

**Richmond Conservation Commission Minutes**  
**Tuesday, March 10, 2020 at 7:00 PM. Richmond Town Hall 1529 State Road**

**Call to Order and Introductions:**

- **Mr. Weinberg, Vice-Chair, called the meeting to order at 7:05PM.**
- **Mr. Weinberg made this statement:**

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

No such notification was received.

- Commission Members Present: Adam Weinberg, Vice-Chair; Bob Dahlen; Dan Scorpa; John Scorpa (associate member); Shep Evans (associate member and agent).
- Commission Members Absent: Ron Veillette, Chair; Nick Martinelli; Pat Seckler.
- Applicants and Others Present: Marc Volk, Foresight Land Services; Shannon Boomsma, White Engineering; Amer Raza, Mass DOT Highway Division.

**1. Review & approval of the minutes from the February 11, 2020 meeting.**

Mr. Evans reported that the minutes were in the process of being prepared and would be circulated prior to the next meeting.

**2. Notices of Intent (New/ Continued/ Extensions):**

**2A. Notice of Intent (DEP File # 271-0214)** from Foresight Land Services on behalf of Dennis Kelly, property at 61 Cheever Road, Map 408 Lot 136. The proposed work consists of reconstruction/improvement of an existing residence foundation drainage system including installation of approximately 120 linear feet of solid drainpipe to convey stormwater away from the foundation to a roadside swale, within the Buffer Zone of an Intermittent Stream.

Mr. Weinberg opened the public hearing at 7:16 PM.

Mr. Evans passed out copies of the Notice of Intent submitted by Foresight. A site visit by the Commission had been made earlier in the day.

Marc Volk reviewed the plan, noting that there was a gentle but sufficient slope to the proposed drainpipe from the foundation of the residence to the outfall at the roadside ditch (+/- 3-inch drop in elevation) where a stone apron would disburse the flow. The outfall was noted to be approximately 45 feet from the point where the roadside ditch would empty into the intermittent stream which would pass southerly under Cheever Road.

Mr. Weinberg called for a motion. **Motion by Mr. Dahlen** to approve the project as presented. Mr. Evans added Richmond standard conditions and seconded the motion.

**Unanimous approval.**

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**2B. Notice of Intent (SMA 2-20-20)** from White Engineering, Inc. on behalf of Steven & Michelle Potash, property at 831 East Road, Map 409 Block 21. The proposed work is in response to an Enforcement Order dated January 30, 2020 for violation(s) of the Berkshire Scenic Mountains Act including substantial cutting of trees and other vegetation within a Mapped Scenic Mountain Area without a permit.

Mr. Weinberg opened the public hearing at 7:28 PM.

Mr. Evans passed out copies of the Notice of Intent from White Engineering that was mandated in the January 30<sup>th</sup> Enforcement Order. Shannon Boomsma reviewed the plan, which included an extensive re-planting plan of locally grown apple and mixed hardwood species. The applicant had planned to construct a barn/garage on the property, which was the original motivation for clearing trees. The barn site was identified on the plan and Ms. Boomsma reviewed the stormwater drainage plan to divert any runoff into a fully wooded area down-grade of the residence and barn.

Mr. Weinberg suggested installing an apron of crushed stone around the foundation of the new barn to disburse rainwater falling from the roof and planting some locally grown native ground cover to stabilize the site while the trees are getting established, both of which were mutually agreed. Mr. Evans requested a special condition that the trees be monitored, maintained and replaced when necessary in order to achieve 95% survival at 5 years from planting. It was also mutually agreed that tree stumps in the area where the barn was to be built could be removed, but that elsewhere, stumps could only be cut flush to grade to leave root structures in the ground to provide a measure of soil stabilization in the short to medium term.

**Motion by Dan Scorpa**, seconded by Bob Dahlen, to approve the project with standard conditions and special conditions for planting ground cover, installing a crushed stone apron around the barn, flush-cutting stumps and 95% survival of planted trees after 5 years. **Unanimous approval.**

**3. Requests for Determination of Applicability:**

**3A. Request for Determination of Applicability** from the MassDOT Highway Division, property is the Right of Way for Canaan Road, Route 295, Assessors Maps 405 & 406. The project consists of standard highway resurfacing and related work between State Road and the state line. Mr. Weinberg opened the discussion of the project at 7:52 PM. Mr. Amur Raza of the Mass DOT Highway Division office in Lenox confirmed that this was a standard resurfacing job, with no special structural changes or additions to the existing roadway. He confirmed that the project would not involve any work on the beaver pond impoundment on the north side of the roadway, breached several years ago. He expected the work to be done in 2020 (summer/fall).

**Mr. Evans made a motion**, seconded by Mr. Dahlen to approve the highway resurfacing project with standard conditions. **Unanimous approval.**

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**4. Certificate of Compliance Requests:**

**4A.** Mass DEP # 271-0164 Order of Conditions issued to Mary Blair on June 9, 2011 for re-building a footbridge over Cone Brook at 2533 Swamp Road, Map 411 Lot 52. Site inspection by Mr. Evans on February 27, 2020 indicated that all work regulated by the subject Order was satisfactorily completed.

**Motion by Mr. Dahlen**, seconded by Mr. Weinberg, to issue a Certificate of Compliance as requested. **Unanimous approval.**

**5. Discussion of Violations and/or Enforcement Actions, Superseding Orders, etc.: NONE**

**6. Special Permits, Variances or Appeals Recommendations: NONE**

**7. Open NOI/OOC's & RDAs: Status and Action Items: NONE**

**8. Inquiries to ConCom about future / possible applications:**

**8A.** Request to remove from consideration at this time the replacement of drainage and drainpipe improvements up-grade of the O'Brien cottage at Richmond Pond, and to fill the voids between protruding roots along the path to the rear of the cottage with new soil, setting steppingstones where necessary and maintaining the path with normal weed-whacking and minor hand-pruning, as in years past.

Mr. Evans briefed the Commission on Mr. O'Brien's desire to improve his path while leaving his stormwater drainage issues to be dealt with after as a separate project. The Commission discussed and Mr. Weinberg suggested that Mr. O'Brien should submit his proposal on paper, with some sort of sketch, and the Commission will consider it. Mr. Evans will encourage Mr. O'Brien to submit a Request for Determination.

**9. Richmond Pond Association: Meeting Attendance Report: NONE**

**10. Discussion of OSRP action items: NONE**

**11. Conservation Fund Discussions: NONE**

**12. ConCom Bylaw and Process Update Discussions: NONE**

**13. Citizen Speak Time: NONE**

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**14. Other discussions, items not reasonably anticipated prior to Agenda posting: NONE**

**15. Adjournment:**

**Mr. Weinberg made a motion, seconded by Mr. Evans, at 8:25 PM to adjourn the meeting.  
Unanimous approval.**

**Next Meeting: Tuesday April 14, 2020**

**New Submittals Requested By: Wednesday, 3/25/2020**

**(1) NOTE: Pursuant to MGL. 7c. 30A sec. 20 (f), after notifying the chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body or may transmit the meeting through any medium. At the beginning of the meeting, the chair shall inform other attendees of any such recordings. Any member of the public wishing to speak at the meeting must receive permission of the chair. The listings of agenda items are those reasonably anticipated by the chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law**

  
Chairman