

# Richmond Conservation Commission

## Minutes

Tuesday, July 12, 2022

*Meeting to be held remotely due to the COVID-19 restrictions.*

An Executive Order from the Governor of Massachusetts relieves public bodies from the requirement in the Open Meeting Law that meetings be conducted in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body in real time. In addition, all members of a public body may participate in a meeting remotely; the Open Meeting Law's requirement that a quorum of the body and the chair be physically present at the meeting location is suspended. All other provisions of the Open Meeting Law, such as the requirements regarding posting notice of meetings and creating and maintaining accurate meeting minutes, as well as the limited, enumerated purposes for holding an executive session, remain in effect.

Mr. Veillette stated that the meeting was being recorded and asked if anyone else was recording it. No one else was.

**Members present:** Ron Veillette-Chair, Ernie Smith, , Shep Evans(agent), Pat Seckler, Adam Weinberg

**Members absent:** Tom Potter, John Scorpa

**Other participants:** Shannon Boomsma( White Engineering), Robert Lowell(DCR), Nancy Putnam(DCR), Richard and Holly Stover, Kimberly Wetherell, Bill Allen, Andre-Anne Chenaille (Gunlow Associates), Karen O'Donnell,

Mr. Veillette opened the meeting at 6:39 PM

### 1. Review & approval of the minutes of the June 14, 2022 meeting.

Mr. Veillette made a motion to approve the June 14 minutes. It was seconded by Ernie Smith and passed unanimously by roll call vote.

### 2. DPW Items

#### a. Requests for Determination of Applicability: None

#### b. Notices of Intent

i **Notice of Intent, DEP File # 271-0219:** Bundled Notice of Intent from Foresight Land Services on behalf of the Town of Richmond Department of Public Works. The property consists of various locations on local roadways in the Town of Richmond. The proposed work consists of routine maintenance and repairs to various elements of the roadway system. This public hearing was conducted in accordance with the Massachusetts Wetlands Protection Act and the Richmond Local Wetland Bylaw. At the applicant's request, **continued from the January 11, 2022 meeting.**

Mr. Veillette made a motion to continue the public hearing to the August 9th meeting. It was seconded by Mr. Smith and passed unanimously by roll call vote.

#### c. Certificate of Compliance (CoC) Requests.

##### i **Notice of Intent, DEP File #271-0216; Dublin Road Bridge**

Mr. Veillette stated that the final inspection hasn't taken place because the Commission is still awaiting the 100% drawings.

### 3. Emergency Certifications Ratifications: None

Mr. Veillette told the members about a sinkhole that developed on Lenox Road between Dublin and State Road that the DPW fixed on Monday July11th.

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#### 4. Requests for Determination of Applicability New/Continued/Extensions (Non DPW)

- a. **Request for Determination of Applicability** from Kimberly Wetherell on behalf of Joan A. Accuosti, Trustee. The property is at 135 View Drive, Map 404 Lot 35. The proposed work is replacement and associated site work within the outer 50-foot buffer zone of an intermittent stream and replacement, installation and associated site work of a collapsed culvert under a driveway within the buffer zone of a bordering vegetated wetland and intermittent stream.

Kimberly Wetherell spoke on behalf of the applicant. The project is a repair of the home's septic system. They will be replacing the tank and leach fields and a crushed culvert. It is not in a Scenic Mountain area. Mr. Veillette stated that the drawings were not correct in that they did not properly represent the intermittent stream. The drawings labeled the stream as a drainage ditch. Also, the plans needed to have elevations delineations to better show that the project wasn't in a Scenic Mountain area. Mr. Veillette made a motion to approve contingent upon receiving a new set of plans that delineate the elevations and has the intermittent stream labeled. The motion was seconded by Mr. Weinberg and passed unanimously by roll call vote.

#### 5. Notices of Intent (New/Continued/Extensions):

- a. **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. **Continued from June 14, 2022.**

Ms. Shannon Boomsma (White Engineering) spoke on behalf of the applicant. She asked for a continuance of this hearing until next month. She needs more time to be able to fully answer the questions that both the Commission sent to her especially about the culvert on West Road. Mr. Veillette made a motion to continue the hearing to August 9th. The motion was seconded by Mr. Weinberg and passed unanimously by roll call vote.

- b. **Notice of Intent, DEP File # 271-0228: Amendment to original approved permit filed for building footprint expansion** from White Engineering on behalf of Vincent & Shawna Stango, property at 951 West Road, Map 407 Lot 56. The proposed work consists of partial demolition and construction of an addition to an existing single-family house in the Buffer Zone of a private pond. This hearing will be conducted under the Mass. Wetlands Protection Act and the Richmond Wetland Bylaw. **Continued from June 14, 2022**

Ms. Boomsma spoke on behalf of the applicant. Ms. Boomsma explained why they only need to amend the NOI and not be required to file for a new NOI. She detailed for the Commission the additional work that will be required to fix the moisture problems that were discovered when they started the work. The new detailed work will be incorporated into the existing foundation drainage system. Ms. Boomsma answered the various questions that the Commission had submitted to her. Mr. Veillette stated that a planting maintenance plan needs to be prepared and given to the home owner. Mr. Veillette made a motion to allow for the amendment to the NOI with a few special conditions added, a request for a final drawing showing all the changes and the addition of a condition that there be no further expansion of the footprint of the existing building. The motion was seconded by Mr. Smith and passed unanimously by roll call vote.

