

Richmond Conservation Commission Minutes

Tuesday, November 10, 2020 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 7:05.
- Mr. Veillette announced that the meeting was being recorded and read the Executive Order from the Governor of MA.

“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.”

Mr. Veillette stated that Clarence Fanto was remotely recording the meeting.

- Commission Members Present: Ron Veillette-Chair, Dan Scorpa; John Scorpa (associate member), Shep Evans (associate member and agent), Pat Seckler, Harley Keisch
- Commission Members Absent: Adam Weinberg-vice chair, Bob Dahlen
- Applicants and Others Present: Clarence Fanto-Berkshire Eagle, Peter Miller, Tim Lautzenheiser-Mass. Audubon, Peter Killeen, Branch Farm Association

1. Review & approval of the minutes from the Oct13, 2020 meeting.

Ron Veillette stated that there were some comments submitted to him and he incorporated them into the minutes

Shep Evans made a motion to approve Oct. 13 minutes, it was seconded by Ron Veillette, a roll call vote was taken and it passed unanimously

2. Notices of Intent (New/ Continued/ Extensions): None

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

a. Request for Determination of Applicability from Branch Farm Condo, Property is along Branch Farm Road. The applicant proposes to remove two dead Birch trees, two dead Ash trees and three dying and/or dangerous Hemlock trees.

Ron Veillette stated that he, Shep Evans and Harley Keisch made a site visit. Ron Veillette stated that four trees(#s1,2,3&4) were dead trees but that three trees (#s 5,6&7) were not dead but in very bad shape. They all agreed that even though the 3 trees were not dead they were in bad shape and should be removed to protect the nearby structure. Ron Veillette did make a request to Peter Killeen from the association that they plant new trees preferably oaks or other deciduous trees, to replace the removed ones, along the shoreline to help prevent erosion. He told the commission that he would take the matter up with the association but didn't see a problem. Shep Evans suggested that a program that works in Stockbridge is to plant a tree in memory of someone, that seems to get people to plant trees.

Ron Veillette made a motion for a Negative Determination # 3 with the stipulation that the tree stumps remain along with a recommendation for replanting trees along the shoreline. Harley Keisch seconded and it passed unanimously by roll call vote.

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3b. Request for Determination of Applicability from Susan & Benjamin Lechtman, property at 424 Cone Hill Rd, Map 411 Lot 8. The proposed work includes construction of an additional deck and the addition of a Master Suite wing to an existing residence high above and over 200 feet from Furnace Road Pond.

Ron Veillette, Shep Evans and Harley Keisch did a site visit. This is not in the buffer zone so the only suggestion that Ron Veillette and Shep Evans made was for there to be erosion protection barriers put in place at the top of the very steep precipice that looks down onto the pond. It is a very steep slope. Ron Veillette made a motion for a Negative 2 Determination with the erosion controls required. The motion was seconded by Shep Evans and passed unanimously by a roll call vote.

3c. Request for Determination of Applicability from Wood Environment & Infrastructure Solutions, Inc. on behalf of CSX Transportation, Inc. The subject property is the entire railway Right-of-Way through Richmond. The applicant is seeking a determination whether the boundaries of wetland resource areas depicted on 13 plans and/or maps submitted by the Applicant are accurately delineated. **Continued from October 13, 2020**

Shep Evans stated that he has gotten the names of three professional wetland delineation companies, all of which are capable of doing the job well.

-Emily Stockton-Stockton Associates

-Pat Garner-Patrick Garner Inc.

