



**Request for Departmental Action Fee  
Transmittal Form**

263-1091

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. Request Information**

1. Location of Project

22 Waubeek Road

PITTSFIELD 01201

a. Street Address

b. City/Town, Zip

1112022700

245.00

c. Check number

d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

John A. Barry Jr., Citizens Group Representative

Name

8 WAUBEK ROAD

Mailing Address

PITTSFIELD

MA

01201

City/Town

State

Zip Code

1 413 281 3090

Phone Number

Fax Number (if applicable)

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

ERIC TAYLOR, RESTORATIONS, INC

Name

151 SOUTH STREET

Mailing Address

HINSDALE

MA

01235

City/Town

State

Zip Code

1 413 655 0100

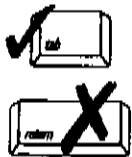
Phone Number

Fax Number (if applicable)

4. DEP File Number:

263-1091

**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**B. Instructions**

1. When the Departmental action request is for (check one):

Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)

Superseding Determination of Applicability – Fee: \$120

Superseding Order of Resource Area Delineation – Fee: \$120

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection  
Box 4062  
Boston, MA 02211



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**Request for Departmental Action Fee  
Transmittal Form**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

4

DEP File Number:

263-1091

Provided by DEP

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**B. Instructions (cont.)**

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

FOR SECURITY PURPOSES THE FACE OF THIS DOCUMENT CONTAINS A COLORED BACKGROUND AND MICROPRINTING IN THE BORDER



America's Most Exciting Bank  
P.O. Box 1308, Pittsfield, MA 01202-1308

**MONEY ORDER**

CHECK NO. 1112022700

DATE March 19, 2018



AMOUNT \*\*\*\*\*\$245.00

DOLLARS

■ TWO HUNDRED FORTY-FIVE DOLLARS AND ZERO CENTS \*\*\*\*\*

Pay to the Order of: Commonwealth Of Massachusetts

*John C. Burg*  
ISSUER'S SIGNATURE

⑈ 1112022700⑈ ⑆ 2167169⑆ 290054⑆

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK. HOLD AT AN ANGLE TO VIEW

2118-716  
2118



America's Most Exciting Bank  
P.O. Box 1308, Pittsfield, MA 01202-1308

**MONEY ORDER**

CHECK NO. 1112022700

DATE March 19, 2018



AMOUNT \*\*\*\*\*\$245.00

DOLLARS

■ TWO HUNDRED FORTY-FIVE DOLLARS AND ZERO CENTS \*\*\*\*\*

Pay to the Order of: Commonwealth Of Massachusetts

**CUSTOMER COPY  
NON-NEGOTIABLE**

2118-7169  
2118

March 19, 2018

**BY CERTIFIED MAIL- RETURN RECEIPT REQUESTED**

Mr. David Cameron  
Department of Environmental Protection  
Western Regional Office  
436 Dwight Street  
Springfield, MA 01103

**Re: Request for Superseding Order**  
**Applicant: Restorations, Inc.**  
**Property Location: 22 Waubeek Road**  
**Pittsfield, MA**  
**DEP File No: 263-1091**

Dear Mr. Cameron,

Pursuant to 310 CMR 10.05(7), the undersigned residents of the City of Pittsfield (the "Petitioner") hereby appeal the Order of Conditions issued by the Pittsfield Conservation Commission on March 9, 2018 to Eric Taylor and Restorations, Inc. (the "Applicant") and request that the Massachusetts Department of Environmental Protection (the "Department") issue a Superseding Order of Conditions.

The project involves extensive reconstruction of the ITAM lodge and its surrounding grounds located on Pontoosuc Lake, where portions of such construction would occur within the buffer zone associated with the Inland Bank.

The Petitioner has participated in the proceedings commenting during public hearings at the Pittsfield Conservation Commission, attending and commenting during a site visit, and submitting written comments (see attached Exhibit A).

As grounds therefore, the Petitioner states:

**Written restrictions to trees being limbed/pruned to maintain shading including of aquatic habitat, and habitat for bald eagles and other wildlife**

Although the revised plans indicate that no trees will be removed, in light of the initial proposal to remove all of the trees, apparently to enhance the vista, certainly more discussion is warranted as to

the applicant's definition of the provision that "they can be limbed/pruned". As pointed out at the site visit, these trees, due to their proximity to the lake, provide shade that moderates water temperature which is significant to the protection of fisheries. It is not enough to have an arborist supervise without guidance on what characteristics are important to maintain and any work should be limited to efforts to preserve and maintain the trees.

**Limit extent of impervious area within the buffer zone**

- **Any addition to existing building should be limited to areas outside of the buffer zone.**
- **The expansion of the parking lot should not encroach on the buffer zone.**

Approximately two thirds of the lot is already covered with impervious surface. It is proposed to cover approximately another 7500 sq. feet of vegetation, approximately 5000 square feet of which would be located in the buffer zone.

Approximately one half (7600 sq. feet) of the existing 2 story building and an existing foundation (1200 sq. feet) are already within the 100 foot buffer zone.

The revised plan describes the structural building addition as a "proposed covered porch". Actually what is proposed, as per the rendering presented at the neighborhood meeting, is a two story addition consisting of a ground floor, a second story deck and roof. It is important to stress that the net effect is to increase the size of the existing 16,000 square foot building in the buffer zone by 4000 square feet (2000 each floor). More important is that the proposed structure will be 20 feet closer to the lake, 25 feet from the water.

This large addition onto a very large building will presumably require excavation and slab on grade construction with a footprint of over 2000 sq. feet within the buffer zone. The Applicant has not provided any specifications as to the type and method of construction.

