

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

Commission Members Present:	Don Ward, Chairman Ted Pitman, Vice Chairman Anya Rosoff George Oleen, Alternate Member Rene Wood
Members Absent:	Donald Roeder
Others Present:	Members of the public, see sign in sheet

Chairman Ward called the Conservation Commission meeting to order at 7:05pm. As D. Roeder was not present, G. Oleen was seated.

1. Approval of Minutes.

A motion made by R. Wood, seconded by A. Rosoff, to accept the minutes of 12/13/21 as presented was approved by a 5-0 vote.

A motion made by R. Wood, seconded by A. Rosoff, to accept the minutes of 1/10/22 as presented was approved by a 4-0 vote, with T. Pitman abstaining.

A motion made by R. Wood, seconded by T. Pitman, to accept the minutes of 2/14/22 as presented was approved by a 4-0 vote, with G. Oleen abstaining.

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: as of today, repeated attempts to secure the required payment to hire the Commission's Peer Reviewer have not been successful. Chairman Ward will get in contact with the applicant, and possibly his attorney, and recommended the public hearing be continued to 4/11/22.

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 April 11, 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.

This public meeting has been postponed to March 14, 2022 at the request of the homeowners. A site visit, authorized by the applicant, posted, and held on 3/14/22, was attended by three commissioners.

M. Parsons presented the application for the Neidich's and noted they are selling the property and the septic system failed the test and needs to be replaced. He provided a subsurface

disposal system plan for the property, dated 1/19/22. The plan has been submitted, and he believes approved, by the Board of Health. Jody Wilkinson will be the contractor.

The plan and RDA are for pumping tanks #1 and #2, as shown on the plan, removing them, and replacing with new tanks at #1 and #2 locations; cutting a current line to a failed dry well as shown by the multiple (lines on the plan, but leaving it in place; and install a new septic field using the State approved Eljen system. One tree will be removed, and straw waddles will be placed to prevent runoff.

A motion was made by R. Wood, and seconded by T. Pitman, to issue a Negative Determination, Number 3, for the N. & I. Naidech RDA application for 246 County Road, with the following conditions: 1. Contractor will properly place straw waddles and notify the Commission before work begins for possible inspection and after work is completed and straw waddles are removed; and 2. landscape the mound and surrounding areas, as needed, with native herbaceous plants. The motion passed 5-0.

4. Public Meeting for a Request for Determination of Applicability (RDA) for Robert Zimmerman and Elissa Williams for property located at 93 Fiddlehead Trail for the purpose of repairing stone steps to stabilize bank, in accordance with the Provision of M.G.L. C. 131, § 40.

Tom Ingersoll presented the application on this matter. A site visit, authorized by the applicant, posted, and held on 3/14/22, was attended by two commissioners. The property abuts Three Mile Pond, a man-made lake. Stones, at the shoreline which provide access to the water body, have been shifting and pose a safety as well as potential erosion issue. The stones help hold the bank in place. T. Ingersoll is proposing installing quarried stone, likely bluestone, to replace the boulders as steps and reposition the boulders to be the sides of these steps. This action will postpone further movement of the boulders, provide safe access to the pond, and avoid the potential of further erosion or the boulders falling into the pond. T. Ingersoll discussed his approach to the work and wants to do it when the pond is low, the bank exposed, and the mud/dirt around the bank is dry. It is a one-day job. He discussed precautions including straw waddles at the base of the work, which would be removed when native herbaceous plants (New England Wetmix) had been established.

A motion was made by R. Wood, and seconded by T. Pitman, to issue a Negative Determination, Number 3, for the Zimmerman & Williams RDA application for 93 Fiddlehead Trail, with the following conditions: 1. Contractor will properly place straw waddles at the base of the work area and remove them when native herbaceous plants have been established and 2. landscape the disturbed areas with native herbaceous plants, such as the New England Wetmix, as listed in the application. The motion passed 5-0.

5. Public Meeting for a Request for Determination of Applicability (RDA), filed by Joe Bozza and Diane Wortis for property located at 41 South Main for the purpose of removing trees, in accordance with the Provision of M.G.L. C. 131, § 40.

Mr. Bozza presented the application on this matter. A site visit, authorized by the applicant, posted, and held on 3/14/22, was attended by three commissioners. The commissioners found the trees requested to be removed were away from the Vegetative Bordering Wetlands of

the Housatonic River, but were in the buffer zone and close to the house. The commission requested that the trees be cut down to stumps, but that the stumps not be removed. Grinding the stumps was approved.

A motion was made by R. Wood, and seconded by T. Pitman, to issue a Negative Determination, Number 3, for the Bozza and Wortis RDA application for 41 South Main Street, with the following conditions: 1. Keep equipment out of the wetlands and 2. Cut the trees to stump level and grind down if desired, but do not remove the stumps. The motion passed 5-0.

6. Discussion/possible action regarding Enforcement Order for 1448 South Undermountain Road.

Chairman Ward updated members on the status of this Enforcement Order, as the Commission has received an email dated 3/12/22 from Brian Butler or Oxbow Associates, Inc. providing a prospective milestone schedule for completing this matter and indicated they are working with TNC. He asked all members to read the Oxbow materials and provide comments, if any, to J. Hughes by 3/24. Further discussion on the Enforcement Order will be scheduled for the 4/11/22 meeting. T. Pitman requested that E. Stockman, who is the commission's agent on this matter, come to a meeting to provide an update. Chairman Ward said she would be scheduled for a future meeting once she is back in the area.

7. Commission Member Items.

R. Wood brought up 3 items: 1) Courses that she and A. Rosoff had attended at MACC; 2. A draft 21-Day Waiver form, which after discussion, the Commission approved; and 3. An inquiry from Mary Nickerson for Solitude Lake (Fawn Lake) re: whether the states Covid-19 extension applied to their Order of Conditions. R. Wood will ask F. Joyce to pull the record and consult with Chairman Ward on this matter.

T. Pitman closed a deforestation issue he brought up at the last meeting by asking the Building Inspector to review construction taking place at the corner of Rote Hill and Hewins Street.

Chairman Ward brought the mail folder to members attention, which had a letter of complaint against Wilkinson Construction sent to many Town departments/boards. The commission reviewed its previous discussions with Joe Wilkinson regarding sand piles and keeping materials out of WPA areas. Chairman Ward volunteered to discuss delineating wetlands on their property with him.

Next meeting set for 4/11/22 at 7pm.

9. Public Inquires. None.

10. Adjournment.

R. Wood made a motion to adjourn the meeting, which was seconded by T. Pitman, and approved by a 5-0 vote. The meeting adjourned at 8:34pm

Respectfully Submitted,

Rene Wood, Commissioner



Documents reviewed at this meeting:

- 3/14/22 Sign in sheet
- 3/14/22 Meeting Agenda
- Draft Minutes from 12/13/21, 1/10/22, and 3/14/22
- Email from Marc Volk to Info at the Don Ward Co; dated 3/14/22 re: Race Brook Lodge
- RDA application; Neil & Ingrid Naidech
- Subsurface Disposal System plan for Naidech property; dated 1/19/22.
- RDA application; Richard Zimmerman & Elissa Williams
- RDA application; Joe Bozza & Diane Wortis
- Email string from Brian Butler to E. Stockman, Oxbow Associates; 3/12/22; Proposed Milestone Schedule for WPA Compliance; 1448 S. Undermountain Road, 3/11/22
- Email from Mary Nickerson re: Covid tolling re: Order of Conditions for Fawn Lake, MA DEP File Number 281-0216
- Draft 21-Day Waiver Form