

Richmond Conservation Commission Minutes

Tuesday, July 14, 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 7:10.
- 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.”

No such notification was received.

- Commission Members Present: Ron Veillette-Chair, Bob Dahlen; Dan Scorpa; John Scorpa (associate member), Shep Evans (associate member and agent), Pat Seckler
 - Commission Members Absent: Adam Weinberg-Vice Chair
 - Applicants and Others Present: Jackson Alberti (Foresight Land Services); Claudia Ryan (recording secretary)
1. **Review & approval of the minutes from the June 9th, 2020 meeting.**
Mr. Veillette made a motion to approve June 9th minutes, it was seconded by Bob Dahlen, a roll call vote was taken and it passed unanimously. Pat Seckler did not vote on the motion; he arrive after the vote was taken.

2. **Notices of Intent (New/ Continued/ Extensions):**

There were no new NOI's but is was stated that the Rose Pond Order of Conditions needed signatures. Shep Evans had requested a status report and has not yet gotten one

3. **Requests for determination of Applicability:**

- a. **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 June 9th, 2020**

Shep Evans stated that due to the Emergency declaration from the state lengthened the of time for acting on permit applications. He has not been able to get 3 quotes from contractors yet but will be working on it.

Ron Veillette made a motion to continue this until the August 11th, 2020 meeting, it was seconded by Dan Scorpa; a roll call vote was taken and it was passed unanimously.

- 3b. **Request for Determination of Applicability** from Foresight Land Services on behalf of Enrico Hinz, property at 1080 Lenox Road, Map 408 Lot 119. The proposed work consists of constructing a 22' x 22' carport attached to the existing house and repairing an existing culvert under the present driveway. Jackson Alberti (Foresight Land Services) spoke on behalf of the applicants. It is a 2.5 acres parcel with a single- family dwelling, gravel driveway with an intermittent stream which flows through

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a culvert which is made up of two pipes connected end to end. The connection area of the pipes has caved in allowing gravel to fall into the pipe and causing a small sink hole. They are going to dig a small area and repair the pipe connection. The area will then be covered with crushed stone, fabric and then gravel. There will be a circle of straw waddles around the work area to prevent debris from flowing into the stream and surrounding areas. The entire job of repairing and restoration of the culvert and driveway should take only 1 day. There was some concern from the Commission about the high- water level mark on the culvert but Shep Evans stated that it didn't seem that the water ran over the driveway, there was no evidence of water runoff. Shep Evans stated that the culvert was of a very good quality steel and that the only issue is where the two pipes are connected.

The next part of the discussion centered on the carport. Ron Veillette asked about the runoff from the roof and whether the roof would be made of an impervious material. He was told it would and that with a gable roof the water would runoff to the south and north sides of the building. Ron Veillette stated that he is worried about the runoff and the loss of approximately 300sq. ft. of buffer zone from the stream. Mr. Alberti stated that he didn't think the runoff would create erosion. There will be a line of straw waddles (12inches in diameter) placed on the north side of the work area for erosion control while the work is being done. Ron Veillette asked about the work limit line as it is not shown on the plans that were presented to the Commission. Mr. Alberti stated that the straw waddles will be the work limit line. After some discussion it was decided that the best way to control the erosion caused by the runoff would be to plant native woody shrubs (500 sq. ft) on the downhill steep slope side of the building. Mr. Alberti asked why 500 instead of 300 which is the amount of area that will be removed and he was told that there is always loss of plantings so it is important to plant a greater area. It was stated that the Commission would require two inspections one at the completion of the project and one two years later to make sure the plantings have thrived. Ron Veillette made a motion to give a negative 3 determination with the special conditions,

1)500 sq. ft of native woody shrubs planted along the steep slope on the North side of the carport.

2)2 inspections- one at work and planting completion and one two years after.

3)it was also requested that updated plans be given the Conservation Commission and given to the contractor that have the work-limit line and planting plan shown on them.

The motion was seconded by Bob Dahlen and it passed unanimously by roll call vote.

4.Certificate of Compliance Requests: Boulder Farm, 2650 Swamp Road, two former owners

Shep Evans explained that there are several open Orders of Conditions that have never been completed so no Certificate of Compliance were ever issued. He is working on trying to clean up the paperwork for the lawyers. It is a tedious job and will take a while but it will be done. He did state that it is best if a licensed person (ex. engineer) is the one to request the Certificate of Completion not just the homeowner. There are no environmental issues here concerning this property. Ron Veillette asked if one must work from the oldest to newest and Shep Evans stated that keeping the sequence of Orders is not necessary.

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

Ron Veillette stated that there have been some issues with the new access road from View Drive to the cell tower on top of Lenox Mt. The ConCom indicated that it doesn't have jurisdiction over the project since it is work for a communications tower per interpretation of the MGL and Richmond Scenic Mountain Act (SMA) bylaw exceptions. Ron Veillette said he is concerned about easements residents have agreed to and is afraid that the communications company will abuse them by not adhering to the proper boundary lines of the easements. Ron Veillette also stated that Mass Audubon (one of the property owners) does not think that the SMA exceptions apply to an easement through private land as it is not a public Right of Way.

6. Special Permits, Variances or Appeals Recommendations: None

7. Open NOI/OCC's & RDAs: Status, Inspections and Actions Items: Shep Evans told the members that here is a file at the main office in town hall for papers that need commission members signatures.

8. Inquiries to ConCom about future/ possible applications: None

9. Richmond Pond Association: Press release on Lakeside Christian Camp for sale. It was noted by Ron Veillette that part of the property for sale includes the dam which controls the overflow from Richmond Pond.

10. Discussion of OSRP action items: None

11. Conservation Fund Discussions: Ron Veillette stated that he had given a letter last year to the select-board about possibly using funds for plantings at Richmond Beach, to prevent geese from coming on shore, better erosion protection and pond water quality.

12. ConCom Bylaw and Process Update: Discussions: Ron Veillette asked Shep Evans to explain about how the new bylaw that was just recently passed at town meeting allowing the town to impose non-criminal fines on residents who do not follow town bylaws and guidelines. Shep Evans explained how he has done it for many years in Great Barrington and that once the threat of having to pay a fine goes into effect a solution can usually be worked out. Mr. Veillette stated that he was told by the Select-board to go ahead with the work for getting the proper paperwork ordered because once the town gets the clearance from the State Attorney's office the commission can begin to issue the fines. Mr. Evans stated that a non-criminal violation notice that includes a fine gives a town a way to discipline residents who don't obey the regulations.

13. Citizen Speak Time: None

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

15. Adjournment: Ron Veillette stated that the next meeting will be Tuesday August 11, he then made a motion at 8:30P.M. to adjourn the meeting, it was seconded by Bob Dahlen and all members voted aye by roll call.

(1) NOTE: Pursuant to MGL. 7c. 30A sec. 20 (f), after notifying the chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body or may transmit the meeting through any medium. At the beginning of the meeting, the chair shall inform other attendees of any such recordings. Any member of the public wishing to speak at the meeting must receive permission of the chair. The listings of agenda items are those reasonably anticipated by the chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted



Mr. Veillette -Chair



Date