

Town of Sheffield
CONSERVATION COMMISSION
August 8, 2022
7:00 PM

Commission Members Present: Don Ward, Chair
Ted Pitman
Anya Rosoff
Don Roeder
Rene Wood

Others Present: George Oleen, Alternate; see sign in sheet

Chair Ward called the meeting to order at 7:05pm.

1. Continuation of public meeting for a Certificate of Compliance for Order of Conditions #281-0166, Perlman Pond, 689 Home Road.

Chair Ward reopened the continuation of the public meeting on this matter and noted that this Certificate of Compliance is likely like the issues involved in the Certificate of Compliance requested below for Fawn Lake, in part because Solitude Lake Management has both parties under contract for lake management services. Shaun McCarthy, Solitude Lake Management, was present to speak to the first four agenda items and gave extensive background on both matters.

The Town does not have the WPA Form 5- Order of Conditions for Perlman Pond but S. McCarthy did produce the Order of Conditions for Fawn Lake, received 6/8/2015. The Commission felt this OOC was similar to that ordered for Perlman Pond. The Commission and S. McCarthy went over all the Special Conditions added to the OCC and asked S. McCarthy to comment on how Solitude Lake Management has met these special conditions for both Perlman Pond and Fawn Lake, which he did to the satisfaction of the Commission. An added special condition was that said that a gas can may not be carried on board the treatment boat and used to refuel the engine/motor. All fueling must be done when the boat is out of the pond/lake and buffer zones, which will be a specific condition put in any new OCC issued – see # 3 and #4. Another condition to be added is that all treatment boats, all treatment equipment, and any items that will go into the water, such as shoes/boots, must be thoroughly cleaned before they enter either body of water to avoid transmission of invasive species, such as zebra mussels.

It was discussed and agreed that the Commission would move on the requested Certificates of Compliance, pending receipt of the 2021 year end report made by Solitude Lake Management to James McNamara, Fawn Lake and the Perlman's for Perlman Pond.

A motion was made by R. Wood, and seconded by D. Roeder, to issue a WPA Form 8B- Certificate of Compliance for Perlman Pond, subject to receipt of the year end/final report to the Perlmans and to close the public meeting on this matter. The motion was approved by a 4-0 vote, with D. Roeder abstaining.

2. Continuation of public meeting for a Certificate of Compliance for Order of Conditions #281-0216, Fawn Lake, 1085 Berkshire School Road.

Chair Ward reopened the public meeting on the above matter. As much discussion in #1 included Fawn Lake, few additional comments were made, except for chemicals, their measurement and computation of dilution for water depth. Various invasives, such as water lilies, were discussed. S. McCarthy said that for both Perlman Pond and Fawn Lake 2021 was not a treatment year. It was noted that the original Order of Conditions had been issued in 2009 and then extended 1 to 2 year increments through 2021. The Commission cautioned that this would not occur again.

A motion was made by R. Wood, and seconded by T. Pitman, to issue WPA Form 8B-Certificate of Compliance for Fawn Lake, subject to receipt of the year end/final report to J. McNamara, and to close the public meeting on this matter. The motion was approved by a 4-0-1 vote, with D. Roeder abstaining.

Approving Commission members signed the two WPA Form 8B.

3. Continuation of public hearing: Notice of Intent application for Perlman property on 689 Home Road, in accordance with the provisions of MGL C.131, §6. The proposed project: Aquatic Management Program for Perlman Pond.

Chair Ward re-opened the public hearing and following the earlier discussion on the Commission's added special conditions to the two NOI's, the discussion continued. It was also noted that no one had been able to find a NHESP letter on Perlman Pond and not sure whether it had been lost in the mail or not needed. This needed to be clarified and J. Hughes will be asked to track it down.

D. Roeder expressed his concerns over the shallowness of the pond, the chemical proposed for treatment and whether an anaerobic environment would subsequently be created and resulting fish kills.

A motion was made by R. Wood, and seconded by A. Rosoff, to continue the Public Hearing for the Notice of Intent application for Perlman property on 689 Home Road, in accordance with the provisions of MGL C.131, §6 for an Aquatic Management Program for Perlman Pond until August 22, 2022 at 7:00pm. The motion was approved by a 5-0 vote.

4. Continuation of public hearing: Notice of Intent application filed by James McNamara for property at 1085 Berkshire School Road, in accordance with the provisions of MGL C.131, §6. The proposed project: Aquatic Management Program for Fawn Lake.

Chair Ward re-opened the public hearing and following the earlier discussion on the Commission's added special conditions to the two NOI's, the discussion continued on this matter. S. McCarthy went over the lake and other surveys ordered by NHESP and the findings, which were negative for the Burr Oak. Extensive documentation was provided.

Several Commissioners discussed other items including the need for before and after reporting showing the concentration of undesirable species and treatment(s) effectiveness. Given the time of the year, only pond lilies would be addressed this year. The importance of such lakes in the Sheffield water system and the collection of appropriate data was reviewed. Hydro-racking was discussed as to why it was not an appropriate treatment approach, as Fawn Lake is in the ACEC and flows into a number of water systems as it flows eventually into Mill Pond. Hydro-racking was discussed in the application but not recommended. At least one Commissioner felt

the plan submitted was an herbicide/chemical plan rather than an aquatic management program. Discussion ensued regarding what owners will support and pay for versus what is preferred.

It was agreed all Commissioners will review the earlier OOC for Fawn Lake provided by S. McCarthy as to whether such conditions should be included in any new OOCs issued for Fawn Lake or Perlman Pond and what if any other special conditions should be considered. Commissioners were to send their comments to J. Hughes. D. Roeder recommended striking #12 in the older OCC.

A motion was made by R. Wood, and seconded by T. Pitman, to continue the Public Hearing for the Notice of Intent application filed by James McNamara for property at 1085 Berkshire School Road, in accordance with the provisions of MGL C.131, §6 for an Aquatic Management Program for Fawn Lake until August 22, 2022 at 7:00pm. The motion was approved by a 5-0 vote.

5. Approval of Minutes of 7/11/22. After the minutes were reviewed and several corrections pointed out, **a motion made by R Wood, seconded by T. Pitman, to accept the minutes of 7/11/22, as amended, was approved by a 4-0-1 vote, with D. Roeder abstaining.**

6. Commission Member Items. T. Pitman handed out his draft letter on the matter of making sure the public and the Building Commissioner know how to file for a Request for Determination of Applicability (RDA) or Notice of Intent (NOI) where there are questions re: wetlands as Commissioners are no longer going to be doing pre-filing inspections and giving advice on how to proceed. As this was not on the agenda, it will be taken up at the next scheduled meeting.


D. Roeder discussed his conversation with Mary Grover re: written samples of aquatic management plans.

Chair Ward reminded members of their homework re: special conditions on OCCs for Perlman Pond and Fawn Lake and the Housatonic Valley Authority, which is doing water analysis on the Housatonic, Konapot, Iron Brook, and Hulburt in Sheffield.

7. Public Inquires. None.

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

Respectfully Submitted,


Rene Wood, Commissioner

Documents reviewed at this meeting:

- 8/8/22 Sign in sheet
- 8/8/22 Meeting Agenda
- 7/25/22 draft minutes

- Letter from Division of Fisheries & Wildlife, dated 6/1/21, to Victoria Weil re: NHESP file number 21-40238, a single family home and driveway to be built at 2027 Barnum Street, Sheffield
- WPA Form 5 - Order of Conditions for Fawn Lake, received 6/8/2015. MassDEP file number 281-0216
- Draft letter on RDA & NOI procedures written by T. Pitman

