

Richmond Conservation Commission Minutes

Tuesday, FEBRUARY 9, 2021 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 7:03.
- Mr. Veillette announced that the meeting was being recorded and read the Executive Order from the Governor of MA.

“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.”

Mr. Veillette stated that Clarence Fanto was recording the meeting.

- Commission Members Present: Ron Veillette-Chair, John Scorpa (associate member), Shep Evans (associate member and agent), Pat Seckler, Harley Keisch, Adam Weinberg-vice chair, Bob Dahlen
- Commission Members Absent: Dan Scorpa
- Applicants and Others Present: Clarence Fanto-Berkshire Eagle, Holly Stover, Anthony Abate, Jess Kelly (SWCA Environmental Consultants), Sonya Kurzweil, Brent White (White Engineering), Craig Okerstrom-Lang (landscape architect), Mike Kulig (Berkshire Engineering), Sally Chavarry

1. Review & approval of the minutes from the Jan 12, 2021 meeting.

Ron Veillette stated that the minutes would be approved at the next meeting due to his not having received them in time to review for this meeting.

2. Notices of Intent (New/ Continued/ Extensions):

- a. **Notice of Intent, DEP File #271-:** Notice of Intent from SWCA Environmental Consultants on behalf of Sonya and Raymond Kurzweil; Property at 178 Perry's Peak Road, Map 402 Lot 6.2. The proposed work consists of managing nuisance phosphorous levels through the use of aluminum sulphate(alum) within the existing fire pond during the spring of 2021 and over a requested five-year through 2025. The goal is to apply the alum, which binds phosphorous to the bottom of the pond, and prevents eutrophication and algal blooms.

Ms. Kelly spoke on behalf of the applicant. She asked the Commission if they could have a continuance until next month since she had just received the letter from the DEP with questions that she has not had time to answer. The questions were related to: the 1973 NOI, qualification as a limited project and a need for a wildlife habitat evaluation.

Mr. Evans spoke a bit about what had previously been done to the fire-pond. A Benthic Barrier had been put in place many years ago to prevent the incursion of invasive aquatic plants. This barrier was removed several years ago, newer technologies have been developed. The applicant had previously done work on the pond in which they applied alum and it seemed to have a good effect in keeping the pond clear and that is why they would like to do it again.

Mrs. Kurzweil stated that it worked and thought that this was a continuation of a previous order that they had gotten a couple of years ago. Ron Veillette asked if anyone knew the cause of the phosphorous contamination. He pointed out that he was all about prevention of nutrients reaching the pond. He asked the location of the septic leach field and Mrs. Kurzweil indicated it was downslope over by the barn. When asked, Mrs. Kurzweil indicated that they

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do not use phosphorus-based fertilizers on their lawn\property. Mrs. Kurzweil stated that they did not know the cause. Ms. Kelly stated they would attempt to figure out the source. Mr. Veillette asked if the alum would have a negative effect on the native amphibious life and indigenous plants of the pond. Adam Weinberg stated that he has done work in the pond and the plant life and animal life hasn't been negatively affected by the alum that had previously been put into the pond. Mr. Veillette asked if the alum binds immediately with the phosphorous, because there is an overflow from the pond and Mr. Veillette didn't want the alum to flow out of the pond. Ms. Kelly stated she did not know but would have an answer about that for the next meeting. Mr. Veillette stated that warm water temperatures and nutrients are often a cause of algae blooms.

Ron Veillette made a motion to continue the NOI until the March 9th meeting. It was seconded by Adam Weinberg and passed unanimously by roll call vote

3. Requests for Determination of Applicability New/Continued/Extensions:

- a. **Request for Determination of Applicability** from Theodore Moller, property at 950 West Road, Map 407 Lot23. The applicant seeks to construct a new gravel driveway, branching off an existing gravel driveway in a buffer zone, to reach a residential house site outside the buffer zone to the west. **Continued from January 9, 2021 meeting.**

Mr. Veillette asked if anyone was preset to represent the applicant, no one was. Mr. Veillette stated that he and Mr. Evans made a site visit. Mr. Evans stated that he had spoken with Mark Volk from Foresight Engineering and they had created a plan for the driveway but it was not done for a permitting process. Mr. Evans stated that the applicant plans on doing work in Riverfront Area so a NOI would be required along with an engineered plan. Mr. Veillette made a motion for a positive determination #1 meaning that the applicant will have to file an NOI. Pat Seckler seconded and it passed unanimously by roll call vote.

- b. **Request for Determination of Applicability** from Wood Environment & Infrastructure Solutions, Inc. on behalf of CSX Transportation, Inc. The subject property it's 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. Awaiting scopes and quotes from three consultants. **Continued from January 9, 2021 meeting**

Mr. Veillette asked Mr. Evans about the status of the scopes and quotes. Mr. Evans stated that he has spoken with the three companies and they are working on them. Mr. Evans stated that he thinks that by next meeting (March 9) the quotes will be available to the Commission. Mr. Veillette made a motion to continue till next meeting, March 9th, 2021. It was seconded by Bob Dahlen and passed unanimously by roll call vote.

- c. **Request for Determination of Applicability** from Berkshire Engineering, Inc. on behalf of Sally Chavarry, property at 73 Rossiter Road, Map 408 Lot 31. The proposed work consists of upgrading an existing failing septic system with a new septic tank and leach field and decommissioning the failing system adjacent to a pond and associated BVW (bordered vegetative wetland).

