

CONSERVATION COMMISSION

Meeting Minutes

February 13, 2023

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:

Josh Risen, Board Administrator
David Cameron, Fleetwood Environmental Solutions

Chairman Ward opened the meeting at 7pm.

1. Continuation of Public Hearing: Request for Determination of Applicability, filed by Richard & Catherine Goewey for property located at Water Farm Road, Sheffield, in accordance with the provisions of M.G.L. Chapter 131, sec. 40. The purpose of the hearing is to install a culvert for driveway across seasonal stream. A continuation for this matter was requested by Richard & Catherine Goewey via a telephone call to Chairman Ward so that they can continue to perform necessary delineations and preparations on the property. *R. Wood made a motion to continue this matter to April 10, 2023 at 7pm, seconded by T. Pitman. The motion passed unanimously.*

2. Continuation of Public Hearing: Notice of Intent filed by Wesley McCain for property on 400 East Rd., in accordance with the provisions of M.G.L. Chapter 131, sec. 40. The proposed project: Aquatic Management Program at the McCain residence. The applicant requested a continuance as his consultant was unable to attend the meeting. *R. Wood made a motion to continue the public hearing on this matter to March 13, 2023 at 7pm, seconded by T. Pitman. The motion passed unanimously.*

Chairman Ward introduced a report titled *Peer Review Report for Notice of Intent Related to 400 East Road, Sheffield, MA; MassDEP No. 281-0272, (hereafter The Report)* which was drafted by David Cameron, of Fleetwood Environmental Solutions, LLC, who has been contracted to assist the Commission through June. Chairman Ward proposed that a copy of the Report be sent to both Wesley McCain and his representatives. *R. Wood made a motion to send the Report to Sean McCarthy of Solitude Management, and that Sean McCarthy make his next appearance with answers to the questions raised in the Report sent in advance, seconded by T. Pitman. The motion passed unanimously.*

Chairman Ward gave background on how wetland property has been managed in the past. Chairman Ward further stated that it is the goal of the Conservation Commission to advocate that local property owners take a more comprehensive approach to conserving

and treating their waterways and not to only use chemicals to treat their vegetation issues. Chairman Ward introduced J. Risen as the new Board Administrator.

3. Request for Determination of Applicability for Andy Carlson, 259 East Pike Rd, in accordance with the provisions of M.G.L. Chapter 131, sec. 40. The purpose of the hearing is in relation to work having been done in or near resource areas after 2014. Chairman Ward specified that a site visit of this property was conducted on February 13, 2023 at 4:00PM. Chairman Ward introduced Jim Kelly, who gave the following background on this matter. J. Kelly was contacted by the owner to review a project that was built and completed around 2014, however, the property owner has been informed that the work may have been conducted on a protected area i.e. a flood plain. Therefore, J. Kelly hired Alexander Thorp to determine whether the project work was in fact preformed within a protected area.

A. Thorp from Accord Engineering presented a map which depicted the topography of the area in question. He stated that based upon his survey and upon the updated map that he utilized. A. Thorp stated that the portion of the project which resulted in the removal of trees, actually caused a net gain to the flood area. A discussion as to where the trees were removed from ensued. A. Thorp went over what types of land and vegetation are protected, and specified that it is his belief that the Commission should issue a Negative Determination.

D. Cameron informed the Commission that he has an outside relationship with A. Thorp. A discussion regarding the length of an applicable statute of limitations and when the statute becomes triggered ensued. D. Cameron questioned where the flood plain was located at the time of the tree removal and determined that there was a difference between the protected areas indicated in the Hundred Year Flood Plain Map versus the newer map. D. Cameron's opinion was that pursuant to the information provided in the new map, the work that was preformed was *not* within a protected jurisdictional area.

R. Wood specified that this negative determination be based on the physical site visit and upon the survey information provided which indicated that all of the work was conducted outside of the resource areas and buffer zones. It was determined that the work described within the area was not done within a protected area. *R. Wood made a motion to issue a Negative Determination, number 4 for Andy Carlson, seconded by D. Roeder. The motion passed unanimously.*

4. Discussion/Possible Action Regarding Scenic Mountain Act Draft Legislation.

This matter was addressed by Martin Mitsoff. M. Mitsoff requested that the Commission take action on a previously drafted regulation titled the Scenic Mountain Act. He listed several surrounding towns that have adopted this type of regulation. The purpose of this is to prevent erosion and loss of vegetation due to property development and to maintain the natural beauty of the surrounding mountains. A copy of the draft regulations will be emailed to the Board Administrator to distribute to the Commission. Chairman Ward requests that there be a volunteer to spearhead this matter. R. Wood agreed to work with

M. Mitsoff to take charge of this and to move this regulation forward. It was determined to hold an ad hoc meeting on February 27th 2023 at 7:00pm to further discuss.

5. Approval of Minutes.

The Commission reviewed draft minutes from January 9th, 2023. *R. Wood made a motion to accept the minutes of January 9th 2023 as amended, seconded by T. Pitman. The motion passed unanimously.*

Discussion of D. Cameron's role working with the Conservation Commission.

Chairman Ward inquired as to what level of assistance D. Cameron is to provide to the Commission. R. Wood specified that the Select Board hired D. Cameron to review Requests for Determination of Applicability and Notices of Intent going forward. Chairman Ward specified that he wants to be included in any correspondence that D. Cameron has with the Board Administrator. D. Cameron indicated that he sees his role as being a technical advisor and to educate the Commission. D. Cameron gave the advice that the Commission should be actively making use of Peer Review when dealing with projects or enforcement orders in the future. R. Wood also put forward the plan that D. Cameron should begin reviewing the information that the Commission has on the website.

6. Discussion/Action on the 2022 Commission Annual Report.

Chairman Ward will review and send to the Board Administrator by February 16th.

7. Commission Member Items.

Chair Ward reviewed the mail.

The Commission discussed a forest cutting plan for the proposed highway garage on property located at Berkshire School Road. There was an error made in the Determination of Applicability in that the Commission should have found that the project was within a protected area, but the Commission accidentally determined that the area was not within a protected area. It was the consensus of the Commission to write a memo and attach it to the file explaining what took place. R. Wood requested that D. Cameron draft that memo and send it to the Board Administrator to attach to the file.

8. Public Inquiries.

A property owner requested an Emergency Permit for the use of a Beaver deceiver device. Chairman Ward indicated that he signed off on this Permit.

R. Wood made a motion to adjourn the meeting, seconded by D. Roeder. The motion passed unanimously. The meeting adjourned at 9:05pm.

Respectfully Submitted by,

Josh Risen, Board Administrator

Documents reviewed at this meeting:

- 1/9/23 draft minutes
- Map of Andy Carlson's property
- *Peer Review Report for Notice of Intent Related to 400 East Road, Sheffield, MA;
MassDEP No. 281-0272*

Sheffield Conservation Commission

Date: February 13, 2023

PLEASE PRINT: Your Name

Street, Town

1. Martin Mitsoff S.V. Road Sheffield
2. DAVID CAMERON FOREWOOD ENVIRONMENTAL SOLUTIONS, LLC
3. Rene Wendell The Nature Conservancy
4. SIG SPIEGEL UNDERMOUNTAIN RD SHEFFIELD
5. ALEXANDER THORP ACCORD, 631 MAIN ST, GB, MA
6. Andrew Carson Rike Rd. E.
7. Jimm Kelly County Rd Sheffield
8. Tyler Weld Home Rd.
9. Chris Weld Home Rd
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____