The proposed structure will cover close to one half of the existing vegetation between the existing building and the lake.

The remaining green space, as evidenced by the stairs shown on the attached plan, is not level but slopes steeply to the water. It appears that much of the knoll in this area was excavated when the existing building was constructed thus the basement grade level access. What remains of the original steep grade is located between the proposed structures and the water. That may require some special consideration as the fragile and deteriorating condition of the adjacent shoreline of Constitution Road and the presence of a retaining wall separating the two may indicate possible concerns about the stability of the grade.

310 CMR 10.53 provides in part that (a) the potential for adverse impacts to Resource Areas from work in the Buffer Zone may increase with the extent of the work and its proximity to the Resource Area; (b) The issuing Authority may consider the characteristics of the Buffer Zone, such as the presence of steep slopes, that may increase the potential for adverse impacts on Resource Areas and (c) Where a Buffer Zone has already been developed the Issuing Authority may consider the extent of existing development in its review of subsequent proposed work.

This small ecosystem should not be disturbed further, if so a total of 10,000 sq feet of the 30,000 sq foot buffer zone will be covered with impervious or artificial surface. We believe that alternative designs, out of the buffer zone and further away from the shore, are feasible.

### **Construction detail on proposed patio**

Initially it was proposed to additionally construct a “wood frame deck on techno posts” of approximately 1600 sq. feet located on the “bank” as defined by 310 CMR 10.54. The revised plan, as an alternative, now proposes an 1800 square foot “patio”. The plans do not show any construction detail other than a 10 inch crushed stone base with “porous” pavers on top with “retaining walls”.

### **Erosion control and suggestion for an environmental monitor during construction**

At the site visit, it was disconcerting to see that the Applicant has had vehicle traffic going up and down the hill between the building and the lake causing extensive erosion with no erosion barriers and no apparent attempt to limit the erosion being caused by this traffic. In our opinion, this does not bode well for their attention to protecting the site from erosion. The applicant is proposing to remove two sets of stairs on steep slopes near the lake. It will be especially important that this work is done carefully with well installed erosion controls to prevent erosion into the lake. We believe that a Superseding Order of Conditions should include very clear, explicit conditions and require an on-site environmental monitor while any work is being performed.

### **Massachusetts Stormwater Handbook Standard 9**

A budget should be provided for the cost to execute the Operation and Maintenance (O&M) Plan, in accordance with the Handbook requirements.

In addition to the Operation and Maintenance Plan for the stormwater structures, the applicant should be required to propose for approval a snow removal plan that will prevent snow melt from the parking area traveling downhill into the lake and also prevent piled snow from blocking the stormwater treatment structures.

### **Segmentation and suggestion for an on-going condition**

It appears that the Applicant is segmenting this project. If the Applicant does not include any docks or moorings in this NOI, then subsequent requests for such additions should be considered per the Wetlands Program Policy 88-3: Multiple Filings. In addition, to the extent that any part of this project is approved, please consider including a condition stating that impacts from any future work at this property will be considered cumulatively from the conditions present in January 2018. This condition would be on-going, would not expire if a Certificate of Compliance were received, and would be attached to the deed.

## **Conclusion**

1. The Department should issue a Superseding Order of Conditions denying, with prejudice, the construction of a commercial development as depicted on the plans of record cited in the Pittsfield Conservation Commission's Order of Conditions
2. The information provided in the Notice of Intent regarding construction specifications and methods is insufficient to describe the site, the work and the effect of the work on the interests identified in the Wetlands Protection Act.
3. The Applicant has failed to propose an "environmentally sensitive site design" that incorporates low impact development techniques to prevent the generation of stormwater and non-point source pollution by reducing impervious surfaces, disconnecting stormwater sheet flow paths and treating stormwater at its source, maximizing open space, minimizing disturbance, protecting natural features and processes, and/or enhancing wildlife habitat.
4. The Applicant has failed to provide a written alternative analysis for work in the buffer zone with a clear limit of the work and provisions for the preservation of natural vegetation adjacent to the Resource Area.
5. As a basis for comparison, attached as Exhibit "B" are depictions of both the previous and the existing structure. The existing structure apparently predates the Wetland Protections Act and it is unclear what permitting process was followed in this regard. Due to the size, proximity to the lake and the total amount of impervious surface, the Department should consider the present impact of the existing development on the site and the Resource Area in its review of the subsequent proposed work.

Thank you for your attention to this matter.

Signature pages attached

Enclosures

cc by certified mail:

Restorations, Inc.  
City of Pittsfield Conservation Commission  
DEP, Box 4062, Boston, MA

## **Citizens Group**

**Re: Request for Superseding Order**  
**Applicant: Restorations, Inc.**  
**Property Location: 22 Waubeek Road**  
**Pittsfield, MA**  
**DEP File No: 263-1091**

