

Town of Sheffield
CONSERVATION COMMISSION
November 14, 2022
7:00 PM
Town Hall – First Floor Meeting Room

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

Others Present: See sign in sheet

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

1. Request for Determination of Applicability, filed by Richard & Catherine Goewey for property located on Waterfarm Rd, Sheffield, in accordance with the provisions of MGL C. 131, §40. The purpose of the hearing is to install a culvert for driveway access across a seasonal stream.

Chair Ward opened the public meeting at 7:05pm. Four of the Commissioners had visited the site earlier in the afternoon; R. Wood had not.

From the site visit, 2 issues were discussed:

1. Is the intermittent stream a wetland resource? The large map of Natural Resources was reviewed, and it appeared likely the stream's source is a wetlands resource. The question of whether the source of this stream is or is not a wetland resource can be determined by tracing the stream to the source, preferably by a third party, such as a contractor or wetlands specialist.
2. If the intermittent stream is a wetland resource, the stream, bottom of stream and banks of stream are under the Commission's control, per the WPA. The Commissioners noted no evidence of boardering vegetation. Discussion ensued on disturbances allowed in this situation.

The Commission discussed that from what they now know and the map review, they were likely to make a positive finding on the filed RDA and that filing an abbreviated Notice of Intent (WPA4) or a NOI (WPA3) would be the next step. R. Wood volunteered to check the website and, if the WPA4 form is not available, she will email it to them for the review. Mr. Goewey is likely to try and locate the stream's source. If it were not from a wetland resource, the RDA would be a negative determination and no need for an NOI. Also discussed was what to do with the filed RDA with several options reviewed. The applicants requested a continuance of their public meeting until 10/28/22 at 7pm.

R. Wood made a motion to accept the applicant's request and continue their public meeting until 10/28/22 at 7pm. The motion was seconded by T. Pitman and approved 5-0.

2. Request for Determination of Applicability, filed by Peter Mays for property located on Berkshire School Rd, Sheffield, in accordance with the provisions of MGL C. 131, §40. The purpose of the hearing is the removal of trees for clearing a site for future home.

Chair Ward opened the public meeting at 7:28pm. Four of the Commissioners had visited the site earlier in the afternoon; R. Wood had not.

P. Mays submitted a new map to which he had added habitat boundaries; the map was dated 11/14/22 by R. Wood. He also noted that he is outside of the wetlands by over 120' at the closest point. The Commission discussed their site visit noting more concern with drop off areas rather than flat areas. Chair Ward noted the exemption for firewood taken from the buffer zone. As applicant had check 2 boxes on his RDA application, he unchecked B.c. and initialed his correction; the Commission accepted his corrected application.

D. Roeder made a motion to make a Negative Determination #1, that the area described in the Request is not an area subject to protection under the Act or the Buffer Zone. The motion was seconded by T. Pitman and approved 4-0-1, with R. Wood abstaining.

3. Ratification of Vote Regarding Continuation of Public Hearing: Notice of Intent Application for 854 & 864 South Undermountain Road.

As the taped minutes from the 10/24/22 meeting were hard to understand in several places, the Commission was asked to ratify their motion on the above matter. The Commission discussed the role of the Associate (Alternate) member and when the Associate member may sit with the Commission.

T. Pitman made a motion to ratify the motion on this matter taken at the 10/28/22 meeting to continue the public hearing on the above matter to 11/14/22 at 7pm. The motion was seconded by A. Rosoff and approved 3-0-2, with D. Roeder and R. Wood abstaining as they were not at the 10/28/22 meeting.

4. 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 noted that E. Goodman, Applicant's attorney, had requested a continuation until the next scheduled meeting. The Commission discussed the delays and continuances previously requested by the applicant's agents as well as the applicant previously expressing his dismay of the Commission not finalizing the matter. It was decided an additional meeting would be held on 11/28/22, in part due to open applications as well as several Commissioner's December vacation plans.

R. Wood made a motion to accept the applicant agent's request and continue the public hearing for 854 & 864 S. Undermountain Road until 11/28/22 at 7pm. The motion was seconded by D. Roeder and approved 5-0.

