

**Pittsfield Conservation Commission
Annual Report
July 1, 2018 through June 30, 2019**

Members

James Conant, Chairman
Thomas Sakshaug, Vice Chairman
Elizabeth Bocchino
Stephanie Dick
Franz Forster
Jonathon Lothrop
Nicholas Caccamo – City Councilor

Division of Conservation Staff

Robert Van Der Kar, PWS, Conservation Agent
Theodore Kozlowski, Administrative Coordinator

FUNCTION/MISSION:

The Commonwealth of Massachusetts authorized into state law the Conservation Commission Act (M.G.L. Ch. 131 § 8C) of 1957 that mandated each city and town in the Commonwealth establish a locally appointed municipal agency to provide for natural resource protection, acquire significant land and water areas, and to manage these properties for conservation and passive recreation purposes. In 1972, following the enactment of revised federal and state environmental laws, local Conservation Commissions were then assigned the responsibility of administering the rules set forth under the Wetlands Protection Act (M.G.L. Ch. 131 §40). Along with the regulatory administration, the Pittsfield Conservation functions to provide for the planning, preservation, stewardship, recreational uses, education, and coordination associated with the City's natural and open space resources; and it is the responsibility of the Conservation Commission staff to provide the assistance and technical analysis in relation to such functions. The foremost responsibility of staff persons is to implement and manage the statutory provisions of the Massachusetts Wetlands Protection Act and the environmental components of the municipal by-laws.

Staff also provides technical assistance to the Conservation Commission and applicants as to provide guidance regarding the technical review process and navigating the various permit granting authorities. In addition, staff also participates in pre-development meetings, which offers applicants opportunity for additional foresight into the regulatory requirements and planning preferences typically requisite by the Conservation Commissions prior to the submittal of final plan documents. These efforts have shown to better the permitting process by reducing public concern and limiting regulatory divergences.

The Conservation Commission meetings are regularly scheduled every three weeks; typically on Thursday evenings. Additional meetings are scheduled when necessary. Public notices are posted informing the public of meeting times and location. The meeting agenda is also posted in City Hall one week in advance of the meeting date as to notify the public of matters being examined by the Commission. Public hearings, held under the decrees of M.G.L. Ch. 131 §40 and in conformance with M.G.L. Ch. 39 §§ 23-A-C, are ultimately performed for the Commission to vote to approve or deny the issuance of a permit for the proposed actions. The following report is a summary of the activities of the Conservation Commission during the 2019 fiscal year.

The following is a list of the applications received and permits issued by the Commission during fiscal year July 1, 2018 through June 30, 2019.

FY 2019 Application Figures

Application	Numbers of
Requests for Determination	25
Determinations of Applicability	23
Abbreviated Notice of Resource Area Delineation	1
Order of Resource Area Delineation	1
Notice of Intents	21
Order of Conditions	18
Requests for Amendments	1
Amended Order of Conditions	1
Requests for Extensions	0
Extensions of Order of Conditions	0
Requests for Certificate of Compliance	2
Certificates of Compliance	1
Requests for Partial Certificate of Compliance	2
Partial Certificates of Compliance	1
Enforcement Orders	6
Emergency Permits	4
Building Permit Sign-offs	0
Request for Conservation Restrictions	0
Conservations Restrictions Accepted	0

FINANCIAL:

Budget: The Division of Conservation’s operational expenditures are primarily funded by state and local statutory fees paid by applicants seeking permits. FY 2019 began with a roll-over budget of \$90,062.80, of which, \$43,184.43 came from the City’s share of State mandated filing fees (revolving fund), and \$46,878.37 forwarded from the City’s local bylaw wetland filing fee (trust fund).

