

# Richmond Conservation Commission Minutes

Tuesday March 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 7:06PM. "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), John Scorpa, Pat Seckler, Ernie Smith, Kristian Marzotto

Commission Members Absent: Dan Scorpa (associate member), Bob Dahlen, Adam Weinberg

Applicants and Others Present: Robert Lowell (DCR Engineer), Shannon Boomsma (White Engineering), Marc LaVasseur (Foresight Land Services)

1. **Minutes February 8, 2022 Meeting:** No comments were provided from the RCC. Mr. Veillette made a motion to approve January 11, 2022 minutes. The motion was seconded by Mr. Scorpa and approved unanimously by roll call vote.
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**  
Mr. LaVasseur asked for it to be continued to the April meeting. Mr. Veillette made a motion for it to be continued to the April meeting. It was seconded by Mr. Smith and passed unanimously by roll call vote.
  - 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.  
Mr. Evans stated that an updated drawing has been received. Mr. Veillette stated that Mr. Evans should issue the Negative Determination #3.
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 Lot 23. 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. **Denial issued on February 28, 2022**

- 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 February 8, 2022 meeting.**

Mr. Veillette made a motion to continue the hearing until the April 2022 meeting since they must wait until they receive the water quality certificate prior to making any decisions. The motion was seconded by Mr. Seckler 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. **February 8, 2022 meeting.**

Ms. Shannon Boomsma spoke on behalf of the applicants. Ms. Boomsma displayed a new and revised plan of the project for the Commission. The new plan shows a cross section of the planting basin and the proposed surrounding membrane lined berm that they will create. A discharge pipe will carry the roof runoff through the pipe then down a sloped rock-lined drainage apron prior to emptying into the planted basin. If the basin does overflow there will be stone on the other side of the berm that the water will drain thru prior to reaching the pond. Ms. Boomsma stated that this is an improvement on what now exists since at this time the lawn is mowed right up to the edge of the pond. She stated that the new planted basin area will be 740 sq. ft and that the roof over the new porch which is the only new impervious area being created is only 484 sq. ft. She stated that the work being done will constitute a major improvement to the resource area. Mr. Evans and Mr. Veillette stated that they agree that this is a positive improvement to the property since the original plan submittal. Mr. Smith and Mr. Marzotto also agreed that it is a good improvement to the property. Mr. Evans asked about what plants they will be putting in and who will be monitoring them and replacing plants that don't survive the possibly very wet conditions.

Mr. Veillette made a motion to approve the NOI with the Standard Conditions and Special Conditions verbally listed in the meeting. The polished version will be in the Order of Conditions. The motion was seconded by Mr. Seckler 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 consist of replacing an

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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 February 8, 2022 Meeting.** Mr. LaVasseur spoke on behalf of the applicants. Mr. Veillette stated a revised plan for the project had been sent to the Commission which shows the planting plan and the full length of the pipe sleeve. Mr. Lavasseur explained the planting plan to the Commission and how the sleeve will be placed over the pipe and how it will be anchored into the bank so that there isn't any issue about it being broken if there is another flooding of the area. Mr. Veillette stated that he is satisfied with the planting plan but wants to make sure that there isn't any mowing of the bank leading down to the stream. Mr. Veillette made a motion to approve with special conditions that are listed below and with the standard conditions.

1. No turf lawn along the edge of the stream-Conservation mix or its equivalent to be used
2. Buffer zone grass cannot be mowed lower than 4 inches
3. New plug plantings cannot be mowed
4. Driveway to remain pervious

Mr. Scorpa seconded the motion and it passed unanimously by roll call vote.

