

Richmond Conservation Commission Minutes  
Tuesday October 15 ,2019 at 7PM. Richmond Town Hall 1529 State Road

Call to order and Introductions

- Mr. Veillette, Chair called the meeting to order at 7:06 PM.
- Mr. 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.

- 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: Claudia Ryan (recording secretary), Joanne Blauer, Paula Patterson, Richard Levy, Sarah Gapinski (SK Design Group), Wanonah Webster (Webster Landscape) and Tim Mason

**1. Review & approval of the minutes from the September 10, 2019 meeting.**

Mr. 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 stated 2 attachments would be with the minutes.

Mr. Veillette made a motion to accept the minutes, Mr. Evans seconded it and it passed unanimously.

**2. Notices of Intent:**

**2A. Notice of Intent (DEP File # 271-0209)** from SK Design Group, Inc. on behalf of Lisa and Daniel Lehman, property located at 120 Shore Road, Map 101 Lot 175. The proposed work includes removal of a timber shorefront retaining wall, construction of a rip-rap slope with plantings along the shoreline of Richmond Pond, installation of stone steps and the reconstruction of an existing patio and proposed planting area. The applicant will also seek a permit to install a seasonal dock.

Mr. Veillette opened the Public Hearing at 7:15 PM.

Shep Evans passed out the plans for the proposed work for the Commission members to view. A site visit by Mr. Veillette and Mr. Evans had been made earlier in the day.

Sarah Gapinski (SK Design Group) spoke on behalf of the applicants. She stated that the house is a one family dwelling located on .14 acres and was remodeled in 2010. She described the property and what the proposed work will entail.

1. Removal of the existing timber retaining wall that is along the pond edge and replacing it with a 2ft. rip-rap slope (1 ½ to 1) which is a series of stones placed to mitigate the extreme slope and to buffer the bank against water and ice erosion. They intend to plant red-osier dogwood shrubs within the rip-rap for both erosion protection and wildlife habitat.
2. The installation of a seasonal dock 4ft. wide and 40 ft. long with a platform at the end which will be 64(8x8 ft) sq. ft. This dock will be removed for the winter and will have aluminum pier supports and rest on the lawn above the rip-rap sloped bank. They will apply for a chapter 91 license from DEP.
3. The existing patio will be removed and a new patio will be constructed in the existing footprint. It will be made out a material that will allow for drainage. They have not yet decided on exactly what material will be used but have promised that it will be of a pervious material.

Richmond Conservation Commission Minutes  
Tuesday October 15 ,2019 at 7PM. Richmond Town Hall 1529 State Road

4. Installation of stone steps from the end of the patio into the slope of the hill to make it easier and safer to walk from the house to the pond and new dock.
5. Installation of two planting areas one of approximately 185 sq. ft. on the west side of the property and the other on the east side of the property of approximately 165 sq. ft. These areas will be along the 2 side property lines and will begin at the approximately the same a point in the lawn that the steps end and continue down to the end of the lawn just above the rip-rap slope. These areas of plantings (350 sq. ft.) are to offset the 250 sq. ft. of work buffer zone work that they will be doing. Native indigenous plant species to be determined by the owners at a future date.

Ms. Gapinski stated silt fence and straw waddles will be installed to prevent any soil erosion from entering the pond. Ms. Gapinski explained by showing on the plan where they intend to store the materials while the project is being done.

Ms. Garpinski stated that they received comments from DEP and are still awaiting a response from Natural Heritage (they expect to have response by the end of October)

**The DEP Commented:**

1. That the ConCom needs to issue a Certificate of Compliance to close out the original NOI request for a septic system upgrade which was never built.
2. The ConCom must give approval for the new dock design so the applicants can apply for a dock permit to be in accordance with Chapter 91 of Mass state regulations. DEP stated that the old dock that was on the property was never permitted so it can't be used. Ms. Gapinski stated that as far as she knows the dock was not used at all this past summer. The new proposed dock will meet all Chapter 91 requirements.
3. The DEP wanted to make sure that there was a retaining wall that the rip-rap is replacing otherwise the applicants could not put in the rip-rap slope and shrubbery that they have proposed. There is evidence that the timber wall has been there for many years and had been a retaining wall.
4. DEP stated that Natural Heritage must sign off which Ms. Gapinski has already informed the Commission.

