

**Town of Sheffield**  
**CONSERVATION COMMISSION**  
**May 24, 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 Sikorsky Construction, LLC, for property located at 1405 North Main Street in accordance with the provisions of M. G. L. Chapter 131, sec. 40. The purpose of the hearing is to consider the construction of a 50' X 70' north of existing shop. Future work: to construct 2 – 50' X 100' buildings and a single family residence Chairman Pitman said the work will make an improvement. All proposed work takes place on land that was previously developed. M. Mitsoff made a motion to make a negative determination under #3. A. Batacchi seconded the motion. Motion carried, 5-0.

Public Hearing: Request for Determination of Applicability, filed by Gillian Hettinger for property located 110 Miller Avenue, Sheffield, in accordance with the provisions of M. G. L. Chapter 131, sec. 40. The purpose of this hearing is to remove trees. Chairman Pitman stated, one tree needs to be removed and three need to be cut back. M. Mitsoff made a motion to make a negative determination under #3. Chairman Pitman seconded the motion, Motion carried, 5-0.

Public Hearing: Request for Determination of Applicability, filed by Andrea Westerlind for property at 11 School Street in accordance with the provisions of M. G. L. Chapter 131, sec. 40. The purpose of this hearing is to demo current structure, leaving piers in place and put a new structure on the existing foot print. The Board was unable to attend the site visit this morning and requested a continuance of the public hearing to the next meeting on June 14, 2021.

Public Hearing: Request for Determination of Applicability, filed by Ryan Shimmon for property located at 513 Polikoff Road, Ashley Falls, in accordance with the provisions of M. G. L. Chapter 131, sec. 40. The purpose of this hearing is to install two 8" schedule 80 poles for solar system. M. Mitsoff made a motion for a negative determination under #1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone. A. Batacchi seconded the motion. Motion carried 5-0.

Public Hearing: Request for Determination of Applicability, filed by Susan Fischer for property located at 50 East Road in accordance with the provisions of M. G. L. Chapter 131, sec. 40. The purpose of this hearing is to install a new septic system, pump chamber and leaching field.

Chairman Pitman made a motion for a negative determination under #3. M. Mitsoff 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 on May 10, 2021. The Commission has received numerous letters from grievied parties. The applicant has received notification from that there are no issues D. Ward asked about the flood Plain. Chairman Pitman asked if anyone wanted to speak or add anything more. Tod Mackenzie asked if members of the public could get what was given to the Commission to view for themselves. M. Mitsoff informed him, that it is all available through a request at the town hall. Emily Stockman spoke to say her concern with the filing is that the Conservation is asked whether the work is in their jurisdiction without having a fully vetted site plan clearly depicting a wetland boundary and buffer zone. E. Stockman stated, another concern raised was, the Oliver mapping is commonly inaccurate. It commonly shows wetlands smaller than they actually are. It also doesn't show wetlands that actually exist. For this reason, Oliver is only used as a reference tool. Our State and Federal methodology require that boundaries be delineated by a field assessment. We don't have a conclusive buffer zone boundary or a field assessment. The field itself is mapped as a hydric wetland soil and aerial imagery shows wetness signatures at least in the years between 2001 and 2008 and some more recent within the field itself. J. Piasecki described the soil as sandy-loam and is rated as poor drainage but it actually drains well. A drawing has been submitted that has the wetlands delineated as per Oliver. It also has a note that states; no construction will be done unless the wetlands delineation is done physically as you are suggesting. And the buffer zone professionally plotted out by a professional engineer. It also has the National Heritage line clearly shown. The National Heritage informed J. Piasecki, that an acceptable way is to have it plotted out by an engineer, which we have agreed to. He said the soil is actually not wet it has been growing corn for many years. This field has actually grown corn, hay, alfalfa and pumpkins successfully for many decades. D. Ward mentioned that usually with flood plain, it is the delineation that we are working off of. D. Ward asked if he could provide us with elevations. Discussion ensued. J. Piasecki added the buffer zone and the natural heritage area will be professionally delineated for the Commissions reviewed prior to any construction. Chairman Pitman asked if the Commission could have a site visit after Foresight Land Services completes their survey. J. Piasecki agreed. M. Mitsoff made a motion to make a negative determination under #4. Chairman Pitman seconded the motion. The vote was 4-0 with D. Ward voting Nay.

