

Richmond Conservation Commission Minutes
Tuesday August 13, 2019 at 7PM. Richmond Town Hall 1529 State Road

Call to order and Introductions

- Ron Veillette, Chair called the meeting to order at 7PM.
- Ron Veillette made this statement:

Notice: This meeting will be recorded by the Richmond ConCom (1) and if any other person will be recording the meeting, they are to notify the committee at this time.

- Commission members present: Ron Veillette Chair, Dan Scorpa, John Scorpa (associate member) Shep Evans (associate member and agent), Pat Seckler, Adam Weinberg
- Commission members absent: Nick Martinelli, Bob Dahlen
- Applicants and Others Present: Claudia Ryan (recording secretary) Sally Chavarry, MaryLou & Kris Wechter, Daniel Bove (Mass Division of Fisheries and Wildlife)

1. Review & approval of the minutes from the July 9, 2019 meeting.

Ron Veillette asked if there were any comments concerning the minutes. There were none. Ron Veillette made a motion to accept the minutes, Shep Evans seconded it and it passed unanimously.

2. Presentation by DEP Western Region Circuit Rider, Mark Stinson, on WPA Riverfront Redevelopment. Mark Stinson gave a slide presentation about the redevelopment within a previously developed riverfront area. See attachment.

3. Notices of Intent:

3A. Notice of Intent, DEP File # 271-0207 from Daniel Bove of the Mass Division of Fisheries and Wildlife. The property is located off Swamp Road (AKA Fairfield Brook Wildlife Management Area) Map 405 Lot 91.1 and Map 408 Lots 100.1, 104.2 and 104.3. The proposed work will consist of ongoing ecological restoration including vegetation control and prescribed burning in calcareous wetlands to maintain, restore and enhance rare plant communities and wildlife habitat. Daniel Bove explained to the Commission what they were proposing to do and the reasons for it. Daniel Bove is a restoration ecologist. They are working on the headwaters for Fairfield Brook in order to preserve and restore the rare native species of plants that are in the area, they need to get rid of the invasive species that are over taking the native rare species. He explained that there is no one plan for doing this that it is an everchanging plan based on what the situation of the area is at any specific time. Daniel Bove handed out maps and descriptions of the rare species that they want to bring back to the wetlands (160 acres) to members of the Commission. He stated one of the resources they rely on are is the use of environmentally sensitive herbicides. They use a low volume targeted approach. For the invasive woodies they cut and then paint the remaining cut area with the herbicide. They use a controlled burn to bring back the area the burn gets rid of the invasive and leaves nutrients into the soil, it is considered one of the best ways to bring back the native biosystems. The Mass Division of Fisheries and Wildlife does not do the burn, they hire specialist for that part of the project. He told the Commission that they are monitoring 5-6 rare native species that exist in the area and there are no rare animals that they are monitoring. They do not want to tell the public which species they have there for the protection of the plants and environment.

He explained that they have about 10 years of money to fund their projects. This project is considered more expensive due to all the water(wetlands) involved.

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Ron Veillette asked if the Commission could be informed prior to the burn and Daniel Bove explained that the Fire Chief, the Commission and the Police will be informed to approximately when they hope to do it but that it is very weather dependent so they can't give an exact day & time. Mark Stinson explained that the Commission can give a 5year Order of Conditions instead of the Standard Three- Year Order Conditions.

Ron Veillette made a motion to close the public hearing, Adam Weinberg seconded it and it passed unanimously.

Ron made a motion to approve the NOI Standard Order of Conditions with the 5-year extension and having the fire dept. informed prior to the burn. It was seconded by Adam Weinberg and passed unanimously.

4. Requests for Determination of Applicability:

4A. Request for Determination of Applicability from Kris Wechter. Property located at 274 Shore Road, map 101 Lot 150. The proposed work consists of removing a diseased, largely dead tree, leaning over the water at the shoreline of Richmond Pond. Mr. Wechter stated that it is an Ash Tree. Ron Veillette made a motion to pass it with a Negative #3 Determination with conditions that the stump remain and that a native tree, minimum of 6 ft. tall (Red Maple was suggested by Adam Weinberg) be planted to restore the tree numbers and that it can be planted 5 or 6 feet from the pond and where it won't obstruct their direct view of the pond. Adam Weinberg seconded and it passed unanimously.

