

Richmond Conservation Commission Minutes

Tuesday January 11, 2022 at 7 P.M.

This was a zoom meeting, it was done remotely due to the COVID-19 restrictions

Call to Order and Introductions:

- **Mr. Veillette opened the meeting at 7:00PM.**

“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.”

- Commission Members Present: Ron Veillette-Chair, Shep Evans (agent), Alison Cole (associate member), John Scorpa, Pat Seckler, Bob Dahlen(arrived late), Adam Weinberg(arrived late)
- Applicants and Others Present: Holly Stover, Marc Levasseur (Foresight Land Services), Robert Lowell (DCR Engineer), Nancy Putnam (DCR), Shannon Boomsma (White Engineering), Ernie Smith, Ted Moller, Bridgette Terrancinto, Holly & Dick Stover, Devon Greirson (lawyer for Theodore Moller), Tom Lautzenheiser (Mass. Audubon), Ernie Smith

1. Mr. Veillette made a motion to approve Dec. 14, 2021 minutes. Alison Cole seconded, it passed unanimously by roll call vote.

2. DPW Items

a. **Requests for Determination of Applicability: None**

b. **Notices of Intent**

i. **Notices 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 to the December 14,2021 meeting.**

Mr. LeVesseur requested a continuation of this hearing on behalf of the applicants. Mr. Veillette made a motion to continue the hearing to the February 8, 2022 meeting. The motion was seconded by John Scorpa and passed unanimously by roll call vote.

c. **Emergency Certifications Ratifications: None**

d. **Housatonic Valley Association Stream Crossing Inventory Discussions.**

Mr. Veillette stated that there was no new information to report to the Commission

3. Requests for Determination of Applicability New/Continued/Extensions (Non DPW):

a. Request for Determination of Applicability from Berkshire Engineering on behalf of Thomas Casey, property at 311 Yokun Road, Map 404 Lot 52. The proposed work consists of constructing an upgrade to a Subsurface Disposal System within the Buffer Zone of an Intermittent Stream. This public meeting was conducted in accordance with Massachusetts Wetlands Protection Act and the Richmond Local Wetlands Bylaw.

Approved and Continued, issuance as a negative #3 contingent upon receipt of revised plan showing erosion controls.

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Mr. Evans stated that the Commission has not yet received the revised plans therefore the applicant has requested a continuation until next month. Mr. Veillette made a motion to continue the RDA until the February 8, 2022 meeting. It was seconded by Ms. Cole and passed unanimously by roll call vote.

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

a. **Notice of Intent, DEP File #271-0228** from Foresight Land Services on behalf of Theodore Moller, property at 950 West road, Map 407 Lot23. The work , which has already been completed, consists of extending an existing driveway and related sitework with the 100ft. buffer zone of a Boarding Vegetated Wetlands and 200ft Riverfront Area of a perennial stream. The applicant sought to retroactively secure a permit for this work. The hearing was conducted under the Mass. Wetlands Protection Act and Richmond Wetland Bylaw.

Mr. Veillette stated that the only driveway that was previously permitted by the Conservation Commission was the driveway for lot#4, the planning board might have had plans that showed proposed driveways for other lots, but they were not permitted by the Conservation Commission. The Certificate of Compliance that the applicants have referenced was for the completion of the single permitted driveway, it could not have been for a driveway that was never permitted or completed. The Commission doesn't give a Certificate of Compliance for work that might be done in the future.

