

**Town of Sheffield
CONSERVATION COMMISSION
February 22, 2021
VIRTUAL MEETING
7:00 PM**

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

Members Absent: Don Ward

Others Present: Lori Neil, Administrative Assistant
 Members of the Public

Chairman Pitman called the Conservation Commission meeting to order at 7:01pm. This discussion will be solely of the Scenic Mountain Act, (SMA).

Chairman Pitman spoke of how Massachusetts allows the Berkshires Counties, because it is a mountainous region, is allowed to create our own act to help with some of the critical things such as mountain streams, and run offs, as well as scenic views. The Conservation Commission can set up local ordinances to regulate them.

M. Mitsoff explained how the Scenic Mountain Act legislation was enabled by the Massachusetts legislature. Back in the 1990's, the town of Sheffield, agreed, by town vote, to adopt the Scenic Mountain Act legislation. Until last year, no one has attempted to write a local ordinance. The Scenic Mountain Act is currently in the process of primarily working within the Commission to advance the proposed local legislation. Once that is complete, it would be taken to Community Participation Forums, then to town counsel, and then brought to a vote. Depending on the vote that legislation would be adopted or not be adopted. M. Mitsoff thanked those who have assisted him with this project during its preliminary days.

Martin shared his screen to show a graphic representation of what is basically a single line of elevation throughout the entire community. Berkshire Regional Planning Commission, who has these capabilities, was asked to show on a map, everything above 900 feet above sea level, and everything above 1,000 feet, and everything above 1,100 feet, 1,200 feet, and 1,300 feet and so on.

M. Mitsoff shared a map that shows every connected point of what is 1,100 foot contour above sea level. What the local Scenic Mountain Act tries to do is not prevent development, particularly on private property. It is meant to protect the watersheds and the natural landscape. All the water sheds that are flowing below 1,100 feet are replenishing Scneob Brook, wells, ponds and streams.

The starting point for the scenic mountain legislation at the local level has been anywhere from 1,000 feet to 1,500 feet. Monterey may have a scenic mountain act legislation adopted in which they have tried to protect everything from 1500 feet. Stockbridge may have one that protects everything from 1200 feet. We need to ask ourselves, what are the natural resources we are trying to protect as is relates to mountainous areas as well as scenic qualities. In the past year, there have been substantial mountain side developments that have not come in front of the Commission and have destroyed lots of acreage of woodlands and natural resources. This has altered the drainage basis of these properties to the detriment of their neighbors.

S. Hoy asked if there has been a comparison made been to a topographical map with these lines to know where the steep slopes end. A steep slope can be outside the area. Everything above the elevation we choose would be a steep slope. If it is a steep slope, and has to be developed, the regulations need to be followed. This can be expensive. M. Mitsoff shared a document Version 2, his team has been working on and discussed the Statement of Jurisdiction. It is a draft. When it is ready, the Conservation Commission will bring this forward to the public for comment and input, then to town counsel to review the legitimacy, and then to the town for voters. The same process is used for changing voting bylaws.

M. Mitsoff went on to mention how Sheffield works with; ACEC, MASSDEP and other environmental organizations. He stated; they are our state partners and we help each other out. Our work in the Scenic Mountain Act is meant to protect resources that aren't developable.

M. Mitsoff stated, the value of land in Sheffield has grown more quickly than home values. Land prices are driving young people and those who need affordable housing away from our community. Now Marijuana businesses are bidding up the prices of farm land. Two percent of Sheffield's housing stock is what is considered as affordable housing. The state's target is 10% for most communities in Massachusetts.

M. Mitsoff asked what would members of the commission like to do next? Chairman Pitman mentioned to tie down all the levels and slopes and confirm those are the ones we want to work with. C. Blackburn asked if the elevations would be decided on before this is brought to the community. M. Mitsoff said he thought the Commission members would have made a decision of what the appropriate dynamics would be. The Commission will be able to tell the public what, and the reasons why, the elevation was chosen.

A. Batacchi, referring to the 900 elevation, asked if there are a lot of steep slopes in the town of Sheffield within the lines drawn on the map. M. Mitsoff responded, no, not a tremendous amount. M. Mitsoff then showed the 900 foot interval and showed the changes between the two maps. It has changed the complexion of what the Sheffield mountain act would look like pretty dramatically. A. Batacchi asked if the areas could be at different levels. For example 900 feet on one side of the map and 1,200 feet on the

other side of the map? M. Mitsoff said the fundamental question that we need to address as a Commission is; what are we trying to do and why are we doing it? If the preservation of the watersheds at which ever elevation we should choose is an accepted approach, to restricting development and restricting the use of the land under a limited set of certain circumstances, we can decide as a town that the western border should be at one level and the eastern border should be at something else. The area to the west is the area that primarily protects Schenob Brook. Schenob Brook is a protected area, areas of critically environmentally concern; it is also a protected drainage basin under Massachusetts law.

S. Hoy mentioned that the Berkshire Natural Resource Council has done a lot of work over the last 20 years with many of the towns in Berkshire County. Did you know that and have they been contacted? Maybe they could review what has been done and help to make some of the choices that need to be made with the Scenic Mountain Act. M. Mitsoff stated they are one of the organizations we have not reached out to because they tend to be much more interested in the Nature Conservancy as trying to preserve land as a whole. The most involved non-profit party, by a large margin, was the Nature Conservancy. When I had called, a legal attorney, an intern, who was working with them for the summer, was compiling the scenic mountain acts works that was already contributed to. That is what we used as a draft and it was a tremendous help.

T. Pitman mentioned one of the problems we find with ACEC, there is only one state official that covers all ACEC for all of Massachusetts. M. Mitsoff mentioned contacting Mark Stinson of DEP to get the USGS topographic features of the entire town of Sheffield.

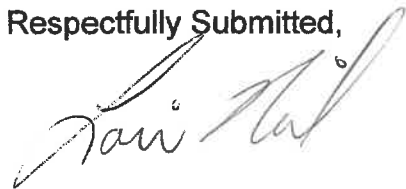
One citizen mentioned less extravagant people should be involved. The regular people are not in control of the expensive pieces of land. A lot of people in Sheffield do not like change for regulation. M. Mitsoff responded by explaining this is complicated legislation. There will be push back and maybe we won't get the votes at a town meeting due to a couple of people saying their rights are being restricted even further.

There was a question regarding the placement of the town garage. M. Mitsoff gave his number and asked her to call him tomorrow.

C. Blackburn made a motion to adjourn the meeting, A. Batacchi seconded the motion, Motion carried, 4-0.

The meeting adjourned at 8:10 pm.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Jani Hall", written in dark ink.

Lori Neil

Administrative Assistant

Documents reviewed at this meeting:

Maps with various delineations