order of Conditions for work done at 555 Dalton Avenue (Map K13, Block 1, Lot 18.) The request is being made by S&I Realty Partnership.

Brent White, White Engineering came forward to speak on the application. Work has occurred on the site. The scope was to remove some fill at the bowling alley to drain water. Covid has impacted this project greatly.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to issue an extension of the Order of Conditions through October 29, 2024; it was seconded by Ms. Calebaugh and was approved unanimously.

- L. File #EP 21-06: Ratification of Emergency Permit for spot excavation of accumulated sediment and debris with drainage easement associated with Mountain Drive. The applicant is the City of Pittsfield Department of Public Services.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to ratify the permit; it was seconded by Ms. Calebaugh and was approved unanimously.

- M. File #EP-21-07: Ratification of Emergency Permit for removal of a garage, erosion controls and associated work on property located at 40 Fairfield Street (Map H6, Block 6, Lot 9.) The applicant is the City of Pittsfield Building Inspectors Department.

Mr. Van Der Kar gave his review of the permit.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to ratify the permit; it was seconded by Ms. Calebaugh and was approved unanimously.

N. File #EO 21-06: Ratification of Enforcement Order for work done at 340 Dalton Division Road (Map M9, Block 1, Lot 2.)

Mr. Van Der Kar gave his review of the application. The violator used herbicide on his lawn, impacting BVW. The solution is to let it grow back up and don't touch it again.

Seeing no further debate or discussion, Mr. Sakshaug made a motion to ratify the order; it was seconded by Ms. Calebaugh and was approved unanimously.

3. Other Business:

A. Minutes from the August 26, 2021.

Mr. Sakshaug made a motion to accept the minutes as presented; it was seconded by Mr. Lothrop and was approved. Mr. Caccamo and Ms. Calebaugh abstained.

4. Adjournment:

Mr. Sakshaug made a motion to adjourn at 7:00pm; it was seconded by Ms. Calebaugh and was approved unanimously.

Submitted by Ted Kozlowski, Staff