

# Richmond Conservation Commission Minutes

Tuesday February 8, 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 7:02PM.** "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, Ernie Smith, Kristian Marzotto

Commission Members Absent: Dan Scorpa (associate member)

Applicants and Others Present: Holly Stover, Jackson Alberti (Foresight Land Services), Robert Lowell (DCR Engineer), Nancy Putnam (DCR), Shannon Boomsma (White Engineering), Ted Moller, Bridgette Terrancinto, Devon Greirson (lawyer for Theodore Moller), Harley Keisch, Mr. Polin (Land Stewardship)

1. **Minutes Jan 11, 2022 Meeting:** No comments were provided from the RCC. Mr. Veillette made a motion to approve January 11, 2022 minutes. Motion approved unanimously.
2. **DPW Items:**
  - a. **Requests for Determination of Applicability: NONE**
  - b. **Notices of Intent,**
    - i. **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. **Continued again from the January 11, 2022 to the March 8, 2022**
  - c. **Emergency Certifications Ratifications: None**
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 hearing was conducted in accordance with the Massachusetts Wetlands Protection Act and the Richmond Local Wetland Bylaw. **This had been Approved and Continued, issuance as a Negative #3 contingent upon receipt of revised plan showing erosion controls**
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 within the 100ft. buffer zone of a Boarding

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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. **Continued from January 11, 2022**

Mr. Jackson Alberti (Foresight Land Services) spoke on behalf of the applicant he stated that a letter had been sent to the Commission explaining exactly what they had done and that they didn't create any damage to the Buffer Zone or the BVW areas. He presented a site plan for the completed project and then proceeded to explain what they had done and what was there prior to any work they did. He also presented a Table of previously permitted alterations which he stated the Commission had signed off on. They conducted test pits(6)for soil comparisons between undisturbed areas and the driveway, three in each area. He then explained the soil profiles taken from the test pits. Mr. Alberti then stated that the new driveway construction only created about 200 square feet of new driveway(due to resurfacing and extension of the driveway) within the buffer zone. Mr. Veillette stated that the Lots 5 & 6 driveways were never permitted by the Commission in the previous NOI. Mr. Evans displayed the 2007 plan that was given to the Planning Board for their consideration about the project, but that plan was not ever permitted by the Conservation Commission. Mr. Evans then explained that The Orders of Condition are only valid for 3 years unless 30 days prior to their expiration a request for an extension is presented to the Commission, no request was ever made, therefore the Order of Conditions granted in 2007 had expired. Mr. Evans explained that they are only valid for 3 years due to the ever-changing delineations of BVW and Riverfront areas. Mr. Evans stated that he appreciated all the work that Foresight did but none of it was of any value since the original Order of Conditions had expired. Mr. Alberti stated he disagreed with the Commission and that all the work was in the original NOI and that it was completed and in the original Order of Conditions. Mr. Evans stated that the plan that Foresight presented was labeled a compiled plan. He asked Mr. Alberti what a compiled plan was. Mr. Alberti stated it was meant a survey wasn't done by them but that is consists of property information, state information (topographic maps etc.), wetland resource information, use of available information rather than doing an actual survey for the information. Mr. Evans then asked if Mr. Alberti had the field logs to support the information, he stated he did. Mr. Veillette stated that both the ConCom and DEP require an alternate analysis which was never done. He also stated that the other 2 driveways were never permitted no matter what information Mr. Alberti has given them to justify the building of the driveway. Mr. Alberti again stated that all the work was allowed under the Order of Conditions. Mr. Veillette again stated that the plan that showed the other driveways was only a Planning Board plan and not one authorized by the Conservation Commission. Mr. Grierson stated it was allowed and permitted, Mr. Veillette responded that it was not allowed or permitted. Mr. Grierson stated that the work that was done hasn't had a significant impact to the Buffer Zone and that they would be willing to do some remediation work to appease the Commission. Mr. Evans again stated that the Order of Conditions had expired. Mr. Veillette stated that he was in favor of denying the NOI and that the applicant could then appeal their case to DEP. Mr. Veillette made a motion to deny the permit due to not meeting performance

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standards. Mr. Seckler seconded the motion, it passed unanimously by roll call vote.

- b. **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 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 January 11, 2021 meeting.**

Mr. Veillette made a motion to continue the hearing until the March 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.

- c. **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. Shannon 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 were adding roofing to the building and that to compensate for the additional roofing the plans show a larger planted area for rainwater drainage along with rocks surrounding the garden to delineate the border for mowing. 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 planted area. The garden will filter both the ground water runoff and runoff from the roofs. Mr. Veillette stated that the garden they were putting in wasn't an actual raingarden as Ms. Boomsma has called it. She stated that since the garden was so close to the bank of the pond, they didn't want to have to bring in heavy equipment that would be required for digging out enough soil and putting in the stone required for an actual raingarden. She stated that silt fence will be used to prevent erosion and debris from going into the pond while the work is being done. The plan shows a berm that they will create behind the newly planted garden, it will be about a foot in height. The purpose of the berm to act as a wall blocking runoff out of the garden and into the pond, it will allow for the absorption of the water into the garden and not runoff into the pond. Mr. Evans asked about the quality of the soil, Ms. Boomsma stated the soil was of a poor quality and that they had not actually done samplings. Mr. Evans stated that if the soil is of a poor quality how well will the water be absorbed in the newly planted garden. Mr. Weinberg stated that with a poorer quality soil. Absorption is slow so during a large water runoff the water could easily overflow the top of the berm and drain directly into the pond. The plan calls for all the water to drain into one spot of the garden which Mr. Evans stated worried him. Mr. Weinberg stated they

