

Richmond Conservation Commission Minutes
Tuesday Sept. 10th ,2019 at 7PM. Richmond Town Hall 1529 State Road

Call to order and Introductions

- Ron Veillette, Chair called the meeting to order at 7PM.
- Ron Veillette made this statement:

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 committee at this time. (Per MGL Open Meeting Law)

- Commission members present: Ron Veillette-Chair, Dan Scorpa, John Scorpa (associate member) Shep Evans (associate member and agent), Adam Weinberg Vice-Chair
- Commission members absent: Nick Martinelli, Bob Dahlen, Pat Seckler.
- Applicants and Others Present: Pete Killeen (Branch Farm), Mike Bianco (MAB Landscape), Peter Dunham (MAB Landscape), John O'Brien (Branch Farm)

Ron Veillette told the other Commission members that Adam Weinberg had offered to be Vice-Chair since Freya Segal resigned, he asked if there were any issues with that and having none given by the Commission members, he made a motion for Adam Weinberg to be named Vice-Chair it was seconded by Shep Evans and passed unanimously.

1. Review & approval of the minutes from the August 13, 2019 meeting.

Ron Veillette stated that a copy of the minutes had been sent to all members and he asked if there were any comments concerning the minutes. There were none.

Ron Veillette made a motion to accept the minutes, Adam Weinberg seconded it and it passed unanimously.

2. Notices of Intent:

2A. Notice of Intent (DEP File # 271-0208) from Peter Dunham of M.A. Blanco Landscaping, Inc. on behalf of Furnace Road Nominee Trust, property located at 371 Furnace Road, Map 411 Lot 01. The proposed work consists of excavating an existing stone staircase and patios and re-installation and planting within the buffer zone of a private pond.

Chairman Veillette opened the public hearing for the NOI.

Mike Blanco (owner of (M.A. B Landscaping) presented to the Commission the plan that they have drawn up for the proposed work that they wanted to do on the property. They want to basically rebuild the existing patios and stone staircase because the original work that was done by another contractor was subpar. They need to remove all the pavers from the patio and then remove the existing gravel and then replace it with the proper subsurface material needed prior to replacing new patio pavers only a few of the original pavers will be used. They will need to do the same for the stone stair case. They will not be expanding either the patio or staircase area nor will there be a change of any grade or drainage. The silt fence will be installed the entire length of the property between the work area and the pond to avoid any run-off from their work into the pond. Ron Veillette noted that the plan did not have the buffer zone represented on it. Mike Blanco stated that the work would be done 68 ft. from the bank. Mike Blanco stated that the only digging will be in the footprint, this was in response to a question from Ron Veillette about any additional digging. Ron Veillette also asked Mr. Blanco about the trucks that will be used in the work and if they will be returning any disturbed lawn back to it 's original condition. Mr. Blanco stated that the lawn will be returned to its original condition

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and they have ground mats and plywood to put down, if necessary, for the trucks to drive on. John Scorpa asked Mr. Blanco about down-spouts and if they were planning on installing any, he said they were not planning on adding any, there were already some in place from when the original construction was done. They are just fixing the work from the most recent contractor not the original one. Ron Veillette asked about whether the silt fence will be the limit of the work line and Mike Blanco said it was, and that it would be noted as such on the plan. It was requested that the distance from the silt fence to the pond be put into the master plan. Shep Evans clarified the issue by stating that the limit-of- work silt fence is 68ft. from the edge of the pond. The stone stairs (which are a cast cement) were placed in dirt that has washed away and made them very dangerous which is why the work needs to be done, the steps themselves are in good shape.

Chairman Veillette asked about the excess dirt and other material that will be excavated out and Mr. Blanco stated that all excess will be trucked away from the site. Mr. Blanco was asked about the storage of the material that they will be using for the project. He stated the material that will be used will be stored 200ft. away from the pond on the other side of the house. The new stairs will be interlocking, all the stone stairs will be replaced, and old stairs will be trucked off site.

Mr. Blanco stated that they would like to start the project as soon as possible. If they cannot finish prior to bad weather they have made plans for making sure that there will be no erosion into the pond or surrounding areas. They will finish first thing in the spring if necessary. He thinks the project will take 6 to 8 weeks to complete. Chairman Veillette asked if there were any questions. There were no other questions from the Commission so Chairman Veillette closed the public hearing. Ron Veillette discussed that the standard Order of Conditions would apply along with a few special conditions

1. Silt fence is the work limit
2. Spoils /debris to hauled out
3. Plastic mats for trucks if needed
4. Restoration of grounds if needed

Ron Veillette did also mention that as part of the Standard Order of Conditions prior to the beginning of any work there needs to be a site visit by the Conservation agent to make sure all the erosion controls are in place for the project to begin.

Ron Veillette made a motion to approve the NOI with the Standard Order of Conditions along with the special conditions that have been outlined. It was seconded by Shep Evans and passed unanimously.

