

Richmond Conservation Commission Minutes

Tuesday, April 9th, 2019 at 7:00PM. Richmond Town Hall 1529 State Road

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

The Chair asked if any other recordings will be made: None Responded

Call to Order and Introductions.

- The Co-Chairperson, Ron Veillette, called the meeting to order at 7:02 PM
- Commission members present: Freya Segal Co-Chair, Ron Veillette Co-Chair, Adam Weinberg, Robert Dahlen, John Scorpa (associate), Dan Scorpa (associate), Shepley Evans (agent)
- Commission members absent: Nick Martinelli, Patrick Seckler
- Applicants and Others Present: Claudia Ryan (recording secretary), Tom Murtha, Robert Young

1. Review & Approval of the minutes from March 12th meeting:

Ron Veillette asked if there were any questions or comments concerning the previously distributed for review minutes from the March 12th meeting. There weren't any questions. Freya Segal made a motion to accept the minutes, it was seconded by Ron Veillette and passed unanimously.

2. Notices of Intent:

2A. NOI 271-0204 from Thomas Drain on behalf of Robin Prechter, property at 21 Willow Road, Map 104 Lot 23. The proposed work consists of construction of a 4ft. by 4 ft. deck on the TechnoMetal posts at the rear of a residence and a new 10 ft. by 15 ft. deck existing at the front of the residence.

Thomas Drain was not present. Shep Evans distributed handouts of the Notices of Intent and a sketch of the property. Members of the Commission had done a site visit of the property. The property is along the riverfront which has a 200ft. resource area associated with it. They have installed 166sq. ft. of decking in addition to new pilings and sills under the northgern portion of the building..

Adam Weinberg asked if the project was still being worked on and was informed that is was already a completed project.

Dan Scorpa stated that there was a lot of debris and there had been a lot of digging associated with the project which still needed to be cleaned up.

The commission has put forth that they needed to add Special Conditions on the Order of Condition for the project.

Shep Evans asked the commission what special conditions they want written into the Order of Conditions.

1. Sunken dock needs to be removed (Freya Segal mentioned it)
2. Minimum of 260 sq. ft. of plantings need to be put in. Native vegetation, (shrubs & trees), a plan must be submitted to the commission for their approval prior to planting. The planting needs to be done along the riverbank and they need to revegetate the disturbed areas by the newly built small deck.

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3. Removal of debris which includes cement slabs, pressure treated lumber, battery etc.
4. If any path is put in it needs to be made of a pervious material, (ex. gravel, grass).

Ron Veillette made the motion to approve the NOI and issue the Order of Conditions with Special Conditions included. It was seconded by Adam Weinberg and passed unanimously.

3. Request for Determination of Applicability:

3A. RDA from Robert Young on behalf of Tom & Jan Murtha, property at 220 Shore Road, Map 101 Lot 157. The proposed work consists of removing the roof from existing house and constructing a new second floor to include three bedrooms and two baths, new stairs up from the first floor, a new 14ft. by 10 ft. screened porch and new siding on the entire house.

Ron Veillette said members of the Commission did a site visit earlier that day. Shep Evans stated that the buffer zone is 200 ft. from Richmond Pond and the house is within the buffer zone. Why does the applicant need to add another 10ft. closer to the pond. The Commission asked about having the addition to the home put on a different side of the home instead of further encroachment towards the pond. Mr. Murtha (the owner) stated that there isn't enough room on either side of the home, it would conflict with his driveway and the plumbing, well and sewer lines (plus the sewer grinder) from the house to the road. It would make the project too expensive, due to having to make more major construction changes to the house. He felt it would be more detrimental to the property and create more runoff to build on the side of the house. Ms. Segal and Mr. Veillette also suggested that the addition could be located behind the cottage toward the road.

Ron Veillette stated that encroaching further into the buffer zone is a major problem for him. That the project would eliminate 140 sq. ft of buffer zone which is important for filtration and absorption of storm water before it drains into the pond. Robert Young and Tom Murtha both said they don't think that the construction would create any change and that other residents along the pond have put in decks without any issues. The Commission stated that there have been pervious surface decks put in which allow for drainage and that the project that is requested here is not a deck.

The commission asked if Mr. Murtha has applied for a building permit and he replied that he has spoken with Paul Greene and applied for a permit.

Shep Evans stated that it was not the job of the Commission to make the project less expensive or easier for the owner but to protect the pond and that keeping the 200 ft. buffer zone is one of the best ways of doing that. Shep Evans also stated that the job of the commission is approve or not approve of what is presented to it.

Mr. Young and Mr. Murtha stated that they would plant whatever the commission requested, but the Commission stated that was not the issue.

Adam Weinberg asked if the new construction would end up being 28ft. from the shoreline and was told yes that is right.

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Shep Evans concluded that what was needed was the filing of a Notice of Intent (NOI). His suggestion to the Commission was to issue a Positive Determination requiring an NOI. Mr. Young and Mr. Murtha were told that the DEP will issue a file number for the project when a NOI is submitted and that the DEP will send to the Commission their recommendations as to what should be done. The Commission takes into consideration the suggestions from the DEP. Freya Segal told the owner that they were not being singled out that just about all work done in the buffer zone requires an NOI. Mr. Murtha asked if the project was not going to be able to go forward and was told that the commission can't say yes because , they don't want to set set any precedents of building that close to the lake.

