

Town of Sheffield
CONSERVATION COMMISSION
June 13, 2022
7:00 PM

Commission Members Present: Don Ward, Chairman
Any Rosoff
Donald Roeder
Ted Pitman
Rene Wood

Others Present: Members of the public, see sign in sheet

Chairman Ward called the Conservation Commission meeting to order at 7:08pm.

1. Chairman Ward opened the Public Hearing at 7:08pm for the Request for Determination of Applicability, filed by TNC for property located at Salisbury Rd, Barnum St, and Foley Rd., Sheffield in accordance with the provision of MGL C 131§40. The purpose of the hearing is to continue management activities to maintain and improve rare and common habitat in the Schenob Brook Preserve.

Angela Sirois-Pitel, TNC, presented the application to the Commission, which she positioned as an addition to the comprehensive permit and NOI presented and approved by the Commission in Sept. 2021 for the Schenob Brook Preserve. The RDA has been filed because the TNC found invasive plants on several properties TNC either controls or manages, namely Japanese Primrose and Stilt grass. The goal is to also have a quick response TNC team so these outcroppings may be addressed quickly when found, but with a limit of 15-20 sq. feet in size. Otherwise TNC will be back to address these spots as another NOI.

While the RDA listed possible eradication methods, the methods used will be hand pulling, weed whacking, wicking – glove with herbicide brushed over the plant – and spraying using a backpack. Work will be done by TNC staff, including a seasonal hire, all of whom have pesticide application licenses. No chemicals will be used on properties when requested by landowner. As this may be done in wind speeds of up to 10 mph, she explained when the wind is close to or at 10mph, TNC adjusts the spray to make the droplets larger and heavier to limit distribution outside of the intended spray area.

The Commission discussed the request as it was filed as an addition to the Sept. 2021 approved NOI, but an NOI is not to be added to. The RDA is specific in its request and viewed as a companion to the NOI. Discussion focused on this and that this filing was a unique situation addressed by the RDA in a short period of time after the NOI, as the listed specific target plants began to bloom in the new season. All saw it as dealing with wetland improvement.

A motion made by R. Wood, seconded by D. Roeder, to continue the Public Hearing on the above application to June 27, 2022 at 7pm was approved by a 5-0 vote.

Angela Sirois-Pitel will not be at the 6/27/22 meeting but Renee Wendell will be.

Rehabilitation services for injured turtles through the Turtle Rescue League was discussed. Several members asked if TNC had any Stop for Turtles or such signs; she will check. The Commission gave R. Wood permission to put a link on the Commission page to the Turtle Rescue League's website.

2. Discussion/Possible Action Regarding Conservation Restriction for John Alexander and Emily Fisher for property at 517 Kelsey Road.

Angela Sirois-Pitel of TNC next presented a Conservation Restriction for the above property, which will be presented to the Select Board on June 20th. There has been a Deed Restriction on this property since 2001. She requested the Commission to provide its support for the Restriction.

A motion made by D. Roeder, seconded by T. Pitman, to have R. Wood write a letter of support on the Conservation Restriction to the Select Board for Chairman Ward signature was approved by a 5-0 vote.

3. Approval of Minutes.

Several corrections were noted by D. Roeder. **A motion made by R Wood, seconded by T. Pitman, to accept the minutes of 5/23/22, as amended, was approved by a 4-0-1 vote, with T. Pitman abstaining.**

4. Chairman Ward opened the Public Hearing at 7:55pm for the Request for Determination of Applicability, filed by the Town of Sheffield for property located on County Road, Sheffield in accordance with the provision of MGL C 131§40. The purpose of the hearing is to reclaim and resurface County Road from Hickey Hill Road to the New Marlborough Town Line.

R. Wood stated she had filed a Disclosure of Appearance of Conflict of Interest with the Town Clerk and Board of Selectmen on this matter.

After discussion of it being a standard practice of the Town to file such RDAs with the Conservation Commission on such matters and what was to be done during the reclaiming and resurfacing of the road in question, R. Wood cited "WPA 310 CMR 10.02(2)(b)2.p: Pavement repair, resurfacing, and reclamation of existing roadways within the right-of-way configuration provided that the roadway and shoulders are not widened, no staging or stockpiling of materials, all disturbed road shoulders are stabilized within 72 hours of completion of the resurfacing or reclamation, and no work on the drainage system is performed, other than adjustments and/or repairs to respective structures within the roadway",...as an exempt activity from filing a Notice

of Intent and to so condition the RDA with these four conditions, if the Commission found a Negative Determination.

A motion made by T. Pitman, seconded by A. Rosoff, to issue a Negative Determination #3, with the following added as conditions: 1) the roadway and shoulders are not widened; 2) no staging or stockpiling of materials; 3) all disturbed road shoulders are stabilized within 72 hours of completion of the resurfacing or reclamation; and 4) no work on the drainage system is performed, other than adjustments and/or repairs to respective structures within the roadway was approved by a 5-0 vote.

5. A WPA Emergency Certification for Salisbury, Giberson, and Bow Wow Roads for the purpose of installation of a pond level control on Salisbury Road; replacement of a flow device on Giberson Road, and removal of beaver damming materials from a culvert and installation of a culvert protective fence and pipe device on Bow Wow Road. All these actions were needed to prevent private wells and roadways from being compromised.

