

Richmond Conservation Commission

Minutes

Tuesday, June 14, 2022

Meeting to be held remotely due to the COVID-19 restrictions.

An Executive Order from the Governor of Massachusetts relieves public bodies from the requirement in the Open Meeting Law that meetings be conducted in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body in real time. In addition, all members of a public body may participate in a meeting remotely; the Open Meeting Law's requirement that a quorum of the body and the chair be physically present at the meeting location is suspended. All other provisions of the Open Meeting Law, such as the requirements regarding posting notice of meetings and creating and maintaining accurate meeting minutes, as well as the limited, enumerated purposes for holding an executive session, remain in effect.

Mr. Veillette stated that the meeting was being recorded and asked if anyone else was recording it. No one else was.

Members present: Ron Veillette-Chair, Tom Potter, Ernie Smith, John Scorpa, Shep Evans(agent)

Members absent: Adam Weinberg, Pat Seckler, Bob Dahlen (associate member), Kristian Marzotto(resigned)

Other participants: Marc Scoco (SK Design Group), Shannon Boomsma(White Engineering), Ben Regusa, Maureen Donovan, Robert Lowell(DCR), Richard and Holly Stover, Roger Manzolini(selectman)

Mr. Veillette opened the meeting at 6:32 PM

1. Review & approval of the minutes of the May 10, 2022 meeting.

Mr. Veillette made a motion to approve the May 10th minutes. It was seconded by John Scorpa and passed unanimously by roll call vote.

2. DPW Items

a. Requests for Determination of Applicability: None

b. Notices of Intent

i **Notice of Intent, DEP File # 271-0219:** Bundled Notice of Intent from Foresight Land Services on behalf of the Town of Richmond Department of Public Works. The property consists of various locations on local roadways in the Town of Richmond. The proposed work consists of routine maintenance and repairs to various elements of the roadway system. This public hearing was conducted in accordance with the Massachusetts Wetlands Protection Act and the Richmond Local Wetland Bylaw. At the applicant's request, **continued from the January 11, 2022 meeting.** Mr. Veillette made a motion to continue the public hearing to the July 12th meeting. It was seconded by Mr. Scorpa and passed unanimously by roll call vote.

c. **Emergency Certifications Ratification:** 5 Walnut Rd, Working from Town Beach Rd. - 2 Dead tree removals. Nothing new

3. Requests for Determination of Applicability New/Continued/Extensions (Non DPW): NONE

4. Notices of Intent (New/Continued/Extensions):

a. **Notice of Intent, DEP File # 271-0229** from White Engineering on behalf of Vincent & Shawna Stango, property at 951 West Road, Map 407 Lot 56. The proposed work consists of removing from a private pond on the property accumulated sediment and road material deposited by a hurricane in 2012, restoring the historic flow into the pond from Furnace Brook, restoring the dam and spillway to re-

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establish control over pond water levels and related site work. **Continued from May 10, 2022.**

Ms. Shannon Boomsma (White Engineering) spoke on behalf of the applicant. She stated that the State DEP was waiting for the Orders of Conditions from the Commission prior to giving a water quality certificate. She stated that the town has completed the work on the culvert across the road from the property. Mr. Veillette, because of the delay in receiving an input on the water quality certificate and the fact that there were now 2 new members on the Commission, requested that another site visit be scheduled before continuing the hearing.

Ms. Boomsma, also stated that the applicant for the separate NOI for the work on the building (previously Approved **Notice of Intent, DEP File# 271-0228** from White Engineering, property at 951 West Road, Map 407 Lot 56). The proposed work consisted of partial demolition and construction of an addition to an existing single-family house in the Buffer Zone and the Outer Riparian area of a private pond). She stated that the work has begun on the building, which the Commission had previously permitted, needed to be amended due to the need for a greater amount of frost wall than was originally permitted by the Commission. There is a request for approximately 600sq. ft. more building footprint with frost wall than previously permitted. Mr. Evans stated that this is a change of significance due to its location in the buffer zone and outer riparian zone, which would require an amended NOI. Mr. Veillette made a motion to continue the hearing requiring an amended NOI and that a site visit would be made, probably on July 7 with the hearing continuing on July 12. The motion was seconded by John Scorpa and passed unanimously by roll call vote.

b. Notice of Intent, DEP File # 271-0232 from SK Design Group on behalf of Charles Gowen, property at 525 Canaan Rd, Map 406 Lot 6. The proposed work includes construction of a garage as an addition to the existing house, related site work and maintenance of the existing fire storage impoundment. The Commission conducted a site visit on Thursday, April 7, 2022. **Continued from May 10, 2022**

Mr. Veillette stated the project was approved at the May 10th, meeting but the special conditions needed to be given in this meeting for the project to proceed. Mr. Veillette stated that he had sent the special conditions to the Commission members for them to review. He then read off for the members and Mr. Scoco (SK Design Group, who was there on behalf of the applicant) what the special conditions were for this project. Mr. Scoco asked if it was common for the Commission to require a 2 for 1 for replacing of trees in a project. Mr. Veillette stated that so many full-grown trees were being removed and replaced with small young trees that he felt that a 2 for 1 was appropriate for this project to restore the canopy. Mr. Veillette made a motion to approve the special conditions as read. The motion was seconded by Mr. Scorpa and passed unanimously by roll call vote. Mr. Veillette made a motion to close the public hearing, it was seconded by Tom Potter and passed unanimously by roll call vote. Mr. Scoco stated that the revised planting plan would be produced and delivered to the Commission prior to work beginning.

