

**TOWN OF SHEFFIELD
CONSERVATION COMMISSION
JULY 13, 2020
VIRTUAL MEETING
7:00 PM**

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

Others Present: Sarah Williams, Mike Parsons, Jim Kelly,
 Doug Winseck

Chairman T. Pitman called the meeting to order at 7:00 PM. M. Parsons, representing the owners, provided details for the installation of a new septic pump chamber at 319 Berkshire School Road. The pump chamber will be located adjacent to an existing septic field and system that is within a river resource area, with the new pump chamber located approximately 80 feet into the bordering vegetated wetlands area, and will pumped into the existing septic leaching field. After questions and discussion, T. Pitman made a motion for a Negative determination, finding 3, under the applicant's Request for Determination of Applicability previously filed with the Commission, seconded by D. Ward. The motion passed with four votes.

The Commission discussed the desire for a site visit regarding the request for a Certificate of Compliance regarding landscaping work at 1375 North Main Street. The owner informed M. Mitsoff in a prior telephone call that July 13 would be inconvenient for him given his business opening requirements; M. Mitsoff informed the Commission that he would try to schedule the site visit at a date and time convenient to the owner and members of the Commission. No further action was taken.

The Commission discussed the comments received from circuit rider Mark Stinson concerning the Commission's previous decision on a Negative determination under a Request for Determination (RDA) for applicant Jim Kelly's proposed wildlife habitat restoration work at his property on County Road. With the applicant's permission, the Commission agreed to withdraw its previous decision. The applicant discussed that he would not file a Notification of Intent regarding the one-acre portion associated with the RDA, deciding to not include the one-acre portion and doing the work under a previously-approved forest cutting plan. By a motion made by M. Mitsoff and seconded by C. Blackburn, the Commission voted unanimously to modify its RDA decision to a positive determination.

The Commission then discussed the site visit and meeting proposal for Berkshire School's request for completion of Certificates of Compliance on a number of

projects taken at the School over the past two decades. A site visit and meeting is scheduled for Wednesday, July 15, 2020. [Note: Because the associated meeting that would have taken place was not properly noticed, the site visit and meeting was cancelled and will be rescheduled. T. Pitman will contact the School to arrange a new site visit / meeting date].

T. Pitman asked S. Williams to speak on the situation at Mill Pond regarding treatment for invasive species. S. Williams stated that the DEP case 281-0257 was not listed on the prior Commission agenda, and sought to continue this case to the July 27 Commission meeting. M. Mitsoff made motion to continue the discussion to July 27, seconded by T. Pitman, with a unanimous vote in favor.

The Commission discussed developments regarding the enforcement order for 1448 S. Undermountain Road. No new information has been received by the owner's engineer, with correspondence from Natural Heritage and Endangered Species Program (NHESP) also indicating the failure to provide such information. No further action was taken regarding the enforcement order. The Commission then discussed consultant E. Stockman's correspondence regarding continuing work anticipated in acting as the Commission's agent regarding the enforcement order. M. Mitsoff made the motion to approve the associated scope of work, the costs of which must be paid by the owner, and C. Blackburn seconded the motion; the motion passed unanimously.

Discussion regarding the Level 2 Drought declaration was passed over.

The Commission then discussed the status of work being done by the owner on a Request for Determination regarding site work that has been conducted by the owner at 1450 Boardman Street. M. Mitsoff told the Commission that he had a follow-up phone call with the owner to address the owner's questions regarding the RDA, and that the owner was proceeding with completing and filing the RDA but would undertake no further site work until action on the RDA was taken by the Commission. No further action was taken.

The Commission discussed guidance provided by circuit rider Mark Stinson regarding his findings on unpermitted, prohibited riverfront encroachment by owners of 854 and 864 S. Undermountain Road. The Commission had previously been provided with aerial photographs taken over the period 2005-2019 indicating that approximately 6,000 square feet of resource area had been so encroached; M. Stinson recommended that the Commission should immediately issue an enforcement order that would require the owner to hire a wetlands consultant to delineate for the Commission the riverfront resource area and identify areas affected by the encroachment. Following the Commission's review and input on this delineation, the wetlands consultant would then develop a restoration plan to be reviewed, amended if needed, and approved by the Commission. T. Pitman made a motion to issue the associated enforcement order, seconded by C. Blackburn; the motion passed unanimously.

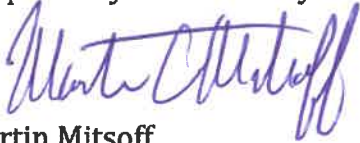
Minutes from the Commission's previous meeting, held 22 June, 2020; T. Pitman made the motion to approve the minutes, seconded by M. Mitsoff. The motion passed unanimously.

There were no forest cutting plans presented.

D. Winseck, an abutter of 1450 Boardman Street, asked the Commission whether the owner had received a full-time camping permit, and was informed that such permits are not the purview of the Commission. He also inquired about spillages from machinery on the site, stating he was concerned about the water quality of his well. Commission members that made a site visit to 1450 Boardman stated that the evidence of such spillages did not present as substantial environment concerns, but if D. Winseck was concerned he should undertake independent water quality testing and provide the results to the Commission, to pass on to the Board of Health.

Motion to adjourn was made at 8:22 pm by M. Mitsoff, seconded by D. Ward, with four votes in favor.

Respectfully submitted by:



Martin Mitsoff
Member, Sheffield Conservation Commission

Documents reviewed at meeting:
RDA for 319 Berkshire School Road
Proposal from E. Stockman for professional services
Draft Enforcement Order for 854 / 864 S. Undermountain Road

Draft meeting minutes from June 22, 2020