

# Richmond Conservation Commission Minutes

Tuesday, Sept 8, 2020 at 7 P.M.

This was a zoom meeting, it was done remotely due to the COVID-19 restrictions

## Call to Order and Introductions:

- Mr. Veillette opened the meeting at 7:10.
- Mr. Veillette announced that the meeting was being recorded and referenced the Executive Order from the Governor of MA related to the Covid-19 pandemic.

"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 Commission at this time."

No such notification was received.

Note that there was no Zoom recording made due to a technical error by the chair

- Commission Members Present: Ron Veillette-Chair, Adam Weinberg-Vice Chair, Bob Dahlen; Dan Scorpa; Harley Keisch; John Scorpa (associate member); Shep Evans (associate member and agent).
- Commission Members Absent: Pat Seckler
- Applicants and Others Present: Susan Abramowitz, Kate Buttolph (Mass Audubon), Tom Lautzenheiser (Mass Audubon)
- New member Harley Keisch introduced himself to the ConCom Team

### 1. Review & approval of the minutes from the July 14, 2020 meeting.

Mr. Veillette made a motion to approve July 14th minutes, it was seconded by Bob Dahlen, a roll call vote was taken and it passed unanimously. Harley Keisch abstained as he was not present at the July 14<sup>th</sup> meeting.

### 2. Notices of Intent (New/ Continued/ Extensions): NONE

### 3. Requests for Determination of Applicability

- a. **Request for Determination of Applicability** from Wood Environment & Infrastructure Solutions, Inc. on behalf of CSX Transportation, Inc. The subject property is the entire railway Right-of-Way through Richmond. The applicant is seeking a determination whether the boundaries of wetland resource areas depicted on 13 plans and/or maps submitted by the Applicant are accurately delineated. **Continued from July 14, 2020.**

Shep Evans indicated that he was not able to locate enough bidders to take on this large project. Ron Veillette moved and was seconded to continue this item for further discussion at the October meeting. Vote was for unanimous approval of the motion

- b. **Request for Determination of Applicability** Continuation of RDA from (2019) Susan Abramowitz at 144 Shore Road on taking down several dying or unwanted trees. Ms. Abramowitz has provided a shoreline planting plan to compensate for the tree removals. Mr. Veillette performed a site visit on Sept 4, 2020 and sent photos and revised plant list to the

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ConCom. Photos showed before (May 2019) and after on shoreline above bank plantings of identified by Ms. Abramowitz as native species. Adam Weinberg asked about the yellow flags on the top of bank and Ms Abramowitz indicate that they were the water tolerant species and not yet fully grown.

Mr. Veillette made a motion to approve a Negative Determination #3 with the RDA Standard Conditions and pointed out that since the planting was already accomplished, some were not applicable but highlighted one among others that was still applicable.

Std Condition #21: The use of herbicides, pesticides, fungicides, fertilizers or other chemical treatment is prohibited in the buffer zone unless explicitly allowed by the Conservation Commission

Also that the ConCom would do an inspection in one year to verify viability of the plantings.

The motion was seconded by Mr. Weinberg and the Commission voted to approve. Mr. Evans (Associate member & Agent)) was not yet online on Zoom at this time so he did not vote.

#### 4. Certificate of Compliance Requests: NONE

#### 5. Discussion of Violations and/ or Enforcement Actions, Superseding Orders:

##### a. View Drive Easement Conservation Commission jurisdiction:

This discussion was started in the July 14<sup>th</sup> 2020 meeting and it was noted that Mass Audubon stated that the exemptions to the SMA in the Act do not apply to this easement through private land as it is not a public Right of Way.

Mr. Veillette indicated he planned on making a motion to have the ConCom write an Enforcement Letter to DCR after discussion was completed.

Mr. Keisch's discussion of the timeline and damage done to the mountainside is not included here as there was a concern that as an abutter to one of the property owners although not to the actual easement, therefore may have a conflict of interest. It should be noted that Mr. Keisch was not a member of the Commission when he made these observations.

In any case, Ron Veillette and Alan Hanson were present at the neighborhood meeting and accompanied DCR Fire Control representatives and their contractor on the ensuing walk up the mountain on the new unpermitted road. Mr. Veillette had reported the issue and described it previously.

Tom Latzenheiser and Kate Buttolph of Mass Audubon were present and both spoke up and indicated that they felt that the Richmond Scenic Mountain Act had jurisdiction over this project.

They also indicated that they have been told that DCR is preparing a restoration plan.

Mr. Veillette made a motion and it was seconded to have the ConCom agent prepare an Enforcement Letter to DCR that;

- i. Stop new work on new road and power line easement from View Drive up to the Fire Tower.
- ii. Request of work performed and document boundaries of work performed in Scenic Mountain areas
- iii. Mandate emergency erosion mitigation if storm event event requires

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- iv. Mandate debris removal from work areas (As part of plan)
- v. Document MA State and acknowledge Richmond jurisdiction responsibilities and process requirements
- vi. Require restoration plan from DCR and coordinate with Mass Audubon and affected landowners

The vote was unanimous (With Mr. Keisch abstaining). Mr. Evans was requested to draft the letter.

