

MINUTES

Richmond Conservation Commission Meeting

Tuesday January 14, 2020 – 7:00 PM – Richmond Town Hall, 1529 State Road

PRESENT: Mr. John Scorpa, Associate; Mr. Dan Scorpa; Mr. Ron Veillette, Chair; Mr. Adam Weinberg, Vice-Chair; Mr. Bob Dahlen; Mr. Shep Evans, Agent and Associate;

ABSENT: Mr. Nick Martinelli, Mr. Pat Seckler

GUESTS: Mr. Brent White – White Engineering, Inc.; Mrs. Mary Lee Ledbetter – 1110 Lenox Road; Mr. Jackson Alberti – Foresight Land Services, Inc.

The meeting was called to order at 7:00 PM by Mr. Adam Weinberg.

1. **Review and Approval of the Minutes of the November 12, 2019 Meeting:** There was no December meeting. Mr. Dan Scorpa moved that the minutes be approved as read. The motion was seconded by Mr. Bob Dahlen and approved by unanimous vote
2. **Notices of Intent:**
 - A. **(DEP File #271-0213)** from White Engineering, Inc. on behalf of TCB Nominee Trust, property at 2089 State Rd., Map 408, Lot #54. The proposed work consists of site improvements in a Buffer Zone including barn reconstruction, invasive plant species removal, driveway grading and stormwater management.

Mr. Brent White of White Engineering advised the Commission that they have submitted an electronic request for continuance of this hearing. A site visit was done on Thursday January 9, 2020. The comments received from MASS DEP indicate a number of different ways to address site issues, including stormwater management. Mr. White expects to return before the Commission in February.

Mr. Ron Veillette noted that the Commission had given its comments some months ago. Mr. White indicated the property is within a zone 2 of a public water supply and there are issues concerning which stormwater Best Management Practice should be employed. White Engineering thought the continuance would enable the applicant to determine the best solution for the site.

Mr. Shep Evans said that the next meeting is to be on Tuesday, February 11, 2020 at 7:00.

Mr. Ron Veillette raised the issue of boulders around the edge of the wetlands. He recommended relocation of the propane tank and planting shrubbery around that tank that will hide it and help improve the buffer zone.

A motion by Mr. Evans to continue the hearing to February 11, 2020 at 7:00 PM. Mr. Veillette seconded the motion, which was carried by unanimous consent.

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- B. (DEP File #271-0212)** from White Engineering, Inc. on behalf of Steven & Mary Lee Ledbetter, property at 1110 Lenox Road, Map #408, Lot #118. The proposed work consists of construction of a new driveway in the Buffer Zone of an Intermittent Stream to replace an existing steep driveway.

Mr. White distributed a plan of the proposed construction. The limit of work was established as a straw bale line. There is an existing asphalt parking area that will remain. The existing driveway has an average grade of 15%. One area has a 20% grade. Mr. White indicated that the only way to provide a more suitable grade is to add length to the driveway.

Mr. White identified the Limit of Work which is established by a straw bale barrier for the entire length of the proposed driveway and the stream channel itself.

Comments from The DEP note that the Commission needed to be satisfied with the levels of temporary erosion controls during construction, as well as with the final proposed stormwater management. White Engineering Indicated that five culverts will be installed to intercept the stormwater along the length of the 400-foot-long driveway. One of the goals of stormwater management is to decentralize runoff and spread it out over a broad area. The size of the level spreaders closest to the stream have been doubled and White will employ a number of North America Green products to stabilize the driveway and the stormwater management system, creating a more durable surface.

Mr. Veillette proposed 3 alternates as follows:

1. Change parking area to northern side of house cutting into slope in that area. If full time residents, then a garage may be desired in this area in the future.
2. Cut out existing driveway starting at bottom of steepest part of slope up to back of house to into existing parking area. Does not have to be right against foundation and some retaining wall may be required or desirable. If full time residents, then a garage may be desired in this area in future.
3. Start swing out to existing parking area at top of gentle slope around to existing parking area which will reduce grade to existing parking area.

A discussion of various driveway alignment alternatives yielded no significant change in slope of the driveway but would yield a significant movement away from the stream without encroaching on the septic leach field area.