### **List of Citizens:**

1. John A. Barry, Jr, 8 Waubeek Rd, Pittsfield
2. Karen M. Barry, 8 Waubeek Rd, Pittsfield
3. Daniel M. O'Connell, 1450 North St #108, The Pines at Pontoosuc, Pittsfield
4. Tracey Goodrich, 6 Waubeek Rd, Pittsfield
5. Holly Brouker, 38 Williams St, Pittsfield
6. Jane C. Koenitzer Siegars, 19 Bellmore Dr, Pittsfield
7. Teresa Mole, 83 Elaine Dr, Pittsfield
8. Frank Napolitano, 23 Greenings Ave, Pittsfield
9. Laurie Green, 210 Wendell St, Pittsfield
10. Aimee Marshall, 937 Williams St, Pittsfield
11. Jane Winn, 27 Highland Ave, Pittsfield
12. Bruce Winn, 27 Highland Ave, Pittsfield
13. Chris Laney, 55 Marlboro Dr, Pittsfield
14. Kristen Laney, 55 Marlboro Dr, Pittsfield
15. Rene Wendell, 66 Sheffield St, Pittsfield
16. Rebecca Amuso Wendell, 66 Sheffield St, Pittsfield
17. Jeffrey Turner, 53 Robert St, Pittsfield
18. Sandra Blomberg, 53 Robert St, Pittsfield
19. Valerie M. Napolitano, 23 Greenings Ave. Pittsfield



**Signature Page**

I hereby state that, as a resident of Pittsfield, Ma. I join in and consent to the attached Request for Superseding Order filed in the matter of Restorations, Inc. for work at property located at 22 Waubeek Road, Pittsfield, MA. DEP file number 263-1091. I authorize John A. Barry, Jr. to act as the representative of our group and to receive documents.

Signed this 19<sup>th</sup> day of March, 2018.

John A. Barry Jr  
Signature  
John A. Barry Jr  
Print name

\_\_\_\_\_  
8 WAUBEK RD  
Pittsfield, Ma.  
Residential Address

**Signature Page**

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Signed this 19 day of March, 2018.

Karen M. Barry  
Signature

Karen M. Barry  
Print name

8 Waubeek Rd.

Pittsfield, Ma. 01201

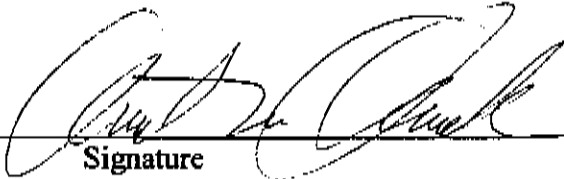
Pittsfield, Ma.

Residential Address

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Signed this 19 day of March, 2018.

  
\_\_\_\_\_  
Signature

DANIEL M. O'CONNELL  
\_\_\_\_\_  
Print name

1450 NORTH ST. #108  
\_\_\_\_\_

THE PINES AT PONTIOSUC  
\_\_\_\_\_

Pittsfield, Ma.

Residential Address

**Signature Page**

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Signed this 19 day of March, 2018.

*Tracey Goddrick*  
Signature  
Tracey Goddrick  
Print name

6 Waubeek Rd  
Pittsfield MA 01201

Pittsfield, Ma.

Residential Address

**Signature Page**

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Signed this 19 day of March, 2018.

Holly Brouker

Signature

Holly Brouker

Print name

38 Williams St.

Pittsfield, Ma.

Residential Address

**Signature Page**

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Signed this 19<sup>th</sup> day of March, 2018.

James C. Koenitzer Siegars  
Signature  
James C. Koenitzer Siegars  
Print name

19 Bellmore Dr.

\_\_\_\_\_  
Pittsfield, Ma.

Residential Address

**Signature Page**

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Signed this 19 day of March, 2018.

Teresa Mohr

Signature

TERESA Mohr

Print name

83 Elaine Dr  
PITTSFIELD MA.

Pittsfield, Ma.

Residential Address

**Signature Page**

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Signed this 16 day of March, 2018.

John K. Ngubtes  
Signature

Frank M. Lapolenta  
Print name

23 Greening Ave

Pittsfield MA

Pittsfield, Ma.

Residential Address



**Signature Page**

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Signed this 19<sup>th</sup> day of March, 2018.



Signature

Anne Green

Print name

210 Wendell St

Pittsfield Ma

Pittsfield, Ma.

Residential Address

**Signature Page**

I hereby state that, as a resident of Pittsfield, Ma. I join in and consent to the attached Request for Superseding Order filed in the matter of Restorations, Inc. for work at property located at 22 Waubeek Road, Pittsfield, MA. DEP file number 263-1091. I authorize John A. Barry, Jr. to act as the representative of our group and to receive documents.

Signed this 19<sup>th</sup> day of March, 2018.

Aimee Marshelle  
Signature

Aimee Marshelle  
Print name

937 Williams St

Pittsfield Ma  
01201

Pittsfield, Ma.

Residential Address

**Affidavit of Consent**

I hereby state under oath that I consent to the attached Request for Superseding Order by this Citizens Group to be filed in the matter of Restorations, Inc. for work at property located at 22 Waubeek Road, Pittsfield, MA. DEP file number 263-1091. I authorize John A. Barry, Jr. to act as the representative of our group and to receive documents.

This statement is made under the pains of perjury, this 18 day of March, 2018.

Jane Winn  
signature

Jane Winn  
print your name

413-230-7321  
phone number

jane@thebeatnews.org  
email

27 Highland Ave, Pittsfield, MA 01201  
mailing address

**Affidavit of Consent**

I hereby state under oath that I consent to the attached Request for Superseding Order by this Citizens Group to be filed in the matter of Restorations, Inc. for work at property located at 22 Waubeek Road, Pittsfield, MA. DEP file number 263-1091. I authorize John A. Barry, Jr. to act as the representative of our group and to receive documents.

This statement is made under the pains of perjury, this 18 day of March, 2018.