-Brian Butler-Ox Bow Associates

He will contact them and request a quote from them. Mr. Evans will then bring the information before the Commission for the members to choose the company they would like to do the work. Mr. Evans requested the Commission authorize him to do so. Mr. Evans stated that he will provide them with the information provided by the applicants. He will ask them the cost of doing the job and explain that the objective is to respond to the RDA with a definitive boundary of the wetlands. Members can be involved in the project if they want but it is not required. Mr. Veillette asked how the job is done. Mr. Evans stated that there are several ways of doing it but that the first step is to get quotes, pick a company and put them in contact with the applicant. They will then decide on the appropriate way to do the job. Mr. Veillette made a motion to have Shep Evans contact the three companies for a bid on the project. It was seconded by Mr. Evans and passed unanimously by a roll call vote.

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3d. Request for Determination of Applicability from Elia Del Molino, property at 132 Cross Road, Map 412 Lot3. The proposed work consists of removal of three large, dead and dangerous Ash trees leaning over the residence and parking area.

A site visit was conducted by Mr. Veillette, Mr. Evans and Mr. Keisch. They recommended that all three trees be removed because they were in very bad shape. The Applicant spoke and told the Commission that they have hired a licensed professional tree removal company. Ron Veillette made a motion for a negative determination #3 with the proviso that the stumps be cut flush to the ground so that the root system remains. The property is in a buffer zone. Pat Seckler seconded it and it passed unanimously by roll call vote.

4. Certificate of Compliance Requests:

4a. 99 Dublin Road-Request for COC from Tighe & Bond on behalf of Eversource.

A transformer on a powerline had exploded and the proper cleanup was required. A site visit was done and everything looked like it had been done correctly. Some of the required plantings had not yet been done due to the town having to do extensive work on the property. The plantings will be done after the town completes their work. Ron Veillette made a motion to approve the request with the stipulation that at a future date the plantings that were agreed upon will be done. Pat Seckler seconded the motion and it passed unanimously by roll call vote.

4b. Rose Pond-Inspection report received along with request for COC.

Mr. Veillette stated that the inspection report has now been received, which was the reason for not approving the COC at the last meeting. Mr. Veillette made a motion to approve the COC. It was seconded by Harley Keisch and passed unanimously by roll call vote.

4c. Ledbetter driveway-Request for COC from White Engineering

Mr. Evans and Mr. Veillette made a site visit and verified that all the requested plantings were done. Mr. Veillette made a motion to grant the COC with the conditions of the NOI plus a request that the erosion control barriers remain in place until at least the spring of 2021 and a follow up inspection of the viability of the plantings takes place at that time. This is in addition to the 5 yr inspection of the plantings due to the steep slope to the stream next to the driveway. Mr. Evans seconded the motion and it passed unanimously by rollcall vote.

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

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5a. View Drive Fire Tower Power Easement Violation-DCR site visit report out:

Harley Keisch stated that he and Adam Weinberg did a site visit with members of the DCR and Tim Lautzenheiser of Mass Audubon on November 6th, 2020. He informed the Commission about what took place during the site visit. The representatives from DCR explained that they would get a restoration plan to the Commission in the near future. Mr. Lautzenheiser stated that he thought having the representatives from DCR actually see what damage was done made them realize why everyone is very upset with the way the project was left.

- i. **Enforcement Order & Tickets-** Mr. Veillette stated that the Enforcement Order and Tickets had been sent out. He stated that he has spoken with Town Counsel about what the ConCom is doing. Counsel informed him to keep very detailed documented reports.

5b. 159 Willow Drive Enforcement status & Discussion/ decision on next steps.

Mr. Veillette explained this is a house located on Richmond Pond, on the canal(Nordeen) leading into the pond. The resident has violated both ConCom and building/zoning codes. Mr. Evans explained that major remodeling work was done to the existing house without obtaining either a building permit or coming before the Commission with plans. The residence is within a Riverfront Resource region. The Commission has already issued an Enforcement Order which has been filed with the Registry of Deeds. All violations have been recorded. Previously an Order of Conditions was given for this property which was never complied with and no Certificate of Compliance was ever issued. Mr. Veillette made a motion that the Conservation Commission issue, effective the night of November 10th, 2020 to serve multiple consecutive tickets to 159 Willow Drive due to the issue that they have ignored all Enforcement Orders. Mr. Evans seconded the motion, it passed unanimously by rollcall vote. Mr. Evans stated that the Commission should issue tickets on the continuing violation. Write and send tickets for \$200 a day. He stated that once the owner receives these, they will most likely respond very quickly with a proposed plan for rectifying the situation, which the Commission will then consider.

