

Town of Sheffield
CONSERVATION COMMISSION
July 12, 2021
7:00 PM

Commission Members Present: Ted Pitman, Chairman
 Don Ward
 Arthur Batacchi
 Rene Wood

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

Chairman Pitman called the Conservation Commission meeting to order at 7:01pm and welcomed Rene Wood as a new member of the Conservation Commission.

1. Public Hearing: Request for Determination of Applicability, filed by Michael Elliston for property at 1224 North Main Street, Sheffield, in accordance with the Provisions of M.G.L. Chapter 131, §40.

Chairman Pitman said he, D. Ward, and R. Wood had conducted a site visit on July 12th. While the RDA's purpose regarded installation of a French-drain in the front of the building to address drainage issues, Chairman Pitman and D. Ward told the applicant the observed drainage issues and required work were beyond an RDA. Mr. Elliston was advised to review the drainage issues and file a Notice of Intent (NOI). Mr. Elliston emailed L. Neil prior to the opening of this meeting and withdrew his RDA application.

2. Public Hearing: Request for Determination of Applicability, filed by Alex Turner & Christina Mace-Turner, for property at 1152 Barnum Street, Sheffield, in accordance with the Provisions of M.G.L. Chapter 131, §40. Chairman Pitman noted this RDA was filed after the owners received an Enforcement Order from the Commission. The purpose of the hearing was to address a variety of issues, including where an in-ground pool would be installed; installation of required pool utilities; and required landscaping within the buffer zone of a Boarding Vegetive Wetlands (BVW).

Marc Volk of Fore Sight Land Services, the applicant's representative, brought the Commission up to date. D. Ward reviewed a recent second site visit. Discussion ensued on required tree plantings and whether one native species could be exchanged for red maples, another native species common in that area. The Commission had no objections as long as the number of trees remained the same. Issues of planting mix/mulch were reviewed. M. Volk was questioned on plans for an existing brush pile and two encroaching pieces of equipment, the use of which M. Volk had approved for specific work but the work was completed before the Commission could approve it. Because of the weather, M. Volk requested an extension of the Enforcement Order until the end of July, which the Commission extended to the end of September. As the area for utilities is not shown on the site plan, the plan will be updated with a copy sent to the Commission. He was instructed to check with Natural Heritage and make sure they agree with the work being done, as well as where it is being done. Fencing materials were discussed – turtle

fencing – which will be removed upon completion of the work. Potential introduction of invasive plants, as well as assuring the plantings are Berkshire County native plants from the Berkshire County Species List, were reviewed.

Chairman Pitman and D. Ward gave R. Wood an overall view of this RDA.

D. Ward made a motion to approve the RDA as a Negative Determination under #3 with two special conditions, 1) placement of the utilities will be shown on a revised plan from Fore Sight Land Services and 2) only native plant species will be used in the landscaping plan. R. Wood seconded the motion and the motion carried 4-0-0.

Regarding the Commission's Enforcement Order for 1152 Barnum Street, **D. Ward made a motion to extend the completion date to the end of September 2021, as long as National Heritage concurs, and to accept the change in native species as long as the Berkshire County Species List is used. R. Wood seconded the motion and the motion carried 4-0-0.**

3. Continued discussion/possible action regarding Enforcement Order for 854 and 864 South Undermountain Road.

M. Volk, Fore Sight Land Services, spoke on behalf of the applicant, Casey Rothstein, with whom he had recently reviewed the site and received related paperwork, but has not been hired as their consultant. He will give C. Rothstein a work proposal, to include a proper delineation of the riverfront. Chairman Pitman reviewed a proposal sent to the Commission by the applicant's Attorney, Elizabeth Goodman, noting the proposal has been reviewed by Emily Stockman, the Commission's consultant, and her comments were incorporated. R. Wood asked about the Enforcement Order and if Attorney Goodman's proposal is an addendum or a new Enforcement Order. D. Ward said this is the most current proposed addition. This will become the Enforcement Order, if and when it is accepted by the Commission.

D. Ward gave an overview of the past year's actions regarding this Enforcement Order, which has had input from E. Stockman, the Commission's on-site observations, and discussions with the landowners. The numerous dates listed were questioned as to the reality of their being met. The dates questioned were from the owner's consultant and the Commission's consultant. The Commission next reviewed each step of Attorney Goodman's proposed revised order, the first item of which was the planting plan for restoration along a section of Race Brook to be completed and overseen by Helia. The current completion date is no later than August 30th, biodegradable waddles are being used, and compost materials will be managed by Helia to supplement planting areas.