Bruce A. Winn  
signature

bruce@thebeatnews.org  
~~bruce@thebeatnews.org~~  
email

Bruce A. Winn  
print your name

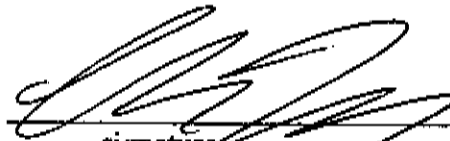
27 Highland Ave. Pittsfield  
mailing address

413-442-6815  
phone number

**Affidavit of Consent**

I hereby state under oath that I consent to the attached Request for Superseding Order by this Citizens Group to be filed in the matter of Restorations, Inc. for work at property located at 22 Waubeek Road, Pittsfield, MA. DEP file number 263-1091. I authorize John A. Barry, Jr. to act as the representative of our group and to receive documents.

This statement is made under the pains of perjury, this 18 day of March, 2018.

  
signature  
Chris Lancy  
print your name  
413 ~~270-1220~~ 270-1220  
phone number

\_\_\_\_\_  
email  
55 Marlboro Drive  
mailing address  
Pittsfield, MA  
01201

**Affidavit of Consent**

I hereby state under oath that I consent to the attached Request for Superseding Order by this Citizens Group to be filed in the matter of Restorations, Inc. for work at property located at 22 Waubeek Road, Pittsfield, MA. DEP file number 263-1091. I authorize John A. Barry, Jr. to act as the representative of our group and to receive documents.

This statement is made under the pains of perjury, this 18 day of March, 2018.

Kristen M. Lacey  
signature

\_\_\_\_\_  
email

Kristen M. Lacey  
print your name

55 Marlboro Drive  
mailing address

(413) 441-1669  
phone number

**Affidavit of Consent**

I hereby state under oath that I consent to the attached Request for Superseding Order by this Citizens Group to be filed in the matter of Restorations, Inc. for work at property located at 22 Waubeek Road, Pittsfield, MA. DEP file number 263-1091. I authorize John A. Barry, Jr. to act as the representative of our group and to receive documents.

This statement is made under the pains of perjury, this 18 day of March, 2018.

Rene Wendell  
signature

renewendell@hotmail.com  
email

Rene Wendell  
print your name

66 SHEFFIELD STREET  
mailing address

(413) 429-5025  
phone number

### Affidavit of Consent

I hereby state under oath that I consent to the attached Request for Superseding Order by this Citizens Group to be filed in the matter of Restorations, Inc. for work at property located at 22 Waubeek Road, Pittsfield, MA. DEP file number 263-1091. I authorize John A. Barry, Jr. to act as the representative of our group and to receive documents.

This statement is made under the pains of perjury, this 18 day of March, 2018.

Rebecca Amuso Wendell  
signature

beckyanuso@yahoo.com  
email

Rebecca Amuso Wendell  
print your name

666 Sheffield St.  
mailing address

413-854-3526  
phone number



**Affidavit of Consent**

I hereby state under oath that I consent to the attached Request for Superseding Order by this Citizens Group to be filed in the matter of Restorations, Inc. for work at property located at 22 Waubeek Road, Pittsfield, MA. DEP file number 263-1091. I authorize John A. Barry, Jr. to act as the representative of our group and to receive documents.

This statement is made under the pains of perjury, this 19<sup>th</sup> day of March, 2018.

Jeffrey Turner  
signature  
Jeffrey Turner  
print your name  
(413) ~~413~~ 281-4597  
phone number

jturner@alum.rpi.edu  
email  
53 Robert St., Pittsfield, MA  
mailing address  
01201

**Affidavit of Consent**

I hereby state under oath that I consent to the attached Request for Superseding Order by this Citizens Group to be filed in the matter of Restorations, Inc. for work at property located at 22 Waubeek Road, Pittsfield, MA. DEP file number 263-1091. I authorize John A. Barry, Jr. to act as the representative of our group and to receive documents.

This statement is made under the pains of perjury, this 19 day of March, 2018.

Sandra Blomberg  
signature

SANDRA Blomberg  
print your name

413-344-5698  
phone number

pleezbnice thanx8@gmail.com  
email

53 Robert Street, Pittsfield, MA  
mailing address  
01201

**Signature Page**

I hereby state that, as a resident of Pittsfield, Ma. I join in and consent to the attached Request for Superseding Order filed in the matter of Restorations, Inc. for work at property located at 22 Waubeek Road, Pittsfield, MA. DEP file number 263-1091. I authorize John A. Barry, Jr. to act as the representative of our group and to receive documents.

Signed this 19<sup>th</sup> day of March, 2018.

Valerie M. Napolitano  
Signature

Valerie M. Napolitano  
Print name

23 Greenings Ave.

23 Greenings Ave.

Pittsfield, Ma.

Residential Address

**EXHIBIT A**



*Working with you to protect  
the environment for wildlife*

March 8, 2018

Pittsfield Conservation Commission  
Pittsfield City Hall  
70 Allen St  
Pittsfield, MA 01201

Re: DEP file number 263-1091, Notice of Intent application for property located at  
22 Waubeek Road (ITAM Lodge #564 - Map G16, Block 1, Lot 17).  
The applicant is Eric Taylor, Restorations, Inc.

Dear Pittsfield Conservation Commission,

Please accept the following comments from the Berkshire Environmental Action Team (BEAT) regarding the revised Notice of Intent Application for the property located at 22 Waubeek Road (ITAM Lodge #564 - Map G16, Block 1, Lot 17). The applicant is Eric Taylor, Restorations, Inc.

BEAT's mission is to protect the environment for wildlife in support of the natural world that supports us all. Jane Winn, Executive Director of BEAT, attended the site visit on Saturday, February 17<sup>th</sup>, 2018.

