

Richmond Conservation Commission
Minutes Tuesday August 8, 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, Pat Seckler

Members Absent: Adam Weinberg

Other Participants: Matt Putin (SK Design), David Potter (SK Design), Dawn Brooks, Kenneth Clark, Mr.& Mrs. McMann, Holly Stover, David Bunis, Phyllis Ragusa, Shannon Boomsma, Alex Haidar, Dick Stover, Brad Holmes (ECR LLC)

- 1. Approval of the minutes from July 11, 2023.** Ms. Lord stated that the minutes did not contain the statement by Ms. O'Donnell that all gravel and debris from the work site at 2276 Swamp Road be covered to avoid any runoff into the brook. Mr. Smith stated he would add that to the minutes. Mr. Veillette made a motion to approve the minutes with the addition of Ms. O'Donnell's statement. The motion was seconded by Ms. Lord and passed unanimously by roll call vote.
- 2. Request for Determination from Virginia Baehr and Morgan Christe 2669 State Road, Map 408 Lot 249. Removal of dead and endangered trees in the buffer zone of Furnace Brook.**

Mr. Smith stated that three members of the Commission did a site visit and viewed the trees. The issue the members had was that the trees were not marked but that the members were able to figure out which trees were the ones in question. The trees need to have ribbons to identify them. Mr. Smith stated he told the applicants to tie ribbons on the trees to be removed and he would make another site visit after they contact him that was done was done, and that the correct trees are marked. Mr. Veillette made a motion to issue a Negative 4 Determination with the stipulation of the verification of the proper trees being removed by placing ribbons on them and having Mr. Smith do a site visit after the trees have been marked. MS. Lord seconded the motion; it passed unanimously by roll call vote.
- 3. 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 has provided a new site plan, both electronically and paper copies to the Commission. The new plan has a much larger river mitigation area than the previous plan, it has now 1200 sq. ft. of mitigation versus the original plan of 250 sq. ft. This is much larger than the required minimum of river mitigation required. He also has added the planting plan to this revised plan. Ms. O'Donnell noticed that on the plan

Richmond Conservation Commission
Minutes Tuesday August 8, 2023
Held Remotely at 6:30 PM
Under the Executive Order of the Governor

were red elongated rectangles and asked what they represented. Mr. Putin stated that they were the underground chambers (dry wells) for the water runoff which the Commission had requested be installed for the runoff from the roof. Mr. Potter stated that instead of gutters they will be installing drip edge and the runoff will end up in the dry wells. Mr. Veillette asked about keeping the driveway pervious and he was told there are no plans for doing anything to the driveway. Mr. Veillette made a motion to approve the NOI with the standard conditions and the addition of 2 special conditions, no paving ever of the driveway and the addition of drip edge and dry wells. The motion was seconded by Ms. O'Donnell and passed unanimously by roll call vote.

4. 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. Mr. Smith stated that he and Mr. Veillette made a site visit and determined the jurisdictional area of the Commission. The slope is not 15% in the 1300-1400 ft. elevation. Mr. Potter stated that this item was not listed on the agenda.

5. 5 Walnut Road restoration proposal from ECR LLC on behalf of Alex Haidar. Mr. Holmes (ECR LLC) spoke on behalf of the applicant. He stated his company was hired by Mr. Haidar to prepare a restoration plan for his property. He stated the plan was submitted (June 26, 2023) a week prior to the deadline date and that he tried to contact the Commission members for feedback but could not get in touch with anyone. The plan they developed was based upon research he did on the State regulations and on the Richmond Wetlands regulations. He feels that his plan satisfies all the regulations written regulations by both the state and the town. He stated that he has received a letter from Natural Heritage stating no endangered species are affected by his plan. He stated that 3700 sq. ft. of vegetated wetlands had been disturbed by the previous work on the property. He displayed a copy of his plan and explained it to the members. He stated it's a very detailed plan which includes a detailed planting plan and maintenance plan and timetable. The intent is to have it completed by the end of September; he will take photos of the completed project for the Commission. Their company makes the plans, and they do the work. Ms. O'Donnell asked how many of the trees being planted are hardwood; Mr. Holmes stated all the trees are hardwood except for the Larches. She asked if he knew that the original work was done without any permitting, that Mr. Haidar had not gone before the Commission just hired someone to come and cut down trees. Mr. Holmes stated that he did not have a copy of Mr. Evans' letter, he just made his plan based upon the state and town regulations. Mr. Veillette stated that his plan does not consider the mass defoliation of the buffer zone. His plan calls for only a 25-foot restoration of the buffer zone. This was an undeveloped buffer zone. Mr. Evans's letter called for 50 feet of restoration in the buffer zone. Mr. Holmes stated that there are no performance standards in either the state regulations or the Richmond regulations that specify restoration requirements in the buffer zone, 25 feet is the typical amount of restoration.