Marc LeVesseur (Foresight Land Services) spoke on behalf of the applicant he disagreed with the conclusion that the Commission came to about the Certificate of Compliance not considering future driveways being constructed. Mr. Evans stated that the house is now located in a much different place on the property than was on the original plan and that the driveway to the originally proposed house would have the driveway in a different location than it is now and would not have been in the Buffer Zone, BVW or Riverfront as it is now. Mr. Grierson stated that a satellite photo of the property shows a driveway constructed prior to the applicant's ownership of the property. Mr. Evans stated that those photos are notoriously inaccurate and cannot be used as evidence of a prior driveway. It was showing an old logging road not a driveway. Mr. Grierson stated that the applicants would be willing to do some remediation to the property but want to keep the existing driveway. Mr. Veillette explained that the driveway was never permitted by the Commission that just because the Planning Board had a plan that showed a possible future driveway on it that it didn't mean that it was permitted. The original permit issued by the Planning Board stated that the Conservation Commission had final approval and all the Conservation Commission permitted and approved was the driveway for lot#4. Mr. Veillette stated that the Commission wants the driveway taken out of the BVW and Riverfront areas and that remediation of that area need to be done. Mr. Veillette pointed out that there was meadow that they could have used for the driveway avoiding the BVW and Riverfront areas of the property. He stated that if they did not agree to that then their permit would be denied. Mr. Veillette asked Ms. Stover who was chair of the Conservation Commission at the time of the original permit if more than the single driveway was being permitted. She stated the permit issued in 2007 was just for the driveway to lot #4. Mr. Evans stated the Certificate of Compliance issued in 2009 was just for the driveway for lot#4. Mr. Evans suggested that the Commission continue the hearing allowing the applicants to come back with a revised plan. Mr. Veillette made a motion to continue the hearing to the February 8, 2022 meeting. It was seconded by Mr. Weinberg and passed unanimously by roll call vote.

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4b. Notice of Intent, DEP File # 271-0227 from White Engineering on behalf of Vincent & Shawna Stango, property at 951 West Road, Map 407 Lot 56. The 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 reestablish control over pond water levels and related site work. This hearing was conducted under Mass. Wetlands Protection Act and the Richmond Wetland Bylaw. **Continued from Dec14, 2021 meeting.**

Mr. Veillette made a motion to continue the hearing until the February 8, 2022 meeting since they must wait until they receive the water quality certificate prior to making any decisions . The motion was seconded by Mr. Weinberg and passed unanimously by roll call vote.

4c. Notice of Intent, DEP File# 271-0228 from White Engineering on behalf of Vincent & Shawna Stango, property at 951 West Road, Map 407 Lot 56. The proposed work consists of partial demolition and construction of an addition to an existing single-family house in the Buffer Zone of a private pond. This hearing was conducted under the Mass. Wetlands Protection Act and the Richmond Wetland Bylaw. **Continued from December 14, 2021 meeting.**

Ms. Boomsma spoke on behalf of the applicants. Ms. Boomsma displayed a revised and enlarged plan of the project for the Commission. One of the issues with the house is it has a major mold and mildew contamination. They need to remedy the issue. Ms. Boomsma explained that they were adding 484 sq. ft of impervious roofing to the building so to compensate for the additional roofing the plans show that a rain garden of 484 sq. ft. will be installed by the pond's bank. There was a planting list on the revised plan. She stated that stone will be put around the base of the house with a perforated drainage pipe in it to collect the runoff from the roofs and direct to the raingarden. The raingarden will filter both the ground water runoff and runoff from the roofs. The revised plan shows where silt fence will be placed and where they might stock pile any removed soil and debris, this would be covered with a tarp and have silt fencing around it. It would be placed outside of any conservation jurisdictional areas. Mr. Veillette asked about what they plan on doing under the new screened porch and covered ramp. Ms. Boomsma stated stone will be placed under those structures, so they will remain pervious. Ms. Boomsma stated that no additional comments were received from DEP. Mr. Evans stated that the plans Ms. Boomsma presented were not detailed enough for the Commission to be able to vote on the NOI. Ms. Boomsma stated that she had a set of multi-page architectural plans she would send to the Commission for further detail of the project. Mr. Veillette made a motion to continue the hearing to the February 8, 2022 meeting. The motion was seconded by Mr. Dahlen and passed unanimously by roll call vote.

4d. Notice of Intent, Dep File # 271-0231 from Foresight Land Services on behalf of Frederick & Anna Schubert, property at 462 East Road, Map 404 Lot1. The proposed works consists of replacing an existing septic tank and related site work. This hearing was conducted under the Mass. Wetlands Protection Act and the Richmond Wetland Bylaw.