Pontoosuc Lake is a heavily used asset for the City of Pittsfield and all of Berkshire County. This lake attracts tourists and residents alike. Pontoosuc frequently suffers from an overabundance of non-native, invasive weeds. Anything that can be done to prevent runoff, especially runoff of nutrient-rich water, from the surrounding land, should be done.

#### **Retaining pine trees**

We are very glad the proponent has agreed to retain the large pine trees within the 100 foot buffer zone. These trees provide important habitat for our local bald eagles among other wildlife. The trees also prevent erosion by intercepting the rain fall, their roots stabilize the soils, and they regulate temperatures by breaking up wind, providing shade, and transpirational cooling. Because the trees are located on the south shore of Pontoosuc lake they also provide tremendous shade for the adjacent water and the aquatic wildlife that live, or find refuge from the warmer water, in the cooled water near shore.

**Erosion control and suggestion for an environmental monitor during construction**

At the site visit, it was depressing to see that the applicant has had vehicle traffic going up and down the hill behind the building causing extensive erosion with no erosion barriers and no apparent attempt to limit the erosion being caused by this traffic. In our opinion, this does not bode well for their attention to protecting the site from erosion. The applicant is proposing to remove two sets of stairs on steep slopes near the lake. It will be especially important that this work is done carefully with well installed erosion controls to prevent erosion into the lake. Please, if this project does receive a permit, include very clear, explicit conditions in the Order of Conditions and require an on-site environmental monitor when work is being performed.

**Impervious area**

BEAT remains concerned by the amount of impervious area to be constructed in the buffer zone of Pontoosuc Lake including the "covered porch", that appears to be an addition to the existing building, and the expanded parking lot.

**Stormwater management**

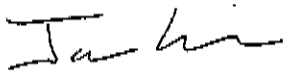
BEAT is glad that the proponent has revise their stormwater management. We assume that the City will review the proposal keeping in mind the much more intense storms that we keep experiencing due to climate change to be sure the volume of water proposed to be infiltrated is sufficient.

**Segmentation and suggestion for an on-going condition**

It appears that the proponent is segmenting this project. Please put in writing that if the proponent does not include any docks or moorings in this NOI, then no subsequent request for such additions will be considered per the Wetlands Program Policy 88-3: Multiple Filings. In addition, if this project is approved, please consider including a condition stating that impacts from any future work at this property will be considered cumulatively from the conditions present in January 2018. This condition would be on-going, would not expire if a Certificate of Compliance were received, and would be attached to the deed.

Thank you for your time and consideration.

Sincerely,



Jane Winn  
Executive Director

**John A. Barry Jr.  
8 Waubeek Road  
Pittsfield, Massachusetts**

February 2, 2017

**Mr. Robert Van Der Kar  
Conservation Agent  
City of Pittsfield Conservation Commission  
70 Allen St.  
Pittsfield, MA 01201**

**RE: Restorations, Inc. Notice of Intent,  
22 Waubeek Road, Pittsfield, Ma.**

Dear Mr. Van Der Kar,

Thank you for taking the time to meet with me yesterday. As discussed, unfortunately I will be unavailable on February 8, 2018 and thus would request that this correspondence be entered into the record of the above referenced meeting of the Conservation Commission.

In thinking about this matter it occurred to me that what makes the stands of Eastern White Pines that stretch from Ponterril to the Breezy Knoll so uniquely panoramic is their elevation and close proximity to the lake. As a resident whose family has lived 300 feet down shore from the knoll since 1985, I feel that the removal of 30 or so of the largest species of tree in Eastern North America and building a significant addition closer to the water onto an already prominent, 16,000 sq. foot structure is not a great idea.

The applicant should consider whether it is in its best interest to preserve these monarchs of the forest so as to mitigate the inevitable noise, traffic and lighting that will result from the planned indoor/outdoor use.

It is ironic that the B-G spot zone allows the property to be developed to an unlimited degree while there are restrictions imposed upon the surrounding residential properties. The applicant however should be cognizant of the fact that, notwithstanding the lack of intensity regulations, the 2.4 acre parcel is located in a thickly settled residential area. Its residents are, by law, entitled to the peaceful enjoyment of their property.

With that said, I would make the following comments addressing aspects of the proposal within the scope of the Conservation Commissions review. Many of the following calculations are estimates although conservative.

1. Approximately two thirds of the lot is already covered with impervious surface. It is proposed to cover another 7500 sq. feet of vegetation, 5000 of which would be located in the buffer zone.
2. Approximately one half (3800 sq. feet) of the existing building and an existing foundation (1200 sq. feet) are already within the 100 foot buffer zone.
3. The two story addition results in the building foot print being 20 feet closer to the shore, 20 feet from the water.
4. This addition will presumably require excavation and slab on grade construction of 1700 sq. feet within the buffer to construct the first story, second story deck and roof.
6. The proposed construction of the "wood frame deck on techno posts" of approximately 1600 sq. feet is (a) located on the "bank" as defined by 310 CMR 10.54; (b) its construction details indicate significant, "as needed" excavation of the existing grade and (c) calls for a modular block retaining wall varying in height from 2 to 5 feet. Approximately one half of the structure closest to the water will be raised above the existing grade killing the vegetation underneath and potentially causing, among other things, a siltation issue. The existing sewer line, which runs along the shore, would be under the structure that is to be finished with stone pavers.
7. The approximately 70 foot long, 4 to 6 foot wide , 4 inch thick concrete sidewalk, located within the buffer also call for a max 2% cross slope towards the water with a 6 inch crushed stone or gravel base. What happens to the water between the concrete and the building addition? The plans also provide for underground electric to the structure with light bollards.
8. Review of the topographical drawings show an existing 15 foot plus increase in grade elevation from the bank running 60 feet inland all along the lake frontage except where it was apparently, previously reduced by approximately 8 feet to accommodate the design and elevation of the existing building.
9. 310 CMR 10.53 provides in part that (a) the potential for adverse impacts to Resource Areas from work in the Buffer Zone may increase with the extent of the work and its proximity to the Resource Area; (b) The issuing Authority may consider the characteristics of the Buffer Zone, such as the presence of steep slopes, that may increase the potential for adverse impacts on Resource Areas and (c) Where a Buffer Zone has already been developed the Issuing Authority may consider the extent of existing development in its review of subsequent proposed work.



