

Town of Sheffield
CONSERVATION COMMISSION
March 08, 2021
VIRTUAL MEETING
7:00 PM

Commission Members Present:	Ted Pitman, Chairman Don Ward Martin Mitsoff Cheryl Blackburn
Members Absent:	Arthur Batacchi, Jr.
Others Present:	Lori Neil, Administrative Assistant Members of the Public

Chairman Pitman called the Conservation Commission meeting to order at 7:01 pm. The first item on the agenda will be put towards the end of the meeting.

Public Hearing: Request for Determination of Applicability, filed by Janice Jean Findlay for property at Hickey Hill Road in accordance with the provisions of M. G. L. Chapter 131, sec. 40. The purpose of the hearing is to construct a 3-bedroom single family home. Al Thorpe, of Accord Engineering and Surveying, represented R. Findlay, who is the prospective purchaser of the property. A. Thorpe gave a brief overview of the site plan which includes a septic system and a well. In order to prevent erosion it is proposed straw waddles would be used. This would be trenched and staked to the ground. In the event of a rain storm, the waddles would collect the erosion that may have slipped away. Al Thorpe is asking the Commission to make a determination for Rani Findlay that the proposed work does not require a filing of a Notice of Intent. Chairman Pitman mentioned there is a marginal part of the house that comes slightly into the buffer area of the subject wetlands. The disruption would be minimum due to the waddles. A. Batacchi asked how far from the bordering wetlands would the construction be? Al Thorpe answered approximately 10 feet. Not more than 10 feet on the western side of the 100 foot buffer zone bordering the vegetated wetlands. M. Mitsoff made a motion to issue a negative determination subject to discussion based on #3. The work described in the request is within the buffer zone as defined in the regulations but will not alter an Area subject to protection under the Act. Therefore, said work does not require a filing of a notice of intent subject to the following conditions if any. Those conditions being that the development being identified to the commission would have mitigating measures with regard to the construction to the single family residence including silk fencing and straw waddles to the extent necessary to prevent erosion. A. Batacchi seconded the motion. Motion carried 4-0. D. Ward abstained from the vote.

Public Hearing regarding a Notice of Intent Application, filed by the Sheffield Volunteer Fire Department in accordance with the provisions of M. G. M. Chapter 131, sec 40. The proposed project is to enable the maintenance, repair and replacement of 23 existing dry hydrants. M. Mitsoff presented the Notice of Intent for the Town of Sheffield on behalf of the Sheffield

Volunteer Fire Department. M. Mitsoff stated; there has never been a comprehensive Notice of Intent filed before. The Town of Egremont's Notice of Intent was used as a large part of the template. M. Mitsoff stated that once a hydrant has been installed there is not a lot of maintenance involved. There is a two foot wide trench putting in a flushing a hydrant and refilling a tank in a fire truck is straight forward work and creates no environmental depredation whatsoever. The two hydrants in the Sheffield covered bridge in the parking area have broken off and are inoperable. Any dry hydrants that are owned on private property, either the owner of that property has to sign the Notice of Intent to show their approval, or, they have to sign a license agreement with the Town of Sheffield. The Fire Department needs to prioritize which hydrants need maintenance and repair. 1.) The town has come back to the Commission with a case by case basis and the description of the work that needs to take place to make the repair or replacement. 2.) The methods of mitigating environmental impacts, and, 3) A time frame of when the work would take place and a date when the work would be completed with the mitigating measures. M. Mitsoff explained how the fire hydrants are maintained. M. Stinson had submitted comments. D. Ward mentioned this may be a good time to put in new hydrants if the town needs them. Martin replied, if there is an additional location for a hydrant, it would need a new Notice of Intent filed. There isn't an add-on capability. M. Mitsoff stated the Town of Sheffield would like a continuation and will wait to close the public hearing until NHESP has made its determination. C. Blackburn made a motion to continue the hearing after the Commission hears from the National Heritage and Endangered Species Program, National Heritage of Endangered Species Program, NHESP. A. Batacchi seconded the motion. Motion carried, 4-0. M. Mitsoff abstained from the vote.