Requested by the Town of Sheffield and signed by Chairman D. Ward on June 13, 2022. Chairman Ward asked the Commission to sign the form authorizing the installation of beaver control/water flow devices in wetland areas as described above. Due to the timing of the matter, it did not appear on the 6/13/22 agenda.

A motion made by R. Wood, seconded by A. Rosoff, to endorse and sign the WPA Emergency Certification Form as presented was approved by a 5-0 vote.

6. Continuation: Request for Certificate of Compliance for Order of Conditions #281-0166, Perlman Pond at 689 Home Road, Sheffield. The Commission had not received previous Order of Conditions from the applicant's representative (Shaun McCarthy of Solitude Lake Management (ShaunMcCarthy@Solitudelake.com)) as requested at the last meeting. The Commission will contact the applicant's representative to again request the documentation for Order of Conditions #281-0166. This matter was continued to June 27, 2022 at 7pm by approval of the Commission.

7. Public Hearing: Notice of Intent Application, filed by Lee Perlman for property on 689 Home Road, in Sheffield, in accordance with the provisions of MGL C 131, §40. The proposed project: Aquatic Management Program at the Perlman residence.

Chairman Ward opened the hearing and noted the Commission does not have DEP's file number for this NOI application, and thus cannot hold the public hearing. It is anticipated there will also be a WPA/MESA determination letter.

A motion made by R. Wood, seconded by A. Rosoff, to continue the Public Hearing on the above application to June 27, 2022 at 7pm, was approved by a 5-0 vote.

8. Continuation: Request for Certificate of Compliance for Order of Conditions #281-0216, Fawn Lake, Berkshire School Road, Sheffield. The Commission had not received previous

Order of Conditions from the applicant's representative (Shaun McCarthy of Solitude Lake Management (ShaunMcCarthy@Solitudelake.com)). The Board will contact the applicant's representative to again request the documentation for Order of Conditions #281-0216. This matter was continued to June 27, 2022 at 7pm by approval of the Commission.

9. Public Hearing: Notice of Intent Application, filed by James McNamara for property at 1085 Berkshire School Road, in Sheffield, in accordance with the provisions of MGL C 131, §40. The proposed project: Aquatic Management Program for Fawn Lake.

Chairman Ward opened the hearing at 8:17pm and noted the Commission now has the DEP file number for this NOI application and the WPA/MESA determination letter.

The Commission discussed the many comments in this letter noting the recommendations for NHESP Tracking No. 05-18004, including the finding of Bur Oak, and that none of these recommendations had been specifically addressed in the application. The application does not establish any base line(s) for measurements of success, nor any indicators of past results of treatments in 2017. It was also noted the lake is in the ACEC, despite applicant's application noting it was not and that there are no maps for this application showing infestation areas or areas to be treated; just generic locus and an aerial map are included.

A letter to the applicant's agent asking for such information/plans would be drafted by R. Wood and sent to members for comments through Jill Hughes before being signed by Chairman Ward.

A motion made by Chairman Ward, seconded by D. Roeder, to continue the Public Hearing on the above application to June 27, 2022 at 7pm was approved by a 5-0 vote.

It was also decided that if the DFW letter re: Perlman pond comes with similar or any conditions not addressed in the application, the applicant's agent should address those issues before the June 27th Public Hearing. The Applicant's agent will be notified.

10. Discussion/Possible Action re: Enforcement Order for 1448 South Undermountain Road. No new information has been received on this matter, so the Commission took no action. Chairman Ward volunteered to follow up and see when the next checkpoint is expected.

11. Commission Member Items.

A. Rosoff brought up whether anything has been done re: the Emergency Order for a culvert repair near the corner of Kelsey/Barnum Streets. She also queried what was going on today where a utility company was placing poles in a wetland area. A police detail was present. R. Wood will check with the Town Administrator.

9. Public Inquires. None, as no public was present. T. Pitman stated he had discussed a matter with J. Kelly and expected him to be present to review his concerns with the Commission. The Commission discussed the need for a member of the public with a concern to either come before the Commission or write them a letter stating their concern.

10. Adjournment.

R. Wood made a motion to adjourn the meeting, which was seconded by D. Roeder, and approved by a 5-0 vote. The meeting adjourned at 8:50pm.

Respectfully Submitted,

Rene Wood, Commissioner



Documents reviewed at this meeting:

- 6/13/22 Sign in sheet
- 6/13/22 Revised Meeting Agenda.
- Copy of 301CMR DEP WPA Section 10.58, (5); pgs. 236-237
- Aquatic Management Program at Perlman Residence, DEP File #281-0166; Solitude Lake Management
- NOI Application Perlman Residence; Aquatic Management Program, 5/22
- Aquatic Management Program at Richardson Residence, Fawn Lake, DEP File #281-0216; Solitude Lake Management
- NOI Application Richardson Residence, Fawn Lake; Aquatic Management Program, 5/22
- Aquatic Management Program at Fawn Lake, DEP File #281-0216; Solitude Lake Management
- RDA filed by The Nature Conservancy for 3 Sheffield properties re: management activities to maintain and improve rare and common habitat in the Schenob Brook Preserve.
- Disclosure of Appearance of Conflict of Interest; Rene Wood
- RDA from Town of Sheffield re: reclamation & resurfacing of County Road from Hickey Hill Road to Town of New Marlborough line
- WPA Emergency Certification Form, dated 6/13/22, Town of Sheffield for beaver control.
- Conservation Restriction for John Alexander and Emily Fisher for property at 517 Kelsey Road

