

**Richmond Conservation Commission Minutes**  
**Thursday November 17, 2022 at 6:30pm**  
**Held by Zoom in accordance with Governor's Open Meeting Laws**

Members Present: Ron Veillette-Chair, Ernie Smith-Vice Chair, Tom Potter, Karen O'Donnell, Pat Seckler, John Scorpa, Shep Evans-Agent, Rebecca Lord-Associate member.

Members Absent: Adam Weinberg

Other Participants: Mike Kulig (Berkshire Engineering), Ruth Bass (Landowner), Tony Abate (Landowner), Robert Lowell (Dept. Conservation and Recreation - DCR), Nancy Putnam (DCR), Tom Lautzenheiser (Mass Audubon), Chris Politan (Land Stewardship Inc)

Mr. Smith chaired the meeting. He opened the meeting at 6:30PM.

**1. Discussion of Violations and/or Enforcement Actions, Superseding Orders:**

**a. View Drive Fire Tower Pole Line Easement Violation: Enforcement Order Status,**

Continued from June 22, 2021, with the expectation that DCR would present a restoration plan acceptable to the Commission and which DCR is prepared to implement in the 2022 growing season. Awaiting more complete details including plantings and retention of a peer reviewer to advise the Commission. **Continued from November 9, 2022. Consultant peer review complete.**

Mr. Lowell spoke on behalf of DCR. He stated that they had 3 items for discussion that were sent to the Commission prior to the meeting, there is a restoration plan, a planting and maintenance plan and a survey.

Mr. Abate (an abutter) asked Mr. Lowell and Ms. Putnam about how DCR was going to reestablish the trail that had previously existed prior to the establishment of the road that was built. He is very worried about the elevations that have been created and that restoration to elevations that existed prior to the work that was done should be the first order of business after the cleanup of the area. Mr. Lowell and Ms. Putnam both stated that they plan on doing regrading of the land but that it probably can't be returned to exactly the way it was. Mr. Lautzenheiser also stated that restoration of grading needs to be the first item of restoration but agrees that it will not be possible to return the trail to its original state, that a wider access will be created but not as wide as it now is. Ms. Putnam stated that they will be terracing the sloped areas. She stated that native plants and seeds will be used, and the road will be narrowed. She stated that Mr. Politan will be overseeing the planting and maintenance. She stated that storm water runoff is a major issue that has been affecting several neighbors and they have plans for diverting the runoff. They will be using a variety of measures, including water bars and stone diversion methods. These will hopefully also help eliminate the use of the trail by All Terrain Vehicles (ATV) users who are illegally riding on the easement. The list of

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plants, trees and shrubs that are in the planting plan was put up for the members to view. Ms. Putnam explained to the commission about the different plants and types that are in the plan. She explained that not everything on the list might be available when they are ready to plant but that they have picked all natives and items that are naturally growing in the region.

There was a long discussion concerning the maintenance and monitoring of the proposed plantings. Mr. Lowell requested that the Commission remove the Cease-and-Desist Order so that they can begin the clean-up and the placing of logs for water runoff erosion protection and the repair or replacement of the sediment controls that had been previously in place. Mr. Evans stated that the Commission needs to direct DCR to make regular updates to the Commission as the work and maintenance is an ongoing process. Ms. Putnam stated that twice a year there will be reports made to the Commission. Mr. Evans also requested that there was a member of DCR at the meetings to discuss the reports, not just submit them. Mr. Lowell stated that there would be a DCR representative to discuss the reports. Several members requested that DCR inform the Commission when they begin work, because they might want to observe. There was a discussion about how long the monitoring should be and what is the correct percentage of viability for the plantings. Ms. Putnam stated that DCR states that 70-75% success for plants and shrubs over 3 growing seasons and 95% success rate for trees for 5 years is the standard that they use.

Mr. Evans and Commission members stated that there needs to be a final document to verify all the topics that have been discussed, that just saying that they will be done isn't what the Commission can vote on. Mr. Kulig stated that some decisions might have to be made onsite, that not everything can always be anticipated and changes to the original plan might have to be decided onsite.

Mr. Veillette made a motion to remove the Cease-and-Desist Order from the Enforcement Order. The motion was seconded by Mr. Potter and passed unanimously by roll call vote. Ms. O'Donnell made a motion to allow DCR to remove all materials relating to previous construction work and any other debris and trash and allow the replacement or repair of damaged or destroyed sediment controls and the placement of erosion and water runoff controls. The motion was seconded by Mr. Potter and passed unanimously by roll call vote.

Mr. Potter and Ms. O'Donnell will work on a set of special and standard conditions to be given to DCR for them to incorporate into their revised plan. Mr. Veillette made a motion to continue the hearing to the December 13, 2022, meeting. The motion was seconded by Ms. O'Donnell and passed unanimously by roll call vote.

2. Other discussions including items not reasonably anticipated prior to Agenda posting: None

**NEXT MEETING:** December 13, 2022, at 6:30 PM, **NEW SUBMISSIONS DUE:** November 29, 2022

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3.Adjournment: Mr. Smith called for adjournment and all members stated aye.

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Ernie Smith , Vice Chair

Date: 12/15/22

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