

## **Town of Becket Conservation Commission 26 March, 2019 Meeting Minutes**

**Commissioners in Attendance:** Alison Dixon (Chair), Barbara Brand, Cindy Delpapa, Karen Karlberg and Agent Mary Stucklen

**Commissioner not in Attendance:** All present

**Members of the public:** Meredyth Babcock, Aaron Biasin, John Deacon, Susan Deacon, Kimberley Dequis (Jacobs Eng), David Edgecomb, Madelaine Elovirta, William Elovirta, Rita Furlong, David Johnson, Mike Kulig (Berkshire Engineering), Kirsten Miller, Mark Moore (MA DOT), Gabrielle Murphy, Stuart Offner.

Chair Dixon called the 26 March, 2019 Becket Conservation Commission meeting to order at 6:30 PM, read the meeting guidelines and asked if anyone was recording the meeting. No recording reported.

**Public input and comment for items not on the Agenda.** John Deacon introduced himself indicating he submitted an application to the Select board requesting to be appointed to the Conservation Commission. J Deacon was on the Commission many years prior.

### ***New Business:***

*A Request for Extension of the Order of Conditions (DEP File #102-0393) for the Sherwood Green Road District issued on 04/19/2016 for the continued maintenance of the aquatic vegetation in Sherwood Greens Lakes due to expire on May 21st, 2019.* No representative from Sherwood Greens Governance Committee or SoliTude Lake Management in attendance. Several residents of Sherwood Greens present. It was noted the OOC has had a previous extension. A report from 2014 and notices of treatments were found in the files but no reports could be located covering the past few years. Commissioners were concerned the current OOC lacks special conditions specific to lake management such as requirements for water quality monitoring. The management plan from the original filing is vague relative to assessment and monitoring. Commissioners were interested in knowing more about the education/outreach being done, the treatment plans and the treatment's efficacy. Dean Logortary, a resident of Sherwood Forest expressed some displeasure with SoliTude as their herbicide application notifications are small and sparsely distributed with residents receiving notice, usually emails from the Governance Committee, but not visitors. He also asked if the wildlife have been studied. L Miller, Sherwood Green resident, is concerned about private wells as the herbicide treatment announcements tell residents not to use the water for a length of time. She asked if there is any requirement to test if the herbicide is leaking into wells. Chair Dixon reported that all these chemicals are tested by the EPA and found to be safe if used as directed. K Miller was asked if she was a homeowner in Sherwood Green in 2013 when the original NOI was filed or in 2016 when the first extension was requested. K Miller reported she was not a resident until after 2016. G Murphy, a new resident to Sherwood Green, noted SoliTude was invited to speak at a resident's meeting but did not attend. Several Sherwood Green residents felt notification of chemical applications was lax. The examples cited included failure to notify residents of the make-up day when an application was delayed because of adverse weather conditions or when a second day was needed to complete an application. The Governance Committee also did not alert residents to this request being before the Commission in addition to not having a Governance Committee member in attendance or a SoliTude representative to answer questions. Residents also were concerned with the age of the management plan perceiving the approach as chasing the problem and not really managing the resource. There was concern about using a firm in the business of delivering services for lake management including chemical applications, being in charge of preparing the management plan as this appears to be a conflict of interest. Chair Dixon explained the state does have a template for lake management plans. G Murphy spoke about the Sherwood Green Governance Committee not always following through on promised actions and may not always have the most up-to-

date information regarding management practices. D Edgecomb explained his experience on the Governance Committee. He expressed concern about the dated management plan but the Governance Committee was not interested in revisiting the plan. His opinion is the Committee does not think anything is 'broke'. M Babcock suggested the Sherwood Green community look at the OOC for Center Pond and their success with hand harvesting. Motion made to deny the request for an Extension of the Order of Conditions (DEP File #102-0393) for the continued maintenance of the aquatic vegetation in Sherwood Greens Lakes issued on 04/19/2016 to the Sherwood Green Road District, (Karlberg/Delpapa). MSV.

*A Request for Extension of the Order of Conditions (DEP File #102-0420) for Sherwood Forest Lakes District issued on 02/22/2017 for the continued maintenance of aquatic vegetation in Sherwood Forest due to expire on June 2nd, 2019.* No representative from Sherwood Forest Lake District or SoliTude was in attendance. The Commission has not received any updates on upcoming work or a summary of last years work and findings. Motion made to continue the request for an extension of an Order of Conditions (DEP file #102-0420) for the continued maintenance of aquatic vegetation in Sherwood Forest due to expire on 2 June, 2019 to the April 23, 2019 Becket Conservation Commission meeting, (Karlberg/Brand). MSV.