5. Approval of Minutes, 10/24/22.

After these minutes were reviewed and corrections pointed out, **a motion made by R. Wood, seconded by D. Roeder, to accept the minutes of 10/24/22, as amended, was approved by a 3-0-2 vote with R. Wood and D. Roeder abstaining as not present at this meeting.**

6. Discussion regarding Guidelines for Emergency Certification.

Chair Ward discussed this item, the paperwork on which Commissioners have had for several meetings. Procedures were reviewed and R. Wood noted the Town Forester (Highway Superintendent) is only for use on Town owned trees/property.

7. Forest Cutting Plan. An amended plan was submitted for the Orsmbec property on Sisson Hill Rd.

8. Returned mail. The letter sent to M/M Ligas re: Enforcement Order for 1448 S. Undermountain Rd was returned to the Town. The Commission will forward to E. Goodman for delivery.

9. Commission Member Items.

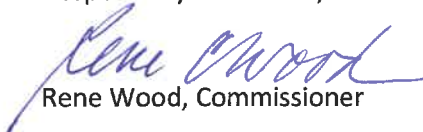
Chair Ward discussed reviewing the Commission's web page at a future meeting. R. Wood discussed the purpose of the draft write up for the Building Commissioner to give out and the ConCom form when people come and inquire as to whether their building permit is subject to the WPA. The forms will be reviewed 11/28/22. R. Wood noted her letter in compliance with the Mullen Rule for the missed meeting on 10/24/22 for Race Brook Lodge. Upcoming meetings were discussed and as 2 members will be away for the December meeting, there will be a quorum of three members plus an Associate for any new public hearings/meetings. The 12/12/22 will be scheduled as needed. Chair Ward will email E. Goodman re: schedules.

Chair Ward and D. Roeder discussed a meeting the week of 11/7/22 with Allison Dixon of Housatonic Valley Association, who is leading the water quality testing on moving water in several communities. Chair Pat Levine, Board of Health was also present. They are interested in collecting relevant data on water quality and soil quality and want to establish ongoing water monitoring with the resulting data being accessible to the public. D. Roeder has subject matter expertise and has accessed Aquarion Water data for Sheffield, which monitors and extensively tests the ground water at their two wells. Public water supplies are monitored by the state, either DCR or MassDEP and some great ponds, such as Mill Pond and Three Mile Pond are likely monitored. Other still water ponds are privately monitored. Private wells are not monitored by the state. Forever chemicals were also discussed. R. Wood noted the full Commission needs to weigh in and vote on this matter for Chair Ward and D. Roeder to continue their work. She also volunteered to discuss grant possibilities with A. Dixon.

Chair Ward provided materials gathered at a training session.

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

Respectfully Submitted,



Rene Wood, Commissioner

Documents reviewed at this meeting:

- 11/14/22 Meeting Agenda
- 11/14/22 sign in sheet
- 10/24/22 draft minutes
- Email string re: 854 and 864 S. Undermountain Rd; Race Brook Lodge NOI, DEP file #281-0266, dated 11/10/22 from E. Goodman to Town Hall requesting a continuance to the next Conservation Commission meeting, includes email from E. Stockman to Town Hall, E. Goodman, et al, with her review comments on Foresight plan provided at 10/14/22 meeting.
- WPA Form 1, corrected, from Peter B. Mays for property on Berkshire School Rd.
- Large hand drawn map of May's property, not dated.

- Updated hand drawn map of May's property, dated 11/14/22
- WPA Form 1 from Richard Goewey & Catherine Coons-Goewey
- Email dated 10/24/22 from May Grover (DEP) to Town Hall re: her comments on the Goewey RDA.
- Letter to the Commission from R. Wood re: certification of fulfilling the Mullen Rule requirements for public hearing for 854 & 864 S. Undermountain Rd.
- Amended forest cutting plan for John Ormsbee; for property on Sission Hill Road, DCR signed 10/5/22
- Returned to Sender ConCom letter to M/M Ligas re: 1448 S. Undermountain Rd.

