

**TOWN OF SHEFFIELD
CONSERVATION COMMISSION
JUNE 22, 2020
VIRTUAL MEETING
7:00 PM**

Commission Members Present: Ted Pitman, Chairman
 Don Ward, III, Vice Chairman
 Arthur Batacchi, Jr.
 Cheryl Blackburn
 Martin Mitsoff

Others Present: Sarah Williams, Robert Johnson (owner
 representative for 115 Bow Wow Road)

Chairman Pitman called the meeting to order at 7:00 PM.

The Commission held a public hearing on the Request for Determination of Applicability (RDA) for property at 115 Bow Wow Road regarding construction of a pool house. Owner's representative stated that construction had begun before Conservation Commission had a chance to review RDA due to miscommunications with Town's building inspector, and apologized for these miscommunications. Pool was subject of a previous RDA, and inasmuch as pool house is being constructed on pool side furthest from wetlands, **D. Ward made a motion for a Negative Determination #4, seconded by A. Batacchi; M. Mitsoff abstained, C. Blackburn opposed, and D. Ward, A. Batacchi and T. Pitman voted in favor.**

Commission discussed Berkshire School's request for certificates of compliance on a number of projects undertaken at Berkshire School over the last approximately twenty years. T. Pitman will contact Tim Fulco to set up a site visit to review the projects. Proposal was made to conduct an ad hoc meeting of the Commission at the School immediately following the site visit. Proposed dates were established as 8th July and 15th July.

T. Pitman and M. Mitsoff then reviewed the conference call held by them on 6/19/20 with Emily Stockman (for Town of Sheffield), Misty-Anne Marold (NHESP), and Mike Kulig (Berkshire Engineering, for owner) regarding review of NHESP considerations for 1448 S. Undermountain Road. M. Kulig stated he understood that parts of the berm illegally constructed on wetlands soils would need to be removed, that those areas would need to be restored, and that he was requesting consideration of the creation of a swail in the berm area to help divert surface loads away from owner's "dwelling". E. Stockman expressed concern that such swail and surface load design and review will require a new, separate NOI that would divert effort from the current restoration requirements. M. Marold said NHESP will further consider the site features on the proposed restoration plan with a view to a natural wetlands design that will handle surface load; she recommended that M. Kulig reach

out to NHESP's Brian Butler to consult; and that M. Kulig needs to have revised plans to NHESP and to Sheffield Conservation Commission within one week to enable restoration work to proceed. M. Kulig asked if owner could hire E. Stockman to guide wetlands restoration; both M. Mitsoff and E. Stockman said that would be impossible under the current situation as E. Stockman has been retained to advise the Sheffield Conservation Commission. M. Marold then discussed extent of owner's destruction of protected lands on owner's property (including 10.3 acres of site work substantially altering protected lands, 15 acres of understory removal and modification, destruction of protected flora and rare (endangered) invertebrate habitat) and 3:1 mitigation requirements for which owner's site prevents full remediation and mitigation that will require off-site mitigation as well, all pursuant to MESA, MEPA and Article 97 standards. No action was taken by the Commission following this discussion.

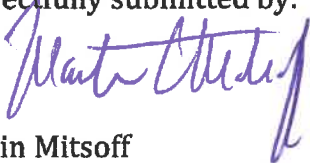
Commission reviewed minutes from June 9, 2020 meeting. **Motion was made by T. Pitman, seconded by A. Batacchi, with unanimous approval of these minutes.**

Forest cutting plans: None.

Next Meeting: July 13, 2020

Motion to adjourn made at 7:35 PM by C. Blackburn and seconded by M. Mitsoff, with unanimous approval.

Respectfully submitted by:



Martin Mitsoff
Member, Sheffield Conservation Commission

Documents reviewed at meeting:
RDA for 115 Bow Wow Road
RDA and forest cutting plan for Bluebird Hill Development LLC

Draft meeting minutes from May 12, 2020