

**Town of Sheffield**  
**CONSERVATION COMMISSION**  
**November 8, 2021**  
**7:00 PM**

Commission Members Present:

Don Ward, Chairman  
Ted Pitman  
Rene Wood  
Arthur Batacchi, Jr.  
Donald Roeder

Others Present:

Lori Neil, Administrative Assistant  
Members of the Public

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

**1. Public Hearing on a Request for Determination of Applicability (RDA), filed by the Kevin & Cathleen Kinne for property located at Route 41 and Blair Lane, Sheffield, in accordance with the Provisions of M.G.L. Chapter 131, sec. 40.** The purpose of this hearing is to propose the clearing of a meadow. Kevin Kinne was present at the meeting. R. Wood asked what are the next steps are after the trees and invasive species are taken out. K. Kinne said they would seed with grass and wildflowers but will come back to the Conservation Commission if a “next step” is decided. No chemicals will be used. T. Pitman requested a letter from National Heritage & Endangered Species Program since the land is identified in the Area of Critical Environmental Concern (ACEC). Emily Stockman clarified when such letters are required. It was not needed in this case.

*D. Ward made a motion to approve the RDA with a negative determination under #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 the filing of a Notice of Intent, subject to the following conditions: 1.) In the areas on the site map, plot 10, 11 & 12, where brush is to be removed, leave a 10’ apron along water where it is not lawn. 2.) Mow meadow seasonally, one or two times per year. 3.) Replace any mature tree removed with a native tree placed at the discretion of the owner. 4.) Any shrubs planted will be a native species. R. Wood seconded the motion. Motion carried 5-0.*

*R. Wood made a motion to close the public hearing. A. Batacchi seconded the motion. Motion carried, 5-0.*

**2. Discussion/Possible Action regarding property located at 81 County Road:** There was concern that an old intermittent stream had been filled-in and the drive-way was black-topped near a stream without completing either a Request for Determination of Applicability or a Notice of Intent (NOI). R. Wood & T. Pitman had completed a site visit earlier on the property and could see the intermittent stream was still there. Justin & Jennifer Elovirta attended the meeting.

There was discussion of the past Emergency Order to remove trees that were a danger to the house. Riverfront information was given to the Elovirta family. Chairman Ward asked them to familiarize themselves with the riverfront resource and no action will be taken at this point. The Commission would investigate exceptions.

### **3. Order of Conditions Extension Request for Scott Margolis of 1296 Ashley Falls Road.**

Emily Stockman, Professional Wetlands Scientist attended the meeting to represent Scott Margolis. She gave an overview of what has been accomplished in the last three (3) years. She expects it to be completed in 2022. The complication is the property is surrounded by the river. There has been a significant amount of erosion. **R. Wood made a motion to grant a three (3) year extension on the Order of Conditions to run until December 4, 2024. T. Pitman seconded the motion. Motion carried, 5-0.** E. Stockman requested the paperwork to be sent to her address.

### **4. Discussion/Possible Action regarding Enforcement Order for 1152 Barnum Street - Ending an Enforcement Order.**

The Commission made changes to the Lift of Enforcement/Compliance Letter that will be sent to the Turner's.

### **5. Discussion/Possible Action regarding Enforcement Order for 854 and 864 South Undermountain Road:**

No one was present to represent the property at 854 and 864 S. Undermountain Road. The Commission decided to invite Casey Rothstein and Marc Volk of ForeSight Land Services to the next meeting to hear the status of the property.

### **6. Discussion/Possible Action regarding Enforcement Order for 1448 South Undermountain Road:**

Chairman Ward explained the Enforcement Order on 1448 S. Undermountain Road to new Commission member, Don Roeder. He mentioned one of the ways they are litigating the situation is by purchasing a conservation easement on nearby property to offset the damage they did on this property. The state is allowing this. The property at 1448 S. Undermountain Rd. has to be stewarded by an entity. The engineer of that property, B. Butler has not yet, found an entity to steward it. L. Neil will email B. Butler to let him know of a suggested steward and to also let him know the Sheffield Volunteer Fire Dept. is replacing 26 dry hydrants. One of which is on his property.

### **7. Commission Member Items:**

- R. Wood made a recommendation that the Conservation Commission hire a professional consultant such as Emily Stockman when the Dry hydrant Notice of Intent (NOI) comes back to the Commission.
- D. Ward shared with the Commission a letter received today from National Heritage and Endangered Species Program (NHESP) regarding the 26 Dry Hydrants.

- Chairman Ward also shared two (2) maps from the Berkshire Regional Planning Commission. One map shows Priority Habitat and Areas of Critical Environmental Concern (ACEC). The other map would show wetlands including floodplains.
- R. Wood is working on ways to enable community members to check if their land is in the wetlands. There was discussion of making the website easier to use and creating a Conservation layer on the maps. She shared with the Commission a flyer she was working on titled: What you need to know about Wetland Protection in Sheffield, and, How do I know if my land is in the wetlands? The flyers will be printed folded and then to Tammy Blackwell's office. They can be sent directly to contractors and to the Building Inspector's office. Every property owner and when real estate changes, a new owner should be sent one.
- R. Wood made a motion that the Conservation Commission accept the changes to the flyers and have them mailed. A. Batacchi seconded the motion. Motion carried, 5-0.
- The Commission discussed working together and having better communications between them.

**8. Approval of Draft Minutes from October 25, 2021. R. Wood made a motion to approve the amended draft minutes. The motion was seconded by A. Batacchi. Motion passed, 3-0.**  
A. Batacchi and D. Roeder abstained.

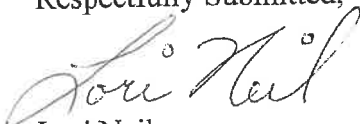
#### **9. Public Inquires: None**

#### **10. Adjournment.**

**R. Wood made a motion to adjourn the meeting, which was seconded by A. Batacchi and approved by a 5-0 vote.** The meeting adjourned at 8:40 pm.

A. Batacchi announced his resignation from the Conservation Commission and stated this was his last meeting.

Respectfully Submitted,



Lori Neil  
Administrative Assistant

#### **Documents reviewed at this meeting:**

- 11-8-21 Meeting Agenda
- Request for Determination of Applicability, (RDA) – Kinne – Rte. 41 & Blair Lane
- Order of Conditions Extension Request Letter for 1296 Ashley Falls Rd.
- Lift of Enforcement/Compliance Letter
- Letter from NHESP re: Sheffield Vol. Fire Dept. – 26 Dry Hydrants

- Letter from Emily Stockman regarding 1448 South Undermountain Rd. – Ligas - NHESP update.
- Draft Minutes from 10/27/21
- Riverfront Areas: section 13.3.6 of the Environmental Handbook for MA. Conservation Commissioners.
- Natural Resources & Water Resources Maps for Town of Sheffield by Berkshire Regional Planning Commission.
- Pamphlets/Fliers for Conservation Commission: What You Need To Know About Wetlands Protection In Sheffield.
- Informational Sheet: Here's how to find out if any portion of your property is subject to the Massachusetts Wetlands Protection Act.
- Attendee Sign in Sheet