Mr. Evans stated that he will contact Paul Greene (building/zoning inspector) about what the ConCom is doing regarding this property. He told the Commission that Mr. Greene is very aware of the issues with the property.

5c. Scace Brook DEP Superseding Order status.

Mr. Veillette stated that he doesn't know what the current situation is with this but has reached out to DEP and as of now hasn't heard back. Mr. Evans stated that Tim McKenna (DEP) is working on the issue and that he will contact him and then report back to the Commission.

6.Special Permits, Variances or Appeals Recommendations: None

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7. Open NOI/OCC's & RDAs: Status, Inspections and Action Items

7a. Update on getting signatures on Orders, Determinations and other documents at Town Hall after Zoom meetings-Electronic Signatures.

Mr. Veillette spoke to the Commission about wanting to set up electronic signature ability for the Commission so that members would not have to come to town hall to sign paperwork. He stated that he will speak to the Town Administrator about it. Mr. Evans thinks it is a very good idea.

8. Agent's Report

8a. Statue of Limitations on Permits, Enforcements Orders-ConCom Database

Mr. Veillette stated that he is concerned that many of these items might expire and that without a database items will just never be completed or followed thru. Mr. Evans stated that he reached out to Marc Stintson (DEP) about that and he didn't really have an answer for him. The Chain of Order is forever until a Certificate of Compliance is issued so there isn't really an expiration date.

8b. Inquiries about potential future permits: none

8c. Other:- Mr. Evans stated the King house at the top of Lenox Road has an existing ongoing noncompliant order in the Registry of Deeds. They have not paid any attention to the order. The property is now for sale. A clean sale cannot go thru with the order still in place. Mr. Evans suggested that they send a Certificate of Compliance application to Mr. King, his lawyer and real estate agent. In order to get a COC their landscape architect will have to sign off that the project was done according to the master plan that the Commission agreed to. It was not done to the agreed to plan so their architect cannot sign off on it. The Commission members stated that Mr. Evans should send out the applications.

8d. Another item mentioned was that a resident was clear cutting a trail from their property on Swamp Road to East Road and that they were cutting on not only their property but neighbor's property, without permission, and on DCR property which is a violation. Mr. Evans said he will investigate.

9. Richmond Pond Association

9a. Mr. Veillette attended the Oct 27, 2020 meeting. Ken Kelly told the group that the Lakeside Christian Camp had been sold but did not know any of the details. The property is located in Pittsfield.

9b Mr Veillette also stated that the association is looking into ways of clearing the weeds from the (Nordeen) Canal . One method they are investigating is using scuba divers to hand pull the weeds. Mr. Veillette told them that whatever method they choose a permit will be required from the ConCom.

10. Discussion of OSRP action items: none

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11. Conservation Land/Fund Discussions: Discussion of Richmond Shores Parcel 101.0-0142-0000.0, Corner of Shore & Beach Road disposition by Town.

Mr. Veillette stated that the selectmen would allow the ConCom to put a Conservation Restriction on the property and that the town would keep ownership of it. He stated that he would look into the proper wording for a Conservation Restriction and speak with Town Counsel about it. Peter Miller whose property abuts the town parcel thanked the commission.

12. Citizen's speak: None

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

Mr. Veillette stated that he asked Nick Martinelli to formally resign from the ConCom, since a new member has recently been added.

14. Adjournment

Ron Veillette made a motion at 9:04 to adjourn the meeting. It was seconded by Shep Evans and passed unanimously by roll call vote.



Mr. Veillette -Chair

Date