

Richmond Conservation Commission Minutes  
Tuesday January 10, 2023  
Meeting Held Remotely Via Zoom

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

**Members Absent:** Shep Evans-Agent

**Other Participants:** Shannon Boomsma-White Engineering, Bob Youdelman, J.Cook (Rufo family lawyer), Nancy Putnam-DCR, Robert Lowell-DCR, Joseph Pellegrino,

Mr. Smith opened the meeting at 6:30PM. He stated the meeting was being conducted remotely on the Covid 19 Open Meeting Order from the Governor.

The Chair did not follow the exact order of the posted agenda.

**1. Review & approval of minutes from meetings of 11/9,11/17,12/13 and 12/27/2022**

Mr. Smith asked the members if they had any comments or questions concerning the minutes up for approval. Ms. O'Donnell made a motion to approve the 11/9/22 minutes. It was seconded by Mr. Weinberg and passed unanimously by roll call vote. Ms. O'Donnell made a motion to approve the 11/17/22 minutes. The motion was seconded by Mr. Veillette and passed unanimously by roll call vote.

The 12/13/22 minutes have had some changes made which other members just read and there was a short discussion about those changes. Ms. O'Donnell made a motion to approve the 12/13/22 minutes. The motion was seconded by Mr. Weinberg and passed by roll call vote; Mr. Veillette abstained due to not being present for that meeting.

The 12/27/22 minutes were discussed. Ms. Lord asked about one of the orders in the Special Conditions for the NOI for the 951 West Road NOI. Ms. Boomsma explained that part of the order was already done since it was in the Order of Conditions for the main house project. There were no other issues that concerned members. Ms. O'Donnell made a motion to approve the 12/27/22 minutes. The motion was seconded by Mr. Weinberg and passed by roll call vote; Mr. Veillette abstained due to not attending the meeting.

Mr. Smith stated that all 4 sets of minutes have now been approved.

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

Ms. Boomsma spoke on behalf of the applicant. She displayed the original project plan for the members and reviewed the plan for them. The project falls within the Scenic Mountain Act because it is slightly above 1400 ft. elevation. She explained that to control water runoff from the roofs of the garage, house and cabana they will be creating two rain-gardens along with stone curtain drains around the buildings.

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The original plan that was shown to the members at the site visit did not include enough trees to replace the trees that will be taken down. The new plan which she displayed has a 1.5 replacement. They will be removing 15 trees and replanting 21. Five trees will be in the rain-gardens and will be 6-8 ft. in height and the others will be 8-10ft in height. These will all be natively grown trees and she had a list of the varieties they will be using on the plan. Ms. Boomsma explained how they will handle the different requirements under the Scenic Mountain Act. The owner displayed a panoramic photo of the property to show that there are no visible neighbors that will be affected by the project. They will be planting 6 of the larger trees to the East side of the Cabana to block that off from view. Mr. Weinberg asked about the lighting of the pool area and home since they are within the Scenic Mountain Act. Ms. Boomsma stated that lighting has been discussed during the site visit. Mr. Veillette stated he had three special conditions for the applicant. One condition is lighting faces downward, a second is the color of the house be a muted color to make it less visible, and third the rain-gardens be routinely cleared of sediment and debris. Ms. Boomsma stated they did not have any issues with these requirements. The members stated they were happy with the new plan and the 3 special conditions.

Mr. Veillette made a motion to approve the NOI based on the January 6, 2023, plan and with the addition of the 3 special conditions that had been discussed. The motion was seconded by Mr. Scorpa and passed unanimously by roll call vote.

### **3.Election of Chairperson**

Mr. Veillette has made it official he is no longer the Commission Chair; he will remain a full member. He stated that Mr. Smith has been chairing the meetings and should go from being Vicechair to Chair. Everyone agreed with this statement. Mr. Veillette made a motion to name Mr. Smith the Commission Chair. The motion was seconded by Mr. Weinberg and passed unanimously by roll call vote.

