

**Pittsfield Conservation Commission
Annual Report
July 1, 2019 through June 30, 2020**

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 2020 fiscal year.

The following is a list of the applications received and permits issued by the Commission during fiscal year July 1, 2019 through June 30, 2020.

FY 2020 Application Figures

Application	Numbers of
Requests for Determination	16
Determinations of Applicability	16
Abbreviated Notice of Resource Area Delineation	1
Order of Resource Area Delineation	1
Notice of Intents	15
Order of Conditions	14
Requests for Amendments	1
Amended Order of Conditions	1
Requests for Extensions	4
Extensions of Order of Conditions	4
Requests for Certificate of Compliance	10
Certificates of Compliance	10
Requests for Partial Certificate of Compliance	0
Partial Certificates of Compliance	0
Enforcement Orders	2
Emergency Permits	2
Building Permit Sign-offs	200 (approx.)
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 2020 began with a roll-over budget of \$98,643.00, of which, \$49,841 came from the City’s share of State mandated filing fees (revolving fund), and \$48,803.00 forwarded from the City’s local bylaw wetland filing fee (trust fund).

Total balance forwarded from FY 2020:
\$98,643

Expenditures: The Division of Conservation disbursed the following monies in FY 2020:

Trust Fund expenditure included:

- Membership dues
 - Legal Notices
 - Wildlife Management
 - Professional botanical services
 - laboratory expenses (cyanobacteria testing)
 - Miscellaneous (i.e. special events, supplies, etc.)
- Total = \$2,786.00

Revolving Fund

- Office Supplies and cellular phone
 - Computer and computer software
- Total = \$778.00

Total Expenditures FY2020:
\$3,564.00

Revenue: The Division of Conservation's income for FY 2020:

Filing Fees:

- City's Share of State wetland filing fees (Acct. 23135)...\$1,439.00
- City of Pittsfield's local project review filing fees (Acct. 80050)...\$5,297.00

Grant/Donation Funding:

- Grants...\$64,210.00

Total Revenue FY2020:
\$6,736.00 (does not include grant, which has been fully reimbursed to City's general fund)

Impacts of Pandemic, Accomplishments, and Special Projects:

Midway through FY1 2020, the nation was afflicted with a novel coronavirus that had later become known as COVID-19. The nationwide spread of this virus led to a pandemic that caused state, local, and federal agencies to significantly modify their standard mode of operations in an attempt to reduce the cases of individual infections. The City of Pittsfield, like many other local governments, reduced the number of staff and staff hours to implement state and federal social distancing guidelines that were employed in response to this pandemic. As a result, beginning the second week of March through the third week of July, the Conservation Department worked under the direction of the Department of Community Development Director, the City's Health Department, and the City's Personnel Department to follow modified work schedule. This included a four-stage scheduling plan that began with either two or three days of in-office work for a period of four hours per day, and a business-hour on-demand availability while at home (Stage 1) to a complete employee return to City Hall offices that was closed to the public (stage 4). On March 1, Orders suspending certain provisions of the open meeting law (M.G.L. c. 30A § 20) were issued by the Governor Charles D. Baker's Office, and all municipal public meetings and hearings were stayed during this time, including those of this commission. Applications were continued to be received by the Conservation Office throughout this period by either regular post or by hand delivery to a recently installed dropbox located outside City Hall. In early June, the Conservation Commission would implement the use of the Zoom Meeting platform to begin to perform public hearings remotely, and later that month voted to allow the use of electronic signature to act as a usable and valid substitution for the written signatures of each member currently making up the commission. This vote was filed at the Middle Berkshire Registry of Deeds under Book 6659 page 24 on July 1, 2020.

COVID-19 did affect some of the normal annual activities, such as the Wild Acres Fishing Derby, which was postponed to a tentative date in May 2021. Ongoing projects such as the Wild Acres Dam removal and Wild Acres Trail project continued to move forward, however, were slowed due to impacts of the virus. The overall goal during this time, and periods prior to the pandemic, was to serve the public by providing technical regulatory assistance while continuing with community-wide advancements in passive recreation opportunities, public outreach, and creative solutions to environmentally sensitive problems. With this, staff accomplished the following in FY 2020:

- Educational Outreach - Staff performed lectures to various local educational and business institutions as usual, but also in FY20 instructed Environmental Studies students at the Massachusetts College of Liberal Arts the fundamentals of wetland delineations.

- 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) , completed 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 a grant for design and permitting services for the removal of the Wild Acres dam and its appurtenances. This project aims to better certain ecological functions of the Wild Acres wildlife impoundment by removing the dilapidated instream barrier.
- The Division of Conservation continues to implement the goals and tasks outlined 2016 Conservation Management Plan. FY 2020 accomplishments included creating a cease and desist notice to residential properties owners known to be encroaching on conservation commission managed properties, create new signage, pathway construction, dam assessments, parking area design, and routine property maintenance;
- The Division of Conservation is preparing minor project plans and project design using AutoCAD software. The information generated is used to permit various projects located with the City's Parks and Conservation areas.

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 tools and 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 its 2020 amendments, 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 (Massachusetts Endangered Species Act, US Army Corps of Engineers, US 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 administrating 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.

FY2021 Goals:

The following are goals for FY 2021:

- 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;
- 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; and,
- Continue improving on remote meeting usage.