

**TOWN OF SHEFFIELD
CONSERVATION COMMISSION
FEBRUARY 12, 2024
TOWN HALL FIRST FLOOR MEETING ROOM
7:00 PM
MEETING MINUTES**

Commissioners present: Rene Wood, Chair
 Ted Pitman, Vice Chair
 Anya Rosoff
 Don Roeder
 Don Ward

Others Present: Pamela Tambourine, Board Administrator
 David Cameron, Peer Reviewer for 290 Bow Wow
 Lisa Fried Owner 290 Bow Wow
 Shannon Boomsma, White Engineering

Members of the Public – See Sign-in Sheet

Chair Wood called the meeting to order at 7:05 PM and introduced all the Commissioners.

Continuation of Public Hearing on Notice of Intent (NOI) from White Engineering re: Site Redevelopment to the single-family house and associated site work proposal for 290 Bow Wow Road, as required under the Wetlands Protection Act. Discussion included:

- White Engineering presented redevelopment plans for a single-family home and associated accessory dwellings at 290 Bow Road.
- Plans for new home construction, including foundation, second-story construction, and environmental concerns, as well as removal of the existing home and shed.
- Proposed replacement of 35 trees to be removed with new ones, incorporating erosion control methods and preserving the existing circular driveway.
- David Cameron, Conservation Commission consultant, provided a peer review of the project and discussed filing fees for the project, ranging from \$444 to \$1,200, depending on how the fee schedule is interpreted. Additional fees need to be determined and the amount sent to White Engineering.
- The Commission discussed the potential impact of construction activities on resource areas.
- Commission requested reconfiguring project elements that were currently inside 50-foot buffer zone to be outside the 50-foot zones due to the current conditions of the buffer zone and the feasibility of pushing back such encroachments.
- Potential risk of damage to mature trees during construction, particularly Eastern white pine trees; it was recommended to preserve as many healthy trees as possible.
- Silt fencing and straw waddles are to be placed as close to the work areas as possible to minimize disturbance to the buffer zone.
- Hiring an arborist to monitor construction near sensitive trees to ensure compliance with conditions.
- How deconstruction of the house would be handled as well as subsequent building constructions to avoid soil compaction and ensure environmental safeguards.

- Input from engineers on how house would be demolished and taken off the property as well as other materials coming on and off site during construction.
- Sarah Williams expressed concerns about the project's potential impact on Mill Pond's ecological health, including soil disruption and runoff, and requested the Conservation Commission contact the building inspector for his input.
- Commissioners need to determine if the proposed project meets general performance standards for altered resource areas, including bank of Mill Pond.
- Questioned whether the 50-foot buffer zone should be ignored or adhered to in light of the proposed expansion.
- The proposed new dock's compliance as a Limited Project.

D Ward. motioned that the Commission accept all five of the stated recommendations in D. Cameron's peer review, which were:

- A. Seek a corrected filing fee for the proposed project. (Considering the pool house and the studio as one structure, the amount owed is \$100 for demolition and reconstruction of the home; \$124 for the dock (\$4. X 31 linear feet); \$500 for the pool house/studio or a total of \$724 - \$624 already provided = \$100. Balance);**
- B. Require the Applicant to voluntarily remove the sections of chain link fence extending into Mill Pond, or demonstrate the need for and seek formal approval of said fence if not covered by any historic permit;**
- C. Require the Applicant to depict on the site plan the BVW at the northern limits of the site, and place survey flags on those portions that may encroach onto the Site parcel. In any event to revise the site plan to reflect any needed Buffer Zone boundary changes in this area;**
- D. Require the Applicant to replace any proposed plantings not native to Berkshire County with species that are native. Possible replacements for the river birch may include sycamore, cottonwood, northern arrowwood, black gum and/or speckled alder, all woody species which are generally tolerant to rapid fluctuations in surface water; and**
- E. Require the Applicant to shift or reconfigure discretionary elements of the proposed project to more than 50 feet away from Mill Pond and the unidentified BVW to the north.**

R. Wood seconded the motion. The motion passed 4-1 with D. Roeder voted no.

R. Wood asked both White Engineering and David Cameron for suggested Conditions for a potential Order of Conditions on this project.

R. Wood asked the Applicant and/or her Agent to consent to a continuation of the public hearing to 7pm on March 11, 2024. Both verbally consented.

D. Roeder motioned to continue the public hearing to 7 pm on March 11, 2024. T. Pitman seconded the motion. The motion passed unanimously, 5-0.

Public Hearing on Notice of Intent (NOI) from 7 West LLC, for property located at 49 Lime Kiln Rd. in accordance with the provisions of M.G.L. Chapter 131, Sec. 40, the Wetlands Protection Act. The proposed project, which is already in operation, is to operate a retail store offering raw landscape materials along

with sheds for sale to homeowners and contractors. The issue before the Commission relates to compensatory storage requirements as the site is in the floodplain.

