

Richmond Conservation Commission

Meeting minutes

Tuesday, September 11, 2018 at 7:00 PM
Richmond Town Hall. 1529 State Road

[Notice: This meeting will be recorded by the Richmond Con Com. None of the public indicated they would be recording]

1. Call to Order and Introductions

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

1B (1). Commission Members present: Ron Veillette Co-Chair, Pat Seckler, Nick Martinelli, Robert Dahlen, John Scorpa, Daniel Scorpa and Shep Evans (member and conservation agent)

1B (2). Commission members absent: Freya Segal Co-Chair, and Adam Weinberg. Mr. Veillette announced that applicants will speak first and then the commission will speak, then the public.

1B (3). Applicants and Others present: David Kay, Steve Mack, Mark Scoco

2. Review & Approval of the minutes of the meeting(s) of; July 10th & August 14 minutes will not be considered at this time due to the fact that they have just been drafted with no time for reviewing.

3. Notices of Intent: None presented No applications were submitted or continued for this meeting

4. Request for Determination of Applicability (RDA)

4A. Request for Determination of Applicability (RDA) filed under the Mass Wetlands Ch. XII submitted by Richmond Shores Civic Association, Property located at Shore Road, Map 101 Lot 151 and the Bridge. The proposed work consists of removing three dead trees overhanging the association beach and bridge.

The Chair asked for someone from the association to speak. David Kay spoke for the association. He said that members of the board did a site visit and did determine that 1 tree at the beach and 2 trees at the bridge were dead. Mr. Veillette stated that they could be a hazard and should be taken down but did question Shep Evans about the stumps from the removed trees. Shep said that the standard procedure is to leave the stumps of the trees in the buffer zone, the root ball has to stay. The chair then asked if there were any other questions from the members and whether a Negative Determination #3 should be issued. A motion was made and seconded for the approval of the removal of the trees and issuance of a Negative Determination #3.

4B. Request for Determination: The Chair then read the second request: Request for Determination of Applicability under the Berkshire Scenic Mountains Act from Foresight Land Services on behalf of Thomas & Kim Ruffing, property located at 26 Wood Lot Road, Map 407 Lot 13. The proposed work consists of constructing a new barn with attached apartment and a new wood shed, including driveway, site grading, drainage and underground utilities.

Steve Mack from Foresight Land Services spoke for the Ruffings. The property is 36 acres, he has presented a plot plan that shows the land and where the barn will be located, since it is going to be in the Scenic Mountain area, they are seeking a Determination of Applicability. The barn will be towards the back of the property and designed to be built into the hill so as to match the landscape.

Shep Evans said he and other members had paid a visit to the building site and that the proposed barn will be buried in the trees. The Chair does have some questions

about was there a previous permit for a house RDA since the bylaw requires that the cumulative affect of multiple permits need to be considered, which he was told there had been. The Chair said the Commission could not find any plans for the original permit in the files.

The Chair mentioned that there were no wetland issues but that the proposed building was much larger than is allowed under the Scenic Mountain act for an RDA. He had other issues such as the cutting of trees in what is watershed. He liked that the lighting will be hidden, and the proposed colors were not an issue. Another issue was the drainage of water coming down from off of the slope, where it will go? The Commission was told that rain water will be diverted to both the eastern and western sides of the building. The retaining walls are to be made of stone. Another question from the chair was about the 2 doors on the north side of the barn that lead out to the woods. Mr. Mack indicated that approximately 20ft. behind the building would require excavation for the foundation. The plans don't show any path or patio or a work limit line, but the doors imply that there will be something besides woods outback. The chair requested that a Work Limit line be shown on the plans behind the barn.

The Chair feels that a lot of items are being left off from this plan even though this is not a construction plan. He asked about the septic system and was told that it would tie into the septic system for the house and noted trees will have to be taken down to tie into the septic.

Chair feels an NOI rather than RDA should have been requested due to all the issues of the Scenic Mountain Act that are being involved in this building. It provides a more detailed plan and gives the board more control. The Chair is worried about the vista being cleared out. Someone asked how big the trees are that will be cleared out.

Steve Mack felt that this will not affect the watershed or the vistas.

Shep Evans felt that this building is not a problem for either the watershed or the Scenic Mountain Act. The Chair left it up to the Commission to determine if an RDA would be appropriate or if an NOI should be required.