4B. Request for Determination of Applicability from Richmond pond Civic Association. The property is the Civic Association's Shore Road Beach, Map101 Lot 151. The proposed work consists of removing a diseased, mostly dead Spruce Tree, removing two leaning branches on a single trunk and one seriously leaning deciduous tree, all on the Civic Association Beach at Richmond Pond. Kris Wechter spoke on behalf the Civic Association Beach. Pat Seckler asked if just trimming the trees was possible but Mr. Wechter stated that they have been trimmed as much as possible already. The trees are not located along the shore line, there is vegetation between the trees and the shoreline. There was a short discussion about putting up a fence along the shoreline but the Commission said that a fence which would impede wildlife is not allowed. A split rail fence would be allowed but that would not stop geese.

Ron Veillette made a motion to pass it with a Negative #3 Determination with conditions that for each tree removed that a minimum of one native bush be planted on the shoreline and that the stumps from the trees remain to prevent soil erosion.

5. Discussion of Enforcement Orders:

5A. 159 Willow Road: Signing the corrected Notice of Enforcement Order to be Recorded and review of photographs taken weekly which illustrate the ongoing violation(s). Shep Evans got signatures for the enforcement order which will be filed at the Registry of Deeds.

5B. Status of Town Bylaw and/or Regulation on enforcement fining authority& procedure.

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Shep Evans told the Commission that an addition was needed to the town bylaws so that non-criminal civil fines could be given. The town is in discussion with town counsel about adjusting the bylaw which would enable & empower the enforcing agent to be able to give ticketing fines.

6. Recommendations to permit granting authorities on Special Permits, Variances or Appeals:

6A. Variance request: 1653 Dublin Road garage addition. Ron Veillette wrote a letter to ZBA stating ConCom has no jurisdiction just that they should be aware of where the wetlands are. Ron Veillette made a motion to send the letter to the ZBA, it was seconded by Dan Scorpa and passed unanimously.

7. Discussion of the Status of the Conservation Fund. Discuss and vote on Berkshire Farm MOU amendment requested by Richmond Town Counsel. Ron Veillette deferred the vote and stated that the Richmond Land Trust had a concern with the MOU amendment and Ron will be talking with Town Counsel next week to resolve. This is being continued until next month's meeting.

8. Discussion of the Status of action item(s) in Town OSRP. Ron Veillette handed out a final draft of an WPA Education brochure he plans to have printed and distributed to Richmond landowners, contractors and real estate brokers.

9. Status of planned review of Richmond Local Wetland Bylaw (Ch. XII) and Town of Richmond Regulations under the Berkshire Scenic Mountain Act (MGL Ch131 Sec. 39A). No discussion

10. Richmond Pond Association: Dan Scorpa stated he would attend their next meeting.

11. Instructions for Applicants update. No discussion

12. Open NOI/OOC's & RDA's Status and Action Items

12A. Discussion/Vote of Levy property beach at 20 Swamp Road re planting and sand spec.

Ron Veillette stated that he reviewed their plans and after a telephone discussion with Sarah Gapinski of SK Design clarifying the beach sand source and shore planting locations, is okay with them.

12B. Discussion of 144 Shore Road. RDA Positive Determination: Tree removal tied to shoreline planting. A plan for the proposed planting has not yet been submitted to the Commission.

12C. Discussion of DEP Superseding Order of Conditions issued on 24 Scace Brook Road property.

