

Town of Sheffield
CONSERVATION COMMISSION
May 10, 2021
VIRTUAL MEETING
7:00 PM

Commission Members Present: Arthur Batacchi
 Don Ward
 Martin Mitsoff
 Cheryl Blackburn
 Ted Pitman, Chair

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

Chairman Pitman called the Conservation Commission meeting to order at 7:00 pm.

Public Hearing: Request for Determination of Applicability, filed by Marilyn S. Wightman for property at 368 Bow Wow Road in accordance with the provisions of M. G. L. Chapter 131, sec. 40. The purpose of the hearing is to remove existing septic system and replace with a 15 gallon, two compartment septic tank and system. This new system has a second system that refines even further. The overall system is an improvement. M. Mitsoff made a motion to make a negative determination under #3 with no conditions. Waddling will be used on each side of the building. C. Blackburn seconded the motion. Motion carried, 5-0.

Public Hearing: Request for Determination of Applicability, filed by Jon Piasecki of Wise Acre Farm, Inc. for property at Bull Hill Road in accordance with the provisions of M. G. L. Chapter 131, sec. 40. The purpose of the hearing is to determine whether the work depicted on the plan(s) referenced is subject to the Wetland Protection Act. Chairman Pitman, D. Ward, and M. Mitsoff attended the site visit earlier today. Chairman Pitman mentioned all of the work would be completed outside of the buffer zone. M. Mitsoff made a motion to provide a Negative Determination under #3 to the Wise Acre Farm, Inc. There was a question asking if the soil has been tested, or, if the wetlands have been delineated. Emily Stockman, Professional Wetlands Scientist, had been asked to review the Request for Determination of Applicability by private abutters. E. Stockman stated, the application does not establish any wetland boundaries as determined by field delineation which is required under our state regulations. The site plan is solely relying on the MASS DEP. Chairman Pitman stated Jon Piasecki will be hiring Foresight Land Services to double check his surveying and it will all be completed outside the buffer zone. E. Stockman asked if the commission had a chance to investigate the soils on this site? It is mapped as a bony kind of sand which is a poorly drained soil. Chairman Pitman stated, we did not request a soil sampling at this time. He mentioned possibly asking Jon Piasecki to do a soil sample. D Ward asked if there were any delineation and questioned the elevations. He stated; it should be laid out by a surveyor or engineer for our review. One citizen asked who pays for the cost of the soil testing? M. Mitsoff replied it is generally the applicant. There was discussion of

whether there were rare species present. M. Mitsoff withdrew his first motion and made a motion for a continuance of the hearing at the next meeting. Chairman Pitman seconded the motion. Motion Carried 5-0.

Public Hearing continuation for a Notice of Intent Application filed by the Nature Conservancy for property on Kelsey Road, in accordance with the Provisions of M. G. L. Chapter 131, sec. 40. The proposed project: ongoing ecological restoration and habitat management. Angela Sirois-Pitel said she is happy to show any of the areas where they have provided habitat management. M. Mitsoff stated, The Nature Conservancy did submit a very comprehensive Notice of Intent which includes the measures the Nature conservancy will use in its applications for the removal of invasive species. Chairman Pitman stated he thinks a site visit would be beneficial. D. Ward made a motion to continue the Notice of Intent hearing to the 24th of May with a site visit at 4PM. Chairman Pitman seconded the motion. Motion carried, 5-0.

Discussion/Possible Action for Shmulsky Tract (Nature Conservancy) unauthorized tree clearing. Angela Sirois-Pitel said she had brought this issue to the Commissions attention in March. One hundred trees varying in size from three inch diameter to 30 inch diameter trees were cut from within wetlands and within priority habitat. This was done by an abutter. A letter was sent to the abutter letting him know that they are aware of what has happened and no further cutting could happen. The cutting area was viewed by the NHESP. The Nature Conservancy is looking for direction or next steps for restoration of the property. D. Ward asked, what are your concerns at this time? A. Sirois-Pitel responded, to install a fence to clearly delineate the boundary. M. Mitsoff asked, what would you like the Conservation Commission to do? A. Sirois-Pitel mentioned, if you feel it is important to do an enforcement order, we will do that. What complicates this for us is that there are wetland violations on your property but you didn't do it. It becomes a trespass or legal issue in which the Nature Conservancy has the ability to address the trespassing destruction of its own land. The Commission will support such action the Nature Conservancy decides to take. A. Batacchi asked if we could get Mark Stinson, of DEP's opinion before moving forward. M. Mitsoff proposed to resurrect the draft letter. The draft will be sent to Lori. Lori will send it to each member. The completed letter will be sent to Angela Sirois-Pitel and also to Mark Stinson. D. Ward mentioned it should possibly be sent to the police as well.

