

## Richmond Conservation Commission Minutes

Tuesday, May 12, 2020 at 7 P.M.

This was a zoom meeting held remotely due to the COVID-19 restrictions

### Call to Order and Introductions:

- Mr. Veillette opened the meeting at 7:25, took a while to get all members online.
- Mr. Veillette made the statement that the meeting was being recorded  
“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: Ron Veillette-Chair, Adam Weinberg, Vice-Chair; Bob Dahlen; Dan Scorpa; John Scorpa (associate member); Par Seckler, Shep Evans (associate member and agent).
- Commission Members Absent: None
- Applicants and Others Present: Steve Mack & Maureen Jacoby (Foresight Land Services); Jim Scalise SK Design, John Reynolds, Ina Wilhelm, Claudia Ryan (recording secretary)

### 1. Review & approval of the minutes from the February 11, and March 10<sup>th</sup>, 2020 meeting.

Mr. Veillette made a motion to approve the March 10<sup>th</sup> minutes, it was seconded by Mr. Dahlen, a roll call vote was taken and it passed unanimously.

Mr. Veillette made a motion to approve the February 11<sup>th</sup> minutes, it was seconded by Mr. Dahlen, a roll call vote was taken all votes to approve except Mr. Seckler who abstained.

**Mr. Veillette made the statement that only permanent members of the Commission will be able to participate in this hearing, (no associate members). He then opened the hearing and read the Notice of Intent. Mr. Veillette stated that the applicant will present the project and talk about the site visit. The Commission will be presenting questions that will need to be answered prior to the next ConCom meeting.**

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

- a. **Notice of Intent (DEP File # 271-0215)** from Foresight Land Services on behalf of Co-Applicants Peter & Preciosa Krause, Daniel Brook & Fred Merritt and Alan Kluger & Amy Dean, Property at 851 Lenox Road, Map 408 Lots 109 and 110/110.1. The proposed work consists of camera inspection of Rose Pond Dam Outlet Structure and related site work.

Open Public Hearing 7:35

Explanation of Project

Speak in Favor /Opposition

Motion to Close/Continue Public Hearing

Motion re: Findings

Motion re: Approval/Denial/Continuation

Mr. Mack (Foresight land Services) spoke on behalf of the Co-Applicants. He explained that Rose pond which is a 1.5acre pond with Lenox Road to the west and East Road to the north. It is owned by the surrounding property owners who are the applicants. The dam discharges

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downstream, there is a beaver dam that is also controlling some of the water containment but it is leaking. The riser structure is rusted out and the horizontal pipe is below the water level so it is not visible. They want to run a camera into the horizontal pipe so that the condition of the pipe can be determined. They need to put in a dewatering system to lower the water level enough to put a camera into the pipe. They will just plant grass in the disturbed areas and dam edge until they can determine what is needed to fix the dam.

Mr. Veillette asked the members if they had any questions for Mr. Mack. Mr. Weinberg, Mr. Seckler, Mr. Dahlen and Mr. D. Scorpa all said they did not have any questions at this time. Mr. Veillette stated that Rose Pond is a wonderful wetland system and that something definitely needs to be done to fix the dam situation.

Mr. Veillette presented Mr. Mack with questions that needed to be answered prior to the next ConCom meeting.

### **Questions: 4 parts: (A. Objective, B. Pre-Construction, C. Excavation/Inspection & D. Restoration)**

#### **A. What are inspection objectives I. E Pipe Integrity, Clogging, ETC.**

##### **B Pre-Excavation Preparations**

- 1) Will mats be used on "Access for Equipment" paths if wet/muddy? Especially in buffer zone. Exhibit F-3
- 2) What size machine?
- 3) Is area to the south of Wetland Markers B1-B12 BVW and is it marked? Not Clear on Exhibits F-1 & F-2
- 4) What is the work limit line? It is not marked. Exhibit F-2
- 5) How will outlet/backside of dam on the steep slope above the pipe outlet (Access/Staging area) be protected from damage during excavation? The area is outside the depicted excavation limit Line. Exhibit F-2
  - a) Can machinery be safely operated on this slope without modifying the slope? What is the slope? What are the slope limits for the excavation machine? If so steep, that a staging platform is required, how made?
  - b) Will stumps of cleared bushes & trees remain to hold soil?
- 6) Can the equipment "Access/Staging" path/area be moved to the West of the pipe so as not to be on top of the outlet pipe to minimize risk of damaging the buried pipe? Exhibit F-2
- 7) Cleared area to the East of access seems excessive for amount of spoils expected and dewatering pump access. Can it be reduced? Exhibit F-2

##### **C Excavation & Inspection (Exhibit F-2)**

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- 1) Can the excavations be done by hand digging as there is only about 49Sq.Ft. (~5-6 Cubic Feet to excavate for access to assumed outlet pipe?  
This would mitigate damage to dam bank and surrounding area.
- 2) How would bank above exposed outlet pipe be stabilized during/after excavation?  
Disturbed bank appears to be too steep for silt fence or wattles to hold back especially with significant rain event.
- 3) Is it possible that Dam outlet pipe can/might be cleared of silt during excavation, dewatering and inspection? This would lead to excess water being drained from pond and therefore reducing pond water level?
  - a) Why cannot Dam Inlet pipe area be plugged & then filled/stabilized up to at least to or greater than the mean historical highwater mark of the pond in order to prevent additional/inadvertent draining of the pond. This should remain in place until next actions are determined.
  - b) Will not the existing East & West natural spillways protect dam from major storm events?
  - c) There currently is significant leaking of water through/around the upper beaver dam into the failed pipe inlet area through the Dam around /through the existing dam pipe. Yes/No?