Shep Evans made a motion for Positive #1 Determination with the requirement that the applicant submit an NOI. It was seconded by Robert Dahlen and a unanimous vote.

4. Discussion of Enforcement Orders:

4A. 159 Willow Road: Discussion, vote and signing an enforcement letter on unpermitted construction in the 200ft. riverfront area along the inlet to Richmond Pond.

4A1. Shep Evans drafted an enforcement letter (cease and desist letter) to be sent certified to the owner. In the letter Shep Evans has requested that plans for the project be submitted prior to May 1st and that a site visit be arranged before April 14th.

He told the Commission that no building permit could be found for the project.

Freya Segal asked if the address of the owner is known. Shep Evans said he would check the address but as far as he knew the address he had was the one the town had on file.

There were no comments from the Commission on the contents of the letter. Ron Veillette made a motion to have Shep Evans send the letter. It was seconded by Adam Weinberg and was passed unanimously.

5. Recommendations to permit granting authorities on Special Permits, Variances or Appeals.

Ron Veillette told the Commission that on Wednesday April 10th the Special Permit on the Balderdash special events request would be considered by the BOS. The ConCom had voted on and submitted comments last month to the Select-board. .

6. Discussion of the status of the Conservation Fund.

Ron Veillette updated the Commission on the status of the status of the development of the Conservation Restriction and MOU for the Berkshire Farm property acquisition. Ron Veillette and Adam Weinberg met with BNRC, Land Trust, Select Board Chairman and Town Administrator on March 29th.

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7. Discussion of the status of action item(s) in the Town OSRP.

Ron Veillette stated that he is continuing to work on the Wetlands Protection education brochure to give to residents and to real estate brokers who sell property in Richmond. He is working with some residents who do graphic design.

8. Status of review of Richmond Wetland Bylaw and Scenic Mountains Regulations. None

9. Richmond Pond Association. Ron Veillette attended their meeting on Goose management. He pointed out that any physical barriers(fencing) that may impede wildlife movement would have to be reviewed by the ConCom.

10. Update and Instructions for Applicants. None

11. Open NOI/OOC'S & RDAs Status and Action Items. None

12. Inquiries to ConCom re possible future applications, etc.

Shep Evans mentioned that there had been an inquiry about a property on State Road. Shep Evans said he did not think it was a viable piece of property due to wetlands and the steepness of the property made it, in his opinion , probably unbuildable.

13. Citizen speak time. None

14. Other topics not reasonably anticipated prior to Agenda posting.

14A. Ron Veillette told the Commission he sent out buffer zone view graphs he obtained from the annual MACC conference for the members to look at.

14B. He informed the members that starting next month Shep Evans will only be the agent and an associate member. Dan Scorpa will replace him as a full member. The selectmen will make these appointments at their next meeting.

15. Ron Veillette made a motion for adjournment of the meeting at 7:55: it was seconded by Robert Dahlen and approved unanimously.

New Data Submittals: None

Next Meeting: Tuesday, 5/14/2019 New Submittals Requested by: Wednesday, April 24 2019

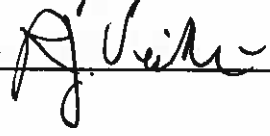
(1) **NOTE: Pursuant to MGL. 7c. 30A sec. 20 (f)**, after notifying the chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body or may transmit the meeting through any medium. At the beginning of the meeting, the chair shall inform other attendees of any such recordings. Any member of the public wishing to speak at the meeting must receive permission of the chair. The

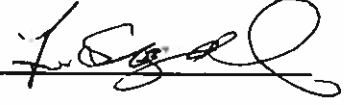
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listings of agenda items are those reasonably anticipated by the chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

ConCom Approved Date: 5/14/19

R.J. Veillette/ Co-Chair 

F. Segal/ Co-Chair 

ACCEPTANCE OF GRANT BY TOWN OF RICHMOND CONSERVATION COMMISSION

We, the undersigned, being a majority of the Conservation Commission of the town of Richmond, Massachusetts, hereby certify that at a public meeting duly held on May 14, 2019, the Conservation Commission voted to approve and accept the foregoing Conservation Restriction from the Berkshire Natural Resources Council, Inc., pursuant to M.G.L. Chapter 184 Section 32 and Chapter 40 Section 8C and do hereby accept the foregoing Conservation Restriction.

TOWN OF RICHMOND CONSERVATION COMMISSION:

Ronald Veillette (signature)

Freya Segal (signature)

Adam Weinberg (signature)

Robert Dahlen (signature)

Patrick Seckler (signature)

Nick Martinelli (signature)

Daniel Scorpa (signature)

John Evans Scorpa (signature)

Shepley Eyans (signature)

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, ss:

On this 14th day of May, 2019, before me, the undersigned notary public, personally appeared The above stated, and proved to me through satisfactory evidence of identification which was State Identification to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Paul A. Lisi (signature)
Notary Public

