

Richmond Conservation Commission Minutes

Tuesday April 12, 2022 at 6:30 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 6:30 P.M. "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, John Scorpa, , Bob Dahlen (arrived late, associate member), Adam Weinberg, Ernie Smith, Kristian Marzotto, Tom Potter

Commission Members Absent: Dan Scorpa (associate member), Pat Seckler, Shep Evans(Agent)

Applicants and Others Present: Gloria MaMahon, Nan Futuronsky, James Scalise(SK Design Group), Doreen Donoval, Richard Krushnic, Diane Perez, Brian Grebeldinger, Deborah Orth, Linda Kay, Peter Miller

- **Minutes March 8, 2022 Meeting:** No additional comments were provided from the RCC. Mr. Veillette made a motion to approve March 8, 2022 minutes. Motion seconded by John Scorpa and approved unanimously by roll call vote.

1. 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. At the applicant's request, **Continued from the January 11, 2022**

Mr. Veillette made a motion to continue to the May 10th meeting, it was seconded by John Scorpa and passed unanimously by roll call vote. Mr. Potter asked Mr. Veillette how long a NOI can be continued. Mr. Veillette stated there is no time limitations once it has been brought up at a meeting it can be continued for however long the applicant requests.

c. **Emergency Certifications Ratifications: None**

2. 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 with labels of type and location.**

Mr. Veillette stated that the Commission was still waiting for the updates to the plan.

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

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- 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 Vegetated Wetlands and 200ft Riverfront Area of a perennial stream. **Denied in the February 8, 2022 meeting. Denial Issued on February 28, 2022. Follow up**

Mr. Veillette stated that there is a lawsuit involved with this NOI, and that it can't be discussed. He will be the point person for information with town counsel.

- 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 March 8, 2022 meeting.** Mr. Veillette made a motion to continue the hearing until the May 10, 2022 meeting since they must wait until they receive the water quality certificate prior to making any decisions. The motion was seconded by Mr. Potter and passed unanimously by roll call vote.

- c. **Notice of Intent, DEP File# 271-0232** from SK Design Group on behalf of Charles Gowen, property at 525 Canaan Road, 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

Mr. Veillette stated that there was a second site visit on Sunday April 10th, 2022. Mr. Veillette stated that SK Design Group sent in updated plan drawings that day and that he will send the new drawings to the members. Mr. Scalise(S.K. Design Group) spoke on behalf of the applicant. He displayed on his computer screen the updated plans for the members to view. Mr. Scalise then explained to the Commission the project and what they hope to be able to accomplish with the work they want to do. He stated there are 3 main pieces to the plans.

1. They want to extend the driveway to the proposed new garage; all work will be in the buffer zone of the BVW.
2. The removal of large dead or dying tress
3. Renovate the impoundment into more of a true pond for the use as a fire suppression system. They will have to dredge the impoundment to make it larger and deeper. Large cranes will be brought in for that, they will use timber matting under the cranes to prevent disturbance of the soil. They hope to create 770 sq. ft. of alteration to the pond. They assume some disturbance to the bank and surrounding land will occur and they plan on recreating it to the present state. The pond disturbance is a smaller project , one the Fire Chief wants done. They have chosen a site for dewatering of the dredged material and then once it is dried it will be trucked away. The dewatering site will have erosion controls all around it. Mr. Scalise stated that DEP has looked at the project and approved it.

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Mr. Veillette asked the members if they had any questions for Mr. Scalise. Mr. Scorpa asked about replacing a tree for every tree that they must take down. Mr. Weinberg asked about the stream that feeds into the pond, whether they will have to dam it up. Mr. Scalise stated that it is an intermittent stream and plan on doing the work when it is dry. Mr. Veillette stated that the DEP has stated that the impoundment as it exists now is considered land under water (it is part of an intermittent stream) not a pond due to its smaller size. Mr. Smith asked about the fact that water seems to run down the driveway which is something he noticed during the site visit. Mr. Scalise stated that a stone diaphragm will be installed to slow down the runoff from the driveway. Mr. Veillette stated he had several issues for discussion. The number of trees being taken down was greater than he thinks is necessary for the project. Mr. Scalise stated that they felt that several trees would be in the way of the dredging bucket but that they would investigate getting a better idea if fewer trees could be taken down, they have on the present set of plans. Mr. Veillette asked for a work limit line designation be placed on the plans for the contractors to know exactly where work cannot be done. Mr. Veillette stated that there really isn't very much information on the plans concerning the work that will be done for the driveway and the garage. Mr. Veillette asked about relocating the proposed garage to the west end of the house (where the house entrance is) out of the buffer zone and was told that there were architectural restrictions preventing this. The Commission asked about revegetating the existing driveway, not going to the proposed new garage, into a revegetated area with trees and shrubs. There were questions about footing and roof drainage, foundation excavation/erosion controls and the exact location of the fire hydrant. Mr. Scalise said they would investigate. Mr. Veillette made a motion to continue the hearing to the May 10th meeting. It was seconded by Mr. Scorpa and passed unanimously by roll call vote.

