

Richmond Conservation Commission Meeting Minutes

Tuesday, Oct. 10, 2018 at 7:00 PM
Richmond Town Hall. 1529 State Road

[Notice: This meeting will be recorded by the Richmond Con Com (1)]

1. Call to Order & Introductions

1A. The chairperson called the meeting to order at 7:00PM

1B.(1) Commission members present: Shep Evans, (Member & Agent), John Scorpa, Ron Veillette Co-Chair, Robert Dahlen, Adam Weinberg

1B (2). Commission members absent: Frey Segal Co-Chair, Nick Martinelli, Patrick Seckler, Dan Scorpa (Associate)

1B (3). Applicants and Others present: John Mason-Richmond Land Trust

2. Review & Approval of the minutes of the meeting(s) of: July 10, 2018 and August 14, 2018

2A. Review of minutes of the meetings, the minutes had been previously circulated for review, it was noted that it took a long time to obtain the minutes due to a change in transcribing the minutes.

2B. A motion was made by Mr. Veillette and it was seconded to approve the minutes of July 10, 2018, unanimous approval. A motion was made by Mr. Veillette to approve the August 14, minutes and it was seconded, unanimous approval.

3. Notices of Intent: None

4. Request for Determination of Applicability (RDA): None

5. Enforcement Orders (EO)

5A. Issuing a Notice of Enforcement to be recorded in the Registry of Deeds covering the Order issued to Richard King on July 11, 2018. Mr. Evans stated that a Notice of Enforcement does not automatically get recorded by the Registry of Deeds. Mr. Evans spoke with Mark Stinson, circuit rider from, D.E.P. who when he was a conservation agent would issue a Notice of Enforcement Order, which is recorded with Registry of Deeds. Mr. Evans said the notice explaining that the Kings violated the Scenic Mountains Act. The letter needs to be signed by all members, Mr. Evans has it notarized and the Town Clerk signs a statement that states the letter was signed by dually appointed members of the Richmond Conservation Commission and was signed and documented on the specific date of the meeting and put into the minutes of the meeting so that it was dually recorded. This makes the Notice a legitimate document. Once it is recorded in the Registry of Deeds it is then a public record. The power of this is that it will show up in a deed search and it will show that there is a Notice Order still in place which will not allow them to have a clean title search. Mr. Veillette asked if the Notice is on file at the Registry and Mr. Evans stated that it was in the Commission's files and it will always be there.

5B. Another member asked if there was a log of all old orders and permits.

Mr. Veillette said there should be a log of all Orders since many times there is no longer a board member when some of the Orders were issued and that has led to problems. The Board has very little power to enforce Orders until their signatures are required, then enforcement must be complied with or the Board will not sign off. Mr. Evans requests that the Board sign the letter for the Notice of Enforcement Order after he makes the correction of the date of the meeting.

**6. Recommendations to permit granting authorities on Special Permits & Variances:
None**

7. The Richmond Conservation Fund-

7A. Policy document under discussion and future activities. Mr. Veillette stated that he, Freya and Shep had been working on the document but it was not yet ready for them to sign because the Town Administrator and Board of Selectmen want to review the document before its signing. The town's lawyer has looked at it twice and made comments which were incorporated into the document. Mr. Veillette stated that this process started 2 years ago with the ConCom and himself. Mr. Veillette gave members the draft to read and review.

7B. The fund monies only have to go before the select-board not at Town Meeting since the funds had already been allocated for conservation by Town Meeting, the fund amount is in the \$300,000 plus range. Mr. Evans will find out from the Town Treasurer how much is actually in the fund.

7C. John Mason told the Board about the land that the Trust hopes to obtain. He passed out a map showing the lands that the Town, the Land Trust and BNRC has. BNRC now manages these non-town lands, the Town will control the lands that these funds purchase, but the land might be owned by BNRC due to land ownership and conservation requirements. The Trust will have over 800 acres when both purchases are finalized. John Mason handed out a draft budget for the purchase and work done towards the purchase. With the three groups, ConCom, BNRC and Land Trust each would have to put in about \$125,000. John Mason wants to go to Town Meeting, but the Commission says they already have been to Town Meeting about the funds. Option to buy the lands needs to be done before the grant ends, the grant money must be spent by June 2019. All three groups have to come together in order to get it done.

7D. Mr. Evans explained to the Commission about the CPA(Community Preservation Act), some Berkshire towns have already enacted it. It is an additional tax on the real estate tax bill, 1,2 or 3%. The State also gives monies to the towns that have enacted the CPA, (a percentage of the monies collected by the towns).

8. Open Space and Recreation Plan

8A. Open Space and Recreation Plan actions status are due to the Selectmen. The Plan is online.

8B. Mr. Veillette said there are a lot of actions items that need addressing and would request help from the members in covering them.

8B(1). Can look for outside help in some of the action items. Mr. Evans said he works very well with Peter Beckwith(DPW) about any issues that come up. Mr. Evans mentioned a pamphlet that Vermont has created for maintaining dirt roads for good conservation and water drainage. He gave a copy to Peter Beckwith.

9. Periodic review of Local Wetland Bylaw and Local Regulations under Scenic Mountain Act

9A. Status of planned review of Richmond Local Wetland Bylaw (Ch. XII) and Town of Richmond Regulations under the Berkshire Scenic Mountain Act (MGL Ch.131 Sec.39A) of the status of action item(s) listed in the Town Open Space and Recreation that are due to the Selectmen. Mr. Veillette said nothing yet has been done but that he would like to meet with Nick and get a consensus of what members might want. He said it might be necessary to make sure our Bylaws agree with or are no less than with Mass. General Laws and associated regulations.

9B. A major discussion about how the culverts in town are no longer adequate for the new normal rainfall.

10. Richmond Pond Association

10A. Mr. Veillette spoke with Ken Kelly and informed him that unless there was something on their agenda that concerned the ConCom that a member was not going

to attend their meetings. A member can't decide anything for them and can only consult.

11. Periodic review of filing instructions

11A. Working on Updated Instructions.

11B. Mr. Evans will edit the forms that are submitted. Mr. Evans proposed a set of scenic mountain forms that are kept as PDFs in the computer and can be printed out as needed and filled out.

11C. Need to update website with new fees.

12. Open Orders, Conditions & Certificates of Compliance

12A. Mr. Evans said there is a spreadsheet for them. Mr' Veillette offered to help organize the spreadsheet data.

13. Recent Inquiries to Con Com about future / potential new applications

13A. Only inquiry is that the house next to the Church wants to take out some pine trees.

14. Citizen speak time: none

15. Other items not reasonably anticipated prior to Agenda posting. (1)

15A. Richmond website wants to be nominated for an award and wants the Commission to check their page. Mr Veillette responded to Mr. Pruhenski's request and provided an update to the Con Com Overview statement,

15B. A member makes a mention of needing real estate agents to inform buyers of conservation regulations to prevent problems in the future.

16. Adjournment:

Mr. Veillette made a motion to Adjourn at 8:35pm

Data Submittals: No dwg's or technical data was submitted to the ConCom at this meeting

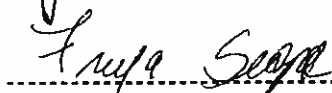
Next Meeting: Tuesday, 11/20/2018 (rescheduled from 11/13/18) at 7:00PM **New submittals requested by, 11/14/2018 at 3:00PM**

(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 by law.

Signed:



Mr. Ron Veillette Co-Chair



Ms. Freya Segal Co-Chair