10. 310 CMR 10.54 provides in part that (a) Banks are likely to be significant to water supply, storm damage prevention, the prevention of pollution and the protection of fisheries and wildlife habitat (the bank in this instance is a relatively narrow strip of shoreline that is approximately 300 feet in length); (b) Bank vegetation serves to maintain the Bank's stability, which in turn protects water quality by reducing erosion and siltation. (c) they provide shade that moderates water temperature as well as providing breeding habitat, escape cover and food, all of which are significant to the protection of fisheries; (d) They provide important food, shelter, migratory and overwintering areas, and breeding areas for wildlife; (e) The Issuing Authority shall presume that a Bank is significant to the Resource Area.

11. As previously indicated the deck is located on the bank. Likewise 6 of the trees to be removed are also on the bank. The balance of the trees are anywhere from 5 to 30 feet from the bank. It should be noted that roots of the white pine are wide spreading and somewhat deep and the canopy has a spread of 20-40 feet. If the canopy is any indication of the extent of the root system, arguably they also are in the bank area providing stability.

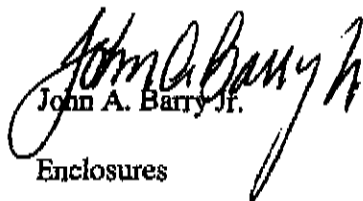
12. The applicant has stated among other things that the trees slated for destruction are a safety hazard and obstruct his plans to have lakeside matrimomials. In my years on the lake, it is extremely rare that one of the trees along the entire south shore will snap (about half way up rather than topple) during a momentous weather event. It is unlikely that any weddings will be occurring during that time.

13. The applicant has stated that the trees have lived out their life however it has been recorded that the white eastern pine can live to 450 years old but usually lives to be 200 hundred years old.

In Summary, this area should not be disturbed further, if so 10,000 sq feet of the 30,000 sq foot buffer zone will be covered with impervious surface. That can't be a positive for the lake. This area is part of a small ecosystem that, based upon my families' observations, has to be the favorite fishing spot for the increasingly present Massachusetts Bald Eagles.

If you should have any questions, or require anything further, please feel free to contact me at the above address.

Sincerely,

  
John A. Barry Jr.  
Enclosures



(/opt/homebrew/original/2018/0112-151522-ITAMCLOSING-3-TSE\_78537.jpg)

The Sons of Italy (ITAM) Lodge 564 on Pontoosuc Lake in Pittsfield is poised to be sold next week to the owner of the Lake House in Lanesborough, who plans to renovate and expand the facility.

#### EAGLE FILE

By Amanda Drans, The Berkshire Eagle

**PITTSFIELD** — The owner of a luxury lakeside retreat is aiming to purchase the former ITAM lodge and turn it into a banquet hall, primarily for destination weddings.

Eric Taylor, who also owns The Lake House in Lanesborough, said he expects to close on the property next week, at which time he'll begin renovating and expanding the existing building on the shore of Pontoosuc Lake. The plan is to close for renovations over the next several months and reopen in August.

Sons of Italy ITAM Lodge 564 put its longtime home on the market in July, citing aging membership and dwindling revenues. The 16,000-square-foot building on Waubeek Road, originally offered up for \$1.7 million, has housed the ITAM for 40 years.

Taylor declined to say how much he plans to pay for the building.

The plans were revealed Thursday during a meeting of the city's Conservation Commission, which is reviewing the impact of the grading changes, stormwater discharge and tree removal on the property.

About a dozen abutters who gathered after the meeting to catch a glimpse of initial drawings expressed concerns about parking and crowding along the narrow lakeside roads.

Taylor said he aims to address existing parking issues by reducing the capacity from 550 people to 325, adding 10 parking spaces, bringing the total parking capacity to 118, and by shuttling guests to and from The Lake House, which is on South Main Street (Route 7), also set on Pontoosuc Lake.

His plan calls for the removal of 20 white pine trees from the ITAM property.

"They've lived out their life," Taylor said, adding that limbs frequently fall there.

He said the trees pose a safety hazard and also obstruct his plans to make space for lakeside matrimonials. The "backbone" of the business will be for out-of-towners, Taylor said, but he also would like to host local weddings.

Commissioners decided to delay the public hearing until their next meeting, Feb. 8, because not all the abutters were properly notified before the meeting.

# Eastern White Pine

Eastern White Pine  
(*Pinus Strobus*)

## Interesting Information About Plant:

The Eastern White Pine is found in North America, specifically the northeast. It is the provincial tree for Ontario and the state tree of Michigan and Maine. During the last Ice Age the Eastern White Pines were pushed south from Canada and are found today as far south as North Carolina. The Eastern White Pines are slowly migrating west and were found in Minnesota by European explorers in the late 1700s and early 1800s. Native American tribes would eat the inner bark of the White Pine as a food source when all other food was scarce.

