

**TOWN OF SHEFFIELD
CONSERVATION COMMISSION
March 11, 2024
TOWN HALL FIRST FLOOR MEETING ROOM
7:00 PM Meeting
MEETING MINUTES**

Commissioners present: Rene Wood, Chair
 Ted Pitman, Vice Chair
 Anya Rosoff
 Don Ward - Alternate
 Don Roeder (Absent)

Others Present: Pamela Tambourine, Board Administrator
 David Cameron Conservation Consultant
 Lisa Fried Owner 290 Bow Wow
 Shannon Boomsma, White Engineering
 Kevin Wilkinson/Todd Wilkinson 7 West LLC

Other Members of the Public – See Sign-in Sheet

Chair Wood called the meeting to order at 7:00 PM and introduced all the Commissioners.

Continuation of 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: to operate a retail store offering raw landscape materials along with sheds for sale to homeowners and contractors. Mike Kulig presented for the applicant.

- As the business has been open for a period of time, the intent is to receive an Order of Conditions which satisfies the requirements for compensatory storage as the property is in a floodplain.
- The Commission asked about compensatory storage, gains from removal of previous materials from Land Asphalt and how these were measured. The compensatory storage gains were taken and went with the property that is now the solar farm. 7 West LLC' property was the result of a subsequent subdivision of the solar farm property.
- Because 7 West LLC provided no written permission to use excess compensatory storage on the solar field property owned by K. Mayland, they had been asked to do so. A letter from K. Mayland was presented which provided the authority needed.
- The letter, however, provided no engineering or acceptable proof of how the excess capacity cited had been determined.
- Commission members discussed the need for the original Order of Conditions for the 2017 project, which they did not have at the meeting, and the need for more information on the compensatory storage computations.
- 7 West LLC noted they are only seeking an Order of Conditions for their current storage and recognize if they increase the overall material storage on the site that they will need to come back to the Commission.
- Since the Commissioner's agreed there is adequate compensatory storage from the previous Lane Asphalt site, the issue is documenting such storage and keeping track between the two properties which property is claiming what amount of this compensatory storage. Documentation as to the total

amount of such storage from the solar site minus what 7 West LLC is granted by K. Mayland needs to be documented for each property's NOI.

- The consultant advised on off-site compensatory storage options for floodplain development and the Commission and applicant agreed on how to document it.

R. Wood motioned to issue an Order of Conditions with the following special conditions, 1) Total available compensatory storage to be fully documented within 120 days of approval of WPA Form 5; 2) Order of Conditions on Monday, March 11, 2023 to include professional written documentation of available compensatory storage from the Mayland property (32-2- 8.0) and the available compensatory storage to 7 West LLC, in a letter from K. Mayland; 3) 7 West LLC will use this documented compensatory storage and, indicate in writing, how much they are going to use and the remaining compensatory storage; 4) The requested compensatory storage documentation applies to materials on site at 7 West LLC as of March 11, 2024; 5) Any future compensatory storage needs for the 7 West LLC property (32-2-9.0) will require written notification to the Conservation Commission of the amount of additional compensatory storage requirements. The motion was seconded by T. Pitman. The motion passed unanimously 4 -0.

The Commission asked D. Cameron to review the language of the Special Conditions and to suggest clarity as he felt was appropriate.

R. Wood motioned to close the public hearing for 7 West LLC, 49 Lime Kiln Rd. Seconded by T. Pitman. The motion passed unanimously, 4 - 0. Members signed the WPA Form 5.

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

- The Commissioner's discussed the redevelopment plan for 290 Bow Wow Road. with updates from the White Engineering firm.
- White Engineering is confident it can complete the work in a sound manner despite tight site conditions.
- White Engineering outlined the construction plan for a new house, including changes to have the pool outside of the 50' buffer zone.
- Several nearby residents or abutters expressed concerns about tree removal, parking, and dock size in the proposed development, Mill Pond sensitivity, site disturbance impacts, and potential byproducts of excavation and dock anchoring. It was explained that the proposed site development met the zoning by-laws and that the dock size had been reduced but also met those requirements.
- Concerned about the placement of a proposed house on the site, citing setbacks and potential erosion issues with rain gardens given the current slopes were both are planned, and suggested other options for expansion, such as adding another story. D. Cameron cautioned about focusing on the areas subject to the Commission's jurisdiction and the impacts on those resource areas.
- Applicant's agent reviewed the storm water management plan, which includes infiltration and management of water, up to a 2" over 24 hour storm event, despite not being required by the Wetlands Protection Act.
- Other concerns cited included the project's impact on the 100-foot buffer zone, potential damage to the wetland resource area, and the 35 tree removal impacting wildlife and water quality. It was felt the number of trees to be planted was not sufficient and 2 to 1 shrub replacement would not have the same impact.
- The Commission requested a new tree planting plan to replace each removed tree with 2 new trees, approximately 6 feet tall, all being native.