Total balance forwarded from FY 2018:
\$90,062.80

Expenditures: The Division of Conservation disbursed the following monies in FY 2019:

Trust Fund

- Membership dues ...\$596.00
- Legal Notices...\$466.34
- Wildlife Management ... \$1,650.00
- Professional conferences, symposiums, and continuing education... \$625.00
- Miscellaneous (i.e. special events, supplies, laboratory expenses, etc.) ... \$2,238.00

Revolving Fund

- Office Supplies and cellular phone...\$757.62

Total Expenditures FY2019:
\$6,332.96

Revenue: The Division of Conservation's income for FY 2019:

Filing Fees:

- City's Share of State wetland filing fees...\$7,414.00.00
- City of Pittsfield's local project review filing fees...\$5,350.00

Grant/Donation Funding:

- Grants...No monetary grants were awarded in FY 2019
- Donations...\$2,150.00

Total Revenue FY2019:

\$14,914

SIGNIFICANT ACCOMPLISHMENTS / SPECIAL PROJECTS:

In FY 2019, the overall goal of the Division was to continue to serve the public by providing technical assistance, along with providing community wide advancements in passive recreation opportunities, public outreach, and creative solutions to environmentally sensitive problems. With this, staff accomplished the following in FY 2019:

- *Educational Outreach - Examples include: Staff performed lectures to various local educational and business institutions, including the Berkshire County Board of Realtors and the Lenox Garden Club, the fundamentals of the environmental law, including the laws of the Massachusetts Wetlands Protections Act; neighboring states environmental law, and the laws of the Federal Clean Waters Act;*
- *The Division of Conservation, in strong collaboration with Greenagers (a non-profit organization that engages young adults in performing passive recreation and sustainable farming projects) , worked to create the first City-owned handicap accessible trail (located at the Wild Acres Conservation Area) The Conservation Commission hopes that this project will further encourage the use of such open spaces by City residents, and gain further support for future passive recreation projects such as additional handicap accessible trails and self-guided tour systems;*
- *In a joint effort with the Massachusetts Department of Fisheries and Wildlife's Division of Ecological Restoration, the Division of Conservation secured project design services for the removal of the Wild Acres dam and its appurtenances. A Dam and Seawall Replacement and Removal grant application was subsequent filed with the Executive Office of Energy and Environmental Affairs. Its results are pending*
- *Conservation Commission sponsored a youth fishing derby at the Wild Acres Conservation Area. This event continues to grow each year and has become staple spring time event within the community;*
- *The Division of Conservation continues to implement the goals and tasks outlined 2016 Conservation Management Plan. FY 2019 accomplishments included park signage, pathway construction, dam assessments, parking area design, and routine maintenance;*
- *The Division of Conservation has is preparing minor project plans and project design using AutoCAD software. The information generated is used to permit and construct various projects located with the City's Parks and Conservation areas. Such project include the Wild Acres trail layout and Massachusetts Endangered Species Act permitting.*

The Conservation Commission continues to advance in its regulatory and technical engineering aptitude to effectively process applications in the most proficient manner. Staff works to ensure that each Commissioner has the appropriate time to review and prepare refined questions and/or comments for each application before each public hearing. The Conservation Commission has 21 days to hold a public hearing from the receipt of an application; and all applications receive decisions from the Commission within 21 days

from the close of the public hearing, and in most cases, less than 7 days. All public hearings are held under the requirements of M.G.L. Ch. 131 §40 and in conformance with M.G.L. Ch. 39 §§ 23-A-C.

In addition to reviewing applications and issuing permits, the Commission, and/or Conservation Agent, is responsible for conducting site visits to the proposed project areas prior to a public meeting or public hearing. After issuance of a permit, site visits are performed to inspect the pre-construction site conditions, and include, but not limited to; verification of the proper installation of erosion controls, appropriate construction signage (DEP file number postings), and verification that all other environmental permits have been obtained (Army Corps of Engineers, Environmental Protection Agency, etc.).

The Commission's Agent is available to the public to respond to requests and provide information related to the Wetland Protection Act. The Agent provides guidance and conducts site visits prior to applicants considering applying for an environmental permit as to assess project feasibility and provide regulatory suggestions. The Agent conducts site visits to determine whether an application is required under the Wetlands Protection Act, and primarily in response to sign-off requests made by the Building Inspections Office.

Homeowners, Real Estate Agents, Engineers, Attorneys, Contractors etc., frequently contact the conservation office seeking guidance and information. It is important to educate and inform the public on what is required to comply with the Wetland Protection Act Regulations. The Commission also responds to reports of violations and emergencies that may require immediate response actions. Such actions are considered on a case by case basis where an assessment is made as to determine the severity.

