

**Town of Sheffield**  
**CONSERVATION COMMISSION**  
**December 13, 2021**  
**7:00 PM**

Commission Members Present: Don Ward, Chairman  
Ted Pitman  
Rene Wood  
Donald Roeder  
Anya Rosoff, Alternate Member  
George Oleen, Alternate Member

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: The Sheffield Conservation Commission will hold a public hearing on December 13, 2021 at 7:00 pm at the Town Hall regarding a Notice of Intent Application filed by Casey Rothstein-Fitzpatrick of 854 & 964 South Undermountain Road in accordance with the provisions of M.G.L. Chapter 131, sec. 40. Project Description:**

**Existing and proposed riverfront area restoration and related site work.** The owner, Casey Rothstein-Fitzpatrick was present; Jackson Alberti of Fore Sight Land Services gave an overview of the filed NOI, including the site-plan. He discussed the removal of existing debris from the Riverfront area, discussed existing buildings to remain as well as new proposed structures, including a 50' x 70' tent-proposed for banquets and weddings. J. Alberti informed the Commission there is no flood zone on the property but is in the Schenob Brook Area of Critical Environmental Concern (ACEC). The Commission asked questions regarding mowing and what is to be planted in the tent area - thyme, side oats and granular grass.

J. Alberti stated all work including the existing structures, the proposed cabana structures, the tent site and septic system totaled approximately 4,535 square feet of river front area alterations, or 2.4% of the riverfront area on the property. Discussion ensued regarding the septic system. R. Wood remembered when the septic was being installed, which involved approvals and oversight from MassDEP and Sheffield's BOH. The applicant said this part of the septic was never connected to the main system, and thought it was just an oversight. R. Wood was skeptical, since this was the first of its type in Massachusetts, it was hard to believe this was overlooked. J. Alberti discussed the septic tank-as a Tight Tank. R. Wood said the Commission is not qualified to understand the ramifications of the proposed septic change without having the state and Sheffield's BOH weigh in on this. The Commission has hired Emily Stockman as a consultant for a peer review process at Race Brook Lodge and L. Neil will get the information to her. Ted Pitman mentioned his concern of this project being in the ACEC. ACEC's are addressed in 301CMR11.0311. Any project in an ACEC must file an Environmental Notification Form unless the project is solely of a single family dwelling. R. Wood mentioned this would be something E. Stockman would look into. It was agreed the Commission does not have the information needed

for the January 10, 2022 meeting and the public hearing will be continued to the following meeting. **R. Wood made a motion to continue this NOI public hearing to the next meeting on January 10, 2022. D. Roeder seconded the motion, which carried, 4-0.**

**2. Discussion/Possible Action regarding property located at 81 County Road:** Owner Justin Elovirta attended the meeting. Chairman Ward read a draft letter written by R. Wood, that given the homeowners had taken all the measures specified for an exemption, as stated in the WPA regulations, there was no need for further action on their part. He also asked them to come before the Commission when undertaking similar work in the future. **Chairman Ward made a motion to accept and send the draft letter, as amended, to the Elovirta household. R. Wood seconded the motion, which carried, 4-0.**

**3. Ratification of WPA Emergency Certification Form for Weatogue Road; culvert and road repair:** Chairman Ward explained the process of a WPA Emergency Certificate. **R. Wood made a motion to approve the Emergency Certification Form for Weatogue Road. Chairman Ward seconded the motion, which carried, 4-0.**

**4. Ratification of WPA Emergency Certification Form for Lime Kiln Road; culvert repair:** After a brief discussion, **R. Wood made a motion to approve the Emergency Certification Form for Lime Kiln Road. D. Roeder seconded the motion, which carried, 4-0.**

**5. Request for Certificate of Compliance for Horowitz at property located at 356 Miller Avenue.** T. Pitman and Chairman Ward attended the site visit today and briefed the Commission on this matter. Sometime in the past, the owner was required to file a Notice of Intent (NOI), to which conditions were attached to address the proposed construction. While the owner filed the proper documentation with the Registry of Deeds, he did not come back to request a Certificate of Compliance when the construction was completed. As the property is now for sale, the owner needs to get and file Certificate of Compliance to clear the title. **Chairman Ward made a motion to approve and sign a Certificate of Compliance for the Horowitz property at 356 Miller Avenue. R. Wood seconded the motion, which carried 4-0.**

**6. Discussion/Possible Action regarding Enforcement Order for 1448 South Undermountain Road:** There were no updates at the meeting.

**7. Discussion/Possible Action on FY23 Budget:** The Commission reviewed each line item. There was discussion on requesting a part time conservation agent to help the Commission with its work and potentially share an agent with other towns. This item will be continued to the next meeting on 1-10-22.

**8. Discussion on the ConCom's wetland's flyer for Sheffield residents:** R. Wood passed around flyers going out with the annual Town census mailer. The flyers will be placed in the information racks in Town Hall entry, on the Commission's webpage, and with permission in

Tammy Blackwell's office, the Building Commissioner's office, and provided to Realtor Offices and Contractor's Offices.

**9. Commission Member Items:** Chairman Ward brought up a question Mr. Kinne had regarding the ConCom's wording in his Order of Conditions. The Commission decided after reviewing the order of conditions that the language was as intended; Chair Ward will call Mr. Kinne to discuss.

**10. Approval of Draft Minutes from November 8, 2021:** *R. Wood made a motion to accept the minutes as amended. D. Roeder seconded the minutes, which carried, 4-0.*

**11. Public Inquiries:**

- Chairman Ward spoke to say we have two new alternate Conservation Commission members. A. Batacchi has resigned. At the next Select Board meeting, a 5th member will be appointed. G. Oleen and A. Rosoff had requested to be full-time members.
- G. Oleen suggested purchasing another easel for the Commission's use. He also asked to receive the agenda and packets pertaining to the meetings. Chairman Ward will speak with Rhonda regarding how alternate members are used.
- D. Roeder requested a copy of the state regulations. R. Wood will order two copies.

**10. Adjournment.**

*R. Wood made a motion to adjourn the meeting, seconded by Chairman Ward and approved by a 4-0 vote.* The meeting adjourned at 8:55 pm.

Respectfully Submitted,

  
Rene Wood  
Commission Member

**Documents reviewed at this meeting:**

- 12-13-21 Meeting Agenda
- Notice of Intent – Race Brook Lodge
- WPA Emergency Certification Form for Weatogue Rd.
- WPA Emergency Certification Form for Lime Kiln Rd.
- Certificate of Compliance for Horowitz at 356 Miller Ave.
- Draft Letter from R. Wood regarding 81 County Rd.
- FY23 Budget
- Wetland Flyers
- Draft Minutes from November 8, 2021
- Attendee Sign In Sheet

