

Town of Sheffield
CONSERVATION COMMISSION
December 14, 2020
VIRTUAL MEETING
7:00 PM

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

Others Present: Members of the Public
 Lori Neil, Administrative Assistant
 Mark Stinson, MASS DEP

Member Don Ward called the Conservation Commission meeting to order at 7:02pm.

D. Ward began with a Continuation of a public hearing Request for Determination of Applicability filed by the Town of Sheffield for property located at 48 Main Street, Bushnell-Sage Library in accordance to the provision, Chapter 131 Section 40. The purpose of the hearing is to gather information regarding the proposed construction of a children's playground. In interest of full disclosure, M. Mitsoff noted, he is a member of the Bushnell-Sage Library trustees and a member of the Select Board. Any decision being made he will be recusing himself from the vote. Chairman Pitman entered the meeting at 7:05pm. Chairman Pitman mentioned he has walked where the playground is proposed and does not see any wetland concerns. The children's playground would be on the eastern side of the back lawn. Discussion ensued. Chairman Pitman made a motion to issue a Negative Determination, #4 for the project. A. Batacchi seconded the motion. The motion carried unanimously, 4-0, with M. Mitsoff abstaining from the vote

Continuation of Public Hearing Request for Determination of Applicability, filed by Robert & Mary Killiard for property located on Brush Hill Road, in accordance with the provisions of M.G.L. Chapter 131, Section 40. The purpose of the hearing is to gather information regarding the proposed project: construction of a single family home. Ryan Nelson spoke on behalf of the property owners describing the property. M. Mitsoff noted this was a very comprehensive RDA. He stated he did not feel a site visit was needed. M. Mitsoff made a motion to issue a Negative Determination #3, for the application filed by the Killiard's on Brush Hill Road, with the following conditions: installation of erosion controls as shown on plan, Chairman Pitman seconded the motion. Motion carried unanimously, 5-0.

M. Mitsoff made a motion to approve the area delineated with regard to the buffer zone under the Request for Determination of Applicability for the Killiards. Chairman Pitman seconded the motion. Motion carried unanimously, 5-0.

Continuation of Public Hearing: Request for Determination of Applicability, filed by the Mass DOT for property located at Route 7 & 7A, in accordance with the provisions of M.G.L. Chapter 131, Section 40. The purpose of the hearing is to gather information regarding the proposed project: reconstruction of sidewalks along Route 7 and 7A. A site visit was conducted before this meeting at 4:15pm today. A. Batacchi inquired about the sign pole with the lights; who's responsibility is it to take it down? Amer Raza said it would be the responsibility of MASS DOT along with the consent of the property owner. M. Mitsoff made a motion to issue a negative determination under #4 for the application filed by MASS DOT. A. Batacchi seconded the motion. Motion carried unanimously, 5-0.

Public Hearing: Notice of Intent Application, filed by Berkshire School for property on 245 North Undermountain Road, in accordance with the provisions of M.G.L. Chapter 131, Section 40. The proposed project is to install a new underground electrical conduit to replace the existing overhead electrical wires. Jackson Alberti, from Foresight Land Services, represented the applicant, Berkshire School, for work proposed at 245 N. Undermountain Road, under DEP file 281-0259. Discussion ensued. A site visit was scheduled at Berkshire School for December 21, 2020 at 3:00 pm.

Discussion/Possible Action regarding 1152 Barnum Street. A pool was built without following the proper steps. Chairman Pitman recommended an after-the-fact RDA. Discussion ensued. Chairman Pitman will create a draft Notice of Violation, (NOV), letter to the entire Commission, encouraging feedback. Mark Stinson will send information regarding special conditions.

Discussion on Order of Conditions for SWCA Environmental Consultants for property on Bow Wow Road/Mill Pond. M. Mitsoff stated there is an error with our special conditions. Our language as written, does not explain what the term, "subject to annual renewal" entails. Mark Stinson, from DEP, stated our conditions need to be clear and enforceable. M. Mitsoff stated a discussion with Naomi Valentine would clarify the nature of testing and nature of any action the consultant would take if the testing results were overly negative or overly positive and decide as a Commission at the next meeting if the Commission wants to modify the NOI or open a new public hearing. Another possible choice is to issue a new NOI with stronger language as it relates to the orders of conditions. Mark Stinson explained to the Commission the available options.

D. Ward asked M. Stinson about dam control. There is a dam control on one end of Mill Pond. When dams are operated is there a DEP operational permit or certification required? If it's a DCR regulated dam, and if there is a Chapter 53, an NOI is needed to lower a lake's level.

Discussion/Possible Action on Enforcement Order for 1448 South Undermountain Road – No updates.

Discussion/Possible Action on Enforcement Order for 854 and 864 South Undermountain Road - On November 19, 2020, a letter was delivered to the Town Hall and the Commission was e-mailed the letter. This was a preliminary plan. Casey Rothstein-Fitzpatrick will submit a more specific plan with more detail and specify the locations and species of plantings. The restoration plan will also include the field of delineation of applicable resource areas. Casey Rothstein-Fitzpatrick will give notice when he is ready for the Commission to view the plan.

M. Mitsoff stated the structure was built on stilts in a resource area. It is still considered a structure and it is a violation. They built a structure within the riverfront area. Discussion ensued.

Commission Member Items – A. Batacchi mentioned a new plan will be submitted by the individuals who owned the old Sunrise Diner. They have filled in the cellar without the Commissions knowledge.

The Pass, owned by Chris Weld, has three containers sitting on the ground in wetlands. Discussion ensued regarding a possible Notice of Violation.

Chairman Pitman mentioned for the Commission to receive, or, to review at the town hall, a copy of the Wetlands Enforcement Manual, *A Guide to Effective Compliance with the Massachusetts Wetlands Protection Act Regulations*.

Discussion of the Scenic Mountain Act and the consideration of hiring Shep Evans. Chairman Pitman suggested that Commission members stop by Shep Evans office to view his work. Chairman Pitman mentioned the Commission may want to view and possibly have something similar in place as Great Barrington has for a Wetlands Protection Bylaw.

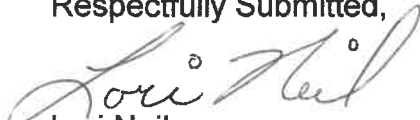
Chairman Pitman stated he has been Chairman for the Conservation Commission for over a year. If anyone is interested in the position, please let him know.

D. Ward inquired if all had received the email from Mark Stinson, of DEP, regarding the site off of Boardman Street/Wilkinson's. The observation came from the state. It will take time to decipher.

Approval of Minutes – M. Mitsoff made a motion to approve the August 31, 2020 and September 01, 2020 Minutes. C. Blackburn seconded the motion. Motion carried 4-0, A. Batacchi abstained from the vote.

M. Mitsoff made a motion to adjourn the meeting at 9:35pm. C. Blackburn seconded the motion. Motion carried 5-0.

Respectfully Submitted,



Lori Neil

Administrative Assistant

Documents reviewed at this meeting:

Request for Determination Application – Bushnell-Sage Library

Request for Determination Application - Killiard

Request for Determination Application – MASS. DOT

Notice of Intent – Berkshire School

Draft Meeting Minutes