

**TOWN OF SHEFFIELD  
CONSERVATION COMMISSION  
JUNE 12, 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  
Don Roeder

Others Present: Josh Risen, Board Administrator  
Members of the public

Chairman Ward called the meeting to order at 7:00 PM

**Follow up Discussion Regarding NOI filed by Berkshire School for property on 245 N. Undermountain Road.**

Chairman Ward stated that an email communication received from C. Chamberland, of Berkshire Design Group, explaining why the NOI was not subject to the stormwater standards, satisfied the eighth Order of Special Conditions stating that Berkshire School would file a letter of correction to remedy an error in their submitted NOI.

*R. Wood made a motion to accept the email communication as satisfying Special Condition number 8, seconded by T. Pitman. The motion passed unanimously.*

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

R. Wood stated that she had received D. Roeder's comments regarding the SMA and that she was going to meet with M. Mitsoff to update the SMA. Furthermore, she stated that she had made numerous attempts to get in touch with S. Evens to get clarity about the overlapping jurisdictional requirements of the Wetland Protections Act (WPA) and the SMA. A discussion regarding how to handle a situation where the WPA and the SMA are both implicated ensued. T. Pitman suggested that in this type of scenario the WPA should be complied with first because it is a Federal regulation and the SMA is not.

A. Rosoff listed several concerns that she had regarding the forms associated with the SMA which the Commission discussed in turn. They were as follows:

- 1) Form B: The issue of overlapping jurisdictional regulations;
- 2) Form C: The issue of providing all required permits (it was decided to include the regulation language into form C);
- 3) Form C: The use of the term canopy coverage should be changed as it is a term of art (a discussion on how to obtain the most recent aerial photos took place);
- 4) Form C: The information supplied by the applicant is not confidential (a discussion of records being made publicly available ensued);
- 5) Form C: It was made explicit that the applicant must list alternatives to the proposed activity.

D. Roeder stated that he wanted the forms to have boxes to check instead of ovals to fill in. He also questioned if it was required to use the same titles in the SMA forms as the Commission uses in other Conservation Commission forms.

A discussion about whether it was appropriate for the Conservation Commission Members to participate in an interview for the Sheffield Times regarding the SMA ensued.

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

A complaint was presented to the Commission that was submitted to the Massachusetts Department of Environmental Protection (MassDEP) on June 8, 2023, stating that the property owner at 142 Main St. is dumping wood chips on property that borders a wetland. T. Pitman stated that he could obtain permission from the neighboring property to get photos to substantiate any claims of prohibited dumping. T. Pitman stated that the Conservation Commission required photographic evidence of the prohibited dumping prior to taking an enforcement action. T. Pitman and D. Roeder volunteered to coordinate together to obtain the photos needed.

A discussion about how the delineation of the wetlands was established for 142 Main St. ensued.

Chairman Ward requested that R. Wood reach out to Mark Stinson, of the MassDEP to see if he was willing to take the lead on an enforcement action against the property owners at 142 Main St. R. Wood agreed to do so.

**Approval of Minutes.**

The Commission reviewed minutes from May 22, 2023. A. Rosoff pointed out a grammatical error to be corrected.

*D. Roeder made a motion to approve the minutes of May 22, 2023 as amended, seconded by T. Pitman. The motion passed unanimously.*

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

Chairman Ward requested that J. Risen contact D. Cameron to determine a time when he would be available to give a training presentation to the Commission in July.

**Commission Member Items.**

Chairman Ward informed the Commission that he did not re-apply for appointment to the Conservation Commission. R. Wood requested that Chairman Ward stay on as an alternate member. Chairman Ward responded that he would take the request under consideration. R. Wood stated that she had only re-applied for six months and as such her commitment would end in December.

**Review Mail.**

The Commission reviewed the mail.

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

The meeting adjourned at 8:45 PM.

Respectfully Submitted by,

A handwritten signature in black ink, appearing to read "Josh Risen", with a long, sweeping horizontal line extending from the end of the signature across the top of the page.

Josh Risen, Board Administrator

**Documents reviewed at this meeting:**

- Draft minutes of the 5/22/2023 Conservation Commission meeting.
- NOI filed by Berkshire School (DEP File # 281-0274) and accompanying emails.
- MassDEP Complaint.

## Sheffield Conservation Commission

Date: June 12, 2023

PLEASE PRINT: Your Name

Street, Town

1. Martin Mitsoff SUR, Sheffield

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