In addition to its responsibility of administering the Wetlands Protection Act, the Conservation Commission has the responsibility of stewardship and management of numerous conservation properties throughout the City. Prodigious effort is made to improve the quality and character of the City owned conservation properties, and continually works to preserve, protect, and manage each one of these lands. The following is a list of the most significant properties under Conservation Commission supervision.

Barkerville Conservation Area - A 75-acre property located off of Barker Road. Through Article 97, the parcels are held by the Conservation Commission as conservation land. The parcels are open to the public for recreational use from sunrise to sunset. Rules and regulation governing these parcels are consistent with the rules and regulations that govern other conservation lands in the City. Generally, these rules and regulations do not permit dumping, off-road vehicle use, open fires, camping, dogs off leash, and cutting or removal of vegetation. Maintenance of the properties will be the responsibility of the Conservation Commission who will work with the city's Department of Public Services to perform these tasks.

Brattlebrook Farm/Park located off Longview Terrace Ext and Maple Grove Drive. The Park is approximately 178 acres. Previously, the commission completed a survey of the property and adopted a set of rules and regulations for the use of the property. Large signs with the rules and regulations have been installed in strategic locations. The property is combines agricultural and recreational uses. Large acreage is cut for hay production, which saves the City the cost of mowing and maintaining significant area of the property.

Kirvin Park is located off Williams St. and is approximately 226 acres. This park is used extensively for recreation, but the property continues South of Sackett Brook up the mountain along Ashley Brook. A portion of the Park is within State Listed Estimated Rare Habitat Area.

Wild Acres is located off South Mountain Road and is approximately 49 acres. This property is used extensively by the public for picnics, fishing, and hiking. New to the property are an educational building, restroom facilities, pavilion, and kiosk. The new Wild Acres entrance is located off of the recently re-constructed South Mountain Road.

Tierney Conservation Area is located off Jason Street and is approximately 47 acres. This property has a beautiful pond with a beaver dam. There is a small parking area along Jason Street available for public use. There have been incidents of illegal dumping within the parking area and along the pathway, but through the help and assistance of the building maintenance department, the trash was cleaned up and disposed of properly.

Controy Pavilion is located off Lakeway Drive on the shoreline of Onota Lake. The property abuts Ramsey Beach another conservation property. The Pavilion is used by the public for picnics and special events. The City of Pittsfield reorganization of the Parks & Recreation Department transferred the maintenance and rental of the Controy Pavilion to the Building Maintenance Department. The property is also the location of the "Live at the Lake Concert" series held every Wednesday from July 1, through August 25 each year.

Fred Garner Park is located off Pomeroy Avenue and is approximately 10.3 acres. This property is located between the confluence of East and West Branches of the Housatonic River. There is a canoe access located on this property. The Park offers a beautiful nature walk along the Housatonic River. The property is also extensively used for youth soccer.

Onota Lake/Dan Casey Memorial Drive Conservation Area is located off the causeway (Dan Casey Memorial Drive) and is approximately 6.5 acres. This property offers spectacular views of Onota Lake and is a great location to pick blueberries.

There are numerous additional parcels under Conservation Commission stewardship throughout the City. The public can make arrangements to use Controy Pavilion and Wild Acres by contacting the Building Maintenance Department. The Division of Conservation would like to thank the Building Maintenance Department for all the work they do to maintain numerous conservation properties and the Department of Public Works & Utilities for additional help and assistance to maintain these properties. There are numerous individuals that have provided invaluable assistance when needed.

FY2020 GOALS:

The following are goals for FY 2020:

- *Continue ongoing planning to better conservation properties in ways that: encourage public use, reduce vandalism, promote outdoor education, and increase maintenance and supervision;*
- *Work with the Parks Department on grant opportunities to allow for the incorporation of various natural resource area improvements projects;*
- *Seek grant opportunities for additional water level control devices on flood prone City properties influenced by beaver activity; and,*
- *Work with regional agencies to explore local lands of significant environmental importance and determine ways to obtain or improve those lands for public good;*
- *Continue to provide educational outreach to local; educational institutions, agencies, organizations, and general public pertaining to environmental law, function, and value; and,*
- *Provide a more efficient permitting mechanism for applicants, interested public, and the Commission to submit and review permit applications.*