

Town of Sheffield
CONSERVATION COMMISSION
September 26, 2022
7:00 PM
Town Hall – First Floor Meeting Room

Commissioners present: Don Ward, Chair
Ted Pitman
Anya Rosoff
Rene Wood
Commissioners absent: Don Roeder

Others Present: See sign in sheet

Chair Ward called the meeting to order at 7:08pm.

1. Discussion/Possible Action Regarding Enforcement Order for 1448 South Undermountain Road
Representatives of Mr. Ligas, who joined the meeting through Attorney Goodman's iPad, and Emily Stockman were at the meeting. Their appearance was unknown to the Commission prior to the meeting as information sent on the matter arrived late in the day.

Attorney Goodman, assisted by Brian Butler, Oxbow Associates, presented an Enforcement Order Resolution Plan, dated 9/26/22 for the property as well as an updated large scale Orthophoto Map of the property, also dated 9/26/22, and of the two restoration areas, which need resolution. Part of their urgency in seeking a resolution is the denial of a Certificate of Occupancy until the Enforcement Order is resolved by the Commission.

Extensive discussion ensued with comments by Mr. Ligas' representatives and E. Stockman, the agent on the matter for the Conservation Commission. Discussion centered on restoration approaches, how best to protect Bordering Vegetated Wetlands in both the labelled Brookside Meadow restoration and the West Field restoration areas. NHS concerns were conveyed by Attorney Goodman and all speakers reminded each other of take aways and agreements from the 8/22/22 site visit. Monumentation, fences, plantings, fall annually mowed meadows and the maintenance of the "blue pork chop" were reviewed, including respective 50' and 100' buffer zones, pitch/slope of some areas of the Brookside Meadow buffer zone, maintenance, and unwanted mowing, except as specifically allowed, in key areas.

The 3:1 mitigation: take ratio (mowed areas) was reviewed as well as the present progress on Conservation Restrictions (CR), with certain lands under one CR under the owner's jurisdiction and other lands under a separate CR under The Nature Conservancy control; both CR's have not been finalized.

In the discussion, Mr. Ligas stated weeds and invasives are removed by hand and his maintenance team does not use herbicides, pesticides, or manure, as these may impact his well. It appeared that the delineations agreed to during the 8/22/22 site visit were properly marked and labeled on the updated

Orthophoto map. E. Stockman noted she had not sent the Commission's draft letter to Mr. Ligas, as that was originally what would have been discussed tonight.

Working from the Oxbow Associates letter of 9/26/22, in which suggested conditions were presented, the Commission focused on developing Conditions for an Order of Conditions to complete the Enforcement Order. The agreed upon conditions for each of the two restoration areas are as follows:

1. Brookside Meadow Restoration – Bordering Vegetative Wetlands (BVWs)

The area to the south of the home indicated on the 9/22/22 orthophotographic site figure will be restored to meadow-stage habitat. The area immediately adjacent to the deep stream channel has naturalized with woody vegetation and there is not significant impacts to the stream's thermal budget.

Management of the meadow will entail:

- a. Monumentation of the boundary will consist of a post and rail fence or boulders. Discrete but legible (e.g. 3 x 5") signage, appropriately worded to provide clear demarcation for whomever is in this area, will be placed at 50 +/- foot intervals along the border for area delimitation and clarity. Due to the potential long lead time for fencing contractors, an interim measure of field staking will be undertaken and maintained until a permanent border/boundary is established.
- b. Management will be primarily by subtraction; invasive species, as documented by MIPAG (Mass Invasive Plant Advocacy Group); <https://www.massnrc.org/mipag/>, will be removed by hand and controlled to encourage native growth. No herbicides, pesticides, chemicals, or manure will be used.
- c. Regional native seed and plant stock may be placed at the owner's discretion.
- d. The meadow will be mowed no more than once per year in the Fall and such mowing will only take place on flat surfaces and no mowing will be done on any pitched surface.
- e. Control of Mugwort and Tall Reed will continue in this area and the adjoining buffer zone(s). Control will be done by hand removal of the species and no herbicides, pesticides, chemicals, or manure will be used.
- f. Annual reports will be provided to the Sheffield Conservation Commission before December 31 of the first two years following the completion of monumentation and full boundary establishment. The annual report will provide information on items a -e, as stated above.