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might consider having the one drain pipe be divided into several drainage pipes just prior to reaching the garden so that the water can be better distributed throughout the garden for better absorption. Ms. Boomsma stated that this is a better scenario than what there is now which is the water runs directly into the pond. She stated that the homeowners are responsible for maintaining the integrity of the garden and the berm once the work is completed. Mr. Evans stated that he would like to see some type of membrane built into the back of the stones dividing the garden from the berm as a barrier to prevent water from washing through the garden and damaging the berm. Mr. Veillette asked Mr. Evans if this design that has been presented is a typical design for erosion control, Mr. Evans stated it wasn't. Mr. Veillette state more design details were needed before the Commission could decide on the permit request. He made a motion to continue the hearing until the March 8<sup>th</sup>, 2022 meeting. It was seconded by Mr. Dahlen and passed unanimously by roll call vote.

- d. **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. **Continued from the January 8, 2020 Meeting.** Mr. Alberti spoke on behalf of the applicants. He stated a revised plan for the project had been sent to the Commission. The new plan shows a sleeve being placed over the septic pipe that runs over the intermittent stream. Mr. Evans stated that he did have a copy of the revised plan. Mr. Veillette stated that there should be a planting plan for the upstream portion of the bank and that the mowing should not be done up to the edge of the bank. Mr. Veillette made a motion to continue to the March 8<sup>th</sup> 2022 meeting in order for the applicant to provide better information as to the size and length of the sleeve to be used and how they intend to stabilize it, also for a planting plan. The motion was seconded by Mr. Weinberg and passed unanimously by roll call vote.
- e. **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. **Applicant has requested a continuance to March 8, 2022.** Mr. Veillette made a motion to continue to March 8, 2022 meeting. It was seconded by Mr. Weinberg and passed unanimously by roll call vote.

### 5. Certificate of Compliance (CoC) Requests:

- a. 20 Swamp Road, Three Orders of Condition. Mr. Veillette stated that site visits will need to be done, after the snow and ice disappear. Mr. Evans stated there are a lot of issues to consider for this request.

### 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

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Commission and which DCR is prepared to implement in the 2022 growing season. **Continued from the January 11, 2022 meeting.**

Mr. Robert Lowell (DCR Engineer) reported to the Commission that they have incorporated to the best of their ability the recommendations that they received from Mass. Audubon and the other abutters. They just received the comments from Ms. Bass. It is still a work in progress. Mr. Lowell described some of the items that they will be doing for the restoration work for preventing runoff and erosion of the hillside. Ms. Putnam stated that Mr. Polin from Land Stewardship was attending the meeting and they were working with him on the restoration plan. Mr. Veillette stated that Commission members were not experts on this type of restoration and that the Commission needs to hire a consultant to review the plans when they are finished. Mr. Lowell stated that would not be an issue, DCR would pay for a consultant that the Commission hires.

Mr. Veillette requested Mr. Evans to send out 3 quote requests to consultants for reviewing the plans from DCR and reporting back to the Commission. Mr. Evans states that he would like a plan from DCR that was more specific in the plants and planting time then they have given. Ms. Putnam stated that they weren't being very specific at this point because they wanted to wait and see what plants have naturally come back to the area. Ms. Putnam stated that Mr. Polin has created a planting plan but is waiting until the snow is gone and plants start to reappear before making a finalized plan. Ms. Putnam stated that she and Mr. Lowell plan on overseeing the final grading of the hillside to make sure it is done properly. Mr. Veillette made a motion for Mr. Evans to send out quote requests from 3 consultants for a review of the final planting plan that DCR will develop. Mr. Weinberg seconded the motion and it passed unanimously by roll call.

**b. 159 Willow Drive Violation: Enforcement & Ticket Status: Continued from January 11, 2022**

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 on a non-conforming lot. Mr. Evans stated that as of the meeting there has not been a request for a meeting with the ZBA and when there is, he will give the ZBA his information about the property.

**7. Special Permits, Variances or Appeals Recommendations: None**

**8. Open NOI/OOCs, RDAs: Status, Recent In-process Inspections and Action Items: None**

**9. Agents Report**

- a. Site Plan: None
- b. Inquiries: none
- c. Permit reviews None
- d. Open Issues: 159 Willow Drive

**10. Richmond Pond Association: No meetings until April 2022.**

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## 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 he is awaiting the preliminary survey results in a couple of weeks.
- b. Other Conservation Projects: Requested members submit ideas for future projects.

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

- a. Mr. Veillette stated he submitted the FY 2023 budget and Town Report to the Town Administrator. Mr. Evans had written the CY 21 Conservation Commission report for the Annual Town Report. Mr. Veillette indicated that he had requested that the Town Meeting warrant item adding to the Conservation fund be restored to the level that it had been in FY 19 (\$9,500).


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

- a. Mr. Veillette welcomed the two new members, Ernie Smith and Kristain Marzotto. Mr. Veillette stated he would like to go to hybrid meetings sometime in the future.

## 14. Bylaw/Process/Operating Instructions Change Discussions:

- a. (Discussed at beginning of meeting prior to agenda item 1.) Mr. Veillette noted that for the first time in years that the Commission had 7 full members and that therefore the associates could only vote when a full member was absent. However, they were welcome to participate in Commission questions and discussions.
- b. Discussed distribution of permit applications and drawings to ConCom members by the agent.

## 15. Adjournment: Mr. Veillette made a motion at 9:15 PM to adjourn the meeting, it was seconded by Mr. Dahlen and passed unanimously by roll call vote.

  
Mr. Veillette- Chair      Date 3/8/2022