

**Town of Sheffield  
CONSERVATION COMMISSION  
February 14, 2022  
7:00 PM**

Commission Members Present:	Don Ward, Chairman Ted Pitman, Vice Chairman Donald Roeder Anya Rosoff Rene Wood
Others Present:	George Oleen, Alternate Member No public in attendance

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

**1. Approval of Minutes.**

The minutes of 12/13/21 and 1/10/22 were discussed. Members had just received the draft 12/13/21 minutes, so insufficient time to review. R. Wood had changes to the 1/10/22 minutes. The Commission elected to take up these 2 sets of minutes, as well as the minutes from this meeting, at their March meeting.

**2. Continuation of Public Hearing on Notice of Intent (NOI) for 854 and 864 South Undermountain Road for Existing and Proposed Riverfront Area Restoration and Related Site work.**

Chairman Ward discussed the status of this NOI: Emily Stockman has been hired by the Commission to do a peer review, but her invoice to do so has not been received by the owner and thus not paid. Chairman Ward took responsibility to get Mr. Casey-Rothstein the invoice so this matter may move forward.

T. Pitman, citing documentation on ACEC requirements, noted since this is a corporation, a MEPA review is required. (*Guide to State Regulations and Programs, p 7.*) Chairman Ward will discuss with E. Stockman. T. Pitman filed 2 copies of *Disclosure of Appearance of Conflict of Interest (23(b)(3))* regarding his dinning at the Race Brook Tavern, one for the Select Board as the appointing authority and one for ConCom files.

**A motion made by R. Wood, seconded by D. Ward, to continue the Public Hearing on the NOI for 854 and 864 South Undermountain Road to March 14,2022 at 7:00pm was approved by a 5-0 vote.**

**3. Public Meeting for a Request for Determination of Applicability (RDA), filed by Mike Parsons as agent for Neil & Ingrid Naidech for property located at 246 County Road for the purpose of installing two septic systems, in accordance with the Provision of M.G.L. C. 131, § 40.**

Chairman Ward stated this public meeting has been postponed to March 14, 2022 at the request of the homeowners. A site visit will be posted and held at 5pm on 2/14/22. He also reviewed protocols on a site visit – no deliberations, fact finding, and reporting back to the full

Commission during the meeting. Members should let the ConCom's assistant know their attendance status.

There was a brief discussion of the transition since L. Neal has taken a new Town job; hope that this will be sorted out by the March meeting. The Commission goes to 2 meetings a month beginning in April. D. Roeder will be absent for the March and April 11<sup>th</sup> meetings; T. Pitman will miss the April 11<sup>th</sup> meeting.

#### **4. Discussion/possible action regarding Enforcement Order for 1448 South Undermount Road.**

Chairman Ward updated members on the status of this Enforcement Order as he had talked with Emily Stockman, doing a peer review, and Elizabeth Goodman, Esq., the owner's lawyer. E. Stockman is awaiting information from Oxbow Environmental Engineers, hired by the owners, which she has been unable to get. Attorney Goodman told Chairman Ward she will intervene and get the information needed, as well as be prepared to address this matter in person at the March 14<sup>th</sup> meeting. E. Stockman will also be at this meeting.

Chairman Ward noted he wants to get this wrapped up and went over all the State agencies involved given the mitigation required due to endanger species, mitigation ratios, offsets and/or easement stewardship, or possible paying a fine. Complicated situation, which will result in an Order of Conditions from the Commission.

#### **5. Ratification of WPA Emergency Certification for 128 Main Street.**

Chairman Ward reviewed the circumstances regarding this document he signed – dead tree in the wetland's butter to the Housatonic River - and issued on 1/28/22 as well as a review of the Emergency Certification process and reasons for issuance.

**A motion made by R. Wood, seconded by T. Pitman, to ratify the WPA Emergency Certification for 128 Main Street passed 5-0.** Members sign the Certification.

#### **6. Discussion Regarding Septic System Repairs in the Wetland's Areas.**

R. Wood reviewed her meeting with Board of Health (BOH) Chair Pat Levine and Scott Smith, also on the BOH, the Town's septic inspector and former ConCom member and their discussion re: septic repairs and when to alert the ConCom. It was also pointed out that M. Mitsoff, formerly a ConCom member, is on the BOH.

#### **7. Discussion Regarding Proposed Changes for the Website.**

The discussion wrapped up previously presented changes, with corrections being noted in the materials and discussion of the maps Chairman Ward had gotten from BRPC. Both will go on the website, 2-sided copies were placed in the Assessor's office and in the Town Hall entryway; 1 set of large maps will be in the 1<sup>st</sup> floor meeting room, the other set at the library. Comments were made on positive feedback on the Wetland's brochure. R. Wood will do an article for the Sheffield Times on the updated website. Discussion of Priority Habitat, endangered Species, and the ConCom was led by Chairman Ward.

## **8. Commission Member Items.**

It was determined that neither A. Rosoff nor D. Roeder appointments had been reported to MACC, which needs to be done for each to be eligible for a 1 year free MACC membership and other benefits. R. Wood will email such a letter to MACC. Reviewed upcoming March classes and DEP meetings. Chairman Ward provided members with bound copies of 310 CMR 10.00, the Wetland's Protect Act.

The Commissioned discussed how Permittees' notifications from the Building Inspector, most of which L. Neal took care of but in her absence Chairman Ward has been receiving. Chairman Ward will handle them for the time being until new support for the Commission is in place.

T. Pitman briefly discussed investigating a deforestation issue with the Building Inspector and will bring to the March meeting as warranted.

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

## **10. Adjournment.**

**R. Wood made a motion to adjourn the meeting, which was seconded by Chairman Ward, and approved by a 5-0 vote.** The meeting adjourned at 9:00pm

Respectfully Submitted,

Rene Wood, Commissioner

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

- 2/14/22 Meeting Agenda
- Draft Minutes from 12/13/21 and 1/10/22
- Natural Resources and Water Resources, Town of Sheffield maps
- Email for Sheffield permittees.net re: John Morrison, applicant for 55 Sheffield Egremont, Sheffield.
- WPA Emergency Certification Form, 128 Main Street, 1/28/22
- Proposed changes to ConCom's website

