

**TOWN OF SHEFFIELD
CONSERVATION COMMISSION
August 28, 2023
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, Alternate

Others Present: See sign in sheet

Chair Wood called the meeting to order at 7PM and introduced all the Commissioners, including Don Ward, Alternate Commissioner for purposes of hearings.

She opened the continuance of the public hearing for the Notice of Intent for 400 East Road, McCain Pond, and notified Commissioners of a request to continue the public hearing to 7pm on September 25th from Dominic Meringolo, Solitude Lake Management. He is the agent of Mr. McCain. D. Roeder requested a site visit on 9/25/23 at 5pm, which was supported by the full Commission.

D. Ward made a motion to continue the public hearing to 7pm on September 25th, as per the request from Dominic Meringolo, Solitude Lake Management, which was seconded by T. Pitman. The motion passed unanimously, 5 - 0.

The Request for Determination of Applicability (RDA) for MA Audubon Society site on Silver Street was taken up next. In accordance with MGL C.131, §40, the public hearing was opened for proposed farm access road maintenance. In his email dated 8/26/23, the Commission's consultant, David Cameron, supplied comments on this RDA.

All Commissioners had visited the site earlier in the day; the application was presented by Bryon Siter of Foresight Land Services. During his presentation, all Commissioner's questions were answered, and the Commissioners reviewed a set of conditions proposed by the applicant's agent. The Commissioners determined the filed RDA met the requirements for a farmland exemption per 310 CMR 10.04 Agriculture and elected to add the proposed conditions to their decision.

T. Pitman made a motion to grant a Negative Determination #3, due to an exemption per 310 CMR 10.04 Agriculture, and to add the Conditions, noted in the application as Exhibit B and condition #13: "Particular attention is to be made to keep all rock chips/rocks out of the BVW when cutting back the rock on the current/expanded pathway". The motion was seconded by D. Roeder and passed unanimously, 5 - 0.

The Request for Determination of Applicability (RDA), filed by Foresight for Abby Wender and Rohan Weerasinghe for property at 1160 Silver Street for proposed drainage improvement plans, in accordance with MGL C131, §40 was reviewed upon opening the public hearing. In his email dated 8/26/23, the Commission's consultant, David Cameron, supplied comments on this RDA.

All Commissioners had visited the site earlier in the day; the application was presented by Bryon Siter of Foresight Land Services. During the presentation all questions were answered. Mark Stinson, DEP's Western MA Circuit Rider, who went with the Commission on the 1160 Silver Street site visit, was in attendance as part of his program to visit all Conservation Commissions. He discussed that at 1160 Silver Street, while wetland boundaries were marked and shown on the submitted Plan and Details, the boundaries were not delineated and flagged in the field. He encouraged the Commissioners to consider requiring such delineation and flagging, particularly when activities are close to such boundaries.

Foresight provided a list of suggested Conditions, Exhibit B General Conditions, which the Commission accepted. The Commission added several more, which were:

1. The Applicant shall adhere to all conditions listed in Exhibit B, General Conditions, as filed with their RDA application.
2. A Town of Sheffield permit is required for all propane tank(s) prior to their installation.
3. If, when excavating the area for installing the propane tank below ground level, ground water is hit, excavation shall stop immediately and shall not resume until the Applicant, Agent, or Contractor develops and presents to the Conservation Commission, at a regularly scheduled meeting, a Dewatering Plan for this activity. The Conservation Commission may modify such plan and, only upon written approval of the Conservation Commission of said Dewatering Plan, may the excavation activity continue
4. The Conservation Commission shall have the right to go on this property anytime during normal hours of construction to ensure compliance with Conditions attached to this RDA decision.

D. Roeder made a motion to grant a Negative Determination #3, with the Conditions attached as Exhibit B and the following: 1) The Applicant shall adhere to all conditions Listed in Exhibit B, General Conditions, as filed with their RDA application; 2) A Town of Sheffield permit is required for all propane tank(s) prior to their installation; 3) If, when excavating the area for installing the propane tank below ground level, ground water is hit, excavation shall stop immediately and shall not resume until the Applicant, Agent, or Contractor develops and presents to the Conservation Commission, at a regularly scheduled meeting, a Dewatering Plan for this activity and The Conservation Commission may modify such plan and, only upon written approval of the Conservation Commission of said Dewatering Plan may the excavation activity continue; and 4) The Conservation Commission shall have the right to go on this property anytime during normal hours of construction to ensure compliance with Conditions attached to this RDA. The motion was seconded by T. Pitman and passed unanimously, 5 - 0.

Discussion/Possible Action regarding an Emergency Certification Form for the Town of Sheffield regarding bank work in Iron Works Brook needed to shore up Boardman Street, south of Water Farm Road, was passed over. R. Wood informed the Commission she had filed a

Disclosure of Appearance of Conflict of Interest as required by MGL C.268A, §23(b)(3) for this matter.