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**c. Notice of Intent, DEP File # 271-0232** from SK Design Group on behalf of Charles Gowen, property at 525 Canaan Rd, Map 406 Lot 6. The proposed work includes construction of a garage as an addition to the existing house, related site work and maintenance of the existing fire storage impoundment. The Commission conducted a site visit on Thursday, April 7, 2022. **Approved at June 14, 2022 meeting- awaiting final planting plan before start of work.**

Mr. Evans stated that the Commission hasn't yet received a copy of the finalized planting plan. He stated that it can be confusing to both the applicant and Commission when approval is granted contingent upon the receipt of additional materials to the Commission.

**6. Certificate of Compliance (CoC) Requests:** At the Levy property, 20 Swamp Road, Map 102 Lots 53 & 54. Three Orders of Condition: DEP #271-0192; DEP #271-0202 and DEP #271-0210. The Commission conducted site visits on Thursday, April 7, 2022 with Matthew Puntin P.E. from S-K Design Group, Inc. **ConCom voted approval at April 12, 2022 meeting.**

Mr. Evans stated he is working on producing the certificates.

**7. 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 for 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 June 14, 2022.**

Mr. Evans stated that the Commission just that afternoon had received the revised planting plan. He stated that the plan will be given to the peer reviewer. Mr. Evans chose Berkshire Engineering as the peer reviewer due to the steep slope of the property and the various engineering issues that the property entails.

Ms. Putnam explained to the Commission what the main changes to the original narrative were since most members hadn't seen the newest version. Mr. Lowell stated that they hope to be able to get to do a planting for the fall planting season.

**b. 159 Willow Drive Enforcement Order Status, awaiting status re: ZBA Filing for Special Permit as required by Building Inspector. Continued from June 14, 2022.**

Mr. Evans stated that the ZBA requested the building inspector flex his muscle concerning this property. The property owner never filed a building permit with the inspector. Mr. Evans stated that it is time for the Commission to seriously think about starting to issue violation citations.

**c. 5 Walnut Rd & Adjacent Lots, Town Beach Road, Violation / Enforcement Order issued to Alex Haidar, Land Clearing in BVW and Buffer Zone. Site plan has been produced by Berkshire Engineering, and site visit had been conducted on May 9<sup>th</sup> by Tom Ingersoll pursuant to developing a restoration planting and stewardship plan.**

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Andre-Anne Chenaille from Gunlow Associates has replaced Mr. Ingersoll for creating a restoration plan for the property. They have prepared for the Commission a new planting restoration plan. They incorporated their plan into the plan developed by Berkshire Engineering. Ms. Chenaille displayed and explained the plan to the Commission. Mr. Veillette stated that he wanted to know the size of the trees and shrubs that they planned on planting not just the types. Mr. Veillette also informed Ms. Chenaille that Walnut Road is owned by the Richmond Shores Association, so they need to be involved in these restoration discussions. Mr. Evans wants more specifics about the types of wetland plantings that they are considering using.

## **8. Special Permits, Variances or Appeals Recommendations:**

None

## **9. Open NOI/OOCs, RDAs: Status, Recent In-process Inspections and Action Items:**

- a. Dublin Rd bridge post construction – awaiting completion of planting by the Town. Awaiting a 100% Drawings including a final planting plan

## **10. Agent Report**

- a. Site Plan reviews; b. Other Board Permit reviews c. Miscellaneous d. Open Issues: Nothing new

## **11. Richmond Pond Association: RPA Meetings will resume April 2022**

- a. Report by Mr. Veillette from Mr. Potter

Mr. Veillette stated that they will not be doing a weed treatment to the pond this year due to Natural Heritage refusing to sign off because of the Bridle Shiner fish which inhabits the pond, it is on the endangered species list for the state. The Association will continue with the hand pulling of weeds from the canal, from Town Beach Road to the bridge. RPA picnic will be August 23 at Camp Arrowood.

## **12. Discussion of Open Space and Recreation Plan action items:**

- a. Conservation Land/Fund Discussions: Richmond Shores Parcel 101.0-0142-0000.0, Corner of Shore & Beach Rd and Shore Line up to Town line approved for Conservation by Select Board and West Shore Proposed Lot Survey: Status

Mr. Veillette stated that they are still waiting for the report from the surveyor

## **13. Citizen Speak Time / Commission Speak Time / Press Speak Time :None**

## **13. Other discussions including items not reasonably anticipated prior to Agenda posting**

- a. Awaiting response from DEP re an RDA from Wood Environment & Infrastructure Solutions on behalf of CSX Transportation seeking certification of resource area boundaries.

DEP will now become the permit granting authority.

- b. Discussion of replacement of Kristain Marzotto and Bob Dahlen

Mr. Veillette stated that two people have requested to be appointed to the Commission. One of them is Karen O'Donnell who will be nominated to be appointed at the next Selectmen's meeting.

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## 14. Bylaw/Process/Operating Instructions Change Discussions:

- a. Filing Instructions for applicants-Approved update to be put on Richmond Website
- b. Standard Conditions: Update :Draft copy

## 15. Adjournment

Mr. Veillette made a motion to adjourn the meeting at 8:06PM it was seconded by Mr. Smith.

  
Mr. Veillette-Chair

August 16, 2022  
Date