Ron Veillette stated that he had investigated/visited the site on the evening of July 14th at the request of the BOS, Police chief and a neighbor and noted that trees had recently been cut down in the riverfront area. He notified the DEP on July 15th since the DEP was handling the permit under a Superseding Order of Conditions. They have visited the site and they are now making a determination. (Note that DEP subsequently issued a UNILATERAL ADMINISTRATIVE ORDER, Enforcement Document Number 00007894 Aug 13, 2019)

12D. Signing a Certificate of Compliance with the Order of Conditions (DEP 271-0204) on the residence at 21 Willow Road. Shep Evans stated he made a site visit there and everything was done just as they requested.

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13. Inquires to ConCom about future/ possible applications.

13A. Sleepy Hollow Rd wetland issues at Map 405 Lot 116.

Shep Evans stated he spoke with the real estate agent representing the property and suggested they hire a wetlands specialist.

13B. Resident with property on Rossiter Rd questioning building near vernal pools.

Shep Evans told her she should submit a Request for Determination from the ConCom prior to beginning any work.

13C. RPA question on hand pulling of weeds in the inlet.

Ron Veillette stated he told them to come before the Commission for a discussion of the matter.

13D. Branch Farm Condo Association annual RDA to take down dead, diseased or scary trees, Sept.

14. Citizen speak time: Sally Chavarry presented a planting plan to the Commission based upon the Commissions request from the July 9th meeting. She requested that the commission review the plan so that her contractor can begin work on her garage. She stated that she plans to get her plants from New England Wetland Plants. All commission members were pleased with the plan, Shep Evans stated that the ConCom would make a site visit after completion.

15. Mail received, and other topics not reasonably anticipated prior to agenda posting. Ron Veillette received a letter from Registry of Deeds that they will electronically link Orders of Conditions to owner's deed. See attachment.

16. Adjournment: Ron made a motion at 9:05 to adjourn the meeting it was seconded by Dan Scorpa, passed unanimously.

Next Meeting: September 10, 2019, New Submittals Requested by Wednesday, August 24, 2019

Signed:



Ron Veillette- Chairman

(1) Per MA Open Meeting Law



Commonwealth of Massachusetts

Berkshire Middle District Registry of Deeds

Patricia M. Harris

Register of Deeds

May 31, 2019

Freya Segal and Ronald Veillette, Co-Chairs
Richmond Conservation Commission
1529 State Road
Richmond, MA 01254

Dear Chairperson Segal and Veillette:

When considering the responsibility you have for protecting the land, water and biological resources within our communities, I believe I should do everything in my power to make sure your efforts are noticed. As Register of Deeds for the Berkshire Middle District, I am unequivocally focused on the management and monitoring of incoming documents. To ensure that all Orders of Condition are observed and acknowledged by both current and subsequent property owners, I feel it is necessary to link your WPA Form 5 to the deed of the current owner. **Therefore; effective July 1, 2019, this Registry will begin linking all Massachusetts Wetlands Orders of Condition to the Owner's deed.** In doing so, it is important that each Order include the proper owner's name and the correct deed Book and Page reference. If an owner acquired the property through more than one deed, you may list all the deeds on one form; however, each deed reference will be charged an additional \$75. Upon receipt of an Order of Condition, my staff and I will review the deed referenced on the Order by comparing the names on the WPA Form 5 to the names on the deed. Please understand that any discrepancies found will result in our returning the document to you for corrections.

In order to expedite the recording process, my staff and I are always available to assist you or a property owner in locating his/her deed. Our office hours are Monday through Friday, 8:30 a.m., until 4:30 p.m., or we can be reached by phone at (413) 443-7438. With our assistance through telephone conferencing, we are often able to help homeowners and business owners alike

44 Bank Row • Pittsfield, MA 01201

(413) 443-7438 x13 • Fax: (413) 448-6025 • E-mail: Patricia.Harris@sec.state.ma.us

Website: www.berkshireregistry.com

locate their property deed on our website: www.masslandrecords.com., where they can view and download a copy of their deed free of charge.

It is a pleasure working with your Commission, and I would personally like to thank you for the great work you do on behalf of our communities.

Sincerely,



Patricia Harris
Register of Deeds

Your Deed can be found at the Berkshire Middle District Registry of Deeds
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Pittsfield, MA 01201
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