

Richmond Conservation Commission Minutes
Tuesday, December 13, 2022, 6:30pm
Held by Zoom in accordance with Governor's Open Meeting Laws

Members Present: Ernie Smith-Vice Chair, Tom Potter, Rebecca Lord-Associate, Karen O'Donnell, John Scorpa, Adam Weinberg, Pat Seckler, Shep Evans (Agent)

Members Absent- Ron Veillette-Chair

Other Participants- Alex Haidar, Robert Lowell (DCR), Nancy Putnam (DCR), Shannon Boomsma (White Engineering), Elizabeth Waksman, Joseph Pellegrino

Mr. Smith opened the meeting at 6:30PM. Minutes from November 9 and 17 were not approved, members had not received them in time for review and discussion.

1. DPW Items

a. Requests for Determination of Applicability: None

b. Notices of Intent: None

c. Certificate of Compliance (CoC) Requests i Notice of Intent, DEP File #271-0216; Dublin Road Bridge - Await final drawings

Mr. Smith stated that he had spoken with Danielle Fillio (Town Administrator) about the finalized drawings, and she stated that the drawings were finalized as far as the town project was concerned. The unfinished part of the drawing was the responsibility of Eversource not the town. Mr. Evans stated that for the Commission to sign off on a Certificate of Compliance an *as built plan signed by a licensed engineer* is required and the town hasn't yet submitted one. It was a post-construction planting requirement that Eversource supposedly passed off to the town. Mr. Evans stated that to receive a CoC, the DPW needs to request the CoC using the appropriate Mass. DEP Form 8a and provide the "as built plan" noted above.

2. Emergency Certifications Ratification: None

3. Requests for Determination of Applicability (RDA) (Non DPW): None

4. Notices of Intent (New/Continued/Extensions):

a. Notice of Intent under Berkshire Scenic Mountains Act Regulations, File #11-19-2022 from White Engineering on behalf of Joseph Pellegrino & Janet Akerley. Property at 754 Canaan Road, Map 406 Lot 17. The proposed work consists of constructing four additions to an existing single house plus a swimming pool and cabana and related site work.

Ms. Boomsma from White Engineering spoke on behalf of the applicants. She explained what the project will entail for the Commission members. The house is within the Scenic Mountain area which is why they are before the Commission. The applicant is considering purchasing the property and would want to make additions to both the main house, the garage and extend the driveway. Trees will be cut

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down near the house and for the driveway extension. The plan is for a 1 to 1 replacement. Raingardens will be created for the runoff from the driveway and roofs. Mr. Evans stated that there will be a site visit between this meeting and the January 10th meeting. Ms. Boomsma requested a continuation till the January 10th meeting. Mr. Smith made the motion to continue to the January 10th meeting. The motion was seconded by Ms. Lord, and it passed unanimously by roll call.

b. Notice of Intent, DEP File # 271-0229 from White Engineering on behalf of Vincent & Shawna Stango, property at 951 West Road, Map 407 Lot 56. The proposed work consists of removing from a private pond on the property accumulated sediment and road material deposited by a hurricane in 2012, restoring the historic flow into the pond from Furnace Brook, restoring the dam and spillway to re-establish control over pond water levels and related site work. Updated plans received Continued from November 9, 2022.

Ms. Boomsma spoke on behalf of the applicant. She stated that she had sent the revised plans based upon the conversation and suggestions made at the November meeting. Mr. Potter stated that he had a copy of the proposed special conditions for the project, as distributed to the Commission members by Mr. Veillette on 11/20/22. In the meeting, Mr. Potter forwarded the special conditions to the other Commission members for their review. The members decided that they needed time to review the special conditions that were just sent to them. Mr. Smith made a motion to continue the hearing to a special meeting that will be held on Tuesday December 27. Mr. Potter seconded the motion, and it passed unanimously by roll call vote.

5. Certificate of Compliance (CoC) Requests: NO NEW ONES

6. 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. The Department of Conservation and Recreation (DCR) has presented a proposed restoration plan which DCR is prepared to implement in the 2022/23 growing seasons. A Peer Review of the proposed restoration plan has been completed by Berkshire Engineering. Discussion is continued from November 2022.