It was mentioned by Shep Evans that they needed to have the NOI recorded at the Registry of Deeds and Ron Veillette stated that they need to send a copy of the stamped NOI back to the Commission. When the project is completed the applicant must request the Commission to issue a Certificate of Compliance, which will also need to be recorded.

3. Requests for Determination of Applicability:

3A. Request for Determination of Applicability from Pete Killeen on behalf of the Branch Farm Condo Association, property located at Branch Farm Road, Map 102 Lot 2. Proposed work consists of removing dead, dying or threatening tress within 200 feet of the shore of Richmond Pond as per Forest Management Plan dated September 1, 2013.

Chairman Veillette stated that he and Shep Evans (agent) spent a great deal of time at the site checking out the tress and have made their suggestions of which trees could be removed. Attached is the list of the trees that the Condo Association has requested to be removed along with their locations. All the trees listed in groups 1,2,3,6,7&8 are all approved to be removed but no trees from group 4 are to be taken down and in group 5 the trees that were tagged with a ribbon are okay to be

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removed (attachments) It was noted that some limb trimming for vista pruning would be allowed. Ron Veillette asked if the Commission had any questions, there were none. Chairman Veillette made a motion to issue a Negative Determination #3 with the Standard Conditions. Special Conditions will be: no removal of stumps of the trees cut down, flush cut not dig removal of roots. Shep Evans seconded it and it passed unanimously.

At this point, Adam Weinberg took over Chairing this part of the meeting.

3B. Request for Determination of Applicability from David O'Brien, property located at 268 Branch Farm Road, Map 102 Lot 2.5. The proposed work includes leveling and seeding a shore area 14' x 17'; removing large roots, leveling and mulching a walkway; replacing a drainage pipe and eliminating a ditch between parking and the house; creating a new path from house to clothes line and trash; and removing two 3ft. stumps.

John O'Brien spoke for David O'Brien. Ron Veillette said that members of the Commission did a walk-thru with the plan and did state that they have some conditions. David O'Brien stated that the Condo Association members are okay with the plans that they have and will abide by what the Commission recommends. The Commission wants them to plant low shrubs to hold in the bank along the shore line. It was noted that there was already erosion of the shoreline bank due to lack of vegetation. The Commission is okay with the removing of the exposed roots that are a tripping hazard for people walking on the path and leveling and mulching the path, making it a meandering path for better water drainage but not removing any roots that are outside of the 30inch path. Shep recommended a vegetated swale for the drainage issue instead of using a drainage pipe. Silt fences will be necessary for the leveling work since digging will be required. The Commission discussed that a NOI will probably be required for this project. There is a very steep slope to the property. Ron Veillette has made a motion to have a Positive Determination of Applicability #4 with a requirement for an NOI, it was seconded by Adam Weinberg and passed unanimously. It was stated that the landscaper Mr. O'Brien hired for the project is on the Conservation Commission of his home town.

4.

5. Discussion of Enforcement Orders:

5A. 159 Willow Road: Status of Chronology memo for the Selectboard

Ron Veillette asked Shep to explain the situation to the other Commission members. The Selectboard has requested from the Commission all the information and procedures that they followed with this property. He stated that in 2001 SK Design filed an NOI in order to extend a corner of the house for the addition of steps to lead down to the basement. The Order of Conditions was never fulfilled, a Certificate of Compliance was never issued for the project. It is a violation to start any more work if there wasn't a Certificate of Compliance issued for the first OCC. The owner of the property asked SK Design to look over what they are doing now. The SK Design engineer called Shep Evans to inform him that none of the work that is being done now is up to code and that SK has nothing to do with it. Adam Weinberg asked what the building inspector is doing about this. Shep Evans informed the Commission that the building inspector has looked at it and has also requested a work stoppage but he doesn't have any power to fine and enforce the orders which is the same for the Conservation Commission. This is the reason for the Selectboard wanting all the information. They hope to have a special town meeting to pass a bylaw that town counsel approves for the ability of both the Building Inspector and the Conservation Commission to issue fines. There is a Town Bylaw that states the town can issue fines but it doesn't give the power of issuing them to anyone. Shep Evans explained to the

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Commission that he does have this power of issuing fines in other towns and it does get the attention of the home owner when the fines start adding up.

6.Recommendation(s) to Permit Granting Authorities on Special Permits, Variances or Appeal:

6a. Request for Enforcement of Zoning Bylaw: 508 Canaan Road, Map406 Lot 27.

Ron Veillette stated that he drafted a response letter about an appeal that a neighbor filed in response to the special permit that Hill Top Orchards filed. The issue is the noise from the amplified music events that are being held at Hill Top on weekends. Ron Veillette stated that it was not within the jurisdiction of the Conservation Commission. Shep Evans made the motion to approve the sending of the letter. It was seconded by Adam Weinberg and passed unanimously.