- Discussed the importance of preserving undisturbed areas within the buffer zones, citing scientific literature on water temperature impacts.
- Discussed potential impact on wetland during construction, despite proposed sedimentation and erosion controls and the importance of conditions in an Order of Conditions and ways to monitor the construction while in progress.
- The Commissioners must decide if the proposed project, portions of which are in the 100' and 50' buffer zones, will alter the resource areas, if so how, and what actions to take.
- The Commission will notify White Engineering of fees due.
- Review the total plan to see if any structure may be moved further back from the 50-foot buffer zone.
- R. Wood again asked for suggested special conditions ahead of the next meeting.
- For the next meeting, the applicant's agent will create a tree removal and replacement plan.

Upon receiving verbal consent from both the owner and her agent, R. Wood motioned to continue the public hearing to 7 pm on April 8, 2024. T. Pitman seconded the motion. The motion passed unanimously, 4-0.

Public Hearing: Request for Determination of Applicability filed by Martin Mistsoff for property located at 975 S. Undermountain Road, in accordance with the provisions of M.G.L. Chapter 131, Sec. 40. The purpose of the hearing is work on an underground well and related drilling and construction to provide a water supply to an existing residential-grade barn. All Commissioner's had visited the site earlier in the day.

- Commissioners discussed their site visit and the location of the proposed well and construction needed to run a line from the well to the barn. A negative determination #3 with two Special Conditions was discussed.

R. Wood motioned to approve and issue a Notice of Determination of Applicability, Negative determination number 3, with two conditions, 1. Protective controls of silt fencing and straw wattles will be put in place surrounding the well site and 2. The Commission will be notified of a site visit by one or more of the Commissioners prior to any construction and drilling commences. The motion was seconded by T. Pitman and passed unanimously 4 -0. Members signed the WPA Form 2.

Discussion/Possible Action Regarding O Hemlock Fencing in Pond, with the Cushwa's present.

- The fence is in two areas, the 100' buffer zone from the pond and in the pond itself. No RDA has been previously filed on this.
- Concerned about the potential impact of a fence in the buffer zone, which was placed there to keep trespassers off their property and the pond. Residents have pointed out the impact on pond wildlife, particularly a large snapping turtle,
- The owners want to keep the fence up to keep trespassers out and not disrupt the beaver dam and the wildlife nesting there.
- The Commissioners asked the Cushwa's to file an RDA and a Permission to Access site form.

Discussion/Possible Action Regarding Complaints at 375 Hewins Street:

- This is a continuation of previous discussion re: a possible violation of cutting down trees in wetland areas when the owner constructed a new garage. R. Wood will draft a 2nd letter asking them to complete an RDA and a site visit permission form. Next step may be an Enforcement Order.

Discussion/Possible Action Regarding Letters to 1210 Sheffield-Egremont Road and 635 N. Main Street:

- 1210 Sheffield-Egremont Road responded to a letter stating they have an RDA that has been approved; it remains in effect for 3 years.
- 635 N. Main Street: This matter had previously been resolved that the “wetland” areas cited by M. Scott were non-jurisdictional under the WPA. R. Wood will write this letter. If he wishes to file an RDA, that would give him an opportunity to appeal the Commission’s decision.

Discussion/Possible Action Regarding Complaints @ 142 Main Street.

- Discussed the use of wood chips at 142 Main Street
- Concerns about wood chips being used to fill in a wetland, which would be a violation.
- R. Wood to draft a fourth letter.
- Considerable discussion between two attendees about perceived special considerations being given in not moving faster on this matter

Discussion/Possible Action Regarding 839 Bow Wow:

- Commissioners had a site visit today and discussed with one of the owners the need for an extra row of silt fencing and straw wattles in a delineated area. The owner understood both the area in question and the requirement to put up this additional row of protection.
- R. Wood will send a letter confirming the Commission’s order.

Discussion/Possible Action Regarding Open Letters: None

Approval of Minutes – 2/12/24

R. Wood motioned to approve the minutes of 2/12/24, as corrected, seconded by T Pitman. The motion passed unanimously 4-0.

Public Comments:

- Susan Butler commented on information from the Scenic Mountain Act discussion she felt was missing from the draft 2/12/24 minutes, and that she did not hand the commissioners a letter. She requested the minutes be revised.
- George Soudant relayed his experiences of obtaining permits and approvals for his business multiple times from the Commission and other boards and was feeling targeted and frustrated by the differences in his treatment compared to other entities.

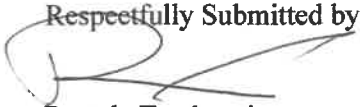
Commissioner Items/Comments:

- Commissioners discussed a complaint about a property on 254 South Undermountain Road that has water running through the shed and the shed is full of trash, and thus contamination per the complainant. The complaint was also sent to the Board of Health. R. Wood asked commissioners to visit the site without going on site and relay what they observe to our Board Administrator. R. Wood will contact the BOH.

Review Mail: Mail was reviewed.

R. Wood motioned to adjourn the meeting, seconded by T. Pitman. The motion passed unanimously, 4-0.
The meeting adjourned at 9:45 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
- RDA Martin Mitsoff