

Richmond Conservation Commission
Minutes Tuesday July 11, 2023
Held Remotely at 6:30 PM
Under the Executive Order of the Governor

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

Other Participants: Matt Putin (SK Design), David Potter(SK Design), James Shoemaker, Eileen Martin, Dawn Brooks, Kenneth Clark, Mr.& Mrs. McMann

- 1. Approval of the minutes from June 13, 2023.** Ms. O'Donnell made a motion to approve the minutes, but Mr. Smith stated that he wanted to amend the minutes slightly. He wants the minutes to reflect that the delay for response from the Commission to 159 Willow was not the fault of the Commission but due to the owners delay in responding to the Commission's Order of June 25, 2019. Ms. O'Donnell accepted the change to the minutes. The motion was seconded by Mr. Veillette and passed by roll call vote. Ms. Lord did not vote because she was not present for the June 13, meeting.
- 2. Notice of Intent (DEP #271-0236) from S-K Design Group on behalf of Kenneth Kruvant, property at 2276 Swamp Road, Map 408 Lot 146. Remove old barn and build new Barn/Guest House. Continued from June 13, 2023, meeting.**

Mr. Putin (S-K Design) spoke of the applicant. He stated he researched the culverts as requested by the Commission and added them to the plan. He displayed the revised plan for the members and explained that the culvert to the north(the one that drains on the other side of Swamp Road) of the project is out of the project area of work and the culvert to the south drains under Dublin Road (runs parallel to Swamp Road) and into Cone Brook. He stated a site visit was conducted by the members between the two meetings. He then went on to explain where the erosion controls will be placed. Ms. Lord asked about having all the soil and rubble covered while it is on the site. Mr. Putin stated that they can put that in as a special condition if it isn't one of the standard conditions (which other members stated it was). Mr. Shoemaker (an abutter) asked about the runoff from the property across Swamp Road, he then displayed photos he had taken of flooding of the area. Mr. Putin suggested the addition of gutters and downspouts which would drain into dry wells as a means for controlling runoff and flooding.

Mr. Veillette pointed out that all residents/ abutters to town roads must take responsibility in preventing water from entering the roads and road drainage ditches to prevent flooding.

Ms. Martin asked about the proposed septic system. Mr. Smith stated that it passed Title 5 and is not in the jurisdiction of the Conservation Commission. Mr. Shoemaker than asked if a property owner can make as many changes as they want to their property. Mr. Smith stated that all permits are looked at independent of one another, each one must meet their own requirements. Mr. Veillette made a motion to close the public hearing. Mr. Smith seconded the motion; it passed by roll call vote; Mr. Seckler did not vote since he arrived late to the meeting and was not present for much of the hearing.

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Mr. Veillette made a motion to approve the NOI with the standard conditions and several special conditions.

1. It was discussed that instead of the 200sq. ft. mitigation plantings they had on the plan to the north of the project they would create a 1200sq. ft. mitigation plantings on the southeast corner of the **property**. It would be trees and shrubs and a no mow area.

2. No pavement on the driveway, it must be kept pervious.

3. Addition of gutters and downspouts for draining into drywells.

4. Ms. O'Donnell stated that all piles of material / dirt be covered before rain storms.

The motion was seconded by Ms. O'Donnell and passed unanimously by roll call vote with the caveat that no Order will be issued until a new drawing depicting the removal of the 200 sq. ft. mitigation area has been removed and the 1200 sq. ft. mitigation area has been added is presented to the Commission.

3. Request for Determination of Applicability from Roger Echols, 572 Dean Hill Road, Map 407 Lot 8. Removal of one dead & dangerous Ash Tree and one dying & dangerous Ash Tree.

No one from the 572 Dean Hill was present. Mr. Veillette stated that the Commission had previously allowed dead and dangerous trees to be removed through the Emergency Certification Protocol which does not require an RDA. The Commission had voted in 2021 that if two members did a site visit and determined that the trees were dead and or dangerous then the Emergency Certification Protocol could be enacted. Mr. Potter read the Town Bylaws about dead tree protocols. Mr. Weinberg stated he did inspect the trees and they are dead. The members decided that two members would do a site visit and report back next month to the Commission.