4. Certificate of Compliance (CoC) Requests:

a. At the Levy property, 20 Swamp Road, Map 102 Lots 53 & 54. Three Orders of Conditions: 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. and Tim Mason, the owners representative. Mr. Veillette stated he was very happy with what they saw at the site visit. Mr. Evans was not present at this meeting, but Mr. Veillette stated that the Commission can approve the Certificates of Compliance and Mr. Evans can issue them when he returns. Mr. Veillette stated that each certificate must be voted on separately.

The DEP#271-1092 was inspected, voted on and approved last year. Mr. Veillette made a motion to approve DEP #271-0202, it was seconded by Mr. Dahlen and approved unanimously by roll call vote. Mr. Veillette made a motion to approve DEP #271-0210 it was seconded by Mr. Weinberg and passed unanimously by roll call vote.

5. 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. Awaiting more

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complete details including plantings. **Continued from the March 8, 2022 meeting.**

Mr. Veillette stated he received an updated plan from DCR and sent it out to members. Mr. Evans will determine if there is enough information to now available to engage an independent consultant to review.

- b. **159 Willow Drive Violation: Enforcement & Ticket Status: ZBA filing as required by Building Inspector. Continued from March 8, 2022**

Mr. Veillette stated they have not heard back from the Building Inspector and that the ZBA stated Mr. Bohlman hasn't contacted them for an appeal hearing. Mr. Veillette stated he is tired of waiting for something to happen and wants to start the procedure of giving citations for the violations. Mr. Veillette made a motion to have our agent start issuing citations for 159 Willow Drive . The motion was seconded by Mr. Weinberg and passed unanimously by roll call vote.

- c. **Nordeen Swamp along Town Beach Road:** Mr. Veillette stated that he and Mr. Evans observed tree cutting/clearing work being done in the Buffer Zone of Nordeen Swamp along Town Beach Road in the area of 5 Walnut Rd without a permit.

There were several members of the Richmond Shores Association on the zoom meeting commenting about the fact that a new land owner (Mr. Haider) in the Shores was having tress removed from not only the Buffer Zone but from property that did not belong to him. Mr. Veillette stated that he knew about the work done in the Buffer Zone and that Mr. Evans had given him a Cease Order/Enforcement Order for the work. The neighbors stated that that Order was being violated. Mr. Veillette told the residents that the Commission only had jurisdiction over the Buffer Zone issues that the land outside of the Buffer Zone they couldn't do anything about. Mr. Veillette made a motion to start issuing citations to Mr. Haider for work done without a permit. The motion was seconded by Mr. Weinberg and passed unanimously by roll call vote.

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

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

Mr. Veillette stated he went to a pre-construction conference meeting with Eversource for the work being done on Osceola Notch Road.

8. **Agents Report Agent not- present at the meeting**

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

9. **Richmond Pond Association:** The meetings will begin this month. Mr. Veillette asked for a member to volunteer to attend the meetings. No one volunteered during the meeting .

10. **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 no further change from last month.

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11. Citizen Speak Time/ Commission Speak Time/ Press Speak Time:


- a. Peter Miller of Shore Rd was told by the Commission that he could make minor repairs to his dock on the pond that was permitted several years ago as long as the bank and Land Under Water was not disturbed.
- b. Mr. Veillette welcomed Tom Potter as a new full Commission member.
- c. Mr. Weinberg stated that an abutter to the work done to the road and bridge on Dublin Road would like to be able to have some of the dead wood removed. Mr. Veillette stated that the resident would have to apply for an RDA.
- d. Mr. Veillette asked the members if the new starting time of 6:30PM was good and everyone thought that it should remain at the 6:30PM start instead of the old start time of 7:00PM

12. Other discussions including items not reasonably anticipated prior to Agenda posting: None

13. Bylaw/Process/Operating Instructions Change Discussions:

- a. Mr. Veillette stated that he had sent out proposed changes to the "Instructions for Applicants" document that included:
 - i. Meeting time changes
 - ii. RDA, NOI applications and Drawing's media type, numbers & distribution
 - iii. Color coding of complex and or busy drawings
- b. Mr. Veillette also stated he would like to propose updates to the Standard Conditions

14. **Adjournment:** Mr. Veillette made a motion at 8:56 PM to adjourn the meeting, it was seconded by Mr. Dahlen and passed unanimously by roll call vote.

 5/10/2022
Mr. Veillette- Chair Date