Mr. Evans made a motion to issue a Negative Determination #3 with 2 special conditions that any tree that is removed is replaced with a similar type of tree, remove hardwood tree (1 for 1) and that the plan be marked up or modified to show the Work Limit line around the barn. The Chair wants limited work done behind the barn. Lawn to be planted between trees. The motion was seconded and passed unanimously.

5. **Enforcement Orders (EO):** None requested or signed at this meeting
6. **Recommendations to permit granting authorities on Special Permits & Variances:** None at this meeting
7. **The Richmond Conservation Fund-** Discussion of the status of the Conservation fund. High level summary review of in process Policy Document, use of the fund to purchase land, such as the acreage above Hollow Fields.
8. **Open Space and Recreation Plan-** Discussion of the status of action item(s) listed in the Town Open Space and Recreation Plan that are due to the Selectmen.
The Chair is putting together a packet of action items to be given out to members, he might need help with it after. Vernal pools need to be identified. North side of Lenox Mountain and Lenox Branch road is a vernal pool.
9. **Periodic review of Local Wetland Bylaw and Local Regulations under Scenic Mountain Act**

Status of Planned Review of Richmond Local Wetlands Bylaw (Ch. XII) and Town of Richmond under the Berkshire Scenic Mountains Act (MGL Ch 131 Sec.39A). Members should email with issues relating to these bylaws to the Co-Chairs (and Nick Martinelli).

10. **Richmond Pond Association-Con-Com Rep attendance & items of interest summary.** Chair asked if anyone has gone to meetings. No one has gone to meetings lately. Not much affects the ConCom commission. Better to receive and review reports from the association. ConCom has asked RPA to put items that pertain to this Commission up first on agenda or ask them to tell which meeting will have info/questions for the Commission to consider.

11. **Periodic review of filing instructions-Mr. Evans passes out updated Instructions for Applicants.** They were revised in June 21018. The Commission should review & discuss them before they go on the website, email any comments to Shep Evans, shepevans@yahoo.com

12. **Open Orders, Conditions & Certificates of Compliance**

12A. CoC #1: Request for a Certificate of Compliance regarding DEP File #271-131, submitted by SK Design Group, Inc. for Thomas & Teresa Girona, property at 80 Cunningham Hill Road, Map 406 Lot 16. The final Order of Conditions was issued on June 17, 2007. Construction was completed soon thereafter. The property was inspected by SK Design in early September 2018 and they report that all work has been completed satisfactorily.

Mark Scoco from SK Design spoke on behalf of the Gironas. The original order of conditions was met but an amended order for a poll was added and the total project was never given a Certificate of Compliance and they are now asking for one from the board. No site visit was done at the time of completion.

The Chair feels a site visit is needed because of the property being surrounded by wetlands and an intermittent stream and no one on the Commission at this time had been involved in the original permit and / or performed a site visit.

Mr. Evans said they can issue a Certificate of Compliance contingent on a successful site visit which they scheduled for Friday Sept 14, 2018 at 3:30PM, they will meet at town hall (3:15) and then go to the site along with the engineer. A motion was made and passed unanimously, to issue the Certificate of Compliance contingent on the site visit. They will issue it after the site visit. Holly Stover suggested that they have the original file and she was told that the Commission has it. (Note that no file was found in the ConCom records).

12B. Discussion of flash flooding, cemetery off of Rt. 41 has gravel washout problem. Needs a permit before they can do any major work in the cemetery. Scace Brook Road headwalls blown-out at Scace Brook crossing, damage to culverts on Dublin Road and eventually downstream at State Road also. Sleepy Hollow Brook at Summit road overflowed road and washed out shoulders on south side. Culvert appears to be too small for recent and future storm events. DPW made temporary repairs.

13. **Recent Inquiries :** none at this time

14. **Citizen speak time:** none

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

None

16. **Adjournment at 8:20 PM**

LIST of DOCUMENTS AND EXHIBITS

PER OML 940 CMR 29.00: M.G.L. c. 30A, & 25(a) and (b)

1. Non submitted

**Next Meeting: Tuesday, 10/09/20xx at 7:00PM
09/19/2018 at 3:00PM**

New submittals requested by,

- (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, Chair



Ms. Freya Segal, Co-Chair