

**TOWN OF SHEFFIELD
CONSERVATION COMMISSION
August 24, 2020
VIRTUAL MEETING
7:00 PM**

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

Others Present: Sarah Williams, Doug Blume, Robert Kilmer,
 Sari Hoy, Casey Fitzpatrick, Al Thorpe

Chairman T. Pitman called the meeting to order at 7:01 PM. The first and second agent items dealing with Mill Pond were discussed. S. Williams, for the Mill Pond Association, requested a continuation on its pending Notice of Intent (NOI; DEP No. 281-0257) September 14, 2020 meeting. T. Pitman motioned, seconded by C. Blackburn, with four votes in favor (A. Batacchi joined meeting at approximately 7:30). S. Williams then stated that she had not requested that the old NOI, also dealing with invasives treatment (DEP File 281-0173), be on the agenda. M. Mitsoff stated that this NOI, filed in 2003, was extended for 1 year in May 2019; this NOI cannot be further extended by the Commission because NOIs run for three years or the latest extension (which was April 2019). M. Mitsoff recommended to the Commission that no extension of the old NOI be granted. S. Williams asked why Mill Pond Association was being singled out. M. Mitsoff addressed other similar NOIs that had been filed more recently, and extensions could be made from three years of the NOI or the latest extension. M. Mitsoff stated further that it was his view that the Commission needs to follow the DEP protocols regarding NOIs and work with applicants to properly close out NOIs with Certificates of Compliance and if applicants need to undertake additional, new NOIs. Discussion ensued regarding filing requests for Certificates of Compliance. D. Ward committed to send S. Williams minutes of prior meeting minutes for June 22, July 13, and July 27.

Commission then discussed site visit to 429 Berkshire School Road, attended by T. Pitman, M. Mitsoff, D. Ward. T. Pitman stated that work being undertaken is outside wetlands resource area. M. Mitsoff will notify building inspector of Commission's sign off.

Commission then reviewed request for Certificate of Compliance (COC) for 1375 N. Main Street. Bank has been stabilized and work completed in accordance with the associated Orders of Conditions, and Form 5 has been completed by applicant. M. Mitsoff made motion to approve CC, seconded by T. Pitman, with three votes in favor and two abstentions.

The Commission discussed the need for an Enforcement Order for 1149 N. Main Street, a draft of which was included in Commission documents. M. Mitsoff noted that an addendum to the draft Enforcement Order was in fact an addendum to a different Enforcement Order. D. Ward proposed a review of the draft with changes for the next Commission meeting. No further action was taken.

Commission then heard update on the Enforcement Order for 1448 S. Undermountain Road. D. Ward reported that Emily Stockman noted the slow progress, and that engineer is trying to coordinate with NHESP regarding restoration planning. Berkshire Engineering has provided no updates over the last three months. D. Ward noted that NHESP would be willing to take the lead on this project were they to receive such a request from the Commission. D. Ward will coordinate the request to NHESP before our next meeting. A. Batacchi and C. Blackburn agreed that the Commission needs assistance in resolving the matter.

The Commission discussed the riverfront encroachment by, and the associated Enforcement Order issued by the Commission to, owners of 854 and 864 S. Undermountain Road and associated parcels. T. Pitman noted that property owner had not notified the Commission that it had identified a wetlands specialist yet to identify the required wetlands delineation. Owner stated A. Thorpe had questions, including regarding whether his job was to work for the Commission or his client. A. Thorpe inquired whether Commission would need two wetlands specialists at the expense of the owner. M. Mitsoff stated that enforcement order requires wetlands delineation, identification of violations, and restoration plans, the latter two of which must be approved/disapproved by the Commission. A. Thorpe noted that M. Mitsoff and he corresponded regarding A. Thorpe's qualifications as a wetlands specialist, with D. Ward noting that Commission members have seen these communications. M. Mitsoff noted that two deadlines under the Enforcement Order have expired with no progress, and stated that A. Thorpe's view on being able to meet the substantive Enforcement Order requirements will take up to four months, and asked Commission members to consider identifying a wetlands specialist to undertake the work at the expense of the owner. C. Fitzpatrick noted that this was an intense time for a hospitality business to undertake the enforcement order requirements, and that there are no ongoing violations taking place, which M. Mitsoff disputed. D. Ward noted that M. Stinson's work initially focussed on the barn parking area, but that the Commission needed to address any and all wetlands violations and proposed a site visit for Commission members, and then stated that the Commission will work with the owner to address the matters. With agreement from C. Fitzpatrick, September 1, 2020 at 4 PM was set for a site visit. D. Ward motioned for this meeting, seconded by T. Pitman with four votes in favor.

Minutes from the Commission's previous meeting, held August 10, 2020; T. Pitman made the motion to approve the minutes, seconded by D. Ward. Three voted in favor, with two abstentions.

No forest cutting plans were presented.

Motion to adjourn was made at 8:12 pm by M. Mitsoff, seconded by T. Pitman, with four votes in favor and two abstentions. Next meeting set for September 14, 2020.

Documents reviewed at meeting:


Form 7, Certificate of Compliance, 1375 N. Main Street

Draft enforcement order for 1149 N. Main Street

Enforcement Order for 854 / 864 S. Undermountain Road

Draft meeting minutes from August 10, 2020

Respectfully submitted,


Martin C. Mitsoff