5. Certificate of Compliance (CoC) Requests: At the Levy property, 20 Swamp Road, Map 102 Lots 53 & 54. Three Orders of Condition: DEP #271-0192; DEP #271-0202 and DEP #271-0210. The Commission conducted site visits on Thursday, April 7, 2022 with Matthew Puntin P.E. from S-K Design Group, Inc. **ConCom voted approval at April 12, 2022 meeting.**

Mr. Veillette stated that they are awaiting issuance by Mr. Evans and then signatures by the Commission members.

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

a. View Drive Fire Tower Pole Line Easement Violation: Enforcement Order Status,

Continued from June 22, 2021 with the expectation that DCR would present a restoration plan for acceptable to the Commission and which DCR is prepared to implement in the 2022 growing season. Awaiting more complete details including plantings and retention of a peer reviewer to advise the Commission. **Continued from February 8, 2022.**

Mr. Lowell (DCR) explained to the Commission what was happening with the restoration project. He stated that they have reached out to their environmental specialists for a more specific planting plan. He stated that a planting plan had considered comments from the abutters and the Commission. Mr. Veillette asked if the work will be done in this planting season, Mr. Lowell stated he hoped it would begin this planting season. Mr. Evans stated that he felt that there wasn't enough information in what has been presented to the Commission for their peer reviewers to accurately review and advise the Commission. Mr. Lowell asked the Commission about their ideas on the matrix that DCR had sent. Mr. Evans stated that the Commission hadn't received a planting matrix from DCR. Mr. Lowell displayed the planting matrix for the Commission to review and explained it to them. Mr. Veillette asked Mr. Lowell about a plan for monitoring the plantings over the years to come. Mr. Lowell stated a plan for monitoring had not yet been developed. Mr. Veillette stated that the matrix would be needed to be sent to the consultant for review. Mr. Veillette made a motion to continue the hearing to the July 12th meeting. The motion was seconded by Mr. Potter and passed unanimously by roll call vote.

b. 159 Willow Drive Enforcement Order Status, awaiting status re: ZBA Filing for Special Permit as required by Building Inspector. **Continued from May 10, 2022**

Mr. Veillette stated that he spoke with the chair of the ZBA about their upcoming public hearing concerning this property. Mr. Veillette stated he explained the Commission's issues concerning this property. Mr. Evans stated that the Commission is waiting for the outcome of the ZBA Public Hearing and the zoning/building permits that will be issued for the property.

Mr. Manzolini asked about whether abutters to the property have been notified. Mr. Veillette stated that it is a requirement that the applicant notify abutters who are within 300 ft. of where the work is being done. He also stated that it is advertised in the Berkshire Eagle.

c. 5 Walnut Rd & Adjacent Lots, Town Beach Road, Violation / Enforcement Order issued to Alex Haidar, Land Clearing in BW and Buffer Zone. Site plan has been produced by Berkshire Engineering, and site visit had been conducted on May 9th by Tom Ingersoll pursuant to developing a restoration planting and stewardship plan. Mr. Evans stated that an emergency order was given for the removal of 2 dead trees.

7. Special Permits, Variances or Appeals Recommendations:

- a. 159 Willow Rd, Richmond Shores applicant appeal to ZBA scheduled for 27 June.

8. Open NOI/OOCs, RDAs: Status, Recent In-process Inspections and Action Items:

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- a. Dublin Rd bridge post construction – awaiting completion of planting by the Town
Awaiting a planting plan

9. Agent Report

- a. Site Plan reviews; b. Other Board Permit reviews c. Miscellaneous d. Open Issues
Nothing new

10. Richmond Pond Association: RPA Meetings will resume April 2022

- a. Report out by Tom Potter on May meeting

Mr. Potter stated that they will not be doing a weed treatment to the pond this year due to Natural Heritage refusing to sign off because of the Bridle Shiner fish which inhabits the pond, it is on the endangered species list for the state. The Association will continue with the hand pulling of weeds from the canal, the portion that wasn't done last year. They are not really very pleased with the results because the weeds are coming back very rapidly.

11. Discussion of Open Space and Recreation Plan action items:

- a. Conservation Land/Fund Discussions: Richmond Shores Parcel 101.0-0142-0000.0, Corner of Shore & Beach Rd and Shore Line up to Town line approved for Conservation by Select Board and West Shore Proposed Lot Survey: Mr. Evans stated that the surveyor is having issues with the railroad right of way that it is a difficult process but he is working on it.

12. Citizen Speak Time / Commission Speak Time / Press Speak Time :None

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

- a. Awaiting response from DEP re an RDA from Wood Environment & Infrastructure Solutions on behalf of CSX Transportation seeking certification of resource area boundaries.
- b. Discussion of replacement of Kristain Marzotto
Mr. Marzotto had to resign due to being transferred, Mr. Veillette asked the Commission members if they knew of any resident who would want to be on the Commission. No one had anyone to recommend.

14. Bylaw/Process/Operating Instructions Change Discussions:

- a. Filing Instructions for applicants-Update

Mr. Veillette stated that he created an updated version of the filing instructions. He previously sent them to the members for their review. Mr. Veillette made a motion to approve the new filing instructions, the motion was seconded by Mr. Potter and passed unanimously by roll call vote.

- b. Standard Conditions: Update

Mr. Veillette state that he wanted to update the Standard Conditions with several of what are usually put under the Special Conditions category since they are just about always included as a condition for NOIs. Mr. Veillette had sent out a draft copy of the new Standard Conditions for the Commission to review for discussion at the next meeting. Holly Stover requested a copy.

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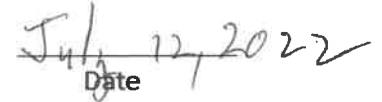
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15. Adjournment

Hearing no objections, Mr. Veillette adjourned the meeting at 8:08PM



Mr. Veillette-Chair


Date