

Richmond Conservation Commission
Minutes Tuesday October 10, 2023
Held Remotely at 6:30 PM
Under the Executive Order of the Governor

Members Present: Ernie Smith-Chair, Tom Potter- Vice Chair, Rebecca Lord, Karen O'Donnell, Ron Veillette

Members Absent: Pat Seckler, Adam Weinberg

Other Participants : Holly & Dick Stover, Mr. & Mrs. McMahon,

Mr. Smith opened the meeting at 6:32PM

1. **Approval of the minutes from September 2023.** Mr. Veillette made a motion to postpone the approval of September's minutes to the November 14, 2023, meeting. This will give members a chance to read over the minutes. The motion was seconded by Mr. Potter and passed unanimously by roll call vote.

2. Request for Certificate of Compliance (Osceola Notch Road Underground UG Conduit Installation)
Mr. Smith stated that 5 members made a site visit, and everything was in order. Mr. Veillette made a motion to approve the request for the Certificate of Compliance. The motion was seconded by Ms. O'Donnell and passed unanimously by roll call vote.

3. RDA Mark and Faye Lessner 264 Branch Farm Road (Replace retaining Wall/Concrete patio)Mr. Smith stated that the applicants want this to be continued to the November 14, 2023 ,meeting. Mr. Veillette made a motion to continue the public hearing to the November 14, 2023, meeting; the motion was seconded by Mr. Potter and passed unanimously by roll call vote.

4. Amend permit pond 178 Perry's Peak Road (#4 fire pond)The applicant requested to continue the hearing to the November 14, 2023, meeting. Members who were not on the Commission when the permit was first approved have requested a site visit to better understand the issues. Mr. Veillette made a motion to continue the November meeting, it was seconded by Ms. O'Donnell and passed unanimously by roll call vote.

5. RDA Edward & Gloria McMahon 401 Osceola Road (Whether our property is located in a wetland area)The McMahons spoke on their own behalf. They are requesting the Commission to make a verdict stating that their property is in a jurisdictional wetland so that means it is subject to both the State and Town of Richmond Wetland Protection Bylaws. They stated that Mr. Stinson (the DEP circuit rider) has requested an up-to-date RDA stating that the property is in a wetland. This is required prior to the McMahons filing a complaint against the town for the work that the DPW did on their property several years ago. They stated that the work was done without any permits and has created major erosion to their property. Mr. Potter stated that the DPW must follow all wetland bylaws but that there are several exemptions to the bylaws when it comes to road maintenance that do not require them to apply for a permit prior to doing work. There was a discussion concerning the town having submitted a Bundled NOI about doing work on roads and culverts. The Commission had stated several years ago that for emergency work and for basic

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maintenance a permit would not be required but that for any stream crossings a permit would be required. There are several new members to the Commission that were not aware of these discussions. Mr. Veillette stated that the Town never followed up on finishing the work for finalizing the Bundle NOI. Mr. Veillette stated that after doing a site visit that the McMahon's property falls within the wetland's jurisdictional region. Several members did not disagree with that determination, they did feel that the property does fall within the riverfront area. This was a determination that was made years ago when the McMahon's had previously had work done on their property. Mr. Smith wants to have further information from Mr. Stinson as to why, if there already was a determination of this being in a jurisdictional region and why another RDA stating that fact was required. No one disagrees that there is a problem with drainage and erosion but that is not the issue being discussed at the meeting. The road and drainage were built when there were far fewer homes. Mr. Veillette made a motion for a Positive Determination #2A. Ms. Lord seconded the motion but it failed by roll call vote, Ms. Lord and Mr. Veillette voted aye but MS. O'Donnell, Mr. Potter and Mr. Smith voted nay. They stated they voted nay because they wanted more information from Mr. Stinson. They felt that an RDA is issued for proposed work which this RDA does not have. Mr. & Mrs. McMahon asked the members for a written statement of their finding that they can present to Mr. Stinson . Mr. Smith stated they would receive paperwork from the Commission. Mr. Smith stated he would speak with Mr. Stinson concerning his requiring of an RDA.

6. Citizen Speak Time/Commission Speak Time/Press Speak Time

Ms. Stover spoke about the issues and problems she has with the town's maintenance of the detention basins located on Camp Russel property. She stated that the town is supposed to maintain the east detention basin and that they have not done the necessary work to keep the basin operating the way they should. There is major erosion and silt built up do to the lack of maintenance. Mr. Evans,(town's retired ConCom agent) had made a visit to the retention basin and stated that the basin was working correctly, and that the town was not at fault in maintaining it. Mr. Smith stated that he was informed that elbows and piping that were on the original plans were never installed , he asked Ms. Stover if this was true and why they were not installed. Ms. Stover stated it was a state project they did and signed off on it.

Ms. McMahon asked Ms. Stover if it would be possible to get their original RDA that was done when she was on the Commission. Mr. Smith stated he would look for it in the ConCom's files and get it to her.

Mr. Smith stated he would request members to help in getting the boxes of files put into file cabinets in a logical order to make it easier to find the information. He stated that he signed off on a building permit for a shed. He saw that 282 Canaan Rd was going to be a planning board permit for a ground solar array. He decided that it was not in a jurisdictional area, very close to the Scenic Mountain Act elevation but just short of it. It was discussed that all permits should be reviewed by the ConCom to make sure that the work being requested does not fall within its jurisdictional regions.

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There was a short discussion concerning the search for a new agent. No one had any real solutions to the issue. It was stated that many towns are facing the same issue of a lack of trained and experienced agents.

7. Mr. Veillette made a motion at 7:58 to adjourn the meeting, it was seconded by Mr. Potter, passed unanimously by roll call vote.

Ernie Smith – Chair

Date