Delineation of the resource areas in the areas of impact will be the next step for ForeSight. M. Volk discussed the complexity of this task, as it will need to involve comparisons with previous maps, notably aerial maps, and that some number of trees have been removed. M. Volk is also seeking to do a wetlands survey and discussed the timing of filing a Notice of Intent (NOI). Dates were put in place, including filing by September 30th, with the outer riverfront delineation, the 200 foot line, completed by July 23rd. Various site plans were reviewed; it was stated the removal of certain structures and objects currently located in the riverfront will need to be removed if not permitted by the Conservation Commission pursuant to the Notice of Intent.

R. Wood made a motion for the Commission to approve ForeSight Engineering as the consultant of record, if hired by Race Brook. Chairman Pitman seconded the motion, which carried 4-0-0.

R. Wood made a motion to issue this order by the Sheffield Conservation subject to the changes made. This includes, outer riverfront delineation by July 23 and an NOI submitted by Sept. 27. A. Batacchi seconded the motion. Motion Carried, 4-0.

4. Public Inquiry.

M. Volk reviewed a site plan drawing of the potential Town Garage complex, currently discussed for 422 Berkshire School Road, all of which is in the Schenob Brook Area of Critical Environmental Concern (ACEC). R. Wood filed the RDA on behalf of the Town of Sheffield, which owns the parcel. M. Volk is the Town's representative before the Commission.

M. Volk contacted Department of Conservation and Recreation (DCR), which said if one is not altering anything, jurisdiction lies with the local Conservation Commission. The garage complex would sit approximately 400 feet back from the road frontage. Overlays of wetland and Natural Heritage & Endangered Species delineations were noted on an arial map, but on the ground survey work, and other possible work, will be required. Chairman Pitman wanted approval from Misty-Anne Marold of NH&ESP/DFW, as to whether a MESA filing would be required and her view on the proposed site. Aspects of the garage design and drainage concerns were discussed.

R. Wood said another RDA will be shortly submitted by the Town for the installation of two pairs of flashing crosswalk beacons at the two crosswalks by the school entrances on Berkshire School Road.

Chairman Pitman reviewed a letter from Mark Trocchi, whom he had called. He believes the issue is more with his neighbor than with the Commission, but M. Trocchi may come before the Commission to discuss the issues convey in his letter. R. Wood noted the issues in the letter are not in the Commission's purview but belong to the Zoning Enforcement Officer Paul Greene as they deal with allowable land usage. She suggested sending Mr. Trocchi a letter to that effect and said the last three paragraphs describe a neighbor to neighbor issue and had nothing to do with the Conservation Commission. **R. Wood made a motion that she draft such a letter to M. Trocchi, which would be sent to L. Neil for the Commission to review, revise as needed, and send. A. Batacchi seconded the motion, which carried 4-0.**

5. Approval of Draft Minutes.

D. Ward made a motion to approve the draft minutes dated June 28, 2021, which was seconded by A. Batacchi. R. Wood abstained from the vote, which passed 3 -0-1.

6. Commission Member Items.

There was discussion of purchasing enforcement manuals and other materials for the Conservation Commission. Chairman Pitman gave R. Wood permission to purchase the materials.

Chairman Pitman said he has decided not to be Chairman for the upcoming year. **Chairman Pitman made a motion to nominate Don Ward as Chairman for one year, while R. Wood nominated T. Pitman as Vice-Chair. A. Batacchi seconded the motions, both of which carried 4-0.**

General discussion ensued regarding the Commission's materials in the 1st floor conference room and the possibility of getting updated maps, which R. Wood volunteered to do. As the Commission is short a member, Chairman Ward asked whether anyone had applied for appointment. R. Wood said Sarah Williams applied and would be appointed at the Select Board's next regular meeting.

T. Pitman asked if there were plans to have Town counsel review the Conflict of Interest and Open Meeting Laws for all boards. R. Wood said yes, though it may be via Zoom. She will keep the Commission informed.

Chairman Ward provided an overview of a Request for Determination(RDA) and a Notice of Intent (NOI), noting that with an NOI, a lien attached to the property. The Commission tracks each NOI, so when completed, the Commission may encourage the property owner to file the issued Certificate of Compliance and have the lien removed from the property. The Commission has an NOI binder and if an NOI is in the binder the Certificate of Compliance has not been issued. He also noted the Commission monitors forest management plans, which are kept active until he completed.

L. Neil noted Conservation Commission packets are available on the Friday before each meeting; it is the responsibility of each member to pick up their packets. Each Thursday prior to a meeting, she sends out an email asking members to confirm attendance to ensure a quorum will be present.

R. Wood made a motion to adjourn the meeting at 9:02 pm. Chairman Pitman seconded the motion, which carried 4-0-0.

Respectfully Submitted,

Lori Neil 
Administrative Assistant

Documents Reviewed

Meeting agenda for July 12, 2021

Request for Determinations – Alex Turner & Christina Mace-Turner

Draft Minutes of June 28, 2021

Letter from M. Trocchi, dated July 2, 2021