

Town of Sheffield
CONSERVATION COMMISSION
September 12, 2022
7:00 PM
Town Hall – First Floor Meeting Room

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

Others Present: George Oleen, Alternate

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

1. Continuation of Public Hearing: Notice of Intent Application for 854 & 864 South Undermountain Road for Existing and Proposed Riverfront Area Restoration and Related Site Work.

Chair Ward opened the continuation of the public hearing at 7:06pm and said the applicant's attorney had requested a deferment to 10/11/22 at 7pm to allow time for further preparation. **A motion made by R. Wood, and seconded by T. Pitman, to continue the public hearing to 10/11/22 at 7pm, per the applicant's request, was approved by a 5-0 vote.**

2. Continuation of Public Hearing: Notice of Intent Application, filed by Lee Perlman for property on 689 Home Rd. in Sheffield, in accordance with the provisions of M.G.L. Chapter 131, sec. 40. The proposed project: Aquatic Management Program at the Perlman Residence.

Chair Ward opened this continuance of the public hearing at 7:20pm. The Commission discussed Special Conditions to the Order of Conditions (WPA Form 5) before having Shawn McCarthy, applicant's representative, join the meeting by phone. S. McCarthy was questioned on the last annual report on Perlman Pond (9/10/21) and asked to forward it to Town Hall so the Commission could release the Certificate of Compliance approved at an earlier meeting, pending receipt of this document.

In the ensuing conversation, the Commission developed the following Special Conditions:

1. The Order of Conditions is valid for three years
2. Aquatic vegetation shall be surveyed before and after each herbicide treatment. A minimum of 15, 1/2m² quadrants shall be randomly placed in the pond and all vegetation within the quadrant shall be identified and enumerated.
3. Evaluation of non-chemical, non-herbicide control methods, such as hydroracking, will take place during the 3 year period.
4. An annual report shall be filed with the Conservation Commission by 2/1/2X for the preceding year's pond management activities. It will be in the form of: Introduction, Material & Methods; Results; and Discussion/Conclusion. It will include the results of the quadrant surveys; herbicides/chemical used, dosages, and purpose of application; dissolved oxygen test results; and metrics showing the results of each treatment, to include such items as percentage of reduction of targeted species.

5. Dissolved Oxygen tests shall be made before and after each treatment and reported as part of the annual report to the Commission.

No conditions were added on watershed survey or fish surveys.

A motion made by R. Wood, and seconded by D. Roeder to approve an Order of Conditions (WPA Form 5) for Perlman Pond with the addition of five Special Conditions: (1) The Order of Conditions is valid for three years; (2) Aquatic vegetation shall be surveyed before and after each herbicide treatment. A minimum of 15, 1/2m² quadrants shall be randomly placed in the pond and all vegetation within the quadrant shall be identified and enumerated; (3) Evaluation of non-chemical, non-herbicide control methods, such as hydroracking, will take place during the 3 year period; (4) An annual report shall be filed with the Conservation Commission by 2/1/2X for the preceding year's pond management activities. It will be in the form of: Introduction, Material & Methods; Results; and Discussion/Conclusion. It will include the results of the quadrant surveys; herbicides/chemical used, dosages, and purpose of application; dissolved oxygen test results; and metrics showing the results of each treatment, to include such items as percentage of reduction of targeted species; (5) Dissolved Oxygen tests shall be made before and after each treatment and reported as part of the annual report to the Commission, and to close the Public Hearing was approved by a 5-0 vote.

Commission members signed the WPA Form 5 signature page.

3. Continuation of Public Hearing: Notice of Intent Application, filed by James McNamara for property on 1085 Berkshire School Rd. in Sheffield, in accordance with the provisions of M.G.L. Chapter 131, sec. 40. The proposed project: Aquatic Plant Management Program for Fawn Lake.

Chair Ward opened this continuance of the public hearing at 7:40pm. The Commission discussed Special Conditions to the Order of Conditions (WPA Form 5). As this application is similar to the Perlman Pond application, the Commission agreed upon the same Special Conditions.

A motion made by R. Wood, and seconded by A. Rosoff to approve an Order of Conditions (WPA Form 5) for Fawn Lake with the addition of five Special Conditions: (1) The Order of Conditions is valid for three years; (2) Aquatic vegetation shall be surveyed before and after each herbicide treatment. A minimum of 15, 1/2m² quadrants shall be randomly placed in the pond and all vegetation within the quadrant shall be identified and enumerated; (3) Evaluation of non-chemical, non-herbicide control methods, such as hydroracking, will take place during the 3 year period; (4) An annual report shall be filed with the Conservation Commission by 2/1/2X for the preceding year's pond management activities. It will be in the form of: Introduction, Material & Methods; Results; and Discussion/Conclusion. It will include the results of the quadrant surveys; herbicides/chemical used, dosages, and purpose of application; dissolved oxygen test results; and metrics showing the results of each treatment, to include such items as percentage of reduction of targeted species; (5) Dissolved Oxygen tests shall be made before and after each treatment and reported as part of the annual report to the Commission, and to close the Public Hearing was approved by a 5-0 vote.

