

Town of Sheffield
CONSERVATION COMMISSION
October 24, 2022
7:00 PM
Town Hall – First Floor Meeting Room

Commissioners present: Don Ward, Chair
Ted Pitman, Vice Chair
Any Rosoff

Commissioners absent: Don Roeder, Rene Wood

Others Present: See sign in sheet

Chair Ward called the meeting to order at 7:00pm.

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

Chair Ward gave a summary of actions to date, including at previous meetings, and that Oxbow had put the verbiage on the order of conditions on the updated map. E. Stockman has commented on the document. Attorney for the client was asked if any changes were made; she reviewed the letter from E. Stockman. Temporary staking is attempting to be completed this week with permanent monumentation finalization requested to be extended for completion to November 2023, rather than June 2023. E. Stockman has reviewed the October 20, 2022 photomap and conditions noted and recommends approval by the Commission. Re: Letter documenting the process, it has been updated including compliance dates. As long as stakes are up and installed, E. Stockman has no issue with date extension to November 1, 2023 for permanent monumentation. Mr. Ligas has concurred with the draft letter per his Attorney. Discussion occurred regarding the documentation Mr. Ligas needs to give the Building Commissioner to prove his compliance with the Conservation Commission; this will allow him to be able to get his Certificate of Occupancy.

Chair Ward made the change to the draft letter to Mr. Ligas reflect the date change to November 1, 2023 for completion of permanent monumentation. E. Stockman will email the revised letter to J. Hughes for Commissioner's signature.

Ted Pitman made a motion to accept the plan dated October 20, 2022, all the notes on the plan, and E. Stockman's draft letter with the change to November 1, 2023 for monumentation. The motion was seconded by A. Rosoff and approved 3-0.

2. 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 this public hearing. Mark Volk, presenting for the client, provided a new map to show the finalization of the NOI, including notes and comments previously requested by the Commission, including the Enforcement Order. Discussion ensued regarding the specific details of the plan with Attorney Goodman asking questions of M. Volk on restoration calculations; the old driveway, for which credit

was taken; approximately 6000 sq. ft. required on 1:1 mitigation basis; the meadow to be maintained; and path through meadow.

E. Stockman reviewed previous discussions on remediation and the previous idea of this offset being moved to an upstream area, with a deed restriction stating that if anything were to be done in this area, the applicant would need a permit.

Questions came up of what the applicant will accept as well as where the mitigation area will be. Another new plan will be required, with the goal to having E. Stockman and the client review it and sort it out prior to next meeting, where Commissioners will review and accept or require more changes.

The Issue of the operative mitigation ratio came up again, as E. Stockman thought was 1:1-1/2, not 1:1 as voiced by the applicant's lawyer. Question came up of R. Wood previously asking for suggested OOCs to go with wrapping this up. A special OOC would likely be required if there is to be a deed restriction. All parties agreed to a continuance until 11/14/22 at 7pm, with optional site visit, as needed, at 4pm. Chair Ward called for a motion.

T. Pitman made a motion to continue the public hearing on this matter to November 14, 2022 at 7pm. The motion was seconded by A. Rosoff and approved 3-0.

3. Commission Member Items.

Chair Ward stated the need for a Conservation Commission clerk and someone not tied to other boards. He created a job description for this person and read it out loud, including compensation and hours per week. He asked for input on what is missing or not appropriate for clerk to do. The question of getting approved minutes on the website came up, with A. Rosoff pointing out the Commission's minutes are pretty up to date on the website. Discussion ensued and E. Stockman weighed in that the position description was solid but questioned the time given all the database specifics in the description. Chair Ward will email to all members and asked for members to email him suggestions.

No other items were brought up.

4. Approval of Minutes, 10/11/22.

After these minutes were reviewed and corrections pointed out, **a motion made by T. Pitman, seconded by A. Rosoff, to accept the minutes of 10/11/22, as amended, was approved by a 3-0 vote.**

5. Forest cutting plan for John Ormsbee; for property on Sission Hill Road, DCR signed 10/5/22 reviewed.

6. Public Inquires. None.

Chair Ward reviewed a site visit for a future NOI with stream crossing issues.

Chair Ward pointed out a matter on jurisdiction that was in the packets, which he was not prepared to discuss tonight.

7. Discussion/Possible Action Regarding Residents Process for potential filings of Requests for Determination of Applicability and a Notice of Intent. Not taken up.

8. Discussion re: guidelines for Emergency Certifications.

Chair Ward postponed to next meeting.

9. Adjournment. T. Pitman made a motion to adjourn the meeting, was seconded by A. Rosoff, and approved by a 3-0 vote. The meeting adjourned at 7:55pm.

Respectfully Submitted as transcribed from a taped recording,


Rene Wood, Commissioner

Documents reviewed at this meeting:

- 10/24/22 Meeting Agenda
- 10/24/22 sign in sheet
- 10/11/22 draft minutes
- Oxbow Associates; EO Closure Plan for 1448 South Undermountain Rd; 2021 Orthophoto; dated 10/20; redlined version of same.
- Emails regarding 1448 S. Undermountain Rd.: Brian Butler to Town Hall, 10/20/22 at 12:35pm; from E. Stockman to B. Butler, 10/14/22At 10:57am; Brian Butler to Town Hall; 10/11/22at 2:42pm
- Oxbow Associates Inc, Closure Plan copies for 1448 S. Undermountain Rd, dated 10/21/22; letter of transmittal and plans.
- Foresight Land Services Inc; letter dated 10/24/22 to Sheffield Conservation Commission re: 854 and 864 S. Undermountain Rd; Race Brook Lodge NOI, DEP file #281-0266
- Riverfront Area Restoration Revised site Plan; Race Brook Lodge, Foresight Land Services, Inc. Dated 10/24/22 revised.
- Conservation Commission clerk position description as developed by Chair Ward.
- Forest cutting plan for John Ormsbee; for property on Sission Hill Road, DCR signed 10/5/22