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Mike Kulig spoke on behalf of the applicant; he presented the plan to the Commission. Mr. Veillette asked if there was any area outside of the buffer zone that they could put the system. Mr. Kulig said they would like to keep it to a gravity system, no pump needed and so that along with the location of the well limits the places possible for the system to be located. It was decided if the pine trees on the property were to be removed then the leach field could be moved so that less of it would be in the buffer zone. Mr. Evans asked what would be done on the slope (a two for one slope) to prevent a breakout. Mr. Kulig stated that they are going to put a rubber membrane in place to prevent a breakout. Erosion controls will be put in place. Mr. Veillette stated he would like to make a site visit after the revised plan is received. Mr. Veillette made a motion to continue to the March 9th meeting so that the applicant can come back with a revised plan that shows the pine trees removed and the leach field moved uphill toward the driveway out of the buffer zone. It was seconded by Adam Weinberg and passed unanimously by roll call vote.

- d. **Request for Determination of Applicability** from Berkshire Engineering, Inc. on behalf of the Estate of Gregory Dix, property at 1181 Lenox Road, Map 411 Lot 76.1. The proposed work consists of upgrading an existing septic system within the outer 50ft. of a Buffer Zone to an Intermittent Stream.

Mr. Veillette stated that the new plan (Attached) has taken the system out of the buffer zone as much as possible. Mr. Kulig spoke on behalf of the applicant. The new system they are installing needs to be monitored yearly due to the use of sand filter modules necessitated by the poor quality of the soil. There weren't any questions from the Commission. Mr. Veillette made a motion to grant a Negative #3 Determination based on the new plan. It was seconded by Bob Dahlen and passed unanimously by roll call vote.

4. Certificate of Compliance (CoC) Requests:

- a. 421 Swamp Road, Cardillo driveway, Original NOI #271-0145: Original CoC issued 9-14-2010, never recorded & can't be found. We have a copy. A new CoC will be generated for recording. Mr. Evans has requested that Commission members come to Town Hall and sign the paperwork.
- b. 1916 Lenox Road, King Property, Recent request for CoC.
Brent White and Craig Okerstrom-Lang spoke on behalf of the applicant. Mr. King also spoke on his own behalf. Mr. Okerstrom-Lang had distributed a timeline memo to the Commission of the work and permits that were done and issued. The main issue was that the finished project was not what was permitted for. A huge amount of fill was brought in and many mature trees were cutdown in the scenic mountain area. None of this was permitted by the Commission. There was a violation of the Scenic Mountain Act. The Commission had required that the applicant pay a fee of up to \$2000 for the commission to hire of an independent tree consultant to see what they did and what would have to be done to rectify the land. The applicant had refused to pay the fee. Mr. Veillette wanted to see a planting plan of trees and shrubs that would be necessary to reestablish the watershed area and provide screen of the house from the vista.

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Mr. Evans has requested that Mr. Okerstrom-Lang create an as-built plan of what is there is now so that they can compare it to the originally permitted plan. They want to see the difference from what was permitted to what they have actually done. The applicant & his engineer/consultants have requested that the as-built plan is presented to the Commission at their next meeting. Mr. Veillette made a motion to continue the hearing to the March 9th meeting. It was seconded by Pat Seckler and passed unanimously by roll call vote. Mr. Evans stated that a consultant will be required to review the as-built plan. Mr. Veillette stated that the applicant might still be required to pay for an independent the consultant.

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

- a. View Drive Fire Tower Pole Line Easement Violation: Enforcement Order & Ticket(s) Status. Mr. Evans stated that he is continuing to issue tickets, so far over \$20,000, to DCR and the two contractors. Mr. Evans has been in contact with the Magistrate office but the Court is not scheduling any hearings at this time due to COVID. The contractors were told about the meeting but have chosen not to attend. They stated that by the March meeting they expected they will have met with DCR and have some information for the Commission.
- b. 159 Willow Drive Violation: Enforcement & Ticket Status: Mr. Evans stated he would have information on this for the March meeting.

6. Special Permits, Variances or Appeals Recommendations: None

7. Open NOI/OoCs, RDAs: Status, Recent In-process Inspections and Action Items: None

8. Agent's Report

- a. Expiring/About to Expire Permits/Upcoming Inspections: None
- b. Potential future permits: None
- c. Steep slope/retaining structure @ 751 East Road. Nothing new to report

9. Richmond Pond Association- no monthly meetings over the winter

10. Discussion of OSRP action Items:

- a. Conservation Land/Fund Discussion: Discussion of Richmond Shores Parcel 101.0-0142-0000.0 Corner of Shore & Beach Roads approved for Conservation by Town Select Board. This was approved by the Select Board at their Nov. 5, 2020 meeting. Harley Keisch gave a detailed explanation as to the fact that a survey needs to be done in order to know the exact boundary lines of the parcels because the deed boundaries do not coincide with the tax property boundary lines. The town needs to determine what parcels should go into Conservation.
- b. Richmond Shores Lots 3,4,5 bordering Beach Road across from Nordeen Marsh. Lots scheduled (and sold) for public auction on 13 January. An inquiry was received from Atty. Alan Righi. Mr. Evans stated that Mr. Righi asked if the properties were wetlands. Mr. Evans

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suggested Mr. Righi should call a wetlands delineator.

11. Citizen Speak Time/Commission Speak Time/Press Speak Time: None

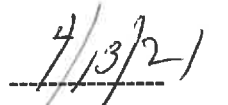
12. Other discussions including items not reasonably anticipated prior to Agenda posting.

- a. FY2022 ConCom Budget: Mr. Veillette stated he is working on it and reviewed the content with the ConCom.
- b. Municipal Building Committee Upcoming Warrant Article Proposal: Mr. Veillette stated he is voting for the new building as it is really needed. He encouraged everyone should view the MBC video about the new building.

13. Adjournment: at 9:57pm Mr. Veillette called for the meeting to adjourn, it was passed unanimously



Mr. Veillette -Chair



Date

Mr. Adam Weinberg-Vice Chair

Date

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ATTACHMENT: 1181 Lenox Rd septic updated plan