Richmond Conservation Commission
Minutes Tuesday August 8, 2023
Held Remotely at 6:30 PM
Under the Executive Order of the Governor

He did state that the Commission can determine the depth of the restoration from the wetlands and what they want. Mr. Smith asked about the planting that has already been done, the trees and shrubs are not represented in the plans he just presented. Mr. Holmes stated he would add them to the plans. Mr. Potter stated that that an enforcement order was sent to Mr. Haidar and his lawyer with exactly what the Commission was requiring of him for the restoration work. Mr. Potter said to Mr. Holmes that his plan falls very short of the Commission's plan. Mr. Holmes stated that the 25 ft. of buffer restoration allows for the property owner to be able to do work on the remaining portion because if the whole buffer zone is part of the restoration plan the owner would never be able to do any work there. Mr. Potter stated that trees were cut down from the entire buffer zone and the Commission wants them replaced. It was noted (by the members) that 5 Walnut Road was on the agenda for the July meeting, and no one was there for the representation of the applicant. Mr. Holmes stated he did not know about the meeting but from now on will check the town agenda schedule. Mr. Potter stated that he wants Mr. Holmes to make a comparison chart of the divergence of his plan from the one sent by the Commission in the letter to Mr. Haidar. Mr. Holmes requested a copy of the letter, he stated that he never received it from Mr. Haidar. There was a disagreement discussion between the members and Mr. Holmes about the reforestation of the buffer zone. The discussion of the restoration of 5 Walnut Road was continued to the September 12, 2023, meeting. Mr. Holmes asked about the best way to send the revised plans to the members, he was told electronically and to send several paper plans.

6. Mr. Smith spoke about 130 Shore Road. He stated that there is a large almost dead ash tree on the property that is close to the house. 4 members from RCC viewed the tree. He put a ribbon on the tree so that it is identified for the tree company. He has given permission for an emergency removal of the 1 specified tree.

7. Citizen Speak Time/Commission Speak Time/ Press Speak Time

A) Ms. Ragusa asked when the minutes of a meeting would be posted. Mr. Smith stated that they are approved at next month's meeting and then posted.

B) 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 building of their pool and the work in what they consider a wet meadow and river area. Mr. Smith stated that he conducted a site visit with Ms. Boomsma (White Engineering) And 4 RCC Members. She is the person who created the site plan and did the engineering work. Mr. Smith stated that he spoke with Marc Stinson, the DEP Circuit Rider, and that once the Commission has signed off and the work is completed there is nothing that can be done, you can't go back and say oops we made a mistake. The maps and plans were originally looked over by Mr. Evans and he saw no issues with them. He did a site visit after work had begun and noticed that no erosion controls had been placed. He told the contractor that erosion controls were required, and they were installed that day. The installation of a pool adjacent to a home is exempt from many of the state

Richmond Conservation Commission
Minutes Tuesday August 8, 2023
Held Remotely at 6:30 PM
Under the Executive Order of the Governor

regulations. Ms. Brooks was not happy with the explanation of the delineation process that Ms. Boomsma stated she did for the creating of the site plan. Mr. potter stated that Ms. Boomsma did a through job in the delineation of the property. David Bunis, owner of 291 Osceola, stated that he appreciated all the work the Commission and Shep did for the project. He tried to do everything according to the regulations. He stated that the area that they put fill into was grass before they disrupted it and now, they have had it seeded with a meadow mix so that it flows nicely into the meadow it is adjacent to. Ms. Brooks was not pleased with all these answers and stated that she might bring before the Commission a request for an RDA to have the wet meadow properly delineated by another engineering company.

C) Mr. & Mrs. McMan asked if the Commission members had conducted a site visit as per their request at last month's meeting. Mr. Smith stated that he is very familiar with the site, having done several site visits over the past few months. Ms. McMan stated that she has had many conversations with Peter Beckwith (DPW) and Ms. Fillio (Town Administrator) about the drainage work the town has done on their property without their permission. She feels that she has not gotten anywhere with them and that her next step is to go to the state with her documentation.

D) Mr. Smith explained to the members that he has had several people enquire about the position of Agent. He would like to get the ball rolling on hiring someone. The members need to start the interview process. Several Commission members will do the first round of interviews, then the person will speak with Ms. Fillio and then go before the Selectboard for the final appointment.

Mr. Potter made a motion to adjourn at 8:31, Mr. Smith seconded it and it passed unanimously.



Mr. Ernie Smith -Chair

Mr. Tom Potter-Vice Chair

09/12/23

Date

Date