- b. The AG has approved the Richmond Bylaw on penalties (Chapter XI). Discussed under Agenda Item 12

### 6. Special Permits, Variances or Appeals Recommendations:

- a. ZBA Special Permit from Regina Serkin, 1679 Swamp Road, additions to the house & and outbuilding.  
Mr. Veillette had prepared an analysis indicating “no ConCom jurisdiction” and sent to the members previously. Mr. Veillette made a motion to approve and send to the ZBA. Vote for approval was unanimous.
- b. ZBA Special Permit & Variance from Dana Bixby for Carlton & O’Brien, 350 Lenox Road, Handicap Access & Garage addition with side yard variance.  
Mr. Veillette also had prepared an analysis indicating “no ConCom jurisdiction” and sent to the members previously. Mr. Veillette made a motion to approve and send to the ZBA. Vote for approval was unanimous.

### 7. Open NOI/OCC’s & RDAs: Status, Inspections and Actions Items:

- a. Need to have a way to get signatures on Orders, Determinations and other documents at Town Hall after Zoom meetings.  
At this time having our agent leave the documents in the Town Office and notify members to stop by and sign seems to be the best way. However, if a member cannot make it to the Town Hall during office hours, they should notify Shep or Ron of this and they would try to make other arrangements.
- b. Rose Pond Dam Inspection NOI pre-construction on-site meeting.  
Ron, Shep and Harley visited the site with Foresight’s Steve Mack and contractor (Lane) to view the work limit line establishment and erosion controls installation. Erosion Controls were not all installed but the work limit line was painted on the down slope of the dam and appeared to be per plan. Mr. Mack requested permission to trim the Pine Tree lower limbs over the dam to allow a little higher vehicle to pass under. Also, he asked if it was OK to have the dewatering hose outlet pumped through a siltation bag and released downhill on the upper western end of the dam. We concurred with both requests.  
It should be noted that it was observed that the pond level was extremely low due to the leaking beaver dam and probably drought conditions. Pictures were taken and sent to members previously.

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We requested that we be notified when the outlet pool was dewatered so we could visit and observe the exposed pipe.

- c. 1110 Lenox Rd NOI execution status: Mr. Veillette asked if any member had visited the site since the recent storm event as he was concerned about the extra steep bank created by the fill associated with the new driveway. None of the required plantings have been installed and the engineer (per telecon with Shep) indicated that they would not be planted until Sept -Oct.

### **8. Agents Report:**

- a. New application expected for next month: RDA for tree removal at 132 Cross Road.
- b. Inquiries about Sleepy Hollow Road potential building lot property that is sandwiched in between a perennial stream (Sleepy Hollow Brook) on the east side and a BVW on the west side and the property is mostly in a Natural Heritage area. Challenges and issues were explained to the potential buyers.
- c. There are no NOI permits about to expire. Shep agreed to check on the status of the multiple Levy property NOIs.

9. **Richmond Pond Association:** Meeting was held August 25<sup>th</sup>. Dan Scorpa will provide report out next month.

10. **Discussion of OSRP action items:** NONE

11. **Conservation Fund Discussions:** NONE

### **12. ConCom Bylaw and Process Update: Discussions:**

The Attorney General (AG) has approved the Richmond Bylaw on penalties (Chapter XI). Town Administrator has OK'd ordering initial supply of Citation Forms. Commission needs to decide on the Citation process to be administered by the Agent.

Mr. Evans indicated that the tickets have been printed and that discussions on ConCom process will be deferred until the next meeting.

13. **Citizen Speak Time:** NONE

### **14. Other discussions including items not reasonably anticipated prior to Agenda posting:**

Discussion was held related to the Leslie Breeding letter to the Town Administrator and RPA on her concern with the grading and roller maintenance of Beach Road between the boat ramp parking lot and the back entrance to Richmond Shores which is killing nearly invisible hatchling turtles. (protected species). She is requesting that this maintenance be scheduled outside of the Egg laying Period of late May to Early July and the hatching and road crossing period late August to early October.

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This area is within the 200ft buffer zone of Richmond Pond and in the Natural Heritage Protected Species area of the pond. Since this a scheduling issue only, the ConCom decided against any enforcement action and but voted to support Leslie's position of scheduling the maintenance of this areas around these periods and send a letter to the Town Administrator and DPW Superintendent.

**15. Adjournment:** 9:00 PM. Ron Veillette stated that the next meeting will be Tuesday October 13, 2020, he then made a motion at 9:00 PM. to adjourn the meeting, it was seconded by Bob Dahlen and all members voted aye by roll call.

**(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

  
Mr. Veillette -Chair

Oct. 13, 2020  
Date

  
Mr. Weinberg-Vice Chair

10/16/20  
Date