

Richmond Conservation Commission
Minutes Tuesday September 12, 2023
Held Remotely at 6:30 PM
Under the Executive Order of the Governor

Members Present: Ernie Smith-Chair, Tom Potter- Vice Chair, Rebecca Lord, Adam Weinberg

Members Absent: Pat Seckler, Karen O'Donnell, Ron Veillette

Other Participants, Dawn Brooks, Kenneth Clark, Holly Stover, David Bunis, Phyllis Ragusa, Shannon Boomsma (White Engineering), Brad Holmes (ECR LLC)

Mr. Smith opened the meeting at 6:45PM

It was stated that Ms. Ragusa was going to record the meeting.

1. **Approval of the minutes from August 8, 2023.** Mr. Potter made a motion to approve the minutes from Tuesday August 8, 2023. It was seconded by Ms. Lord and passed unanimously by roll call vote.
2. RDA Branch Farm Condos removal of dead and dying trees.
Mr. Smith stated that he conducted a site visit and that there were several soft wood trees that had shallow roots and some with rotting roots. These trees are very close to the house and do present a danger of falling on the house. Mr. Smith asked Mr. Weinberg for his opinion and Mr. Weinberg stated the trees should be removed. Mr. Potter made a motion for a Negative 3 Determination. The motion was seconded by Mr. Smith and passed unanimously by roll call vote.
3. 5 walnut Road (NOI) restoration proposal from ECR LLC on behalf of Alex Haidar.

Mr. Holmes spoke on behalf of the applicant. He stated that he had submitted a letter to the commission detailing their proposed project. He also sent them an NOI for the proposed restoration of the BVW and the Buffer Zone. He then stated that he was here tonight to explain the NOI and to request an Order of Conditions from the Commission. He stated that he submitted his plan to the DEP, he has heard back from them with the corrections that they required, and he has incorporated those conditions into the NOI. He has a letter from Natural Heritage stating that this project does not have any negative effect on local endangered species. Mr. Holmes displayed the revised plan for the members to see and he explained the changes to them. As of now there are 8 trees in the BVW and they plan on adding 12 more trees(20 total), there are 29 shrubs in the BVW and the plan is to add 16 more(45 total). The buffer zone has 37 saplings, but they will add 9 more saplings(46 total) and there are 9 shrubs and the plan calls for the addition of 12 more(21 total). This is a total of 66 trees and 66 shrubs. Conservation signage has been added at the perimeter of the Buffer Zone to delineate it. It is a 25-foot-wide buffer zone not the 100-foot wide that the Commission previously stated they wanted. The new proposal contains monitoring and maintenance of the plants and the 100% survival that the DEP has required. Mr. Winberg suggested that the Green Ash trees that are listed to be planted be changed to a different type of hardwood since there is a Green Ash disease killing that type of tree. Mr. Holmes stated that would not be a problem, then can plant more Sugar Maples and Red Maples. There was a discussion between Mr. Potter and Mr. Holmes about the fact that the Commission had in their letter to Mr. Haidar stated that they want the 100-foot buffer zone as

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part of the restoration plan not just 25 feet of it. Mr. Holmes stated that there were no regulations in the Richmond Wetland Bylaws concerning restoration requirements of the Buffer Zone and that 25 feet of Buffer Zone restoration was the normal for the state, and DEP had no issues with that. The members asked if a 50-foot Buffer Zone restoration was possible, and Mr. Holmes stated it was not. Mr. Weinberg stated that this plan was a good compromise and would be in favor of it. It was suggested that a no mow area be adopted between the V area of the Buffer Zone. Mr. Holmes stated that all the trees and shrubs will be planted by hand, no heavy equipment will be brought in. This is one reason for the smaller trees, they don't require heavy machinery. Mr. Smith opened the discussion up to the public. Ms. Stover stated that she thinks larger trees should be planted since the photos of the tree canopy prior to the trees being clear cut showed large hardwood trees were in that Buffer Zone space. She stated that the Commission had requested a restoration of the 100-foot Buffer Zone not just 25-feet of it. Mr. Potter agreed with Ms. Stover remarks. Mr. Potter suggested that an outside specialist be hired at the applicant's expense to review the plan and see if there should be greater restoration of the Buffer Zone. Mr. Smith stated he felt that the plan that Mr. Holmes presented was a reasonable compromise plan. Mr. Weinberg made a motion to approve the NOI with the standard conditions and with these special conditions.

1. No mow area of the triangle in the Buffer Zone with the revised plan showing the delineating monument across the no mow region, corner to corner.
2. Inspections are required for 5 years for the Certificate of Compliance to be issued.
3. The survival rate of plantings in the BVW is to be 100% in the Buffer Zone 75%
4. All trees and shrubs to be hand planted.
5. All DEP required conditions are to be met.

The motion was seconded by Ms. Lord and passed unanimously by roll call vote.

4. Citizen Speak Time/Commission Speak Time/Press Speak Time

Mr. Clark spoke to the Commission members concerning the issues that he and his wife(Dr. Brooks) had with their neighbor's pool construction at 291 Osceola Road. This issue had been discussed at pervious meetings. At the meeting in August the Commission told Mr. Clark that the work was done with an approved permit and that there wasn't anything the Commission could or wanted to do about the completed project. Dr. Brooks stated that they thought there were bylaws that did allow for going back if there were discrepancies in what the permit was for and the work that was done. She stated that White Engineering lied on their permit about working in a wetland. Ms. Boomsma from White Engineering stated that they did not lie, and it was done according to the plan, there is always a bit of variation in any project. Mr. Smith stated that Mr. Evans the Conservation Agent made several visits to the work site , noticed one issue and that was remedied that day. Dr. Brooks showed many photos of the wetlands to the Commission. Mr. Weinberg stated that the land in the photos is designated Agricultural and it is mowed twice a year, so it is not a designated wet meadow. Dawn Books stated that they think the owners should have to apply for an NOI to determine if there were issues with their original permit and have it reviewed by a wetlands consultant. Mr. Smith stated that the property owners do not have to do

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that and that everything was done properly, and he is not pleased with the way they spoke about Ms. Boomsma and her work. There have been several site visits done by Commission members and there were no issues to be dealt with. Mr. Smith has spoken with Marc Stinson (DEP circuit rider) and he has no issues with the completed work. Mr. Bunis, the owner of 291 Osceola, stated that they took every precaution to have the work done according to the allowed bylaw regulations and asked the Commission to resolve the issue since no violations have been found. Mr. Potter stated that the Commission's only job is to review documents that are presented to them, building permits wind their way through the different boards and commissions to be reviewed and signed off on. Mr. Smith stated that Mr. Clark and Dr. Brooks need to submit a proper RDA for review otherwise this is the end of the discussion of this project.

5. Other discussions including items not reasonably anticipated prior to Agenda posting.

A) Mr. Smith stated the main issue is the replacement of the agent. They have had 5 applicants come in for interviews .out of 11 and non-have all the requirements for the job. Mr. Potter stated to keep the ad running to see if more people will apply. The members discussed hiring someone to do the administrative work and maybe they can take courses for learning the regulations and the field work.

B) Mr. Potter stated that at the October meeting the McMann's RDA will be discussed.

Mr. Potter made a motion to adjourn the meeting at 8:07 PM, it was seconded by Mr. Weinberg.

Ernie Smith – Chair

Date