Discussion Possible Action regarding Enforcement Order for 854 and 864 South Undermountain Road. Emily Stockman thanked everyone for their time when they did the site visit on April 29th. She gave an overview of the proposed work under the Helia Land Design; it is a design using native species. E. Stockman had a few conditions or recommendations. In the south area, where there is minor grading, they proposed to use straw waddles. The straw waddles contain plastic netting. It is a severe entrapment hazard for wildlife which typically leads to fatalities. E. Stockman recommends that biodegradable waddles or compost tubes should be used. The compost pile in the north easterly front area contained invasive species. It was discussed to not use those materials in the restoration. E. Stockman gave an overview of her review of the July 2020 Enforcement Order which requires that the commission receive documentation on how protected resource area boundaries were established. Attorney, E. Goodman spoke of Race

Brook's original Enforcement Order. She said the Commission was asked to tell Race Brook where the resource area violations are. That is where we arrived at the five designated areas. All of the areas in discussion are in the 200 foot waterfront. It was not field delineated. E. Stockman continued to discuss the designated areas from the Enforcement Order. The foot bridge, the pergola, parking, etc... Chairman Pitman made a motion for E. Goodman to repeat the conditions. E. Goodman stated; to allow the planting under the restoration plan of April 21, 2021 with 4 conditions. 1.) The straw waddles will use bio-degradable netting – No plastic netting on the straw waddles. 2.) The compost pile which includes invasive species not be reused on the site. 3.) Native plants/approve the plants on the Pamela Weather-bee list. 4.) The drainage pipe also be removed. M. Mitsoff added, the remainder of the enforcement order remains for further discussion and deliberation. D. Ward seconded the motion. Motion carried, 5-0. M. Mitsoff made a motion to continue this hearing to the May 24th meeting. C. Blackburn seconded the motion. Motion carried, 5-0.

Discussion/Possible Action on 1152 Barnum Street. M. Mitsoff stated, we have not heard back from Mark Volk and made a motion to continue this at the next meeting. Chairman Pitman seconded the motion. Motion carried, 5-0.

Discussion/Possible Action for Scmulsky Tract (Nature Conservancy) unauthorized tree clearing. D. Ward and M. Mitsoff will have a letter available at the next meeting for the Board members to review.

Discussion/Possible Action on Boardman Street - M. Mitsoff mentioned three letters were sent out. One owner has agreed to provide a site visit. We need to follow up with the other two owners to schedule site visits. The site visit is to help us all understand what might have occurred in the river front area and the flood plains. It is not to take action or slap their wrist. It is an informational session. D. Ward stated part of this land is in flood plain and part of the land is not. M. Mitsoff stated he will do the follow up on the letter and try to get a site visit and times that work for them.

Commission Member Items: D. Ward went ahead with the Berkshire Regional Planning Commission to try to devise some maps to be used on the town website. It is ideally simplified and easy to use. D. Ward said he will share them at the next meeting or send them around for people to review.

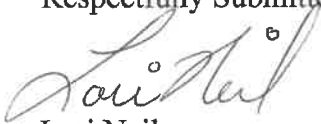
Rote Hill was discussed and the Board agreed this has been taken care of. If a site visit is requested by any other members, Tom Ryan, the State Forester, can contact you. Chairman Pitman stated he would contact Tom Ryan.

Approval of Minutes: M. Mitsoff made a motion to approve the minutes of April 26, 2021 as drafted. A. Batacchi seconded the motion. Motion carried 5-0.

Public Inquiries: Chairman Pitman mentioned he had a complaint. He heard a lumber truck drove down from Rote Hill but he thinks the trees had been previously cut. D. Ward told Chairman Pitman to call Tom Ryan at any time to check on anything suspicious.

M. Mitsoff made a motion to adjourn the meeting at 8:54 pm. C. Blackburn seconded the motion.
Motion carried, 4-0.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Lori Neil", with a small circular mark above the "i".

Lori Neil
Administrative Assistant

Documents reviewed at this meeting:

RDA/Request for Determination of Applicability

NOI/Notice of Intent

Enforcement Order

Site Plans

Draft Minutes