Discussion/Possible Action regarding Enforcement Order for 854 and 864 South Undermountain Road. C. M. Rothstein introduced B. McCracken, Restoration Biologist, who shared her screen to show the Race Brook area restoration plans. B. McCracken discussed the plan to restore habitat with the least disturbance. They will plant native species that are native to the Berkshire Taconic Region. B. McCracken mentioned planting silky dogwood, a native dogwood shrub, for example, is a great nesting site for birds and a good food source and went on to mention several other proposed native plantings. She stated, they are looking at creating a woodland habitat that will take care of any erosion issues, provide habitat and provide enjoyment. This is an opportunity for people that visit Race Brook can better understand more about ecology and river systems. M. Mitsoff asked if their restoration plan had been filed with the DEP. C. M. Rothstein stated, they had not filed with DEP as of yet. M. Mitsoff stated concerns of the man-made structures (Pergolas), in violation of MA wetland laws. He also stated his concerns of the area on the site map on the south side of the brook. D. Ward spoke of how overall, the plantings would help slow down erosion, re-naturalize the area and the plants are all native. It will also make the area look prettier. How is the area impacted and how is the impact measured? How much is allowed? Does it have to be mitigated? Does the Pergola have four or six posts? An engineer knows the answer to those questions. D. Ward informed C.M. Rothstein that an engineer could get the measurements and help with the presentation. D. Ward also suggested to C.M. Rothstein to reach out to Mark Stinson, he is the most knowledgeable person in this regard. With so many open-ended questions, the Commission members decided to continue C. Blackburn asked that we do not introduce the pergolas. The restoration plan needs to be completed and it is important. The

pergolas are a whole other plan. M. Mitsoff made a motion to send the restoration Plan to Mark Stinson with our questions and comments and to ask him to and to weight in form the perspective of DEP. D. Ward seconded the motion. Motion carried, 5-0.

D. Ward made a motion to continue the review of the NOI, Notice of Intent, at the next Conservation Commission meeting. C. Blackburn seconded the motion, Motion carried, 5-0.

Discussion on Scenic Mountain Act. A. Batacchi asked when considering the elevation, all the land that is Appalachian Trail, the Land Trust, won't the delineations cross over? M. Mitsoff stated the delineation will cover all property owners whether they are public or private. The delineation will be based on a scientific approach to establishing the Scenic Mountain Act areas. Chairman Pitman suggested creating a focus group of one or two people instead of the entire Commission being involved. M. Mitsoff asked the members to please send comments to Lori as what you see to achieve and what expectations are for the next meeting. It was decided to determine the elevation is the next step and to be determined at the next meeting. The Board agreed to have an ad hoc meeting dedicated to the Scenic Mountain Act, SMA on Monday, March 29, 2021 at 7:00 pm.

Discussion on 1375 North Main Street: There are items in possible wetland areas. D. Ward suggested having a discussion with George Soudant the owner. Discussion regarding communication and Notice of Violation letters. After a brief discussion, the Board appointed A. Batacchi to call Chris Weld, who leases the property. T. Pitman will have Lori send out the Notice of Violation letter to the commission. The members will send their comments to Lori.

Commission Member Items: It was mentioned that the Boardman Street site should be processed in the same manner as 1375 North Main Street.

Approval of Minutes: Chairman Pitman made a motion to accept the minutes of February 8, 2021 as written. A. Batacchi seconded the motion. Motion carried, 5-0.

Public Inquiries: None

Chairman Pitman made a motion to adjourn the meeting at 9:14 pm. A. Batacchi seconded the motion. Motion carried, 5-0.

Respectfully Submitted,



Lori Neil
Administrative Assistant

Documents reviewed at this meeting:

RDA/Request for Determination of Applicability

Site Plans

NOI/Notice of Intent

Draft Minutes