

CONSERVATION COMMISSION

Meeting Minutes

March 13, 2023

7:00 PM

Town Hall – First Floor Meeting Room

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

Absent Commissioners: Don Roeder

Others Present: Josh Risen, Board Administrator
Sara Kreisel, BSC Group
Micah Morrison, BSC Group
David Cameron, Fleetwood Environmental Solutions

Chairman Ward opened the meeting at 7pm.

7:00 PM Public Hearing: Notice of Intent, filed by the Town of Sheffield for property on Lime Kiln Road over Hubbard Brook, in accordance with the provisions of M.G.L. Chapter 131, sec. 40. The proposed project is replacement of bridge no. S-10-014. Chairman Ward stated that the Commission conducted a site visit at 4:00PM today. Chairman Ward opened the hearing by introducing S. Kreisel, the Ecological Project Manager and M. Morrison, the Engineering and Overall Project Manager. S. Kreisel gave some background on the project and how it will proceed. She detailed how the project was funded, where the location of the work will occur, the size of the new bridge, and the steps that will be used to ensure the preservation of the surrounding protected lands and species. The project required coordination with Natural Heritage and on February 25, 2023 they sent a letter indicating that the project, “will not adversely affect the Resource Area Habitat of state-protected rare wildlife species.” Furthermore, the project will benefit some species by providing a larger crossing area which will in turn increase the habitat for some species.

Chairman Ward expressed his appreciation of the work done by the BSC Group and introduced D. Cameron as a consultant here to assist the Commission with establishing orders of conditions for the project. R. Wood indicated that she had filed the disclosure of a potential conflict of interest based on her being a Select Board member. Furthermore, R. Wood expressed to the representatives of the BSC Group that she was very happy with the work that they had done on the Notice of Intent (NOI) for this project.

A. Rosoff asked how long will the construction of the new bridge will take? M. Morrison responded that the entire project should be completed within nine to twelve months or at the most a year and a half. A. Rosoff inquired if the road would have to be closed during

that entire time? M. Morrison responded that the project would require that the road be closed and that a detour be established.

Chairman Ward brought up the concern that the project start date could be delayed because of the breeding or nesting season of some of the local protected species. S. Kreisel addressed the Commission's concerns about the protection of species by indicating that the area surrounding the project could be cordoned off by fences so that work could commence within the fenced area, and that the Army Corp. of Engineers, as well as Fish and Wildlife, are both aware of any protected species. T. Pitman inquired if there was any turtle protection plan in place, and if the Commission would like to make it a part of the special conditions. Chairman Ward responded that in this situation, the Commission doesn't have jurisdiction, but rather has concerns, and that it is the Commission's job to monitor that the State and Federal agencies are properly protecting the species impacted by the project. S. Kreisel said that the State was already satisfied with regard to species protection even before the Army Corp was involved because they had a protection plan in place which identified the species of concern.

A. Rosoff asked what was to be done if a beaver dam were to be found while the project work was being completed. M. Morrison said that the dam would have to be removed. R. Wood inquired if the Commission wanted to go through the Special Conditions to be included in the NOI. Chairman Ward asked D. Cameron if the public hearing should be closed prior to the Commission's debating conditions. D. Cameron stated that debating the conditions during the public hearing is smart because it allows for him and the public to voice their concerns and that is best for establishing quality special conditions. A discussion regarding special conditions, refueling locations and zebra mussels ensued. *R. Wood made a motion to close the public hearing, seconded by T. Pitman. The motion passed unanimously.*

R. Wood made a motion to grant the NOI with the following special conditions:

- 1. The project contractor shall provide a specific dewatering plan, along with BSC Group's comments from their review of the plan, to the Conservation Commission, which shall require full Commission review and approval prior to the start of construction.*
- 2. During dewatering, aquatic vertebrate organisms that are stranded within the work area shall be preserved and moved to a pre-established location downstream.*
- 3. The Conservation Commission shall be notified in writing thirty (30) days prior to the start of construction.*
- 4. The contractor shall have a spill kit on site at all times during construction.*
- 5. The Conservation Commission shall inspect erosion controls once in place and prior to the start of construction, the motion was seconded by T. Pitman. The motion passed unanimously.*

Discussion Regarding How Members Receive Meeting Materials.