7.Discussion of matters relating to the Conservation Fund: discussion and vote on a proposed Amendment Rev 1, dated Aug 22, 2019, to the Berkshire Farm conservation restriction Memorandum of Understanding (MOU) proposed by Town Counsel (attachment).

Shep Evans moved that the proposed amendment be accepted, it was seconded by John Scorpa and passed unanimously by Ron Veillette, Shep Evans, Adam Weinberg, John Scorpa and Dan Scorpa

8.Discussion of the status of action item(s) in the Town OSRP. Ron Veillette requested and received the go ahead for printing and distribution to land owners for an educational brochure on the Wetland Protection Act State and Richmond Bylaws and Buffer Zone Do's and Don'ts graphics. (This brochure addresses' OSRP Action Item Goal 1, Sub Goal 1-A-1 & Sub Goal 1-A-2 "WATER RESOURCES IN RICHMOND ARE PROTECTED").

9.Status of planned review of Richmond Local Wetland Bylaw (CH. XII) and Town of Richmond Regulations under the Berkshire Scenic Mountains Act (MGL Ch 131 Sec. 39A). No discussion

10. Richmond Pond Update: Dan Scorpa provided an update on the recent RPA meeting.

11. Instructions for Applicants update: No discussion

12. Open NOI/OOC's & RDAs Status and Action Items

12A. Update on status of non-compliance with the Superseding Order issued to 24 Scace Brook Rd. property

Shep and Ron informed the members that DEP had addressed/approved the requests for date changes and assignment of an environmental consultant required in the Unilateral Administrative Order issued by DEP on August 13th by SK Design Group whom Mr. Bartlett had engaged. Tim McKenna of the DEP is handling the problem.

12B. Request for 3year Extension of an Order of Conditions from John O'Brien, property at 200 Branch Farm Road, Map 102 Lot 2.11. The original Order re the rebuilding of a cottage was issued in 2013 and was first extended in 2016.

Ron Veillette made a motion to extend the Order; as requested it was seconded by Shep Evans and passed unanimously.

13. Inquiries to ConCom about future / possible application: No discussion

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14. Citizen Speak time: No discussion

15. Other discussions not reasonably anticipated prior to Agenda posting. No discussion

16. **Adjournment.** Adam Weinberg made the motion to adjourn the meeting at 8:23 it was seconded by Shep Evans and passed unanimously.

Next Meeting: October 15, 2019

New Submittals Requested By: Wednesday 9/18/2019



Ron Veillette-Chair



Adam Weinberg- Vice Chair

Date:

FIRST AMENDMENT TO
MEMORANDUM OF UNDERSTANDING

Between

TOWN OF RICHMOND, Acting by and through its CONSERVATION COMMISSION

And

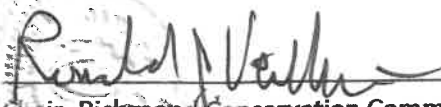
RICHMOND LAND TRUST, INC.

The TOWN OF RICHMOND ("Town") acting by and through its CONSERVATION COMMISSION, its successors and permitted assigns ("Conservation Commission"), and RICHMOND LAND TRUST, INC. , its successors and permitted assigns ("RLT") (Conservation Commission and RLT shall be referred to collectively as the "Grantees"), are co-holders of a Conservation Restriction ("CR") on the former land of Berkshire Farm Center and Services for Youth (the "Conserved Land") recorded with the Berkshire Middle District Registry of Deeds at Book _____, Page _____, and have entered into a Memorandum of Understanding ("MOU") with regard to the administration and enforcement of said CR, dated June 11, 2019.

This agreement amends the MOU by striking existing paragraph 8 and replacing it with the following:

8. **Amendment and Assignment.** This Memorandum of Understanding may be amended at any time by the agreement of both parties. In the event that RLT intends to cease operations it will assign its responsibilities to another organization, qualified to hold a CR and approved by the remaining co-holder, or to the remaining Grantee which would then become the sole Grantee of the CR. In the event a new organization becomes a co-holder of the CR, a new MOU will be negotiated between the co-holders.

All other terms and conditions of the MOU are hereby ratified and affirmed.



Chair, Richmond Conservation Commission

Date: Sept 16, 2019

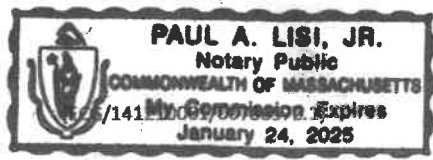


Chair, Richmond Selectboard

Date: 9/20/19

President, Richmond Land Trust

Date: _____



AGENDA ITEM 3A - BRANCH FARM CONDO ASSOC.

2019 Branch Farm Tree List

1. 10" Ash, Dead
2. 16" Cherry, Dying and threat
3. 30" Hemlock, Threatening
4. 2 small, Housekeeping - No
5. 6 small, Housekeeping - Tagged Only
6. 12" Birch, Dead
7. 12' Pine, Dead and 30" Pine, Dying
8. 16" Birch Threatening neighbor