- 7 West LLC's Agent, Berkshire Engineering, Inc. presented the NOI to the Commissioner's citing the previous use of the site by Lane Engineering and their stockpiling of materials. He also noted that the Lane property was divided after it was purchased by K. Mayland, with 7 West LLC occupying the front parcel.
- The applicant discussed using compensatory storage that was created when materials stored on the current solar site were removed and 7 West LLC wished to use that extra compensatory storage to meet the requirements of their NOI.
- Conservation commissioners discussed floodplain issues in solar farm development.
- Without written permission to use extra compensatory storage that belonged to the solar site and K. Mayland, the Commission was unwilling to assign it to the applicant.

R. Wood asked the Applicant and/or their Agent to consent to a continuation of the public hearing to 7pm on March 11, 2024. Each verbally consented.

D. Roeder motioned to continue the public hearing to 7 pm on March 11, 2024. T. Pitman seconded the motion. The motion passed unanimously, 5-0.

Continuation of Public Hearing: Notice of Intent for 400 East Road, the McCain Pond, as required under the Wetlands Protection Act.

- Dominic Meringolo from Solitude Lake Management represented Mr. McCain and presented a revised NOI and management program for limited water-dependent uses. He discussed the key aspects of the revised plan which included a map of management zones, where treatments varied by zone, vegetation survey details, and a water quality monitoring plan.
- Various pond weed/invasive chemicals were discussed all of which are approved by the Commonwealth; He offered to send MSDS sheets and herbicide labels to the commission if requested.
- He agreed to provide a year-end report by December 31 summarizing treatments conducted, with the report including an introduction, weeds/invasives encountered, materials & methods used, results, and discussion.
- All state permits and licenses for herbicide application will be secured and maintained.
- He will report any fish kills to the commission within 24 hours.

R. Wood motioned to approve the aquatic management plan with conditions, seconded by D. Roeder. The motion passed unanimously 5 -0. Conditions are as follows:

1. The Order of Conditions is valid for three years.
2. Aquatic management will be according to the Project Narrative, Attachment B – Project Narrative/Description, Revised 1/22/24.
3. An Annual Report on the pond management program shall be submitted by 12/31 of each year and will include introduction, materials and methods, results, and discussion sections to report the plan's implementation. All treatments shall be listed, including no treatments, will be listed in this report.
4. Applicant or designee shall obtain a valid BRP WM 04 Permit for the application of aquatic herbicides and/or algicides for designated target species listed in the revised pond management plan and a copy of

such permit shall be submitted to the Conservation Commission prior to initiating any treatment of aquatic vegetation permitted by this Order.

5. All application of herbicides approved for use by this Order shall be applied by an applicator licensed (in the aquatic weed category) by the Massachusetts Department of Agricultural Resources (DAR), Pesticide Bureau. Applications shall follow all product label directions.
6. In the event of any fish kill with the pond, the applicant and licensed applicator shall immediately contact the MassDEP's Western Region Emergency Response section; the Department of Fish and Game's Westborough office at 508-792-7270 (during normal working hours); or the Boston 24-hour response line, 800-632-8075.
7. Refueling, servicing, and repair of motorized watercraft and service vehicles associated with the pond surveys and treatments shall take place at least 100 feet from the boundary of any resource area. Equipment operators shall be prepared to immediately respond to, and contain, accidental releases of fuel, motor oil, or aquatic herbicides. On-site absorbent materials shall be maintained for use in containing accidental spills. If an accidental release of any such materials occurs, the issuing authority shall be immediately notified and contaminated areas shall be treated according to guidelines established by the DEP's Bureau of Waste Site Cleanup (BWSC). Staging and long-term storage of aquatic herbicides and/or algicides shall take place outside the jurisdiction of the Department.
8. Prior to a repeat of the lake management technique(s) allowed by this Order, the applicant or designee shall survey the lake watershed using the techniques described in the publication, "Surveying a Lake Watershed and Preparing an Action Plan" published by DEP, 2001.
9. Following completion of the project at the end of the three year term, the applicant shall request a Certificate of Compliance and include an affidavit signed by the licensed applicator(s) stating that the aquatic vegetation has been treated in accordance with the requirements of this Order of Conditions.

R. Wood motioned to close the public hearing for 400 East Road, the McCain Pond, seconded by T. Pitman. The motion passed unanimously, 5 - 0.

Discussion/Possible Action on Conservation Commission's Annual Report to the Town

The Annual Report was approved as presented.

R. Wood motioned to adopt the Annual Report as presented; seconded by T. Pittman. The motion was passed unanimously, 5 -0.

Approval of Minutes – 1/22/24 and 2/8/24:

D. Roeder motioned to approve both sets of minutes for 1/22/24 and 2/8/24, as corrected, seconded by T Pitman. The motion passed unanimously 5-0.

Public Inquiries: Susan Butler discussed Scenic Mountain Act information.

Commission Member Items: None

Review Mail: Mail was reviewed.

T. Pitman motioned to adjourn the meeting, seconded by D. Roeder. The motion passed unanimously, 5-0.
The meeting adjourned at 10:24 PM.

Respectfully Submitted by,

Pamela Tambourine
Board Administrator

Documents reviewed at this meeting:

- Agenda
- Draft Meeting Minutes
- 290 Bow Wow Whiting Engineering Plans
- NOI 7 West LLC
- McCain Pond Revised NOI
- Letters concerning 290 Bow Wow
- DCR. Cutting Plans