### **4.Enforcement Orders**

#### **A. View Drive Fire Tower Pole Line Easement Violation**

Mr. Potter displayed the list of Special Conditions that he and Mr. Veillette had put together. There was major discussion about certain aspects of the conditions. The main issue that many on the Commission had been how was DCR going to handle the fact that people on ATVs were using the trail. Several Commission members wanted the access road to be made less wide, but Mr. Lowell stated that the access road had to be wide enough for a small 4-wheel drive truck to go up for any repair work that might have to be done. There were discussions about putting up several gates to deter ATVs, but Ms. Putnam stated that in her experience the ATV drivers would then just veer off into the woods, which is exactly what no one wants to happen. She stated that the deterrents that they have suggested work better and cause less damage. The major goal of DCR is to restore the damaged and disturbed areas but still leave the access road wide enough for small truck to be able to drive up it for repair work. Mr. Lowell stated that the main gate can be altered to prevent ATVs from going underneath it, which is what is occurring now. Mr. Weinberg stated that the Commission should let the project go forward with the plans of DCR and see if after a year what the ATV use is and if it is too much then changes can be made. Mr. Weinberg asked if the public is allowed to walk the access road. Mr. Lowell stated he did not know if the easement allows for that and that most of the land except for the easement is privately owned. A

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discussion of the restoration/monitoring plan took place between the Commission members and Ms. Putnam and Mr. Lowell. The Commission members will review the proposed special conditions and they will be voted on at the February 14, 2023, meeting. Mr. Lowell requested that a draft of the conditions be sent to DCR for their review prior to the vote. Mr. Smith made a motion to continue to the February 14, 2023, meeting. The motion was seconded by Mr. Weinberg and passed unanimously by roll call vote.

**4B. 159 Willow Road** construction in Riverfront without an Order of Conditions. No one was present to represent 159 Willow Drive. Mr. Smith stated that Mr. Evans had sent a letter and it was received with no response back from the owner. The letter stated that they were required to come to the meeting but no one representing 159 Willow appeared. Mr. Smith stated that the deck was built without proper permitting and needs to be removed. The next step is issuing fines through tickets.

**4C. 5 Walnut Road** & adjacent lots clearing in BVW and Buffer Zone. No one representing 5 Walnut Road was present at the meeting. Mr. Smith stated the Commission was still waiting for an restoration updated plan.

**5. Other Issues**

1. Ms. Boomsma asked the Commission for an extension on 2089 Stated Road Order of Conditions. She stated she did file 30 days prior to the end of the deadline. Mr. Smith stated a site visit would be required and that he would have Mr. Evans take care of it .

Ms. Boomsma presented a revised plan for 715 West Road. The owners would like to extend an already existing dock and place a platform at the end of it. Ms. Boomsma stated that at this time the pond is not large enough to fall under state regulations, (9000sq.ft.) but that once the work is completed it will be at 12,000sq.ft so they are requesting a change to the plans be made now. Ms. Boomsma stated she will send a revised plan to the Commission. There will have to be a change of the Condition date to coordinate with the revised plan. The members were required to vote on the revised plan to replace the old plan. Mr. Weinberg made a motion to adopt the new plan along with the new conditions that the dock and deck supporting piers be made of a non-contaminating material(ex. cement or helical piers). The motion was seconded by Mr. Scorpa and all members voted aye by roll call vote except for Ms. O'Donnell who abstained.

Ms. O'Donnell asked Ms. Boomsma about 951 West Road, when will the work begin. Ms. Boomsma stated that she did not yet know but would inform the Commission prior to the start of any work.

2. Mr. Smith stated that beaver dam work was done by an Emergency Order at Richmond Shores. It entailed the lowering of the beaver dam and cleaning out a catch basin by the DPW. Mr. Veillette stated that there is a Emergency Order set of Rules that need to be followed .

3. Mr. Smith stated that there was a report to the Commission about work being done at 706 Dublin Road, work being done near a stream . Mr. Evans has contacted the contractor whose truck was on site, but he hasn't heard back yet concerning what they are doing.

4. Mr. Smith stated that Mr. Evans will be scheduling a site visit for 2089 State Road.

**6. Adjournment:** Mr. Smith adjourned the meeting at 8:40PM

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The next meeting will be Tuesday February 14,2023

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Mr. Smith-Chair

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Date