

# Richmond Conservation Commission Minutes

Tuesday May 14, 2019 at 7:00PM. Richmond Town Hall 1529 State Road

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

## **Call to Order and Introductions.**

- Ron Veillette, Co-Chair, called the meeting to order at 7:06 PM.
- Commission members present: Ron Veillette Co-Chair, Adam Weinberg, Robert Dahlen, Dan Scorpa, Shepley Evans (agent, associate member), John Scorpa (associate member)
- Commission members absent: Freya Segal Co-Chair, Nick Martinelli, Patrick Seckler
- Applicants and Others Present: Claudia Ryan (recording secretary), Adam Mazzantini (Foresight Land Services), Linda & Andy Kay (applicants), John Mason and John Keenum (Richmond Land Trust), Brian Hazelton (Wood to Stone), McKenzie Greer (Berkshire Natural Resources Council)

### **1. Review & approval of the minutes of April 9, 2019 meeting**

The minutes from April 9<sup>th</sup> were reviewed, Ron Veillette asked if there were any comments about them, there were none. He made a motion to accept them, it was seconded by Robert Dahlen and approved unanimously.

### **2. Notices of Intent:**

**2A. NOI 271-0205** from Andrew Kay, property at 39 Cherry Road, Map 101 Lot 194. The proposed work consists of construction of installing a ¾ inch stone pad for a 10 ft. X 14 ft. utility shed which will replace a former 8.5 ft. X 8.5 ft. shed within the Riverfront Area adjacent to the inlet to Richmond Pond.

Ron Veillette requested the Applicants (Linda & Andy Kay) to speak first. They stated that they wanted to replace a 30year old storage shed with a new one. This new one will be a bit larger than the older one. They are having the work done by a company out of Ct. They stated that the company will come in and scrape down 4 to 6 inches then put stone down and then a few days later bring in the shed and place it on the stone. The excavation is scheduled for May 24<sup>th</sup> and the installation is scheduled for June 4<sup>th</sup>.

The commission asked what type of equipment was to be used for excavation and the applicants said they thought it will be a small bobcat with a frontend loader, this was what was on the video that they were shown by the shed company.

Shep Evans asked about their putting up silt fence and a straw waddle prior to the excavation. They said that they were going to put it in but needed directions about doing it.

Ron Veillette talked about planting native species along the bank and stated that there were comments from the DEP about the need for native plantings to be done. There was a discussion about how many feet from the top of the bank the plantings should be. Ron Veillette suggested 50 feet but the applicants said that would be most of their back yard and thought that was too extreme, they are very concerned about the canal and want to keep it healthy but want a reasonable number of plantings required. Adam Weinberg agreed he also thought that 50 feet of plantings was too much to require. There was a discussion as to what could be a fair number of feet required and a compromise of 4 feet wide by 105

# Richmond Conservation Commission Minutes

Tuesday May 14, 2018 at 7:00PM. Richmond Town Hall 1529 State Road

feet long was agreed upon. This property is in a Riverfront Resource Area so it is very important to maintain vegetative cover for both wildlife and prevention of silt and debris flowing into the river.

The applicants asked how long they needed to keep the silt-fence in place. They were told that Shep Evans, ConCom Agent, would have to come out and inspect to make sure that soil was stabilized and then the fence could be removed.

Ron Veillette asked if there would be a gutter attached to the roof. The applicants said no gutter was planned. The Commission then requested that the stone pad be extended to allow for drainage of runoff from the shed's roof. It was decided that a depth of 6 inches of stone would be necessary for proper drainage.

Ron Veillette made a motion to approve the NOI with special conditions.

1. Pad size to be 14ft. by 18 ft.
2. 6 inches depth of stone
3. No pesticides, herbicides, or fertilizers used on property
4. Straw wattles and silt-fence 6 inches deep
5. No gutters
6. Planting of native shrubs and trees along minimum 100 ft of bank and minimum of 4 ft deep.

It was seconded by Robert Dahlen and passed unanimously.