**Ron Veillette's comments.**

1. Mr. Veillette asked about the seasonal dock and was told that it would be held in place by aluminum pier supports and rest on the land it will be over the bank.
2. Mr. Veillette stated that most of the work was within 50ft. of the pond
3. He was not happy that there is a paved driveway that is a large impervious surface. Sarah Gapinski did inform him that it was all done (repaving) with a proper permit. Ms. Gapinski stated that she would talk to the owners about adding more plantings to offset some of the paved driveway surface but thought it was not really required since it was not part of the original permit request conditions. Mr. Veillette requested that maybe the owners could agree to more shrubs planted along the shoreline. Adam Weinberg suggested maybe low bush blueberry shrubs. The original OOC from several years ago was found by Mr. Evans for Mr. Veillette to view. It was for resurfacing an existing paved driveway. There was also a permit for an underground propane tank and for bringing in fill for elevating the land surrounding the house by 6 to 8 inches.
4. Mr. Veillette stated that here were no trees around the property and wanted to know if any were removed. Ms. Gapinski said she did not think any had been removed. She showed a photo from

Richmond Conservation Commission Minutes  
Tuesday October 15 ,2019 at 7PM. Richmond Town Hall 1529 State Road

the 1990's and no trees were visible. Mr. Veillette and Mr. Evans both stated that if they could plant some trees on the property towards the bank it would be good for erosion prevention.

5. Mr. Veillette asked about the fact that they were removing the retaining wall and putting in the rip-rap slope and wanted to know if the retaining wall was ever permitted. Ms. Garpinski stated that there had been a Chapter 91 permit and at the time that it was issued the permits were not as explicit for where and exactly what work it covered and it is thought that the permit was for the retaining wall since aerial photos from the 1990's of the shoreline show the retaining wall.
6. Mr. Veillette wants to make sure that what ever surface is put down for the patio it will allow for very good drainage and infiltration to avoid runoff from the new patio surface.
7. Mr. Veillette stated that they were removing pervious drainage square footage (buffer zone) by putting in the stone steps but agreed that for safety reasons the steps were necessary, so he felt it was a reasonable thing to do.

Mr. Dan Scorpa asked if the house had gutters; both Mr. Veillette and Ms. Garpinski stated they didn't remember seeing any. When reviewing the house photos Adam Weinberg thought he spotted a gutter downspout.

Ms. Paula Patterson (a neighbor of the Lehmans) asked the Commission who would be responsible for overseeing the project? She said when the applicants put in a building permit to expand their house it was permitted for a two- story house and when the new work was completed it ended up being a 3- story house. Ron Veillette stated that before any work is started that Mr. Evans /ConCom will make a site visit to make sure all preconstruction conditions are met and that a Certificate of Compliance will not be issued in the end if the work falls outside of what is permitted.

Since Natural Heritage had not yet responded to the applicants it was decided to continue the public hearing until the November meeting on 11-12-2019

At the November meeting Mr. Veilltte has requested

1. SK Design presented revised plans that will incorporate minimum of 750 sq. ft. of native plantings encompassing the shore line behind the rip-rap slope and the already designated planting areas.
2. SK Deign present exact measurements of the patio and information about the drainage under the patio.

Mr. Veillette made a motion to continue the public hearing until the Nov 12<sup>th</sup> meeting. It was seconded by Mr. Weinberg and passed unanimously.

**Mr. Veillette closed this portion of the public hearing at 7:40 with the notation to reopen the hearing at the next meeting.**

**2B. Notice of Intent (DEP File # 271-0210)** from SK Design Group, Inc. on behalf of Richard Levy, property located at 20 Swamp Road, Map 102 Lots 53&54. The proposed work includes re-grading and planting at the property entrance, some hand pulling of invasive plant species and select removal of three dead/dying trees, all within 100ft. Buffer Zone of Top of Bank and 200ft. Riverfront area of Tracy Brook.

Richmond Conservation Commission Minutes  
Tuesday October 15 ,2019 at 7PM. Richmond Town Hall 1529 State Road

Mr. Veillette stated that he and Mr. Evans made a site visit and met with Ms. Gapinski, Ms. Wanonah Webster (Webster Landscape) and Mr. Richard Levy on Tuesday October 15 at about 4:30PM.

Ms. Gapinski (SK Design Group) spoke on behalf of Mr. Levy. This property is the former Girls Scout Camp, it is now a single- family property. The project that they would like permitted is taking the old abandoned gravel driveway entrance which now exists and reclaiming the land to recreate the native vegetative state that it originally was. They will need to bring in fill to change the topography. This is the reason a permit is required. They want the fill to raise the property so that water will be able to runoff into a swale that they want to create. They want to remove invasive plant species and will do it with out use of any herbicides. They will flush cut 3 dead/dying trees. They plan on planting many more trees in the improvement area.

Basically, their intent is to take gravel driveway and make it into a wooded area. By planting trees and shrubs, they hope to keep people from thinking it is a public access point.

Mr. Veillette asked about a culvert near the Swamp Rd end of the driveway that will remain on the property. The Commission was told that the inlet- end of the culvert would be blocked off and that water will be diverted to another culvert.