Chairman Ward indicated that it can be challenging for Commissioners to get their hands on certain documents such as Requests for Determination of Applicability (RDA), NOIs, and letters from Natural Heritage for current projects when requested. Chairman Ward wants the Board Administrator to keep copies of documents available to the Commission of all current projects.

R. Wood pushed back against this by saying that the documents are readily available in the Town

Clerk's office and just need to be requested. R. Wood doesn't want to double the work load by keeping extra copies of RDAs and NOIs in the Board Administrator's office. R. Wood said that we already have too much paper being generated and have enough difficulty complying with the retention requirements without increasing the number of copies. A. Rosoff said that it was difficult for her to find a specific NOI in the past. R. Wood requested an example of a document that could not be obtained upon request. Chairman Ward said that the NOI for Gilligan Pond was a document that he was not able to get his hands onto. A discussion ensued regarding how much time is reasonable to elapse while waiting for a document.

A discussion about how the Commission wants to receive documents ensued. The Commission decided that they would like for the Board Administrator to forward any electronic communications immediately and also print off any necessary copies for the meeting based on the agenda.

8:14 PM 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. R. Wood expressed her discontent with how Shawn McCarthy of Solitude Lake Management responded to the Commissions requests for information. R. Wood. stated that it is not the Commissions job to chase down applicants to get them to request continuations. R. Wood thinks that S. McCarthy doesn't respect the Commissions time and efforts and is tired of the games. D. Cameron asked if the applicant had requested a continuation, and if not suggested that the Commission rule in the negative regarding the NOI pursuant to 310 CMR 10.05(5) (b), the public hearing continuance provisions of the Wetlands Regulations, and WPA Form 5 Section B. Findings, subpart, c. which regulates how continuances are requested. The applicant failed to request a continuation or to show up for their continued public hearing. *R. Wood made a motion to deny the NOI, seconded by T. Pitman. The motion passed unanimously.*

Approval of Minutes.

The Commission reviewed minutes from February 13, 2023 and requested that the Board Administrator add in a sentence specifying that a 4:00PM site visit took place. *R. Wood made a motion to accept the minutes of February 13, 2023 as amended, seconded by T. Pitman. The motion passed unanimously.*

Discussion/Action regarding Determination of Applicability for 442 Berkshire School Rd. Chairman Ward introduced this matter by stating that the Commission made an error in the RDA determination for property located at 442 Berkshire School Rd. The error was that the determination said that the property was not subject to any environmental protection regulations. The use of multiple maps during deliberation was the cause of this error. D. Cameron presented a Memo he wrote explaining the Commission's error. T. Pitman asked what the next step is for this matter. D. Cameron said that that there is no next step and that the memo attached to the file will serve as an explanation as to what transpired. *R. Wood made a motion to sign the memo, seconded by T. Pitman. The motion passed unanimously.*

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

Respectfully Submitted by,

A handwritten signature in black ink, appearing to read 'Josh Risen', with a long, sweeping horizontal stroke extending to the right.

Josh Risen, Board Administrator

Documents reviewed at this meeting:

- Draft minutes of the 2/13/23 Conservation Commission meeting
- Peer Review Report for Notice of Intent Related to 400 East Road, Sheffield, MA; MassDEP No. 281-0272
- Memo From David Cameron
- Notice of Intent Related to Lime Kiln Road over Hubbard Brook

Sheffield Conservation Commission

Date: March 13, 2023

PLEASE PRINT: Your Name

Street, Town

1. DAVID CAMERON Commission's Consultant
2. Micha Morrison BSC Group
3. Sara Kreisel BSC Group
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