### 3. Request for Determination of Applicability:

**3A. RDA under the Berkshire Scenic Mountains Act** from Brian Hazelton on behalf of Andrew Schulman, property at 53 Reservoir Road, Map 409 Lot 26. The proposed work consists constructing a new screened porch addition on low footprint helical piles and installation of new French door in the existing structure to allow access into the new screened porch.

Brian Hazelton of Wood to Stone spoke for the property owner. He stated that it is a very straight forward application and is not in any area of wetlands but is just within the Berkshire Scenic Mountains Act area so they just wanted to make sure they were abiding by all the regulations. The only difficulty they feel they might encounter is if there is ledge when they put in the footings.

The Commission did not have many issues with it, the only issue they could foresee would be outdoor lightning. Brian Hazelton said the lighting they have planned are wall sconces and a lighted ceiling fan within the porch. There are no plans for outside spot lights. Robert Dahlen asked what direction the porch will face and was told that it will face west and that it has a low elevation in respect to the Act.

Ron Veillette made a motion to approve with the special condition concerning no use of lighting for the outside of the porch directed outwards and no lights from the inside directed outside. The motion was seconded by Robert Dahlen and passed unanimously.

**3B. RDA under the Wetland Protection Act** from Susan Abramowitz, property located at 144 Shore Road, Map 101 Lot 170. The proposed work consists of removing four small diseased and/or dying trees and the stub remains of one other dead tree from this fully landscaped residential property within 200 feet of Richmond Pond.

# Richmond Conservation Commission Minutes

Tuesday May 14, 2018 at 7:00PM. Richmond Town Hall 1529 State Road

There was no applicant present for this RDA. Ron Veillette said they did a site visit and found the trees to be not dead, not in great shape, but not dead. He felt the apple tree looked healthy. Robert Dahlen asked about whether the stumps will be removed or stay, Ron Veillette thought they would stay since heavy equipment would have to be brought in to remove them. He noted that the property is very well maintained and landscaped. Ron Veillette made a motion for a positive determination and that an NOI is necessary to explain exactly what they will be doing as far as tree removal and replanting of both trees, shrubs and shoreline vegetation. The motion was seconded by Robert Dahlen and passed unanimously.

## 4. Discussion of Enforcement Orders:

**4A. 159 Willow Road:** Discussion of an Enforcement Letter sent to Robert Bohlman on 4-11-2019 for non-permitted construction in the 200 ft. Riverfront Resource Area on the inlet to Richmond Pond. Shep Evans circulated a photo he took at his site visit. Shep Evans read an Enforcement Order he wanted the Commission to sign and then he will send it to the property owner. A copy of the order is attached to this set of minutes.

Shep Evans mentioned that Paul Greene the building Inspector said that a building permit was never requested and that he would look into the project. He also mentioned that this work is being done in a riverfront region which automatically initiates an NOI requirement.

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

**5A. 300 Shore Rd. Scorpa SPS Application – Zoning Board of Appeals Pre-Existing non-conforming Construction of Enclosed Porch and side Deck.**

The Scorpas recused themselves from this vote and Shep Evans voted to create the necessary quorum. Ron Veillette read a letter that he will send to the Select-Board with the recommendations that the ConCom has requested be done prior to granting the Special Permit. A copy of the letter is attached to the minutes. Ron Veillette made a motion to submit the letter to the select-board with their granting the Special Permit contingent upon completion of their requests. Robert Dahlen seconded, it was passed unanimously.

**5B. 590 Canaan Road, Hoe & Bouchard SPS Application – Short Term Room Rental Business.**

No applicant was present for this. Ron Veillette read a letter that he wrote for submitting to the Zoning Board of Appeals. He said that it is not in a wetlands or buffer zone but parts of the property may be in the Scenic Mountain jurisdiction. The only issue he could see is if they want to create a parking area, tennis courts or other land disturbance activities they might have to cut down trees. The only request the ConCom is asking for is if they want to make any changes to the property they have to come before the ConCom prior to making the changes.

Ron made a motion to send the letter along to the ZBA board it was seconded by Robert Dahlen and passed unanimously.

