

**TOWN OF SHEFFIELD  
CONSERVATION COMMISSION  
May 8, 2023  
TOWN HALL FIRST FLOOR MEETING ROOM  
7:00 PM  
MEETING MINUTES**

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

Absent Commissioners: Don Roeder

Others Present: Josh Risen, Board Administrator  
Martin Mitsoff

Chairman Ward opened the meeting at 7:00 PM.

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

Chairman Ward asked the Commissioners if they had any updates to discuss about changes to the Scenic Mountain Act (SMA). T. Pitman stated that he wanted to make some changes to section 3.2.1 of the SMA to include examples of ordinary maintenance that should not be subject to the regulations. He thought that listing specific examples such as mowing the lawn, repairing a damaged window on a pre-existing structure, or tending a garden should all be listed as activities that are not substantial in nature pursuant to the SMA.

A. Rosoff responded to that she thought section 3.2(1-6) of the SMA already clarified what types of activities were exempted and did not think additional examples were necessary. R. Wood stated that including the phrase repair to an existing structure in the exemptions section would make sense and that she and M. Mitsoff would discuss this suggestion further.

T. Pitman asked if all of the Commissioners thought that the SMA was enforceable as written. He wants to be sure that applicants are not able to misuse the SMA by virtue of interpreting the language so as to frustrate the intended desire behind the establishment of the SMA. R. Wood responded by indicating that she felt that the current draft of the SMA and the accompanying Map and Text were up to her standards, but that the accompanying forms were going to require additional modifications.

A discussion on the forms associated with the SMA occurred. R. Wood stated that she wants to reduce the size of the font and margins on the forms, so they appear smaller. She thinks this will reduce applicant's anxiety when it comes to filling out the necessary paperwork. A. Rosoff identified that the ovals to check on the forms should be changed to appear as boxes.

R. Wood stated that she wants the forms to include what the next steps in the process will entail. She wants applicants to be able to anticipate what is going to happen after submission, specifically how much time will lapse before the Commission makes a response.

The Commission decided that reworking Form A was necessary as it was determined to be confusing because it exempted activity that was already subject to regulation under the Massachusetts Wetlands Protection Act (WPA). The Commission wants to make it clear to applicants that depending on the specific circumstances of the area in question, the applicant could be subject to up to four different controlling environmental regulations at the same time.

A discussion as to whether one environmental regulation supersedes another occurred. The Commission discussed whether an applicant would be required to file multiple RDAs or NOIs for the same activity by filling out forms associated with multiple bylaws and regulations. A. Rosoff stated that the way the form is written it could be reasonably understood by an applicant that they are exempt from the SMA if the activity is already subject to the WPA.

M. Mitsoff said that in a situation where an applicant is not sure how to file, they will be able to come before the Conservation Commission to seek clarity and guidance. R. Wood said that the website should be updated to warn residents that they may be subject to overlapping jurisdictional environmental regulations and that compliance with all bylaws is legally mandated. The Commission wants to utilize the Town website to disseminate pertinent information to make the application process as easy as possible.

R. Wood stated that the Commission should require Commissioner Roeder's comments before moving forward. She instructed J. Risen to e-mail the SMA packet to Commissioner Roeder so that he can return prepared to address the topic. M. Mitsoff and R. Wood both committed to meeting together again to continue to fine tune the SMA.

**Discussion/Possible Action on updating the Forms on the Towns website:**

D. Cameron's comments about the Conservation Commissions portion of the Town's website were discussed. D. Cameron indicated that the website was set up well and that he would only make a couple of changes. Based on D. Cameron's suggestions, the Commission decided that the removal of the "Wetlands & Waterways" tab from the menu was desired, and that the "Wetlands Regulation" tab needed to be corrected to bring people to [310 CMR 10.00: The Wetlands Protection Act Mass.gov](https://www.mass.gov/info-details/310-cmr-10.00-the-wetlands-protection-act).

**Discussion/Possible Action Regarding Complaint – 142 Main Street.**

Chairman Ward discussed the site visit that he conducted with A. Rosoff regarding property located at 142 Main Street. The Commissioners used the opportunity to educate the property owners about the land and the overlapping regulations it is subject to. Chairman Ward informed the property owners that they could hire a professional to delineate the boundaries of protected land so that the property owners would know what types of activities were allowed in what locations. The Commission determined that there was no evidence of any environmental violation and that no Enforcement Order was needed. Chairman Ward thinks that there is no need to do a follow up visit at this point, but that he would like to establish a procedure whereby the Commission reviews past complaints approximately six months later to ensure no new violations arose.

R. Wood stated that she would like to have a letter sent to the property owner's recapping what was discussed and decided. The Commission did not agree that sending a letter was necessary.

**Discussion/Possible Action Regarding Pole Relocation on Kelsey Road.**

Chairman Ward informed the Commission that this matter has been taken care of during the previous meeting and indicated that there was e-mail correspondence available if any of the Commissioners were interested.

**Approval of Minutes.**

The Commission reviewed minutes from April 10, 2023. A. Rosoff identified several changes to be made. She indicated that the word "Completion" needed to be replaced with the word "Compliance." She also requested that the term Commissioner be capitalized.

*R. Wood made a motion to approve the minutes of April 10, 2023 as amended, seconded by A. Rosoff. The motion passed unanimously.*

The Commission reviewed minutes from April 24, 2023. A. Rosoff identified a spelling error and requested that the National Grid be capitalized.

*R. Wood made a motion to approve the minutes of April 24, 2023 as amended, seconded by T. Pitman. The motion passed unanimously.*

**Discussion/Possible Action Regarding Remote Meetings with David Cameron.**

Chairman Ward informed the Commission that meetings with D. Cameron prior to the scheduled Conservation Commission meetings would begin on May 22, 2023. D. Cameron will be presenting at 6:00 PM in person for the first training session, and then going forward the meetings will be held once a month via Zoom. The plan is for D. Cameron to present to the Commission for 45 minutes and then to hold a question and answer session for 15 minutes.

**Commission Member Items.**

Both Chairman Ward and Commissioner Wood's appointments are up at the end of June. R. Wood stated that she intends to run for another two year term. Chairman Ward indicated that he has been a member of the Commission for approximately 15 years.

*R. Wood made a motion to adjourn the meeting, seconded by T. Pitman. The motion passed unanimously.*

The meeting adjourned at 8:37 PM.

Respectfully Submitted by,



Josh Risen, Board Administrator

**Documents reviewed at this meeting:**

- Draft minutes of the 4/10/23 and 4/24/23 Conservation Commission meeting
- Model Bylaw – Scenic Mountain Act Draft
- Enlarged Berkshire Regional Planning Commission Map

## Sheffield Conservation Commission

Date: May 8, 2023

**PLEASE PRINT: Your Name**

**Street, Town**

1. MARTIN MITSOFF

S.U.R, Sheffield

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