Mr. Veillette asked if there was a conflict issuing a second permit for work on the property while the work for a previous permit was still going on and that some of the work, they want permitted in this permit seems to overlap because it is in the same area in another permit that has already been issued. Mr. Evans said that there was no conflict with issuing a second permit. Mr. Veillette suggested that instead of issuing a second permit could this project be added on to the original permit and Mr. Evans stated that they could do that.

Mr. Veillette made a suggestion to approve a partial Certificate of Compliance for the overlapping portion of the previous permit if work and conditions of the original NOI is complete..

1. The trees that are to be removed will be flush cut (stumps remain) so that the root system remains in the ground.

Mr. Veillette made a motion to close the public hearing, Shep Evans seconded it, passed unanimously

Mr. Veillette made the motion to approve the NOI-0210, and issue a partial Certificate of Compliance for work from Swamp Road to the gate, with the special condition of leaving the stumps of the cut trees. Mr. Evans seconded it, passed unanimously.

**3.Request for Determination of Applicability** from the Richmond Highway Department: location was approximately 600 linear feet of West Road within the existing ROW south of Rossiter Road. Work consisted of removal of 15 inches of existing roadway gravel and a top 3 inches of ¾" angular processed gravel. The work area was protected from stormwater erosion and siltation with 600 linear feet of silt fencing combined with staked straw wattles. The Highway Department will endeavor to seek permits well in advance for future road work. Mr. Evans stated that the work has already been completed and that he reviewed with Mr. Peter Beckwith (DPW Superintendent) the erosion controls that were required. This involved the ConCom due to wetlands located across the road from the work area.

**4.Requests for Certificates of Compliance:**

Richmond Conservation Commission Minutes  
Tuesday October 15 ,2019 at 7PM. Richmond Town Hall 1529 State Road

**4A. OOC #271-85** Recorded 4-10-1997 Book 1552 Page 91. Property location 1080 Lenox Road, Map 408 Lot119. Work consisted of construction of a gravel driveway to a new single-family house. The signatures received. Additional signatures required.  
Members of the Commission signed the certificate.

**4B. OOC # 271-0111** Recorded 12-28-2000 Land Court Document #029941, Book 32 Page 115, Certificate # 7057. Property location 120 Shore Road, Map 101 Lot 175. Permitted work consisted of a new septic system which was never built because the Town constructed a new residential sewer line to serve the neighborhood. Signatures required.  
Members of the Commission signed the certificate and it was given to Ms. Gapinski (S.K. Design Group) who represents the applicants.

**5.Discussion** of issuing Enforcement Orders and of recording Notices of Enforcement Orders.  
Mr. Veillette stated he spoke with Danielle Filio (town administrator) and the Selectmen have not yet decided if there will be a special town meeting this fall to deal with a proposed Bylaw to help Enforcement efforts.

**6.Discussion** of the status of the Conservation Fund: Financials & any Candidates for Acquisition.  
Mr. Veillette stated that the Commission is waiting for the Land Trust to sign the MOU Amendment #1 and then get it back to us so that it can be recorded at the Registry of Deeds.

**7.Discussion** of the status of action item(s) listed in the Town Open Space and Recreation Plan that are due to the Selectmen.

Ron Veillette passed out samples of the new WPA Educational brochure to the members for them to see what it will look like. It will be a tri-fold brochure and will be mailed to all Richmond property owners.

**8.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

**9. Richmond Pond Association Meeting- ConCom Rep attendance & Items of interest summary,** including confirmation of joint Richmond/Pittsfield weed management permit and drawdown target for Fall/Winter 2019/20. Dan Scorpa stated that there was a discussion about the dog/goose plan. He also stated that Ken Kelly said that there was a half sunken boat in the pond and thought the ConCom might want to get involved.

Shep Evans showed the commission members the 2-foot drawdown protocols and the weed management information that he received from the DEP and Natural Heritage. The Richmond Pond weed management permit is a 5 -year permit and we are in our second year.

**10. Instructions for Applicants update.** No discussion

**11. Open NOI/OOC's & RDAs Status and Action Items.** No Discussion

Richmond Conservation Commission Minutes  
Tuesday October 15 ,2019 at 7PM. Richmond Town Hall 1529 State Road

**12. Inquiries to ConCom** about future/possible applications: Two new RDAs for septic systems at 29 Osceola Notch Road and 1772 Swamp Road have been received.

**13. Citizen Speak time:** No Discussion

**14. Other discussions not reasonably anticipated prior to Agenda posting.** Ron Veillette mentioned that he has posted the need for 2 new Commission members in the town newsletter.

**15. Adjournment.**

Mr. Veillette made a motion at 8:40 to adjourn the meeting, it was seconded by Mr. Weinberg and passed unanimously.

**Next Meeting: Tuesday Nov 12, 2019**

**New Submittals Requested By: Wednesday, 10/23/2019**

  
-----  
Mr. Ron Veillette-Chair

  
-----  
Mr. Adam Weinberg- Vice Chair

Date: