

Richmond Conservation Commission Minutes

Tuesday, June 9, 2020 at 7 P.M.

This was a Zoom meeting and it was done remotely due to the COVID-19 restrictions

Call to Order and Introductions:

- **Mr. Veillette opened the meeting at 7:12**
- **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, Shep Evans (associate member and agent).
- Commission Members Absent: Pat Seckler
- Applicants and Others Present: Steve Mack (Foresight Land Services); Jim Scalise (SK Design), Steve Hertzog (Wood Environment & Infrastructure Solutions, Inc), Claudia Ryan (recording secretary)

1. Review & approval of the minutes from the May 12, 2020 meeting.

Mr. Veillette made a motion to approve the May 12th minutes, it was seconded by Mr. Weinberg, a roll call vote was taken and it passed unanimously.

Mr. Veillette made the statement that only permanent members of the Commission will be able to participate in the (following NOI) hearing, (no associate members). He then reopened the hearing and read the Notice of Intent. Mr. Veillette stated that the applicant had emailed the answers to the Commissions questions and that he forwarded them to the Commission members, but it just happened a couple of hours prior to the scheduled meeting. He also asked if there were any lawyers participating on the Zoom meeting. There was no response.

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.
Continued from May 12, 2020.

Mr. Veillette stated that Rose Pond is a beautiful wetland system and that something definitely needs to be done to fix the dam situation.

Mr. Veillette put up the questions and answers that were emailed to him that afternoon on the screen so that all Members could read the answers as Mr. Mack explained them.

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Mr. Mack (Foresight Land Services) spoke on behalf of the Co-Applicants. He explained that the answers were delayed in getting back to the Commission because they were done with input from the applicants, Foresight Land Services and SK Design.

This is the first page of the letter sent to the Commission with the answers to their questions. The entire letter is an attachment to these minutes.

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**FORESIGHT
LAND SERVICES, INC.**



ENGINEERING · SURVEYING · PLANNING · ENVIRONMENTAL SERVICES

Robert E. Hoop
Steven A. Mack, P.E.*
Marc S. Fall
Marc A. LeVasseur

June 9, 2020

Ron Veillette, Chairman
Richmond Conservation Commission
Richmond Town Hall
1529 State Road
Richmond, MA 01254

Re: DEP File# WE271-0215
Notice of Intent for Proposed Camera Inspection of Rose Pond Outlet
Response to Commissioner Questions

Dear Chairman Veillette and Commissioners:

We have reviewed the questions received at the Conservation Commission meeting on May 12, 2020 regarding the proposed Rose Pond Camera Inspection work. We have listed your question in italics, and responded below each question.

A. PROJECT OBJECTIVES

A1. What are the inspection objectives (i.e. pipe integrity, clogging, etc?)

Response: The objectives of the camera inspection were described in the narrative dated February 25, 2020, and are enumerated here:

1. Determine the size (diameter) and location (depth below ground surface) of the horizontal outlet pipe, as both ends are currently underwater;
2. Determine the condition of the horizontal outlet pipe. Conditions that may be encountered include but are not limited to: plugging with dirt or vegetation, cracking or separation, compression/crushed/rusted pipe, etc.
3. Using this information we will collaborate on possible solutions/improvements/repairs, if any are required.

B. PRE-EXCAVATION PREPARATIONS

B1. Will mats be used on "Access for Equipment" paths if wet/muddy? Especially in the buffer zone.

Response: On page 5 of the narrative under the Proposed Work section it is stated: "Prepare access and transport necessary materials to the work site using low ground pressure track machines." and "Work shall be done during an extended dry period." Given these directives, the work and site conditions should not warrant the use of temporary construction mats. Additionally, the work is such that there will not be continual traffic in and out of the site.

Professionals Registered in Massachusetts and New York*

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Mr. Veillette asked Mr. Mack how they will determine the condition of the pipe. Mr. Mack replied that basically viewing the pipe once the water is drained will allow them to be able to determine its condition. Mr Veillette was concerned that there should not be any destructive analysis of the pipe. Mr. Mack stated that since it has been dry recently this would be a very good time to do the work since the water level is in a lower state due to the lack of rain. He feels that it is best to work in dry

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conditions and that it will not be a be a very prolonged job and it will have minimal impact on the environment.

Mr. Veillette asked Mr. Mack about the size of the excavator that they intend to use. Mr. Mack replied that it will be a small to medium sized one and that it will straddle the pipe so as not to damage it. There was some discussion as to whether an excavator might not even be needed that possibly they could do it by hand. The shrubs that are now on the pond dam are mostly invasive species and they plan on removing those within the Work Limit Line and replanting with conservation seed mix. Mr. Veillette asked about replanting with trees and he was informed that tree roots can damage earthen dams.

Mr. Veillette asked about what they plan on doing in case when they clean out the pipe the water starts to pour out of the pond, did they have any contingency plans ready for that. Mr. Veillette asked Mr. Mack what they plan on doing as the next steps and Mr. Mack stated that as of now they didn't have any exact plans because they felt that until they can actually see the condition of the pipe and dam they don't want to speculate as to what the next steps will be.

Since there are several issues that the presented plans do not cover it was decided that Mr. Mack will update the drawing and make notes on the plans to be submitted to the Commission.

- 1.The Limit of Work Line will be marked on the plan
2. The tree stumps will remain (Mr. Mack informed the commission that no tree had a diameter greater than 6inches) and shrubs will be flush cut.
- 3.The work will be done by hand if possible
- 4.Contingency Plan for what the contractor will do in case of a major leak from the pond.

It was also discussed that the engineers are to make sure that the contractors have very detailed plans and that there is to be a meeting with contractors, engineers and the Commission's representative(s) prior to work actually starting so that all parties know exactly what work will be done and done properly.

Upon receiving the update plans with the requested notes Mr. Evans will write up an Order of Conditions.

Mr. Dan Scorpa asked Mr. Mack if they knew who the contractor would be and he was told they have not yet hired one.

Mr. Veillette made a motion to approve the NOI with the condition that the commission receives the updated plans with all the requested drawing updates and notes before the Order of Conditions is issued. Mr. Weinberg seconded it and a roll call vote was taken and all voted aye.

3.Requests for determination of Applicability:

a. **Request for Determination of Applicability** from Wood Environment & Infrastructure Solutions, Inc. on behalf of CSX Transportation, Inc. The subject property is the entire railway Right-of- Way through Richmond. The applicant is seeking a determination whether the boundaries of wetland

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resource areas depicted on 15 plans and/or maps submitted by the Applicant are accurately delineated.

Mr. Steve Hertzog from Wood Environment & Infrastructure Solutions, Inc. spoke on behalf of the Applicant. He stated that CSX owned the tracks from NY state line to Worcester MA. That every year they spray herbicide on the weeds growing by the track bed and that every 5 years they must go to the towns with an updated weed management program.

Mr. Hertzog presented the commission with maps (very small ones) that supposedly showed the wetland areas and bodies of water that the tracks pass by and the distance they are from the tracks. Mr. Mack was asked how old the maps were and he stated that the work for them was done at least 6 years prior to this year, since they are the maps that were used the last time they came before the commission which was 5 years ago.

Mr. Evans stated that the boundary lines of the wetlands and water bodies are not consistent with the GPS readings that were taken. Mr. Evans stated that the ConCom is being asked to confirm the maps are correct when there is a notation on the maps that states they are not accurate. Mr. Shep suggested that the best solution would be the hiring of a third-party peer reviewer, a person who is a wetland scientist and can accurately determine the wetland and water body boundaries. This is the right of the Commission. The specialist will be paid for by the applicant. The ConCom hires the specialist and the money is paid to the town by the Applicant, it is put into an escrow account.

Mr. Veillette asked if they plan on using the same herbicides as they did last year. Mr. Hertzog stated that they don't always use the same one but that all the herbicides they use are on the Massachusetts list of allowed chemicals to be used and have the least impact on the environment. Mr. Veillette asked if they consider all the wells that are in Richmond and Mr. Hertzog stated that there is 400ft from a public well and he thought a 50ft distance from private wells (needs to be verified) that cannot be sprayed.

Mr. Veillette made a motion that the meeting be continued and a third-party wetlands specialist should be hired to determine the wetland and water boundaries. It was seconded by Mr. Weinberg and a roll call vote was taken, all voted aye.

4. Certificate of Compliance Requests: None

5. Discussion of Violations and/ or Enforcement Actions, Superseding Orders:

During a site visit to check erosion control barriers, Mr. Veillette noted that 1110 Lenox Road driveway construction had not followed the NOI plans that the ConCom had approved, Mr. Veillette pointed out that there should have been a backup layer of straw bales from Station 1.75 to station 2.30 along the outside curve of the new driveway. Mr. Evans told them to fix the erosion control barriers to comply. Subsequently they did fix the barrier to the ConCom's requirements. Mr. Veillette also noted that he felt more trees were cut down than were necessary for the driveway but that issue occurred because the engineers had not delineated a limit of work lines on plans for the contractor.

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6. Special Permits, Variances or Appeals Recommendations: None

7. Open NOI/OCC's & RDAs: Status, Inspections and Actions Items: None

8. Inquiries to ConCom about future/ possible applications: None

9. Richmond Pond Association: Mtg Attendance Report.

Mr. Dan Scorpa said he did not attend last zoom meeting. Mr. Veillette noted that RPA president, Ken Kelly is pushing our position of planting native shrubs to keep the geese off waterfront lawns & grassy areas.

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

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

Mr. Veillette mentioned that members should attend the Town Meeting on Wednesday June 17 because there is a warrant item to be voted on that will allow for the town to levy non criminal fines for noncompliance with Town Regulations and Bylaws.

He also mentioned that the BNRC will be having a walk- through of the land on Saturday June 20th, Berkshire Farm Forrest, that was purchased last year. All members are invited.

Mr. Evans noted that very soon there will be several Certificates of Compliance that will be issued on very old projects.

15. Adjournment: Mr. Veillette stated that the next meeting will be Tuesday July 14, he then made a motion at 8:30P.M. 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

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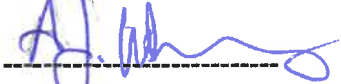
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must receive permission of the chair. The listings of agenda items are those reasonably anticipated by the chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted



Mr. Veillette -Chair



Mr. Weinberg -Vice Chair



Date



Date