## 6. Discussion of the status of the Conservation Fund.

**6A. Berkshire Farm Property Acquisition – Review & Vote on the Conservation Restriction.**

Mckenzie Greer, Berkshire Natural Resources, stated that both the state and town lawyers just gave the Conservation Restriction documents their approval, A copy of the document is attached to these

# Richmond Conservation Commission Minutes

Tuesday May 14, 2018 at 7:00PM. Richmond Town Hall 1529 State Road

minutes. She needs the ComCon to sign off on the Conservation Restrictions (CR) since the ConCom along with the Richmond Land Trust are co-holder of the CR on the land that is being purchased. The Conservation Restriction is an important document because it prevents for all time any residential or commercial development of the land. There are provisions that are put into it that will allow future use for all legal agriculture, some trail development and improvements and the possibility of the addition of a parking lot, (there is very limited access to this property) and archeological sites. All changes will have to be approved of by the co-holders and Richmond Wetlands Bylaws and Scenic Mountain Act regulations must be maintained for all work done. The parcel is approximately (+/-) 342 acres and adjoins the Hollow Fields tract of land which is part of the Richmond Land Trust. After discussion and concerns expressed on the MA state's late additions of the "Recreational Camping" language, Ron Veillette made a motion to vote to approve the Conservation Restriction, it was seconded by Robert Dahlen and passed unanimously. Shep Evans noted that the CR signature page for the Commission did not have the Co-chairs identified and Ms. Greer said that is not necessary to have them written in. There was no receipt, review or vote on the MOU. It was deferred to the future, possibly the next meeting.

## **7. Discussion of the status of action items(s) in the Town OSRP**

Ron Veillette passed out a draft of a Richmond WPA educational brochure he wants to print for distribution to applicants, contractors and all landowners containing a summary of the public interests and regulations that the Commission follows.

## **8. Status of review of Richmond Wetland Bylaw and Scenic Mountain Regulations. None**

## **9. Richmond Pond Association. None**

## **Update of Instructions for Applicants. None**

## **11. Open NOI/OOC's & RDAs Status and Action Items.**

### **11A. Amended NOI - Town Shed**

Foresight Land Services representing the highway dept and the town administrator stated that the foundation of the old town barn is flush with the ground and so they need to shift the new building 3 ft. north that was supposed to be an exact footprint to the original to accommodate pier foundation design. Shep Evans stated that the new building will still not be in the resource area but still in the Buffer Zone. The commission is requesting that the town plant native shrubs on both sides of the new building and in the back if possible. Shep Evans will issue an Amended Order of Conditions. He will send a copy to the DEP. Ron Veillette made a motion to amend the NOI to move the building 3 feet north and to require the planting of the native shrubs and plants. Robert Dahlen seconded and it was passed unanimously.

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

**12A.** A Resident asks: Does the Highway Department have a plan to pull back the gravel plowed into lawns, fields and roadside banks this winter? In addition, the resident would like to see the stone and

# Richmond Conservation Commission Minutes

Tuesday May 14, 2018 at 7:00PM. Richmond Town Hall 1529 State Road

gravel pulled back into Sleepy Hollow Road at the culverted stream crossing. Work will probably require an NOI, but it is Wood Turtle habitat and has gotten worse every year during major storm events. The resident believes the stream needs either a bridge or a larger culvert. The resident would like to talk with Peter Beckwith about this and maybe do a site visit together with the Conservation Commission.

Ron Veillette said he would meet with Peter Beckwith, DPW Superintendent, and wanted to know if any other members wanted to meet with him.

## 12B. Route 41 Repaving RDA/Inquiry.

Ron Veillette stated they asked permission after they started the work.

## 13. Citizen speak time. none

## 14. Mail received and other topics not reasonably anticipated prior to Agenda posting. none

## 15. Adjournment

Ron Veillette made a motion to adjourn at 9:15 it was seconded by Robert Dahlen and passed unanimously.

**Next Meeting: Tuesday, 6/11/2019**

**New Submittals Requested By: Wednesday, 5/22/2018**



-----  
Ron Veillette Co-Chair

- (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.