Mr. Lowell spoke on behalf of DCR. The newly revised plans had just been sent to the Commission on the day of the meeting. The members did not have a chance to review the revised plans. Mr. Lowell presented the plans via the shared screen with the members. The new plans incorporated both the suggestions of the peer reviewer (Berkshire Engineering) and the abutters. He then went over the new plans with the members. He stated that they had hoped to be able to start the debris cleanup, but the weather conditions did not allow for the clean up to start. If the weather and ground conditions improve, they hope to start debris removal of the area. Mr. Lowell stated that DCR has worked diligently to fix the issues that were created by their contractors. The members had a few questions for Mr. Lowell and decided that they needed time to review the new plans prior to voting on them. One question that concerned the members was whether heavy equipment will be

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used. Ms. Putnam stated that it will be used for the removal of the utility poles and other large debris but most of the work will entail small pieces of equipment and hand work. Mr. Weinberg made a motion to continue to the January 10th meeting. The motion was seconded by Ms. O'Donnell and passed unanimously by roll call vote.

- b. 159 Willow Road Enforcement Order Status: ZBA Filing for Special Permit was rejected for lack of detail. Continued from November 2022. Sending warning letter leading to start of Citations. Mr. Evans stated that it is in process-they are sending a mandated letter for the owner to respond to. If the owner doesn't respond as required, then the next step is issuing citations and fines.

- c. 5 Walnut Rd & Adjacent Lots, Town Beach Road, Violation / Enforcement Order issued to Alex Haidar, Land Clearing in BVW and Buffer Zone at #5 Walnut Road. The site plan has been produced by Berkshire Engineering, and site visit was conducted on May 9th by Tom Ingersoll pursuant to developing a restoration planting and stewardship plan. Applicant switched to Guntlow & Associates for representation and preparation of restoration plan. Site Visit held 7/28/22. Guntlow & Associates has left the project. Amended Enforcement Order issued 9-23-2022. At the request of the applicant, the hearing has been continued to December 13, 2022.
Mr. Haidar spoke on his own behalf. He stated planting has begun, most of the plantings are in. He is just waiting for the arrival of three trees that will be coming in the later spring, once they come, they will be planted, and the project will be completed. He is working with Guntlow & Associates again, they will be overseeing the monitoring of the plants and providing the twice-yearly reports to the Commission. He displayed several photos of what the property looked like prior to the work he had originally done, he wanted to explain which trees had been removed and why. Mr. Haidar stated that he is looking for final approval of the plan that had been submitted to the Commission. One of the issues that the Commission raised was the removal of the flags that delineated the wetland boundaries. Mr. Haidar stated that they know exactly where the boundaries are, the plantings are in line with the boundary line and that most of the flags are still present, he only removed two, one which was a ribbon around a tree which is still there, and the other flag was replaced with a large boulder. Mr. Weinberg made a motion to continue the hearing to the January 10th meeting to allow more time to review the final plan. The motion was seconded by Ms. Lord and passed unanimously by roll call vote.

- d. Discussion of request from Michael Parzych of Cable Care Construction of Scotia, NY on behalf of Spectrum Cable TV to replace a section of coaxial cable running in an existing under-ground conduit from view drive to a second pole +/- 380 ft. east to connect to a residential customer. The only disturbance will be shovel digging +/- 12 inches from pole to conduit.

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Mr. Smith asked Mr. Evans for his opinion on this request. Mr. Evans stated that nothing that Mr. Parzych will be doing will have any effect on the surrounding areas. Mr. Weinberg made a motion for the project to go forward. The motion was seconded by Ms. Lord and passed unanimously by roll call vote.

7. Open NOI/OOCs, RDAs: Recent Inspections and Action Items: Rose Pond Outlet inspection and Malumphy request for cutting up dead and fallen trees off the south side of Rossiter Road.

Mr. Evans stated that the Rose Pond project is almost completed, there are just a few details that need to be finished. The project looks great, and that they should continue until the spring for all the work to be completed. Mr. Smith stated that Mr. Malumphy has decided at this time to not continue with the tree removal.

8. Richmond Pond Association: Last meeting of year held October.

There was a discussion among the members as to who is exactly in charge of the drawdown of the pond, since it is in two towns, Richmond and Pittsfield, and the dam is owned privately by Camp Arrowhead. They discussed the possibility of a Memorandum of Understanding (MOU) between the two towns.

9. Citizen Speak Time / Commission Speak Time / Press Speak Time There was a discussion about possibly having the meeting be hybrid.

10. Next meeting 12/27/23

11. Adjournment: Mr. Smith adjourned the meeting at 9:00PM.

Ernie Smith _____

Mr. Smith-Vice-Chair

Date _____