4. 5 Walnut Road restoration proposal from ECR LLC on behalf of Alex Haidar.

No one from 5 Walnut Road was present. ECR LLC has requested an extension for the implementation of the restoration plan.

Mr. Smith requested that each member give their opinion of what they think should be done about 5 Walnut Road. Ms. O'Donnell stated that they have not complied with the enforcement order and that the plan they sent in is not what was sent to them in the letter from the Commission. Ms. Lord stated that we should begin the actual issuing of the fines that Mr. Haidar was told would occur if he did not comply with the restoration order as given by the Commission. Mr. Veillette stated that the work done in the BVW was okay but that the Buffer Zone plan was only about 20% done. The Commission requested that the trees that are planted are Berkshire Native trees (there are too many Arborvitae which is not a Berkshire native) and that no one variety is greater than 10% of the trees planted (for healthy forests you shouldn't have a monoculture of trees). Mr. Smith stated that there are no grandfathered in structures on the property and no exemptions for redevelopment. Mr. Weinberg stated that the plan they presented has trees closer together than the Commission's plan so there could be more trees planted than the required number but that they have exceeded the 10% maximum for 1 type of tree. Mr. Potter stated that both Mr. Haidar and his attorney received a letter from Mr. Evans as

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to what the Commission requires and that is what needs to be done. The members agreed that what the Commission has stated that they want done is what needs to be done, that it is not an option for Mr. Haidar to change the Commission's plan for the property.

Mr. Smith stated that an email was sent to Mr. Haidar and to his lawyer about the fact that his property would be on the agenda for the meeting. Ms. Lord stated that it would be helpful to have Mr. Haidar make a complete list of what has already been planted on his property. The members decided that a letter needs to be sent to Mr. Haidar and his lawyer stating that the plan he has submitted and is in the process of creating is not the plan that was given to him by the Commission, his plan is rejected by the Commission. The letter will also state that the fines that have been previously withheld are now going to be given and enforced.

5. Citizen Speak Time/Commission Speak Time/ Press Speak Time

A) Residents Kenneth Clark and Dawn Brooks from 311 Osceola Road spoke about the issue they have with their neighbor at 291 Osceola Road and the fact that they don't understand how the Commission signed off on the inground pool and the conversion of what was a portion of a " wet meadow "to lawn. In their opinion there was work done in wetlands which violated the Wetland Protection Act. Mr. Smith stated that the Commission was unaware of the building permit project, that it was signed off on by their Agent, Shep Evans. Mr. Evans was not present at this meeting since he has retired from being the agent for Richmond. Mr. Smith stated that he will call Ms. Boomsma from White Engineering and speak with her about the project to see if she had a delineation of the wetlands prior to making her plan and submitting it. He will also contact Marc Stinson, DEP circuit rider, since Dr. Brooks stated she has contacted the DEP. Mr. Smith also stated that he will speak with Mr. Evans since he is the one who signed off on the project. The members decided that a site visit is required prior to the meeting in August and a review of the original site plan.

B) Mr. & Mrs. McMann requested that the members do a site visit to their property to see for themselves that issues they are having with the cutouts that have been done on their property by the DPW to allow water to drain down the slope. They stated that there should be a better way to handle the erosion control and drainage than is being done now.

C) Mr. Smith asked Mr. Potter about the culvert work the town is doing and what they are focusing on.

D) He then asked the members for some input into what should be in an ad for the hiring of a new agent, for them to email him their ideas.

E) He stated that when the records are boxed up for the move to the new building that would be a good time to try and better organize them.

Ms. O'Donnell made a motion at 9:23PM to adjourn the meeting, it was seconded by Ms. Lord and passed unanimously.

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Ernie Smith – Chair

8/8/23

Date