Mr. Weinberg proposed another alternate around the back of the house but it would encroach on the leach field.

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Mr. White summarized plan changes since the initial submission: The size of the level spreaders closest to the stream channel were doubled; trees being proposed for planting along the driveway alignments have been identified; the existing asphalt driveway will be dug up and reseeded with New England Conservation mix and installation of a North America Green Erosion-Control Blanket along its entire alignment.

Various Questions & Answers: What is the maximum slope of the proposed driveway? Ans: Ten percent.

What is the slope of the existing driveway up to the point where it gets really steep? Ans: It averages 14% to 15% and in one spot, 20%.

Is the new driveway to be asphalt? Ans. No, it will be gravel.

Will there be a guardrail? Ans. Yes.

Will winter plowing push material off that steep grade and require redress every spring? Ans: "The entire side slope of the proposed driveway is going to be built with North American Green Geo Grid. It will not just be turf, which would be susceptible to erosion from snow plowing so that should not be a problem.

Has there been any soil testing above the bank along the nearest proximity to the stream to see what it is composed of? Is it ledge or some kind of soil? Ans: There have not been any borings done.

Over time will there be erosion of the bank close to the driveway? Ans: The risk has been mitigated by not introducing only one culvert directing water right at that site. The area off the driveway will be evenly sheeted. It will not all be concentrated in a single culvert outlet, which would make that area more susceptible to erosion.

With the trees removed, will the absorbability of that area be reduced. Ans: There could be a provision to add more plant material on that slope.

Introduction of some other alternate building options were discussed and dismissed as creating other problems.

Downgrade of the guardrail, toward the stream, 8 or 10 feet below the guardrail on a fairly steep slope, is there erosion control shown in the plan. Ans: There is erosion control and permanent slope stabilization on the entire length of the driveway.

Mr. Evans asked if there were plans to have erosion controls at the top of the slope while the driveway building is in progress. Ans: Mr. White said that the driveway is being built

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with an engineered fabric that is anchored into the fill underneath the driveway. That stabilizes the driveway as it is built. The area that would be subject to being compromised during construction is very small. He also agreed to monitor the building process very closely so that if a problem develops, he will require that temporary erosion controls be installed.

Mr. Shep Evans asked that Mr. White identify on the plan which of the trees will stay and which will go. Mr. White responded that every tree between the old driveway and the new one, shown to the left of the plan, is planned to be removed. There are six red maples that will be planted along the new driveway and a Woodland Conservation Seed Mix is planned for the former paved driveway.

Mr. Ron Veillette suggested that the group discuss which trees will be removed and which will stay. Mr. Evans noted that the only way to come to a consensus would be for a definite plan to be committed to paper by White Engineering, which could be amended as necessary.

Various alternative options for the direction and placement of the driveway were mentioned. Mr. Weinberg suggested a vote on a continuance with a planting plan to be presented at the next meeting. A motion was made by Mr. Evans to continue. The motion was seconded by Mr. Scorpa and approved by unanimous vote.

3. Requests for Determination of Applicability:

A. RDA from Foresight Land Services, Inc. on behalf of Dennis Kelly, 61 Cheever Rd., Map 408, Lot 136. The proposed work consists of reconstruction/improvement of an existing residence foundation drainage system including installation of approximately 120 linear feet of solid drainpipe to convey stormwater away from the foundation to an existing roadside drainage swale, all partly within the Buffer Zone of an Intermittent Stream.

Mr. Jack Alberti of Foresight Land Services distributed updated site plans. Foresight had collected and added some elevation data for the 2.1-acre lot. All the abutters are residential. He pointed out the existing house and deck, a gravel driveway and an existing roadside swale along the north side of Cheever Road. The resource areas relevant to the proposed work are; an intermittent stream, an adjacent 100-foot buffer zone and a BVW to the North and across Cheever Rd. The stream flows in a southerly direction through the woods into a culvert adjacent to Mr. Kelly's driveway and then into a culvert underneath Cheever Rd. According to MASSS. GIS, no portion of the property is located within an area of critical environmental concern, natural heritage or a FEMA flood zone. The proposed work will consist of a drainpipe and improvements to the foundation drain, 120-linear feet

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of six-inch drainpipe, and a stone discharge apron, discharging to the roadside swale. All disturbed areas will be existing lawn. There will be no removal of any vegetation within the buffer zone. All areas that will be disturbed will be returned to their existing conditions and elevations with loam seeding and straw mulching. Erosion controls will be of straw wattles along the east side of the driveway. At its closest point the work is approximately 30-feet from the stream. Foresight states that there will be no permanent alteration within the buffer zone.