Commission members signed the WPA Form 5 signature page.

4. Discussion/Possible Action Regarding Enforcement Order for 1448 South Undermountain Road

The Ligas draft letter from E. Stockman was reviewed. Chair Ward sent his comments to her. The Board reviewed R. Wood's suggested comments and decided a short email asking E. Stockman to clarify wording of Berm and Exotic Vegetation Control, page 2, would suffice. Such wording should include: No

alternation to natural vegetative area of the intermittent stream bank and slope except for naturalization areas. R. Wood volunteered to send the email. **A motion made by R. Wood, and seconded by T. Pitman, to approve the Liqas letter, with amendments, was approved by a 5-0 vote.**

5. Discussion/Possible Action Regarding Instructions to File a Request for Determination of Applicability and a Notice of Intent.

This item concerned handouts to give the Building Inspector when asked whether a project requires Conservation Commission approval. It stems from both E. Stockman's previous comments about any Commission member(s) not having any legal authority to advise anyone re: whether an RDA, NOI or other paperwork should be filed and Commissioner's not wanted to review every permit application sent over by the Building Commission in PermitEyes. R. Wood's suggested handout, with the ConCom's *What you need to know about wetlands protection in Sheffield* brochure, were discussed. Both need to be updated to include Priority Habitats (MESA) and ACEC issues. T. Pitman's draft #2 will be used in updating the Commission's website. All will be placed on the website when updated and given to the Building Commission for distribution. Chair Ward will review his discussion on this matter with the Town Administrator before having it with P. Greene.

6. Discussion/Possible Action Regarding Tree Cutting Plan on Bow Wow Road.

No one on the Commission knew what this was about so the Commission passed over it.

7. Discussion Regarding Guidelines for Emergency Certifications

R. Wood brought these to the Commission's attention; they were given to Town Hall by M. Stinson. Chair Ward asked members to review for next meeting.

8. Discussion Regarding Final Paperwork Process for Order of Conditions and Determination of Applicability

R. Wood pointed out the 10 day appeal period for both approved RDAs and NOIs; the signed documentation is released by Town Hall only after this time. Expectations need to be set with applicants to reflect this legal delay.

9. Approval of Minutes: 8/8/22 and 8/22/22

After the 8/8/22 minutes were reviewed and corrections pointed out, **a motion made by R Wood, seconded by D. Roeder, to accept the minutes of 8/8/22, as amended, was approved by a 5-0 vote.**

After the 8/22/22 minutes were reviewed and corrections pointed out, **a motion made by R Wood, seconded by D. Ward, to accept the minutes of 8/22/22, as amended, was approved by a 5-0 vote.**

10. Commission Member Items

D. Roeder reported that he had conducted a pre-construction site visit to 238 Cooper Hill Rd. and the straw waddles were in place for erosion and silt control, per the Commission's condition to the issued RDA.

Chair Ward went over the mail noting BSC's filing of an exemption for replacement of a utility pole on Rt 7A and several forest cutting plans.

11. Public Inquires. G. Oleen inquired if the bridge over Schenob Brook on Kelsey Rd had come before the Commission. It had not and R. Wood referred him to the Town Administrator for a status update on this bridge.

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

Respectfully Submitted,

Rene Wood, Commissioner



Documents reviewed at this meeting:

- 9/12/22 Meeting Agenda
- 8/8/22 and 8/22/22 draft minutes
- Email from E. Stockman to Town Hall re: draft Ligas letter, dated 9/2/22
- R. Wood's suggested changes to above draft letter
- Emails from Shawn Mccarthy to D. Roeder, last dated 9/12/22 re: OOC for Perlman Pond and Fawn Lake
- Email from R. Wood to Town Hall re: conditions for OOC for Fawn Lake, dated 8/17/22
- Email from S. Mccarthy to Town Hall re: Fawn Lake, dated 9/1/22
- 2nd Draft by T. Pitman re: filing RDA or NOI
- R. Wood draft re: materials for P. Greene to give out re: determination of RDA or NOI to be filed
- D. Ward: ACECs: Frequently Asked Questions
- BSC Group transmittal to Conservation Commission dated 8/23/22 re: Route 7A system improvement project
- Forest Cutting Plans for: J. Phillips (County Rd); A. Gubernick (County Rd); R. Giumarro (Hulett Hill Rd.); T. Safian (Old Joe Rd); P. Safian (Old Joe Rd); and A. Sinico (Polikoff Rd), with transmittal letter from T. Ryan, DCR

