

**TOWN OF SHEFFIELD  
CONSERVATION COMMISSION  
NOVEMBER 25, 2019  
FIRST FLOOR MEETING ROOM  
7:00 PM**

Commission Members Present: Theodore Pitman, Chairman  
Donald Ward, III, Vice Chairman  
Cheryl Blackburn  
Martin Mitsoff

Commission Members Not Present: Arthur Batacchi, Jr

Others Present: Renee LeClair, Conservation Commission Clerk  
Members of the public (see sign in sheet)

Chairman Pitman called the meeting to Order at 7:00 p.m.

**Discussion and possible action regarding Enforcement Order for property at 1448 South Undermountain Road:**

Michael Kulig from Berkshire Engineering introduced himself as the engineer that will be taking over on this project in Benjamin Naylor's, the previously assigned engineer on the projects, absence. Chairman Pitman stated for the record that Emily Stockman of Stockman Associates has been working as the Consultant on behalf of the Sheffield Conservation Commission. Mark Stinson from the Department of Environmental Protection introduced himself as well. M. Mitsoff asked that Michael Kulig leave copies of the September 5, 2019 wetlands restoration plan and a planting plan for the Commission, as the only plans received were in electronic form.

Don Ward entered the room at 7:04pm.

Michael Kulig began that there have been multiple iterations for this project, including recent comments from The Nature Conservancy as abutters that have been included in a narrative. Mark Stinson pointed out that the wetland restoration plan states, resource area impact shows; wooded marsh area estimated at approximately 495 ft.<sup>2</sup>. M. Mitsoff stated that this estimate seems to have been grossly underestimated. Based on July soil transects, Emily Stockman added that there had been fill placed inside the bordering vegetative wetland, but the extent of such fill over wetlands has not been determined. Mark shared some aerial photographs showing indicators of wetlands; a 1997 black-and-white photograph shows indicative wetlands areas and a stream, indicated by dark areas on the photographs. A 2017 aerial photograph shows work that has been done more recently, including substantial clearing and fill. Mark stated that he had estimated the area impact to be over 20,000 ft.<sup>2</sup> of bordering vegetative wetland. Mark stated that there has been significant wetland lost. NHESP (Natural Heritage and Endangered Species Program priority and estimated habitats) is waiting for the Commission to pass judgment and comment on wetlands, bank and buffer zones. The Commission's task is to pass judgment on wetlands, bank, and buffer zone. Then the Commission will defer to NHESP. A discussion ensued. Emily continued, this is a violation and the Commission has now demonstrated that there are wetlands based on scientific evidence and that it is the land owners responsibility to remove the fill to expose wetland and upland soils. A discussion ensued regarding soil sampling done to date. Emily Stockman stated that her recommendation is to remove the fill when the season is appropriate and then conclusively document where the wetland soils have been filled over and where upland soil begins and then finalize the delineation of that area. A discussion ensued regarding the berm created (at the western border of the property as cleared) and

pushed into wetlands. Mark stated that the original delineation did not show any wetlands loss in the 2018 report, which does not mention BVW loss. Mark also noted the intermittent stream on the eastern portion of the property, not formally delineated, and that he cannot determine where the middle of the stream would be located and the 100-foot buffer zone can't be determined without that.

Michael Kulig explained that behind the house was dug down into the water table creating a wetland and that will eventually be delineated and Mark commented that this new wetlands area does not have the functions and values of the original wetlands that were lost. D. Ward suggested that the area behind the house at least be flagged to prevent any future encroachment. Michael Kulig stated that he could take care of that. A discussion ensued regarding the replanting plan and wetland and stream delineation and the work required to be done by the landowner to determine the original extent of wetlands excavated. Emily asked the Commission to step back and consider that the enforcement area is huge and that the vast majority of the area is within priority habitat that is outside the Commission's jurisdiction. The Commission agreed that Emily and Michael would work together to decide on language that will be added to the plans. A discussion ensued.