5. **Notice of Intent, DEP File # 271- 0230** 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. **Continued from February 8, 2022**

Ms. Boomsma spoke on behalf of the applicant. Conservation restriction information was provided to White Engineering from BNRC and The Richmond Land Trust. Ms. Boomsma displayed a plan of the project. She stated that only the house and a portion of the pond are not in the conservation restriction area displayed on the plan. She stated that White Engineering, Richmond Land Trust and BNRC worked on the plan and that all parties agreed on the final plan that she presented to the Commission. Mr. Evans stated that they will be creating a pond but the body of water that exists at this point is more the size of a vernal pool, too small to be a legal pond. She explained that they need a fire-pond due to the remoteness of the property and that there are several building on the property. She also stated that they will be drilling a well outside of the resource area to provide water for the pond and orchard. They will also be installing a fire suppression system that will require piping and wiring to the pond. This system will be outside of the buffer zone. Ms. Boomsma explained how they will be dredging the area to enlarge the pond and where the material taken out will be placed and how they will safe-guard the erosion and drainage from the dredged materials. She explained that they will be putting in a berm dam to control spillover from the pond. The owners are hoping to create a space that both they and the local wildlife can enjoy. The pond will be 8ft. deep at its deepest point. Mr. Veillette made a motion to approve the NOI with the conditions from the BNRC and Richmond Land Trust, **Attachment (1)**, in addition to their Standard Conditions and Special Conditions which were verbally listed in the meeting. The polished version will be in the Order of Conditions. The OoCs will be issued upon receipt of the displayed updated drawing which

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had not been received by the Commission. The motion was seconded by Mr. Scorpa 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 review 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 Commission and which DCR is prepared to implement in the 2022 growing season. **Continued from the February 8, 2022 meeting.**

Mr. Robert Lowell (DCR Engineer) reported to the Commission that DCR does not yet have a planting plan done or a colorized plan but that they hope to have it for the Commission very soon. Mr. Veillette stated that he hopes that DCR has incorporated the comments from the abutters into their plans. Mr. Lowell requested a continuation of this hearing until the April meeting. Mr. Veillette made a motion for the continuation. It was seconded by Mr. Smith and passed unanimously by roll call vote.

- b. **159 Willow Drive Enforcement Order Status**, awaiting status re: ZBA Filing as required by Building Inspector. **Continued from February 8, 2022 meeting.**

Mr. Veillette stated that the owners have not yet filed with the ZBA. He asked, Mr. Evans about continuing and enforcing the Conservation Commission Violations.

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 Reviews: None
- b. Inquiries: none
- c. Permit reviews None
- d. Open Issues: none

## 10. Richmond Pond Association: No 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. Evans stated he spoke with the surveyor and hopefully they will have his results in a few weeks.

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

- a. None

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

- a. Mr. Veillette stated he submitted the name of Tom Potter to the Select-board for appointment to the Commission.
- b. Awaiting response from DEP re an RDA from Wood Environment & Infrastructure Solutions on behalf of CSX Transportation seeking certification of resource area boundaries.

Mr. Evans stated that the Commission is still waiting for comments from DEP. Wood Environment & Infrastructure Solutions stated that what they have proposed is consistent with DEP guidelines.

- c. Mr. Veillette stated he and Mr. Smith have been taking workshops and courses thru the MACC Conference and stated they are very informative.

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

- a. Meeting time & Site visit schedules. Mr. Veillette stated members have spoken to him about moving the starting time for meetings to 6:30, Mr. Evans stated that in Great Barrington they are at 6:30 and people can make it to them. Mr. Veillette stated he would speak with members absent from tonight's meeting and see what they think. Mr. Veillette stated more members should be doing site visits. Mr. Evans will post site visits to the members the Thursday prior to the next meeting and if they can't make that then a Saturday morning visit could be done.

15. **Adjournment:** Mr. Veillette made a motion at 9:25 PM to adjourn the meeting, it was seconded by Mr. Seckler and passed unanimously by roll call vote.

  
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Mr. Veillette- Chair      Date

**Attachment (1): Notice of Intent, DEP File # 271- 0230, 715 West Road, BNRC Letter, February 15<sup>th</sup>, 2022, Michael Krupp, 15 West Road Richmond, MA 01254, Re: Proposed Impoundment Improvements**