

Richmond Conservation Commission

Minutes

Tuesday, August 16, 2022

Meeting to be was 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, Ernie Smith, , Shep Evans(agent), Adam Weinberg, Tom Potter, John Scorpa, Rebecca Lord(associate member)

Members absent: Pat Seckler, Karen O'Donnell

Other participants: Shannon Boomsma(White Engineering), Robert Lowell(DCR), Nancy Putnam(DCR), Richard and Holly Stover, Andre-Anne Chenaille (Guntlow Associates), Jacklyn Stevenson, Ben Ragusa, Diana Glass, Aruni Nan Futuronsky, Deb Orth, Deb Plantier, Michael Atkins, Doreen Donovan, Tom Plantier, Jeff Konowitch, Jackson Alberti (Foresight Land Services)

Mr. Veillette opened the meeting at 6:30PM

1. Review & approval of the minutes of the July 12, 2022 meeting.

Mr. Veillette made a motion to approve the July 12 minutes. It was seconded by Adam Weinberg 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 September 13, 2022 meeting. It was seconded by Mr. Smith and passed unanimously by roll call vote.

c. Certificate of Compliance (CoC) Requests.

i Notice of Intent, DEP File #271-0216; Dublin Road Bridge

Mr. Veillette stated that the final inspection hasn't taken place because the Commission is still awaiting the 100% drawings.

3. Emergency Certifications Ratifications: None

Richmond Conservation Commission

Minutes

Tuesday, August 16, 2022

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

- a. RDA from Guntlow & Associates, Inc, on behalf of Alex Haidar, property at 0 Walnut Road, Map 101 Lot 7. Proposed work includes the installation of a split-rail fence along the northern property line of this parcel. Removal of vegetation will only occur where necessary to install the fence. Also proposed is removal of any dead trees only within Wetland Buffer Zone and not in any delineated wetlands or NHESP Priority Habitat.

Andre-Anne Chenaille (Guntlow Associates) spoke on behalf of the applicant. She presented a drawing of the proposed project; it is Lot #7 south of 59 Oak Road. What is proposed is a split rail fence along the northern property line of the property. Mr. Veillette stated that the Commission made a site visit. Mr. Veillette stated that he saw no major issue with the fence request but that he did have an issue with the removal of dead trees from the property. The Commission requested that the applicant separate out the fence from the dead tree removal. Mr. Veillette. Ms. Chenaille stated that the applicant would request that the applicant would request (delete this) that they amend the RDA to remove the tree removal aspect and just retain the split rail fence and that the Commission approve the RDA for the fence. Ms. Chenaille stated that a fence which doesn't hinder the movement of wildlife is exempt from regulations in the buffer zone.

This led to a discussion from many of the residents from Richmond Shores who were attending the meeting via zoom. They spoke against the issuance of approval for the fence. The applicant had previously destroyed habitat located in both the buffer zone and wetlands and the other residents felt that he would again disregard the regulations. Mr. Evans explained that a Determination of Applicability is not enforceable action (delete) if the project is not done the way it was permitted. On the other hand, an Order of Conditions issued following a public hearing on a Notice of Intent is enforceable. The key point is that only "Orders" are enforceable. Mr. Veillette made a motion for a positive determination for the RDA and that the Commission is requiring the applicant to refile with an NOI *for both the dead tree remove and the fence*.

The motion was seconded by Mr. Weinberg and by roll call vote it passed with 4 ayes and 1 nay.

5. 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-establish control over pond water levels and related site work. **Continued from July 12, 2022.**

Mr. Veillette stated that they received a request from the applicant for a continuance until the September 13 meeting. It was seconded by Mr. Weinberg and passed unanimously by roll call vote.

- b. **Notice of Intent, DEP File # 271-0228: Amendment to original approved permit filed for building footprint expansion** 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 will be conducted under the Mass. Wetlands Protection Act and the Richmond Wetland Bylaw. **Continued from July 12, 2022**

Ms. Boomsma spoke on behalf of the applicant. Ms. Boomsma, stated that she will send in hard copies of the revised plan for the Commission to review. The Commission had just received the electronic version

Richmond Conservation Commission

Minutes

Tuesday, August 16, 2022

on the day of the meeting. Mr. Veillette made a motion to continue the hearing to the September 13 meeting. The motion was seconded by Mr. Weinberg 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 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. **Approved at June 14, 2022 meeting- awaiting final planting plan acceptable to Commission before issuing the Order of Conditions and subsequent start of work.**

Mr. Veillette stated that the Commission had just received the revised planting plan and with the listing and positioning of trees and shrubs. Mr. Veillette stated he will send it out to the other members for review. The discussion was postponed to the September 13 meeting.

6. Certificate of Compliance (CoC) Requests:

a. 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. Evans stated he is working on producing the certificates and will be issued this week.

b. Mr. Alberti asked if the Certificate of Compliance will be issued for his applicant at 426 East Road. Mr. Evans stated that the paper work is in progress and it will be issued .