Mr. Ron Veillette inquired about the design for the discharge apron. Mr. Alberti offered to submit the typical detail to Mr. Veillette. Mr. Veillette asked where the outlet will be daylighted. Mr. Alberti pointed out the location on the Plan.

Mr. Weinberg asked if they will have to go under the driveway to place the drainage pipe. He was assured that they do not as there is an existing culvert carrying storm water in that drainage swale from one side of the driveway to the other. A question was raised as to whether the stream in the area is intermittent. Mr. Alberti said that, according to the Wetlands Protection Act, it is intermittent and not mapped on a U.S. GIS map.

Mr. Evans summarized his concerns: 1. In this neighborhood the whole area slopes towards the road to the left of the frontage of the property and there are six water courses running in that direction during rainstorms. The culvert under Cheever Rd. is either 3/4 or a full 4 feet obviously meant to carry a lot of water. The stream course may or may not be intermittent, but the drainage in this area is all focused on the culvert under Cheever Rd. His concern is that the substrate in this neighborhood is gravel and stone and that the water coming from around the foundation during a heavy storm is going to be substantial. There is ground water in the basement frequently, which is the basis for this project. The entire neighborhood is a bowl shape and it is all tilted towards Cheever Rd with this house right in the middle of it.

Mr. Veillette asked whether the amount of water that will be coming out of the foundation drain had been computed. Foresight had not done that and doing so would incur quite a bit of more expense for the homeowner. Foresight had felt it was a fairly simple project that will only improve stormwater conditions on the lot. Mr. Veillette said that it might, however, cause problems for the Town dumping that amount of water right next to that culvert.

Mr. Evans commented that the scale of the plan submitted is such that it is very hard for anybody to see exactly what is being talked about. He would like to see something more

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complete, like a regular 2' x 3' full-size plan. Mr. Alberti agreed that he could submit a plan that is more focused on the area of outlet in that swale.

Mr. Evans said he personally felt that the project requires a Notice of Intent because of the engineering required.

Mr. Evans and Mr. Veillette requested that an elevation drawing of the foundation to daylight area drain pipe be provided as the slope from house to roadside swale does not appear to be steep enough. (storm event high water could back up into drain pipe from intermittent stream/roadside swale flooding)

Mr. Veillette requested that drain pipe outlet be moved to the west as much as possible away from driveway culvert & stream to allow for maximum absorption, filtering before entering stream.

A motion was made by Mr. Weinberg for a Positive Determination of Applicability. The motion was seconded by Mr. Evans and adopted by unanimous consent.

4. Certificate of Compliance Requests: None

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

- A.** Enforcement Order dated 11-27-2019 issued to Susan Poritzky c/o Sandy Poritzky, 321 North Highland Ave., Ossining, NY 10562. Violation at #9 Boat Lane, Map #101, Lot #164. Cutting trees in the 200-foot Riverfront Area and/or Buffer Zone without a permit.

Mr. Ron Veillette reported that in November of 2019, he received a phone call from people on the lake saying trees were being cut down on Boat Lane at the corner of Shore Road. He did a site visit and found trees down and got the workers to leave. He told Mr. Evans about it and Mr. Evans wrote the Enforcement Order. Subsequent to mailing the Enforcement Order to the homeowner, the son called. In the Enforcement Order, Mr. Evans had requested planting of replacement trees and the son said they would absolutely do that as soon as the weather turns.

- B.** Mr. Veillette talked to Mr. Tim McKenna about 24 Scace Brook Rd. Nothing has changed since they put out that Enforcement Order. Work has been stopped, but no restoration has begun. He is staying on top of it.