### D Restoration Mitigation Measures

- 1) Should not the stabilization revegetation of the areas cleared of small trees and shrubs include woody vegetation rather than just grass mats due to the steep slope? (Exhibit F-2 & NOI Exhibit B, Pg4)
  - a) Need vegetation planting plan to restore cleared areas of dam bank.

After presenting Mr. Mack with the questions Mr. Veillette made a motion to continue the public hearing to the June ConCom meeting. The motion was seconded by Mr. Weinberg. A roll call vote was taken, Mr. Weinberg, Mr. Seckler, Mr. Dahlen, Mr. D. Scorpa, Mr. Veillette all vote aye for it.

### 3. Requests for Determination of Applicability:

- a. **Request for Determination of Applicability** from John & Valerie Reynolds, property at #42 Lake Road Extension, Map 102 Lot37. The proposed work consists of removal of an old pressure treated wooden dock, and replacing with a seasonal dock made of a galvanized steel frame with feet to rest on the lake bottom and decking of molded high impact polymers constructed in sections which will all be removed and stored on dry land during late fall & winter seasons. Access to the dock will be by a ramp which will simply rest un-attached on the existing stone structure at the shoreline.

Mr. Veillette stated that all members could be involved with this request.

Mr. Reynolds spoke about why he wanted to make this change to his dock. He stated that the existing dock was very old, could not be removed during the winter months and that it will be replaced with a newer smaller dock (54 ft long with an 8 ft x 8 ft platform at the end).

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Mr. Veillette asked the members if they had any questions for Mr. Reynolds. Mr. Weinberg asked about the footings that would rest on the lake floor and was told that they would be very large circular footings to prevent sinking into the lake floor. Mr. Evans said it was a very good plan and that it should be done. Mr. Scorpa asked how it was to attach to the shore and he was informed that it will just rest on the stonewall which makes up their bank. There will be no permanent pilings.

Mr. Veillette recommended that native low shrubs be planted along the bank to keep geese off the grass. Mr. Reynolds stated that they did not have a problem with geese due to the stonewall bank. Mr. Veillette made a motion for a Negative 3 Determination. Mr. Dahlen seconded it. A roll call vote was taken, all members voted aye. Mr. Evans told Mr. Reynolds that he can put the dock in once he gets the paperwork from him. He was informed that he does need to speak to Danielle Filio since she is the Harbor Master to deal with Chapter 91 permitting

#### **4. Certificate of Compliance Requests: None**

#### **5. Discussion of Violation and/ or Enforcement Actions, Superseding Orders:**

- a. **Stop work/Enforcement Order** issued at 220 Shore Road, Map 101 Lot 57. Silt fence was badly installed, DEP File Number sign missing, etc.

Mr. Evans told the members that the contractor reinstalled silt fence put the sign up and now in compliance.

#### **6. Special Permits, Variances or Appeals Recommendations: None**

#### **7. Open NOI/OOC's & RDAs: Status, Inspections and Action Items: None**

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

- a. **Coming in the Spring 2020**, from David O'Brien, property at 268 Branch Farm Road, Branch Farm Condo Association, Map 102 Lot2. An RDA for reworking a path to Richmond Pond Shore.

- b. 0 West Road Driveway Permit & site plan review**

Mr. Veillette asked Mr. Evans about the site plan, Mr. Evans informed him that no wetlands were involved.

- c. 0 Swamp Road Driveway permit & site plan review**

Mr. Evans stated that he was at the work site 4 times and no wetlands were involved.

Mr. Veillette stated he would like to see the site plan.

Mr. Evans suggested to Mr. Veillette that if would like to see site plans for new driveways he should contact the Planning Board and request that they submit copies to the ComCom.

#### **9. Richmond Pond Association: Mtg Attendance Report, if any.**

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Mr. Dan Scorpa stated that it was a Zoom meeting and he was not present. It was noted that Mr. Ken Kelly (head of the association) remarked favorably about how the ConCom was working with residents to plant shrubs for keeping the geese population down.

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

**11. Conservation Fund Discussions: None**

**12. ConCom Bylaw and Process Update Discussions:** Establishing non-criminal citation capability for Commission use with Wetland Regulations and Bylaw violators. **Status**


Mr. Veillette stated that is was being worked on and that it will be on the town warrant for a vote at town meeting.

**13. Citizen Speak Time: no speakers**

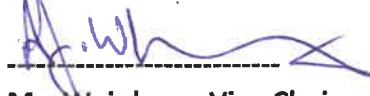
**14. Other discussions including items not reasonably anticipated prior to Agenda posting: None**

**15. Adjournment:** Mr. Veillette stated that the next meeting will be Tuesday June 9<sup>th</sup>, he then made a motion to adjourn the meeting, it was seconded by Mr. Weinberg and all members voted aye by roll call.

**(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



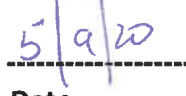
Mr. Veillette -Chair



Mr. Weinberg -Vice Chair



Date



Date

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