7. 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 July 12, 2022. Await DCR advance to cover Peer Review Consultant.** Mr. Evans stated that the final planting plan has been sent to Berkshire engineering (the peer reviewers). He stated that Mr. Kulig of Berkshire Engineering is all set to be the peer reviewer. What is required from DCR is money to be put into an escrow account that the town will use to pay the peer reviewer's bill. Mr. Lowell stated that would not be an issue . He asked about how much should go into escrow and Mr. Evans stated \$3,000. Mr. Lowell did not seem to think that would be a problem . DCR just needs the cost estimate from Berkshire Engineering concerning the project and the invoice for the funds to be advanced into escrow.

b. 159 Willow Drive Enforcement Order Status, awaiting status re: ZBA Filing for Special Permit as required by Building Inspector. Continued from July 12, 2022.

Mr. Evans stated no new developments concerning this property, no one is taking responsibility for what is occurring with it. He stated that it is time to start issuing violation citations, they would amount to a large penalty and that if the property owner realizes that he actually can be fined a large

Richmond Conservation Commission

Minutes

Tuesday, August 16, 2022

sum of money maybe he would take these issues more seriously, the court takes doing work without a permit very seriously.

- c. **5 Walnut Rd & Adjacent Lots, Town Beach Road**, Violation / Enforcement Order issued to Alex Haidar, Land Clearing in BVW 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. Site visit held 7/28/22

Andre-Anne Chenaille from Guntlow Associates spoke on behalf of the applicant. She stated that replanting had already begun which she was unaware of and that she told the applicant to stop all work until everything was cleared through the Commission. Mr. Veillette had sent a list of questions to Ms. Chenaille that he made after the site visit. Ms. Chenaille displayed the plan for the members to view while answering Mr. Veillette's and Commission member questions concerning the project. Mr. Veillette had a long list of requirements the Commission was imposing on the project based on the plan review and site visit. There was a discussion between the Commission members and Ms. Chenaille about the restoration project. Mr. Evans stated that the only way to ensure the project is done to the requirements of the Commission is to have the work done under an NOI, only then is it enforceable (Orders of Conditions are enforceable) and they have to notify abutters of the proposed work. Mr. Veillette made a motion to amend the enforcement order to require immediate reflagging the BVW and placing erosion controls along the BVW edge and requiring an NOI for the restoration. It was seconded by Mr. Potter and passed unanimously by roll call vote.

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

- a. Dublin Rd bridge post construction – awaiting completion of planting by the Town. Awaiting a 100% Drawings including a final planting plan Mr. Evans stated nothing new
- b. Rose Pond Outlet Structure Improvement (DEP File 271-0222) Erosion Controls have been inspected and work begun.

Mr. Veillette stated the project erosion controls looked very good based on the inspection.

9. **Agent Report**

- a. Site Plan reviews; nothing new
- b. Other Board Permit reviews-21 Lake Rd Ext. Building permit review, outside 200ft. buffer zone
- c. Miscellaneous- 157 View Drive inquiry about tree cutting above 1400ft. Mr. Evans stated he made a site visit; owner wants to cut down dead ash trees and has already planted many more trees.
- d. Open Issues: - Certificates of Compliance- Richard King's Scenic Mountain reforestation. Mr. Evans stated he is working on it.

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

- a. Report out by Tom Potter on July meeting.

RPA picnic will be August 23 at Camp Arrowood 4:30-7:30pm. There was a discussion of weed control for next year. They are trying to arrange weed harvesting for next year. The property owners on the canal where there was the hand harvesting of weeds stated that it seems to work so there was a discussion about continuing with it.

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

Richmond Conservation Commission

Minutes

Tuesday, August 16, 2022

- 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: Status

Mr. Veillette stated that they are still waiting for the report from the surveyor. Mr. Evans stated the Commission might considering hiring an engineering company instead of the surveyor.

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

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

- a. Mowing along Town Beach Rd.- DPW has reduced the mowing to 2ft. wide swath along the road.
b. Awaiting response from DEP re an RDA from Wood Environment & Infrastructure Solutions on behalf of CSX Transportation seeking certification of resource area boundaries.

DEP will now become the permit granting authority.

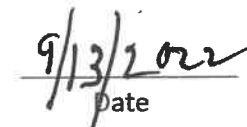
- c. Discussion of replacement Bob Dahlen- Rebecca Lord has been appointed the new Associate Member.

14. Bylaw/Process/Operating Instructions Change Discussions:

- a. Filing Instructions for applicants-minor adjustments have been made now needs to be put on Richmond Website
b. Standard Conditions: Update :Draft copy done

15. Adjournment: Mr. Veillette made a motion to adjourn the meeting at 9:21PM


Mr. Veillette-Chair


Date