

**TOWN OF SHEFFIELD
CONSERVATION COMMISSION
NOVEMBER 13, 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

Others Present: Pamela Tambourine, Board Administrator
Members of the Public – See Sign in Sheet

Chair R. Wood opened the meeting at 6:00 PM

Presentation/ Training with David Cameron:

D. Cameron gave an overview of the complexity of the wetlands regulations.

7:00 PM Continuation of Public Hearing: Notice Intent for 400 East Road McCain Pond:

R. Wood opened the public hearing for the Notice of Intent for 400 East Road, McCain Pond. Dominic Meringolo from Solitude Lake Management was present to represent the applicants.

D. Meringolo presented McCain's pond management program that they would like to continue. This was previously approved under an older Order of Conditions; file number 0228, issued in 2012. The pond is 8.3 acres. No treatments were needed in 2017, 18, 19, or 2020—a minor treatment in 2021. The management program for a pond includes vegetation surveys, water quality sampling, and algae sampling, with the option to use herbicides and algaecides to control nuisance plant and algae growth. D. Meringolo stated his openness to exploring alternative options or other methods of pond management, he is willing to investigate the water-dependent uses and vegetation maps to also considering establishing management zones in the pond.

The Commission would like more documentation on invasive species that are present before approving an ecological restoration plan. D. Meringolo explains that the pond has occasionally experienced nuisance plant growth, and there have been years where algae growth has been observed despite phosphorus levels being within a desirable range.

D. Cameron asked about the criteria used in 2021 to determine the need for treatment. D. Meringolo explains that it may have been based on a combination of survey data and Mr. McCain's interpretation of the pond's condition. D. Cameron suggests using a limited project under subpart L to manage nuisance aquatic vegetation, allowing the Conservation Commission to approve the project under an order of conditions. The Commission can waive specific requirements for water-dependent uses but must minimize adverse impacts on other resource

areas. The Commission could permit the applicant to create a new sandy bottom in the pond, as long as it's for water-dependent use. He also stated that a different box could be checked on the application. D. Cameron states that wetland regulation definitions for ponds describe natural ponds.

The Commission discussed revising the Notice of Intent to be an ecological restoration project and criteria for evaluating herbicide use in agriculture. The suggestion is to use hand pulling for small patches of Eurasian milfoil in the pond and use quadrats to measure vegetation and fisheries in plant management projects. Also, discussed the format for an annual report on aquatic plant management, including quantifying past results. D. Cameron recommended two options. 1. Devise a plan to manage nuisance vegetation with clear-cut criteria, allowing them to treat the pond.

2. On the limited projects where it's water-dependent ask for a definition of the size that would be treated or just the whole pond. He also suggests that the applicant demonstrate that there are water-dependent uses that either want to resurrect, maintain, or rehabilitate and provide a description of those along with a plan including the geography associated with it.

R. Wood motioned to continue the public hearing to 7 pm on January 8, 2024, per the request from Dominic Meringolo, Solitude Lake Management, which T. Pitman seconded. The motion passed unanimously, 4-0.

The Request for Determination of Applicability (RDA) for the Bears Den Nominee Trust, 234 Bears Den Road, for the installation of a septic system

R. Wood opened the public hearing. Mike Parsons from Kelly, Granger, Parsons and Associates was present to represent the applicant. The proposal is for the installation of a new 1250-gallon septic tank, a 1000-gallon pump chamber, and an 11.5'x35' leach bed consisting of 4 rows of standard ADS ARC-36 with seven chambers per row (28 chambers total). Install a straw wattle barrier to protect the resource area.

Commission members visited the site earlier today. The Commission determined that the filed RDA met the Negative Determination #3 requirements. The work described in the Request is within the Buffer Zone, as defined in the regulations, and will not alter an area subject to protection under the act. Therefore, the work does not require filling a Notice of Intent, subject to the following conditions.

Conditions:

1. Placement of straw waddles as shown on the plan.
2. The contractor must notify the Commission when waddles are placed for inspection and approval by one or more Commissioners.
3. Any materials excavated will be stored and covered on the property outside the 100ft buffer zone.

R. Wood made a motion to grant a Negative Determination #3 with the above conditions; the motion was seconded by D. Roeder and passed unanimously, 4 -0.

Discussion of Scenic Mountain Act

Board members discussed upcoming meetings to review the Scenic Mountain Act; the discussion centered around the 15 % slope of the project, Conservation Commission member wanted higher quality.

Approval of Minutes for the 10/10/23 meeting: **D. Roeder made a motion to approve the minutes of 10/10/23, as amended, seconded by T Pitman. The motion passed unanimously 4-0.**

Commission Member Items:

500 Salisbury Road - Commissioners discussed the potential wetland area on Salisbury Road. Potential floodplain issues. R Wood presented a map of the site for members to review.

O Hemlock – A resident raised concerns about a fence built in the water resource area.

Commissioners discussed that the fence is in the water,

D. Roeder will draft a letter with concerns and forwarded to Pamela for processing.

142 Main Street- Commissioners discussed a business on Main Street with possible wetland violations. Photographs were provided of the area, which has been extended. The Commission discussed the need for documentation and involve David in the process to ensure the correct process is being followed.

375 Hewins Street – Commissioners discussed possible the violations of tree cutting in the wetlands.

T. Pitman will ask the State Forestry to draft a letter for Pamela to process.

405 Silver Street –Commissioners discussed potential enforcement action related to construction of a new house without proper wetland permits. They also discussed every person who builds a house to file an RDA and obtain written confirmation that they are outside of any wetlands. T. Pittman will draft a letter for Pamela to process.

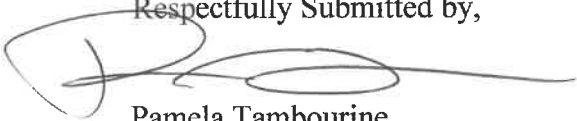
Public Inquiries.

Rachel Cunningham asked about the status of discussions between Sheffield and GE and the environmental impact study for the Housatonic River. Sheffield has no ordinance to prevent erosion along the Housatonic River or Schenob Brook. R. Cunningham is confused about the regulations surrounding riverfront property and seeks clarification from the group. Chair Wood explains that the Wetlands Protection Act covers riverbank areas and the river itself is not under the jurisdiction.

Review Mail: Mail was reviewed.

T. Pitman motioned to adjourn the meeting, seconded by Don Roeder. The motion passed unanimously, 4-0. The meeting adjourned at 9:05 PM.

Respectfully Submitted by,

A handwritten signature in dark ink, appearing to read 'P. Tambourine', with a long horizontal stroke extending to the right.

Pamela Tambourine
Board Administrator

Documents reviewed at this meeting:

- Draft Meeting Minutes,
- RDA Filed for 400 East Road McCain Pond
- Scenic Mountain Act
- Unadopted Printed Maps Showing 500 Salisbury Road
- D. Roeder Proposed “Boilerplate” Conditions for Lake/Pond Management
- Request for Records from Susan Butler.