The Iroquois would use the resin from this plant, while mixing it with beeswax, to seal their canoes. Other Native Americans would boil the bark and then apply the liquid to wounds. Natives also would drink the boiled bark for a cough suppressant. Once Europeans started settling North America this tree was cut down a lot for ships. Particularly the Royal Navy exploited the Eastern White Pine when they were the strongest navy in the world.

Today the main uses for this tree are for furniture and Christmas Trees. It is used extensively for furniture because it is very easy to carve and the Eastern White Pine has less resin than other pines. This pine also warps less than most other pine wood. There is widespread cultivation for Christmas trees because they are very easy to cultivate, especially in the tree's indigenous areas.

The bark is gray-brown in color and possesses broad ridges and scaly plates. The cones are slender and thorn less bearing two winged seeds.

The roots are wide spreading and somewhat deep. It has been recorded that the white eastern pine can live to 450 years old, but usually lives to be 200 years old. The tree grows to 80-110 feet tall and has a spread of 20-40 feet wide. It prefers well drained soils and a cool humid climate. The tree can be attacked by a fungus commonly known as "white pine blister rust". Since the bark is thick it allows the tree to be somewhat fire resistant.

It has been grown extensively through the years as Christmas trees. Small mammals eat the two

winged seeds in the cones and in the winter rabbits chew on the outer bark.

**John A. Barry Jr.  
8 Waubeek Road  
Pittsfield, Massachusetts**

March 3, 2017

Mr. Robert Van Der Kar  
Conservation Agent  
City of Pittsfield Conservation Commission  
70 Allen St.  
Pittsfield, MA 01201

RE: Restorations, Inc. Notice of Intent,  
22 Waubeek Road, Pittsfield, Ma.

Dear Mr. Van Der Kar,

Thank you for meeting with me yesterday to review the revised plans submitted by the applicant. My thanks also to the Commission members for taking the additional time to visit the site. As discussed, due to a previous commitment, I will be unavailable on March 8, 2018 and thus would request that this correspondence be entered into the record of the above referenced meeting of the Conservation Commission.

As a resident whose family has lived 300 feet down shore from the "Breezy Knoll" since 1985, I feel that building significant additional structures closer to the water onto an already prominent, 16,000 sq. foot building is not a great idea. I think it goes without saying that limiting man made incursions benefits our natural resources.

With that said, I would make the following comments addressing aspects of the revised proposal within the scope of the Conservation Commissions review. Many of the following calculations are estimates although conservative.

1. Although the revised plans indicate that no trees will be removed, in light of the initial proposal to remove all of the trees, apparently to enhance the vista, certainly more discussion is warranted as to the applicant's definition of the provision that "they can be limbed/pruned". As pointed out at the site visit, these trees, due to their proximity to the lake, provide shade that moderates water temperature which is significant to the protection of fisheries.

2. Approximately two thirds of the lot is already covered with impervious surface. It is proposed to cover another 7500 sq. feet of vegetation, 5000 of which would be located in the buffer zone.

3. Approximately one half (7600 sq. feet) of the existing 2 story building and an existing foundation (1200 sq. feet) are already within the 100 foot buffer zone.

4. The revised plan describes the structural building addition as a "proposed covered porch". Actually what is proposed, as per the rendering presented at the neighborhood meeting, is a two story addition consisting of a ground floor, a second story deck and roof. It is important to stress that the net effect is to increase the size of the existing 16,000 square foot building in the buffer zone by 4000 square feet (2000 each floor). Equally as important is that this structure will be 20 feet closer to the lake, 25 feet from the water.

4. This large addition onto a very large building will presumably require excavation and slab on grade construction with a footprint of 2000 sq. feet within the buffer zone.

6. Initially it was proposed to additionally construct a "wood frame deck on techno posts" of approximately 1600 sq. feet located on the "bank" as defined by 310 CMR 10.54. The revised plan, as an alternative, now proposes an 1800 square foot "patio". The plans do not show any construction detail other than a 10 inch crushed stone base with "porous" pavers on top with "retaining walls".

7. The proposed structures will cover close to one half of the existing vegetation between the existing building and the lake.

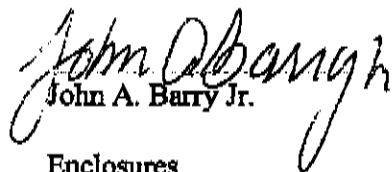
8. The remaining green space, as evidenced by the stairs shown on the attached plan, is not level but slopes steeply to the water. By the looks of things much of the knoll in this area was excavated when the existing building was constructed thus the basement grade level access. What remains of the original steep grade is located between the proposed structures and the water. That may require some special consideration as the condition of the adjacent shoreline of Constitution Road and the presence of a retaining wall separating the two may indicate possible concerns about the stability of the grade.

9. 310 CMR 10.53 provides in part that (a) the potential for adverse impacts to Resource Areas from work in the Buffer Zone may increase with the extent of the work and its proximity to the Resource Area; (b) The issuing Authority may consider the characteristics of the Buffer Zone, such as the presence of steep slopes, that may increase the potential for adverse impacts on Resource Areas and (c) Where a Buffer Zone has already been developed the Issuing Authority may consider the extent of existing development in its review of subsequent proposed work.