6. Special Permits, Variances or Appeals Recommendations: None

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7. Open NOI/OOC's & RDAs: Status and Action Items: None

8. Inquiries to ConCom about Future/Possible Applications

- a. Coming in the Spring, 2020 from David O'Brien, property at 268 Branch Farm Road, Branch Farm Condo Assn, Map 102 Lot #2. An NOI for drainage improvements, removal of roots and stumps and reworking a path to Richmond Pond Shore. Mr. Evans sent a Notice of Intent form to Mr. David O'Brien who tried to apply on his own, but which he could not complete. Mr. Evans advised Mr. O'Brien that his landscaper could probably complete the form and he agreed that he would do that in the spring

9. Richmond Pond Assn. Meeting Attendance Report: The Pond Assoc. will not be meeting until April.

10. Discussion of OSRP Action Items: WPA Brochure-Need for Additional Copies

As there has been a number of property sales recently Mr. Veillette is considering mailing copies of the new, educational brochure to the new owners, probably in the spring.

11. Conservation Fund Discussion:

The warrant for the Town Meeting is being put together. Assume finance committee and Selectmen will ask for same amount as last year.

The Commission has talked about the Community Preservation Act and they need to push that with the Town Administration. It was tried in the early '90s and was turned down at a Town Meeting. Mr. Evans noted that adopting a 1% or 2% or 3% surcharge on the real estate tax bill is a hard sell. There was a discussion of the process.

12. ConCom Bylaw and Process Update Discussions: Review and Update Standard Conditions for Determinations of Applicability and Orders of Conditions.

Mr. Veillette distributed copies of the changes he had suggested to the Standard Conditions for both an NOI and RDA. He went over the various issues that need to be considered for inclusion under Standard Conditions. Mr. Evans suggested that a form letter for new property owners making changes to their property might help them comply with regulations and avoid future impediments to the sale of the property. The idea was well received, and Mr. Evans offered to create the form letter.

A motion was made by Mr. Weinberg to accept the changes suggested by Mr. Veillette. The motion was seconded by Mr. Scorpa and adopted by unanimous vote.

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13. Citizen Speak Time: None

14. Unanticipated Items

- A. The Annual MACC Environmental Conference at Holy Cross. The conference is on the 29th of February and the ConCom has budgeted monies to send people. Anyone wishing to attend will fill out the registration form and advise Mr. Evans.
- B. Items the Commission should be Planning for when preparing the Annual Budget. Mr. Veillette drafted a budget and had Mr. Evans and Mr. Weinberg to review it. There are three different accounts to be budgeted for which Mr. Veillette inserted the line items and quantities. 1. Agent's salary and hours – these will remain the same. 2. Expenses – MACC Membership for 7 people as Permanent Members, an Associate and an Agent membership and the MACC Conference fees – estimated at 5 people attending between the Fall and Spring Conferences. 3. Member Special Training – An RCC Dinner/Lecture estimated for everyone to attend (9 people), Lecturer fee. Enforcement Order Recordings put in 3. Agent's cell phone & driving expenses, which Mr. Evans does not charge.

Revolving Account – Collected Fees for Applications, NOI's and RDA's with different fee amounts for each. Because of the Certified Mail issue that arose with the DEP, some of those numbers may be changing. He anticipated 9 NOI's and 12 RDA's per year. Newspaper advertising fees which are always \$100 each, and approximately \$7.53 per mailing Certified, Return Receipt, as well as the costs for printing and mailing the Resident Education Brochure on Scenic Mountain, using the same quantities as for the Wetlands Protection Act brochure.

Technical Consultants – Perhaps some of the ConCom's maps should be updated, particularly with regard to perennial vs. intermittent streams and obtain a good watershed map for the Town. Mr. Evans noted that Stream Stats, a computerized, hydrologic program that will draw watersheds on the town map might be useful. Mr. Veillette noted that the Pond Association had talked about doing a watershed management plan for Richmond Pond in conjunction with Pittsfield and that there is some money available for that project.

Next Meeting: February 11, 2020

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Motion to Adjourn

There being no further business before the Committee, Mr. Weinberg moved to adjourn. The motion was seconded by Mr. Evans and passed with unanimous vote.

The meeting was adjourned at 9:30 PM

Signed:



Mr. Ron Veillette, Chair

Mr. Adam Weinberg