Discussion Possible Action regarding Enforcement Order for 854 and 864 South Undermountain Road. M. Mitsoff stated; our wetlands consultant has weighed-in with regard to the violations to the river front area. This has been going on for nine months and we continue to simply kick the can down the road. We have an Enforcement Order. It's a valid Enforcement Order. The

proposals given to the Commission have been amended by the applicant or subject party several times. Yet the Enforcement Order holds. It required delineations and corrective actions and yet we allow it to spin on and on. M. Mitsoff stated; I think we need to act upon what our wetlands consultant has provided to us as a means of buttressing that Enforcement Order and start to issue fines if the subject party doesn't take action. E. Stockman said she would recommend that the commission reach out and request them to attend the next meeting with an update. This has been going on for a long time and we need to complete the circle. E. Stockman stated; I am not aware of any fining capabilities that Sheffield might have. Chairman Pitman said, we have no bylaws, the Commission would need to go to superior court to prepare a fine. Stockman mentioned, the other option the Commission has is to when you have a well-established Enforcement Order and it is not being responded to. You can reach out to DEP, Department of Environmental Protection, to request they take on the Enforcement. The DEP has the ability to fine.

Continue Discussion/Possible Action regarding Enforcement Order for 1152 Barnum Street. M. Mitsoff mentioned the Commission had not received an update from the consultant on that property. He recommended that we take the same action on the Enforcement Order as 854 and 865 S. Undermountain Rd.

Discussion/Possible Action for Shmulsky Tract (Nature Conservancy) unauthorized tree clearing. Chairman Pitman said he has reviewed the site. Written support was given to the Nature Conservancy. Angela Sirois-Pitel spoke of the site visit. It was a two-fold visit; one to show the wetland cutting that happened on our property, but also to acknowledge we don't know if there was any violation on the abutter property as well. M. Mitsoff mentioned the Notice-of-Intent and the Certificate of Compliance on the old NOI should have been on the agenda. M. Mitsoff and Chairman Pitman apologized to Angela Sirois-Pitel. Does the Commission need a formal visit to complete the NOI? Chairman Pitman mentioned historically we have a close out site visit but being we can walk the Drury Trail ourselves, I'm not sure if it is needed. M. Mitsoff and D. Ward stated they do not need a site visit. The important thing is to get rid of the old NOI so we can focus on the current NOI. M. Mitsoff stated this will be at the top of the agenda at the next meeting.

Continued Discussion/Possible Action on Boardman Street - request for site visits; M. Mitsoff said he has been in touch with one of the property owners. He requested not to have the site visits on the date of the Conservation Commission meeting. D. Ward stated Mark Stinson mentioned and Enforcement Order. M. Mitsoff said at this stage all we are doing is fact-finding. We need to go back to the other two property owners and say here is what we are doing and seek their attention. D. Ward proposed site visits for the properties on Friday at 2pm or on a Saturday at 9am. The dates of June 4<sup>th</sup> or June 5<sup>th</sup> were chosen. The Board agreed to have M. Mitsoff reach out to the property owners to set up the site visits. If we get push back from the other two property owners we will need to take some action and we may want dep to lead an enforcement order if there is no cooperation.

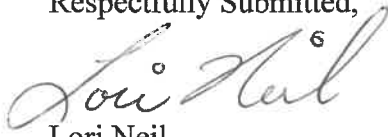
Commission Member Items: Chairman Pitman informed the Board that he has submitted a letter to Rhonda LaBombard asking for re-appointment.

Approval of Minutes: M. Mitsoff made a motion to approve the minutes of May 10, 2021 as drafted. A. Batacchi seconded the motion. Motion carried 5-0.

Public Inquiries: None

A. Batacchi made a motion to adjourn the meeting at 8:08 pm. M. Mitsoff seconded the motion. Motion carried, 5-0.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Lori Neil", with a small number "6" written above the end of the signature.

Lori Neil  
Administrative Assistant

**Documents reviewed at this meeting:**

RDA's/Request for Determination of Applicability  
Enforcement Order  
Site Plans  
Draft Minutes