

Richmond Conservation Commission
Minutes Tuesday May 9, 2023
Held remotely according to the Governor's Covid Order

Members Present: Ernie Smith-Chair, Tom Potter-Vice Chair, Karen O'Donnell, Rebecca Lord, Pat Seckler, Ron Veillette, Shep Evans-Agent.

Members Absent: Adam Weinberg

Other Participants: Robert Lowell (DCR), Phyllis Ragusa, Shannon Boomsma(White Engineering), Emily Stockman(Stockman Associates) Holly Stover,

Mr. Smith opened the meeting at 6:30 PM.

1.Approval of April 11, 2023, and April 21,2023 minutes

Ms. Lord made a motion to approve the April 11, 2023, minutes. The motion was seconded by Mr. Veillette and passed unanimously by roll call vote. Mr. Seckler made a motion to approve the April 21,2023 minutes, it was seconded by Ms. O'Donnell and passed unanimously by roll call vote.

1.

2.Enforcement Order at 159 Willow Road continued from April 11, 2023, meeting. During the intervening period, the Conservation Agent has recirculated Stockman Associates' narrative submission and the revised plan reflecting comments received during the Commission's site visit.

Mr. Evans stated that Ms. Stockman's plan meets all the requirements that the Commission requested. Mr. Evans stated the Conservation Commission should not be concerned with what the Building Inspector's violations are and his conclusions about the building and zoning violations. Several Commission members stated that they believed that the deck expansion was within their jurisdiction because it is within the riverfront and was expanded without a permit, which they would probably not have approved. They stated that the boards are so close together that it makes for an impervious surface, possibly they should require the removal of the new addition to the deck. Mr. Evans did agree with the members that the deck is within the jurisdiction of the Commission. Ms. Stockman stated that her plan more than satisfies the state's requirements for restoration, she has a greater than 2 for 1 restoration, with a large no mow area and plantings of native shrubs for wildlife habitat and runoff prevention. She stated that during the Commissions site visit no one noticed any erosion due to runoff from the impervious decking, the deck is not totally impervious and does allow for a small amount of water to come through the decking boards. The applicant has stated that he would remove whatever items the Commission requests that he has stored beneath the deck. Ms. Stockman displayed her plan for the members to view and explained the plan for them. Mr. Potter stated that her plan fixes many of the runoff and erosion issues that the property has. Several members asked if a couple of native trees could be put in not just native shrubs, they are better for water absorption and for stabilizing the riverbank. She stated that they could add a couple of trees to the plan. Mr. Smith asked the members what is the next step they would like to take concerning the restoration plan. Mr. Potter made a motion to approve the restoration plan with the addition of the planting of 2 or

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more trees, the removal of containers below the deck and the addition of roof gutters that will have the runoff flow away from the river. The motion was seconded by Ms. Lord and passed by roll call vote Mr. Potter aye, Ms. Lord aye, Mr. Seckler aye, Mr. Smith aye, Ms. O'Donnell nay, Mr. Veillette nay.

3. Notice of Intent under Scenic Mountain Act, File # 11-29-2022 from White Engineering on behalf of Joseph Pellegrino & Janet Akerley. Proposed revisions to the Proposed Site (754 Canaan Road) Development Plan for Joseph Pellegrino dated November 29, 2022. Changes to the plan include Grading associated with a new septic system; Revised driveway alignment; Tree removal and Tree replanting to widen the driveway turning radius.

Ms. Boomsma spoke on behalf of the applicant. She requested a revision to the original NOI that was approved. The changes include the widening of the proposed new driveway to allow for the turning of a larger vehicle into the garage. This would require the removal of several pine trees, the revised plan has the planting of an Arborvitae as a screen. The new septic system will require some grading to level it off, it is in the Scenic Mountain Act, so the grading must be approved. There weren't any major issues from the members, Ms. O'Donnell suggested maybe they could plant trees, some type of hardwood, along with the Arborvitae. Ms. Boomsma stated that would be able to do that. The applicant does want the Arborvitae because it is a fast-growing shrub used for screening. Ms. O'Donnell made a motion to approve the changes to the Order with the addition of several hardwood trees along with the Arborvitae, also the lighting needs to focus downward. The motion was seconded by Mr. Potter and passed unanimously by roll call vote.

4. Continued Discussion of DCR's Restoration Plan for violations on Lenox Mountain.

Mr. Lowell stated that Ms. Putnam has sent the newest restoration plan to the Commission. Mr. Evans stated he received it and will have copies made for all the members. Mr. Evans stated he has a copy of the letter that will be sent to DCR that accepts and approves their plan with the few additions that DCR is already aware of. The letter needs the signatures of the commission members and then Mr. Evans will mail it. Mr. Lowell stated that they have contractors ready to begin the clean up once they receive the approval letter from the Commission. There was a short discussion among the members about the final plan. Mr. Potter stated that not all his recommendations were not there. Ms. O'Donnell stated she and Shep did some editing and took out some duplications. Mr. Potter stated he was not happy that members were not included in the final editing of the paperwork. Mr. Veillette made a motion to accept the plan that DCR sent with the addition of the requirements that the Commission had previously stated. The motion was seconded by Mr. Seckler and passed unanimously by roll call vote.

Ms. Stover asked if the plan was available for the public to view. Mr. Evans stated that at this time they were not but at a future date he would make them available. Mr. Seckler stated that Mr. Evans could post the plan to the town website when he has it.

5. Continued Discussion of the Restoration Plan for the Haidar property on 5 Walnut Road.

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No one for the applicant was present for the meeting. Mr. Evans stated that he is waiting for DCR to comment on the plan that he has created. Mr. Evans stated that since they had no idea of how many and what types of trees were removed without any permits, he had to figure out a way of coming up with a number for tree replacement. He used a google earth photo from the winter of 2021(the year Mr. Haidar bought the property) to try and determine the land area and the number of trees that were present in that space, this is done by the canopy that the trees created. It was determined that the area was 6/10ths of an acre. He stated that he spoke with many different specialists to determine the proper number and it was a general consensus that approximately 50 trees will need to be planted to replace those that were taken down. This is a combination of mature trees, understory trees and shrubs. Mr. Evans also stated that there is the need for the boundaries to be monumented to be able to always know where the wetland borders and buffer zones are located.

Mr. Haidar has not yet delivered to the Commission an acceptable plan that they could approve. The plan created by Guntlow and Associates was never approved by the Commission, Mr. Evans needs to remind Mr. Haidar of that.

The members decided that a letter needed to be sent to Mr. Haidar with what require.

1. A plan that shows the boundaries of the land in question along with the monumenting of the buffer zone and the wetlands.
2. Creating a planting plan that shows the property full treed, trees that are appropriate for the area (a list of the trees).
3. Time- line of 1-3 planting seasons for the work to be completed.

Mr. Evans stated he could have a letter for the members to review by the next meeting, it would explain that the plan that Guntlow presented has not been approved by the Commission and would have to include the other 3 items previously listed.

Mr. Veillette made a motion to continue the hearing to the June 13,2023 meeting. The motion was seconded by Mr. Potter and passed unanimously by roll call vote.

Mr. Veillette reminded the members about the Town Meeting on Wednesday May 17 and that there was a petition item on the warrant concerning Perry's Peak Road.

Mr. Evans stated that many towns are now going to hybrid meetings and asked the members to think about whether they wanted to do hybrid meetings.

Ms. O'Donnell made a motion to adjourn at 8:52; it was seconded by Mr. Potter.

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Mr. Ernie Smith -Chair

6/13/23

Date

Mr. Tom Potter-Vice Chair

Date