

**TOWN OF SHEFFIELD
CONSERVATION COMMISSION
JULY 24, 2023
TOWN HALL FIRST FLOOR MEETING ROOM
6:00 PM
MEETING MINUTES**

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

Alternate Commissioner: Don Ward

Commissioner absent: Rene Wood, Chair

Others Present: Catherine Miller, Zoning Board of Appeals
Sari Hoy, Planning Board
Josh Risen, Board Administrator
Members of the Public

6:00 PM Presentation/ Training with David Cameron – Ecological Restoration Limited Projects and Dealing with Anonymous Complaints.

T. Pitman opened the meeting at 6:00 PM and asked D. Cameron to proceed with his presentation. D. Cameron gave a detailed and expansive presentation on the differences between Regular Ecological Restoration Projects (RERP) and Limited Ecological Restoration Projects (LERP). A RERP is defined as a project whose primary purpose is to restore or otherwise improve the natural capacity of a Resource Area(s) to protect and sustain the interests identified in M.G.L.c. 131 subsection 40, when such interests have been degraded or destroyed by anthropogenic influences. D. Cameron provided a list of activities that are specifically governed as RERP. He stated the reason applicants file a Notice of Intent (NOI) as LERP is so the applicant can exceed thresholds imposed by RERPs. Typically an applicant will file a LERP because they are going to have a large impact on a resource area beyond the scope of a RERPs limits.

D. Cameron's next topic was how to deal with complaints. He stated that the individual receiving the complaint should ask if the complainant wishes to remain anonymous. The next steps involve obtaining as much information about the situation as possible, including who is involved, where the activity is located, when the activity took place and how it was completed.

D. Cameron listed out the following next steps:

- 1) Obtain photos, maps and any other supporting documentation of the alleged violation;
- 2) Contact the complaine, the one who is complained about, and have a discussion with them about the activity in question;
- 3) Send the complaine a Notice of Potential Unpermitted Activities;
- 4) Request a site visit to investigate the location where the alleged violation has taken place;
- 5) If the site visit request is denied, ask a neighbor to let you onto their property and try to view the location and violation from there;
- 6) If a violation can be established, issue a Cease and Desist Order;
- 7) Issue an Enforcement Order.

Continuation on Public Hearing for Solitude Lake – Notice of Intent for McCain Pond 400 East Road.

On Monday July 24, 2023 at 11:40 AM Dominic Meringolo of Solitude Lake Management sent an email requesting that this matter be continued to the August 28, 2023 Conservation Commission meeting scheduled for 7:00 PM.

D. Roeder moved to continue the Notice of Intent for McCain Pond at 400 East Rd. to August 28, 2023, seconded by D. Ward. The motion passed unanimously.

Discussion/Possible Action Regarding Scenic Mountain Act Draft Legislation.

T. Pitman updated the public on the adoption of the SMA regulations, map and text by the Commission, and that the map and text are in the process of being reviewed by the Board of Health and the Planning Board. He then opened the topic for discussion with the public. S. Butler wanted to know why the Act applied the same height measurements to both the eastern and western sides of Sheffield elevations at or above 900' and/or on slope equal to or greater than 15%. T. Pitman responded that all the Commissioners decided after multiple meetings that it was important to have a consistent height on both sides of Sheffield so that the Act affects everyone equally. K. Orlando pointed out that the SMA is not merely about protecting scenic vistas but also about erosion control and resource protection and that is another reason for the height limit to be consistent. Erosion can occur on either side of Sheffield.

S. Butler asked why the Commission did not hold more public meetings on the SMA prior to adoption. T. Pitman responded that the Commission had been working on this for a long time and that they went through 9 other versions before adopting the current Act. All meetings where the SMA was discussed and/or action taken had the SMA posted on the Commission meeting agenda. Every Commission meeting is open to the public.

S. Butler stated that if she wanted to build her home today under the SMA she would be prevented from doing so. T. Pitman responded that the SMA is not about restricting development but rather is just an additional layer of oversight and that S. Butler would be required have to file a SMA Request for Determination of Applicability (RDA) to list what Activities she wished to do on her property. S. Butler asked how she would even know to make that request. T. Pitman responded that when she applied for a building permit the Building Inspector would tell her that she may have to file a SMA RDA pursuant to the SMA and that she should come discuss the matter with the Conservation Commission or her builder.

S. Butler asked if the Select Board is required to hold a Public Hearing on the SMA. T. Pitman responded that yes, the Select Board would be holding a Public Hearing on the SMA in the near future but that the Select Board is only required to approve the adopted map and text, not the Commission adopted SMA regulations.

D. Ward, as a member of the public and Alternate Delegate, stated that the Commission is able to make changes to the SMA, and that they will be influenced by the public's comments. The goal of the SMA and the Commission are not to be obstructive but rather to encourage the public to work with them to minimize any damage to environmentally sensitive areas. D. Ward explained that the lowland areas which are so valuable and deserve protection may be significantly impacted by activities that take place above them. All water flows downhill and therefore protecting the lowlands starts with protecting the highlands. T. Pitman agreed and stated that the SMA is a living document that will be adapted, as appropriate.

Public Inquiries.

K. Orlando of the Sheffield Land Trust presented two Conservation Restrictions and requested the Commission sign off on them. The Conservation Restrictions are to preserve land owned by the Burns' and land by the Barrett's for future agricultural and environmental purposes. K. Orlando stated another goal of the Conservation Restrictions is to protect the Egremont Sheffield corridor for animals to use. A discussion regarding scheduling a site visit ensued. The Commission determined that the Conservation Restrictions would be added to their next agenda for discussion and possible action.

Approval of Minutes.

T. Pitman made a motion to approve the minutes of July 10, 2023, seconded by D. Roeder. The motion passed unanimously.

Commission Member Items.

D. Roeder mentioned that he had been in touch with an individual at a local college and that he wanted to send a communication to the McCains about an alternative to using herbicides on their pond. The Commission decided that he should write a draft email and send it to J. Risen to be forwarded to both the McCains and to Solitude.

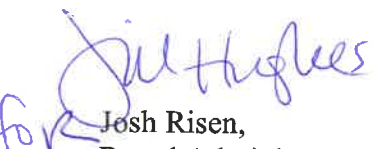
Review Mail.

The Board reviewed the mail.

T. Pitman made a motion to adjourn the meeting, seconded by D. Roeder. The motion passed unanimously.

The meeting adjourned at 8:47 PM.

Respectfully Submitted by,


for Josh Risen,
Board Administrator

Documents reviewed at this meeting:
Draft Meeting Minutes, 7/10/23
NOI filed by McCain, DEP File # 281-0275
Scenic Mountain Act Regulations, Map and Text