

CONSERVATION COMMISSION

Meeting Minutes

April 24, 2023

7:00 PM

Town Hall – First Floor Meeting Room

Commissioners present: Don Ward, Chairman
Rene Wood
Anya Rosoff

Absent Commissioners: Don Roeder
Ted Pitman, Vice Chair

Others Present: Josh Risen, Board Administrator
Martin Mitsoff
Emily Stockman

Chairman Ward opened the meeting at 7:00 PM.

Discussion/Possible Action Regarding Scenic Mountain Act Draft Legislation.

M. Mitsoff informed the Commission that he and R. Wood had reorganized the sections of the proposed Scenic Mountain Act (SMA), as well as their corresponding Forms since the last meeting. M. Mitsoff indicated that he made the corrections that were brought up during the last meeting and that he is open to further suggestions.

Chairman Ward asked what the next steps were for moving the matter forward. R. Wood responded that the next steps once the Commission has approved the SMA, is for it to go before the Select Board to approve the Text and Map component of the legislation, then it has to be presented to both the Planning Board as well as the Board of Health for discussion and comment.

Chairman Ward asked if the Commission thought that they should have an outside expert review the SMA. R. Wood asserted that there was no need to bring in another outside expert as the Commission has already received the comments from Shep Evans during the earlier February 27, 2023 meeting. She also stated that the newest version of the SMA has been modeled upon the Town of Richmond's version which has already survived being tested by the courts.

M. Mitsoff and R. Wood both agreed that the new SMA's expanded definitions section will prevent unscrupulous applicants from taking advantage by ensuring that expectations are clear. The goal for this process has been to create a crisp regulation that is user friendly and not susceptible to misuse or misunderstanding.

Chairman Ward asked if the Commission thought that they should do a test run of the SMA during a meeting. R. Wood indicated that she felt that the Commissioners should do the test run on their own time and then discuss how it worked in practice during an upcoming meeting. R. Wood stated that all of the Commissioners should pretend that they have steep slope on their properties and try to file a sample RDA as a test of the SMA. The Commission directed J. Risen to create a packet for each of them which includes the newest draft of the SMA, the addendum, all of the associated forms, and a small map so that they can do a trial run with the documents before their next meeting. The Commissioners requested that the packets be available by May 1, 2023.

Discussion/Action Regarding Request for Certificate of Compliance for 1296 Ashley Falls Road, DEP File # 281-0250 and File # 281-0253.

E. Stockman representing the property owner Scott Margolis stated that she filed two NOI in the past for the 1296 Ashley Falls Rd. location. She indicated that the area of concern was along the Konkapot River and that due to storm weather conditions neither of the two NOI were ever fully completed. E. Stockman confirmed that the area has stabilized as this point, but that the planting conditions in the NOI have not been completed. E. Stockman requested that the Commission approve partial COCs on the open permits to close them out as the construction conditions have been completed. E. Stockman asked that the unsatisfied planting condition be allowed to be completed as part of a new forthcoming NOI to be filed by property owners in the coming months.

R. Wood stated that she was inclined to wait until the new NOI is filed and to then issue the partial COCs on DEP File #s 281-0250 and 281-0253 at that point so as to make the tracking easier. She also indicated that she would reach out to Mark Stinson to get his suggestions on how to properly proceed as well. Chairman Ward agreed that there was no reasonable way to do the plantings during the work period given the damage caused to the area from the storm weather.

R. Wood made a motion to continue the request for Certificates of Compliance on DEP File # 281-0250 and File # 281-0253 until May 22, 2023, seconded by A. Rosoff. The motion passed unanimously.

Discussion/Possible Action Regarding Pole Relocation on Kelsey Road.

K. Booker from National grid contacted the Conservation Commission expressing that they were concerned that pole P18 was not included the Order of Conditions for the work being performed on the Dry Brook Bridge (DEP File #281-0267). Chairman Ward stated that the power company's interpretation of the NOI in this case is wrong, but that he appreciates them acting with due diligence by checking with the Commission.

The Commission deliberated as to whether the NOI conditions allowed for National grid to perform the listed work and determined that it did. R. Wood stated that she would draft an email to that affect and to have it approved by Chairman Ward and A. Rosoff and sent to National Grid by end of day Wednesday April 26 2023.

Chairman Ward made a motion that the work in question is within the parameters of the original order of conditions, seconded by R. Wood. The motion passed unanimously.

Discussion/Possible Action Regarding Complaint – 142 Main Street.

Several telephone complaints regarding alleged dumping of wood chips within a suspected environmentally protected area was received by the Commission. Chairman Ward wants to standardize the way the Commission approaches these types of complaints as he believes they will continue to arise. R. Wood stated that she would determine who the property owner is and obtain their contact information so that a request to enter onto the property can be made properly.

Chairman Ward stated that he thinks that the property is within the flood plain and that it may also be bordering a vegetative wetland. He indicated that the owner will be permitted to decide which environmental regulation to abide by, but that the property owner is going to have to delineate where the wetlands are located. The Commission decided that Chairman Ward and A. Rosoff would work through this complaint together.

Approval of Minutes.

The Commission reviewed minutes from March 30, 2023.

R. Wood made a motion to accept the minutes of March 30, 2023, seconded by A. Rosoff. The motion passed unanimously.

Commission Member Items.

R. Wood informed the Commission that she is still trying to schedule a meeting to discuss the BioMap online resource. She will give an update at the next meeting.

Chairman Ward stated that he had been in communication with D. Cameron about setting up remote educational presentations to be held prior to the scheduled Conservation Commission meetings on topics yet to be determined.

Chairman Ward informed the Commission that their annual budget is going to be up for a vote at the upcoming Town Meeting and wanted to know if anyone thought that the budget would require a defense to be presented. A discussion concerning the Conservation Commissions budget ensued.

R. Wood made a motion to adjourn the meeting, seconded by Chairman Ward. The motion passed unanimously.

The meeting adjourned at 8:27 PM.

Respectfully Submitted by,



Josh Risen, Board Administrator

Documents reviewed at this meeting:

- Draft minutes of the 3/30/23 Conservation Commission meeting
- Model Bylaw – Scenic Mountain Act Draft
- Enlarged Berkshire Regional Planning Commission Map

Sheffield Conservation Commission

Date: April 24, 2023

PLEASE PRINT: Your Name

Street, Town

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