The Commission continued its ongoing discussion re: 142 Main Street and the potential disposal of materials and reviewed two draft letters as well as David Cameron's comments on how to deal with complaints. After feedback, Chair Wood volunteered to redraft A Notice of Potential Violation letter consistent with the Commission's discussion, for review at the next meeting.

Mark Stinson brought two matters forward: 1) photos of 81 County Road, which he had emailed, showing the site pre-construction and potential unpermitted Riverfront Area clearing and likely BVW alterations. He also discussed potential fill in the area currently occupied by a garage. He noted enforcement actions are at the discretion of the Commission; the 2-year statute of limitations in such matters, except for where fill is left in place; and enforcement actions in general, with an appeal of such action going to Superior Court. 2) He discussed the recent RDA Negative determination given to this property for the purpose of removing certain dead trees and replacing them and cautioned the Commission to review whether the area or the activity is the subject of the filed RDA. The Commission elected not to send a draft letter re: riverfront repairs to the homeowners, but such activity would require a Notice of Intent (NOI).

The Commission discussed the new house being built by Segala on Silver Street, which had the Conservation Commission boxed checked in Permit Eyes, but appeared to have a wetlands violation and never came before the Commission for review. Chair Wood volunteered to investigate the matter and report back at the meeting. In Addition she volunteered to speak with the Town Administrator re: a possible expansion of D. Cameron's duties to include checking the building inspector's Permit Eyes system. This is not the first time a situation like this has occurred.

M. Stinson took Commissioner's questions and spent time reviewing the basics behind Forest Cutting Plans and the one filed for Town's property on Berkshire School Road, which has been the subject of concern by the ACEC state coordinator. Basically a Forest Cutting Plan is filed for forest management purposes, not to clear a lot for building. Filing a plan for clearing a lot for a building changes the use of the land. The Forest Cutting Plan for this site needs to be withdrawn by the Town; the Town has within its purview to cut the trees necessary for the building footprint approved by the Commission, as long as it doesn't cut into any buffer zones or protected resource areas. Chair Wood volunteered to discuss this with the Town Administrator.

Approval of Minutes. **A. Rosoff made a motion to approve the minutes of 8/14/23, as amended, which was seconded by Chair Wood. The motion passed unanimously 5-0.**

Commission Member Items. Chair Wood brought up the Scenic Mountain Act and provided Commissioners and those at the meeting, with copies of the adopted Scenic Mountain Act Map and Text with 900' elevation and another non-adopted map showing Map and Text with 1200' elevation. The maps showed that most of the elevations in Sheffield begin at 900' and using 1200' criteria would eliminate most of Sheffield's mountainous areas.

Public Inquiries. Susan Bulter requested information on the Scenic Mountain Act and procedures to be taken with reviews by the Board of Health, the Planning Board, and the Public Hearing to be held by the Select Board. The Planning Board has no comments apparently; the Board of Health will discuss the Map and Text at its 9/19/23 meeting; T. Pitman and other Commissioners may attend that meeting. Unfortunately Chair Wood is out of town. The Select Board's Public Hearing has not been requested for scheduling, although it is anticipated it will be held in October 2023 at one of their regular meetings.

Review Mail. There was no mail to review.

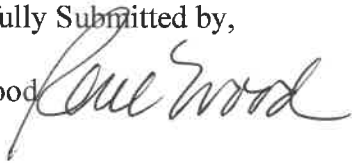
Adjournment.

T. Pitman made a motion to adjourn the meeting, seconded by Don Roeder. The motion passed unanimously, 5-0. The meeting adjourned at 9:05 PM.

After the meeting had adjourned, S. Butler handed Chair Wood a request for records, namely the draft 8/28/23 minutes, when available.

Respectfully Submitted by,

Rene Wood
Chair



Documents reviewed at this meeting:

- Revised Meeting Agenda, 8/28/23
- Draft Meeting Minutes, 8/14/23
- Email from Dominic Meringolo to Rene Wood, dated 8/24/23 at 3pm requesting continuation of McCain public hearing.
- RDA filed for Mass Audubon on Silver Street.
- RDA filed for 1160 Silver Street.
- Email from David Cameron to Town Hall, dated 8/26/23 at 8:35am re: 2 RDAs for review at 8/28/23 meeting.
- Disclosure of Appearance of Conflict of Interest as required by MGL C.268A, §23(b)(3) filed by R. Wood for Emergency Certification Form, Town of Sheffield.
- Photos of 81 County Road, in email dated 8/24/23 to R. Wood and Town Hall from Mark Stinson.
- Draft letters: two to A. Jacopino at 142 Main Street and one to J. & J. Elovirta at 81 County Rd.
- Scenic Mountain Act adopted Map and Text.
- Unadopted draft map showing 1200' elevations.
- Request for records from Susan Butler.