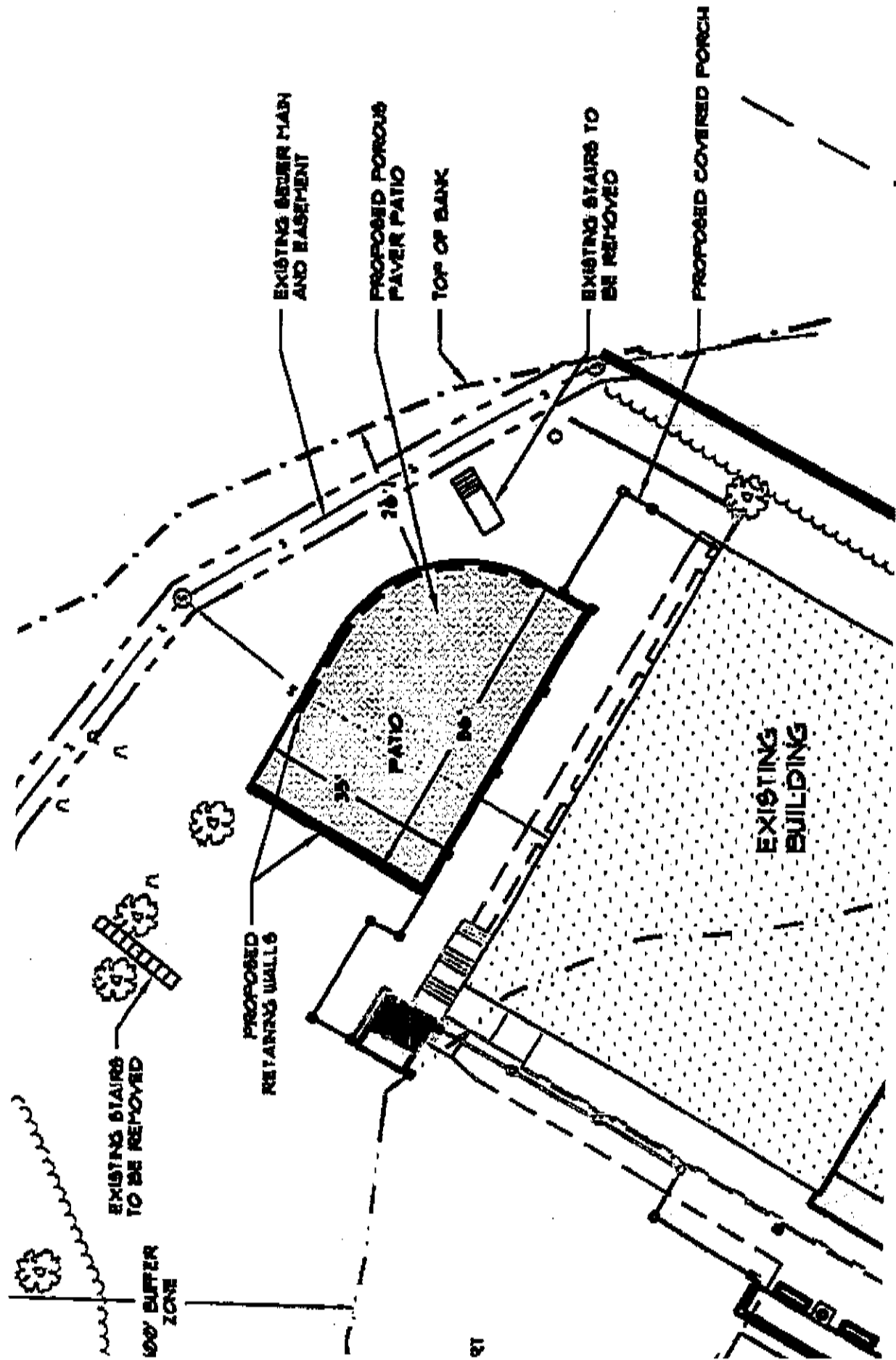
In Summary, this small ecosystem should not be disturbed further, if so a total of 10,000 sq feet of the 30,000 sq foot buffer zone will be covered with impervious or artificial surface. Alternative designs, out of the buffer zone and further away from the shore, are feasible.

I want to thank the Commission members for their professionalism and attention to this matter. If you should have any questions, or require anything further, please feel free to contact me.

Sincerely,

  
John A. Barry Jr.

Enclosures



**EXHIBIT B**



## Pittsfield Hotel - Breezy Knoll -- east\_view\_of\_breezy\_knoll.jpg

[First](#) | [Previous Picture](#) | [Next Picture](#) | [Last](#) | [Thumbnails](#)



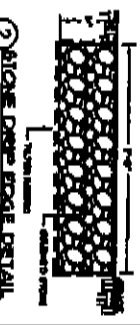
**EAST VIEW OF BREEZY KNOLL INN ON PORTOSUC LAKE NEAR PITTSFIELD, MASS., ELE**

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**PLANT SCHEDULE**

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1 SITE PLAN



DATE	1/15/00
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DRAWN BY	...
CHECKED BY	...
APPROVED BY	...
DATE	1/15/00

**DESIGN GROUP, INC.**  
 200 WEST STREET  
 PITTSFIELD, MASSACHUSETTS 01201  
 TEL: 413/232-1111  
 FAX: 413/232-1112  
 WWW.DESIGNGROUPINC.COM

**Design Group, Inc.**  
 200 West Street  
 Pittsfield, Massachusetts 01201  
 Tel: 413/232-1111  
 Fax: 413/232-1112  
 www.designgroupinc.com

NO. 0000000000  
**LANDSCAPING PLAN**

PLAN TO ACCOMPANY NOTICE OF INTENT  
 PREPARED FOR  
**RESTORATIONS, INC.**  
 LOCATED AT  
 77 SALESBEEK ROAD  
 PITTSFIELD, MASSACHUSETTS

