

**TOWN OF SHEFFIELD
CONSERVATION COMMISSION
September 28, 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, Jason Sherman, Sari Hoy,
 Marilyn Wightman, Doug Winseck

Chairman T. Pitman called the meeting to order at 7:00 PM. S. Williams, for the Mill Pond Association, requested a continuation on its pending Notice of Intent (NOI; DEP No. 281-0257) to the October 13, 2020 meeting. M. Mitsoff motioned, seconded by T. Pitman, with four votes in favor. S. Williams also requested that similar requests and motions made 4/27, 5/26, and 6/22/20 that were unintentionally excluded from Commission minutes be included in amended minutes. Commission agreed to so amend.

The Commission discussed the Request for Determination of Applicability (RDA) for 1450 Boardman Street. D. Ward and M. Mitsoff conducted a site visit with the applicant on September 28, 2020. D. Ward stated that the majority of applicant's driveway was outside of the 100-foot resource area boundary, but that his trailer was partly within the resource area. A. Batacchi inquired about area where trailer is now - would it require work to make that area compliant. D. Ward stated that that area was mainly outside the resource area. M. Mitsoff made a motion for a Negative determination on applicant's RDA, seconded by A. Batacchi, pursuant to subparagraph 3., not requiring the filing of a Notice of Intent (NOI), subject to the following; applicant to move trailer out of resource area and applicant undertaking no further work within the resource area other than using fill from new trailer location to fill and re-slope a small area where excavation had taken place, with applicant to notify Commission when these actions have been completed. The motion was passed unanimously with five votes. D. Winseck was asked if he had questions or concerns; he replied that he was happy with the decision and the vote.

Commission then discussed 1149 N. Main Street possible action; no site visit was conducted but D. Ward noted that he discussed additional paving on owner's property at the western side of the existing building; owner stated that he thought his original NOI governed the additional impervious paving since the entire building area had been originally elevated pursuant to that NOI. D. Ward also noted that he informed owner that if any additional site work is undertaken, owner should file an RDA or an NOI. A. Batacchi asked whether (1) owner had filed and received a certificate of compliance, and (2) whether owner received compensatory storage from an abutter, but D. Ward and other members did not know. D.

Ward and M. Mitsoff will draft a letter for the Commission to the owner regarding requirements should any further site work be undertaken. No further action was taken.

Commission then heard update on the Enforcement Order for 1448 S. Undermountain Road. D. Ward spoke with E. Stockman, noting that Oxbow Associates is reviewing the wetlands area altered and filled by owner. E. Stockman is recommending a site visit between Commission members, E. Stockman, and property's consultants. D. Ward will follow up with E. Stockman regarding site visit dates. A. Batacchi stated that the Commission may be being stone-walled by owner and his consultants; M. Mitsoff agreed. A. Batacchi then made the motion that the Commission brings these matters to, and enlist the cooperation of, state officials, seconded by M. Mitsoff; on further discussion, D. Ward stated that E. Stockman had originally recommended this, but now that she is trying to set up a site visit, perhaps the Commission hold off. A. Batacchi's motion was amended to wait for E. Stockman input. C. Blackburn noted that we should not wait for the next meeting to take action regarding advancing the matters to the state, and that the Commission should take a firmer stand on more efficiently upholding wetlands conservation matters. The motion passed unanimously with five votes. No further action was taken.

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. M. Mitsoff discussed his opinion that the Commission not amend our Enforcement Order, nor should it withdraw the Enforcement Order to issue a new one. M. Mitsoff also stated that the plan submitted showing riverfront violations should be amended to include removal of the waste bin; removal/restoration of the goat pen and goat crossing; the disturbed area on the south bank slightly east along Race Brook in the vicinity where violation "4", in the vicinity of the lean-to, has been noted; the disturbed area where the property line jogs diagonally just west of the culvert/bridge at Route 41, in the vicinity of where violations "2" and "3" have been noted; and the trailer and fencing along the south bank, all of which appear to be within the parcel identified as 6.1 owned by Race Brook House Limited Partnership LLC. M. Mitsoff will draw up these additional violations, for the purposes of noting them on the violations plan submitted for the owner by A. Thorpe. No further action was taken.

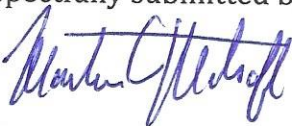
Minutes from the Commission's meeting held September 14, 2020: A. Batacchi made the motion to approve the minutes, seconded by T. Pitman, with five votes in favor.

No forest cutting plans were presented.

Motion to adjourn made at 8:35 pm by M. Mitsoff, seconded by C. Blackburn, with five votes in favor. Next meeting set for October 13 (revised post-meeting due to Oct 12 being a holiday).

Documents reviewed at meeting: Draft meeting minutes from September 14, 2020

Respectfully submitted by



Martin C. Mitsoff