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Mr. Veillette opened the hearing. Mr. Levasseur spoke on behalf of the applicants. He displayed the proposed plan for the project. This is the system that earlier needed an emergency certification repair due to an exposed sewer pipe that runs directly over an intermittent stream. It became exposed due to massive runoff from a rainstorm. The pipe has been repaired and covered with soil, but work needs to be done to reinforce the headwalls of the stream to prevent the soil from being washed away again. Mr. Veillette and Mr. Evans both stated that the pipe should have been sleeved because it could become exposed again and might break and leak the next time. Mr. Veillette made a motion for the continuation of this hearing to the February 8th meeting, to allow the applicant to come back with a revised plan that includes the reinforcing of the sewer pipe over the intermittent stream. The motion was seconded by Mr. Dahlen and passed unanimously by roll call vote.

4e. Notice of Intent, DEP File # 271- XXXX from White Engineering on behalf of Michael Krupp, property at 715 West Road, Map 408 Lot 1. The proposed work consists of dredging and enlarging an existing man-made impoundment, adjacent to a Bordering Vegetative Wetland, to serve as a Fire Pond. This hearing was conducted under Mass. Wetlands Protection Act and the Richmond Wetland Bylaw.

Mr. Veillette stated that the project has not yet received a DEP File #. He also stated that part of this project is under a conservation restriction which is overseen by the Richmond Land Trust and BNRC. They need to review the plan. Mr. Veillette made a motion to continue this hearing to the February 8th meeting. The motion was seconded by Mr. Dahlen and passed unanimously by roll call vote.

5. Certificate of Compliance (CoC) Requests: None

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

a. View Drive Fire Tower Pole 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. **Continued from the December 14, 2021 meeting.** Mr. Veillette stated he saw that DCR has sent to the Commission a draft restoration plan but that since it was just received there wasn't time prior to the night's meeting for the Commission to review it.

Mr. Robert Lowell (DCR Engineer) reported to the Commission that they have sent the restoration plan to the abutters (Ruth Bass, Tony Abato and Harley Keisch) and to the Mass. Audubon which has given them some comments concerning the plan. Mr. Evans stated that he would like DCR to have included in their proposal a revision of the landmarks and survey points along the hillside. As of now there isn't a reliable mapping of these, and one is needed for going forward with the project. Mr. Lowell stated they would take this into consideration, and he would discuss it with DCR lawyers. This discussion will be continued to the February 8, meeting.

b. 159 Willow Drive Violation: Enforcement & Ticket Status, Continued from June 22, 2021

Mr. Evans stated that Paul Greene (Richmond Building & Zoning Inspector) has issued a determination that Mr. Bohlman (property owner) needs to go thru the ZBA for a special permit since he expanded a building located

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on a non-conforming lot. Mr. Stover stated that he is on the ZBA and that as of now Mr. Bohlman has not contacted the ZBA for a hearing concerning his building.

7.Special Permits, Variances or Appeals Recommendations

None

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

- a. Expiring permits-None
- b. Mr. Veillette stated that the Dublin Road Bridge has been reopened but work still needs to be completed on that project.

9. Agents Report

- a. Site Plan: None
- b. Inquiries: Mr. Veillette stated that Peter Smith (on Shore Road) will be putting in for an RDA for constructing a deck to his home
- c. Permit reviews None
- d. Open Issues-None

10.Richmond Pond Association

Mr. Veillette stated that there aren't any meetings until April 2022.

11. Discussion of OSRP action items:

- a. Conservation Land/Fund Discussions: Richmond Shores Parcel 101.0-0142-000.0, Corner of Shore & Beach Road approved for Conservation by Select Board and West Shore Proposed Lot Survey Status. Mr. Veillette stated that a draft of the survey should be completed in a couple of weeks.

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

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

Mr. Veillette stated that he has nominated two new members, Ernie Smith and Kristian Marzotto to be appointed to the Commission by the Select Board at their January 12, 2022 meeting. He also stated that the budget for FY2023 is being worked on if there is anything a member wants to include; they should contact him. (Note that the nominations were approved the next night by the BOS.)

14. Bylaw/Process/Operating Instructions Change Discussions: None

15. Adjournment

Mr. Veillette made a motion at 9:09 PM to adjourn the meeting

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Mr. Veillette- Chair Date

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R. Veillette *2/8/2022*

Mr. Veillette- Chair Date