2. West Field Restoration and Maintenance

The berm has been completed and is now in final monitoring phase. The remainder of this field habitat will be treated as follows:

- a. A permanent border will be established surrounding the created Bordering Vegetated Wetland(s) (BVWs). A temporary staking border will be followed by either a fence, a freestone wall (on the east side) boulders/monumentation and/or bollards at 50 +/- foot intervals.

- b. The remainder of the back (west) field – wetland buffers – up to twice a year with specific time frames to be set by Natural Heritage.
- c. Control of MIPAG documented invasives, such as Mugwort and Tall Reed, will continue in this area and the adjoining Buffer Zone. Control will be done by hand removal of the species and no herbicides, pesticides, chemicals, or manure will be used.
- d. Annual reports will be provided to the Sheffield Conservation Commission before December 31 of the first two years following the completion of the permanent border and full boundary establishment. The annual report will provide information on items a -c, as stated above.

Under #2, b was eliminated in its entirety. There was discussion of whether there needed to be a generic call out of No Mowing within the BVWs.

The Commission requested the 9/22/22 presented orthophotographic site figure be updated with each of the above conditions stated to their respective areas and the updated orthophotographic site map be brought to the 10/11/22 Commission meeting where this matter will be on the agenda. All parties will review the conditions in advance of that meeting by sending their comments to TownHall@sheffieldma.gov . It was also discussed that if in the future Mr. Ligas wishes to file a Notice of Intent, the Commission will take up the matter and conditions attached to a NOI decision are good for three years with a possible renewal of up to another three years.

2. Public Inquires.

Mr./Mrs. Goewey sought guidance on how best to proceed re: wanting to put in a new driveway – no drive of any material installed - with a culvert over an intermittent stream on their Water Farm Road property. Filing an RDA and time frames were discussed.

The homeowner of 249 Boardman Street inquired about the process to cut trees down on his southern property line and where they would be able to plan in the future to install a pool. The use of the Emergency Certification guidelines in the packet were used to discuss the tree cutting as well as filing an RDA for both projects. Preliminary pre-filing site visits were discussed per a conversation Chair Ward had with Town Administrator LaBombard. R. Wood questioned that conversation.

3. Discussion re: guidelines or Emergency Certifications. Deferred to the next meeting.

4. Discussion/Possible Action Regarding Residents Process for potential filings of Requests for Determination of Applicability and a Notice of Intent. Deferred to the next meeting.

5. Approval of Minutes: 9/12/22

After these minutes were reviewed and corrections pointed out, **a motion made by R Wood, seconded by T. Pitman, to accept the minutes of 9/12/22, as amended, was approved by a 4-0 vote.**

6. Commission Member Items

T. Pitman discussed the matter of Eric Smith's interactions with the Building Commission re: property on Rote Hill Road/Hewins Street (yellow corner house) where he had been asked to build a garage. The generic discussion between the Town Administrator and the Building Commissioner that lead to a note in the permit-

eyes software system that the applicant is responsible for securing all required permits etc., which takes Paul Greene out of the immediacy of a ConCom decision was reviewed.

7. Adjournment. R. Wood made a motion to adjourn the meeting, was seconded by A. Rosoff, and approved by a 4-0 vote. The meeting adjourned at 9:15pm.

Respectfully Submitted,


Rene Wood, Commissioner

Documents reviewed at this meeting:

- 9/26/22 Meeting Agenda
- 9/12/22 draft minutes
- 9/26/22 sign in sheet
- Oxbow Associates; Enforcement Order Resolution Plan for 1448 South Undermountain Road, dated 9/26/22
- Oxbow Associates; 2021 Orthophoto Map for 1448 South Undermountain Rd; dated 9/26/22
- Draft letter re: Ligas property at 1448 South Undermountain Rd, dated 9/2/22
- Email from E. Stockman re: clarifications to the 9/2/22 letter, sent 9/26 at 9:09am.
- WPA guidelines for emergency certifications
- Packet consisting of How to determine if your project is subject to the MA WPA and if so, what form you must file with the Sheffield ConCom (building commissioner form to hand out); Determining if your building project is subject to the MA WPA and if yes, the right form to file with the Sheffield ConCom (website); Town of Sheffield ConCom Review of Jurisdiction; What you need to know about wetlands protection in Sheffield; and MassDEP Homeowner activities and the MA WPA.