Emily suggested that the Commission request as a condition, that the seed mix and the planting mix be reviewed and approval prior to purchase and installation. M. Mitsoff stated that given the nature of communication with the land owners he would like to see all comments be added to the actual plans for clarity. Emily agreed with M. Mitsoff's statement as these comments are very important for the process and for the future care of the land, and that site monitoring comments going forward and site management comments provided, inter alia, by the Nature Conservancy, should be shown on the plans. A discussion ensued regarding prior massive erosion and subsequent grading of the site to handle runoff from the driveway; further discussion ensued led by Emily regarding requirements for site restoration and monitoring. **M. Mitsoff motioned with a second from Chairman Pitman that the Commission require the landowners to address the inner fifty feet of the buffer zone from the original wetlands line and that wetland and resource areas be restored pursuant to the discussions this evening and finally that we authorize Emily Stockman to work with Michael Kulig with regard to the language that will be amended to the next set of revised plans based on the discussion at tonight's meeting. The motion passed 4-0.**

#### **Update on garage at the Annunziata's property on Rannapo Road:**

The clerk read an email from White Engineering, Inc. Environmental Analyst, Shannon Boomsma, requesting that the Commission accept a change in the Request for Determination that was approved at the last meeting. Per Mark, because the size and extent of the garage has changed, the owner is required to file a new RDA. An already-issued finding (in this case, a Negative determination) from the Commission on the prior RDA cannot be amended. **D. Ward motioned with a second from M. Mitsoff based on the revision requested White Engineering is to submit a new request for determination along with an additional site visit. The motion passed 4-0.**

#### **Letter submitted regarding Mill Pond:**

Sarah Williams, representing the Mill Pond Association, stated that she was here this evening to communicate that the Association has submitted a Notice of Intent for Mill Pond as the Commission had suggested in the past. She shared a letter prepared by the project manager notifying the Commission of submission of this plan. The applicants are enthusiastic regarding a multi-effort approach (treatment and mechanical removal of invasives) to maintaining the water quality of the pond. Mark asked whether the Association has investigated where the invasive species problem may be coming from, including possible leakage from septic systems and agricultural runoff from nearby

dairy farms; prior water and sediment testing showed high levels of nitrates. D. Ward suggested that the Association consider testing water upstream of the pond. No action was taken by the Commission.

**Review of Forest Cutting Plans:**

No forest cutting plans to review.

**Approval of Minutes:**

The Commission reviewed the draft meeting minutes from October 28, 2019. **Chairman Pitman motioned with a second from M. Mitsoff to accept the October 28, 2019 minutes as amended.**

**Commission Member Items and Mail:**

Chairman Pitman stated that he would like to have a special meeting to discuss the Scenic Mountain Act that M. Mitsoff has been working on. A discussion ensued regarding a date for such meeting. Individual comments on the existing draft can be folded into the draft prior to the working meeting, with members sending their comments to the clerk, following which the revised draft resulting from the working meeting could be shared with a larger audience. M. Mitsoff suggested that all members review the current draft of the Scenic Mountain Act to provide comment before this first meeting. The SMA working meeting was then scheduled for 17 December 2019 at 6 PM. A discussion ensued.

The clerk asked if the Commission if they would like to have a site visit for the NOI's before the next meeting. A discussion ensued. It was decided that they will visit 992 Foley Road prior to the next meeting.

**Public Inquiries:**

No public comment.

**Adjournment:**

There being no further business before the Commission this evening.

**D. Ward motioned, with a second from C. Blackburn to adjourn the meeting. The motion passed 4-0.**

The meeting adjourned at 8:30 p.m.

The following documents were reviewed during the Commission's meeting and have been retained as required by the Massachusetts Public Retention Policy:  
Meeting agenda, Sign in sheet, Draft Meeting Minutes, Correspondence regarding Request for Determination of Applicability for Rannapo Rd and 460 S Main St.

Respectfully submitted,



Renée LeClair  
Conservation Commission Clerk

## Sheffield Conservation Commission

Date: November 25, 2019

PLEASE PRINT: Your Name

Street, Town

1. Rene Wendell 66 Sheffield St. Pittsfield, MA
2. Emily Stollman STOLLMAN ASSOC. ADAMS MA
3. Catherine Miller Sheff. 801 Clayton
4. MIKE KULIK - BERR. ENV.
5. Mark Stinson massdep
6. Sarah Waller 340 Bow Wow
7. Sari Hoy.
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- 9.
- 10.
- 11.
- 12.
- 13.
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