*A Request for Extension of the Order of Conditions (DEP File #102-0391; Map 219, Lot 229) for Stuart and Susan Offner issued on 07/30/2016 for the construction of a house including a driveway, septic system, and well due to expire on July 30th, 2019.* (second extension request) The applicant, S Offner, was present to explain the project and answer questions. He explained no work has been done and the designs for the house have not been completed but the footprint will definitely not change. The planting plan is to be removed. Agent Stucklen reminded the applicant to have his contractor contact the Commission before beginning work in order to be fully versed of the requirements in the OOC. Commission Karlberg urged the applicant to consider not working during spring when there is a great deal of bird activity and the owner agreed to take this request into consideration. Motion made to grant the request for an extension of the Order of Conditions for DEP File #102-0391 (Map 219, Lot 229) of Algeria Road issued on 7/30/2016 to 7/30/2022 for the construction of a house including a driveway, septic system, and well, (Brand/Karlberg). MSV.

*A Notice of Intent application submitted by Bruce Weiller for the restoration of existing decks, dock, walkways, and stairs, and for the installation of stairs at 213 Old Pond Road (Map 210, Lot 43).* M Kulig and A Biasin of Berkshire Engineering and contractor G Palumbo present to represent the applicant. M Kulig summarized the proposed work: existing pavers and landscape will not be altered, the deck will be removed and replaced in-kind, an additional helical pier will be added to make four total piers (unless the deck can be attached to bedrock), stairs to be moved from lake-front edge to the side of the deck, and the existing dock reconstructed and piers reset to prevent heaving. All work will be done by hand or with small equipment. Composite materials will be used for deck and dock. All waste materials will be removed daily. Given the tight clearances in the work area it was agreed straw waddles would be the best alternative for erosion control. Motion made to issue and Order of Conditions for work at 213 Old Pond Road (Map 210, Lot 43) for the restoration of existing decks, dock, walkways and installation of stairs, DEP File No. 102-0443 with Becket Standard Conditions, all waste material removed daily and straw waddles installed for erosion control, (Delpapa/Karlberg). MSV.

#### *Continuing Business*

*A Request for a Certificate of Compliance for 0 Tanglewood Circle (Map 406, Lot 14-20, 37-47; DEP File # 102-0421) by Borrego Solar Systems.* Order of Conditions was issued August 22nd, 2017 for the installation of a solar facility. Borrego Solar System replied to Commission's questions and concerns noting a site visit was completed by the Conservation Agent last autumn and vegetation was about seventy percent stabilized. The invasives along the road are not on the lands leased by the company. The planting of wildflowers were not a condition in the OOC so none were planted but Borrego felt native pollinators will

invade the site in time. M Babcock recommended larger projects be asked to have a management plan for invasive control. Agent Stucklen will get guidance about invasives. Commission will continue reviewing this request at the April 23, 2019 Becket Conservation Commission.

Commissioner Brand left the meeting at 7:52 PM as she was unwell.

*A Notice of Intent application submitted by the Massachusetts Department of Transportation Highway Division for the completion of culvert replacements and drainage structure improvements for seven locations along the Massachusetts Turnpike (Mile Marker/MM 17 Eastbound/EB, MM 17.6 EB, MM 17.7 EB, MM 19 EB, MM 19.5 EB, MM 19.8 EB, and MM 20.1 EB).* MassDOT sent a letter to the Commission in response to the questions raised at the meeting last month. Agent Stucklen referred to the question on page 2 about operation and maintenance of the riprap area- the MA DOT response did not address the question posed as the information being asked was about inspection and maintenance of the riprap. M Moore responded- the triennial reviews are available on-line. The total amount of disturbance was requested over all seven sites included in the NOI. K Dequis did not know the total. While no single site is over an acre of disturbance, since all of the sites are bundled together in this application, the total disturbance may be enough to require an NPDES stormwater permit requiring a Stormwater Pollution Prevention Plan. K Dequis offered to require the construction firm hired for the work to submit a SWPPP and make arrangements for the Agent to visit the site during construction. M Babcock asked if the culverts are undersized. M Moore replied the work was maintenance only. Commissioner pointed out the requested working link to the pertinent stormwater NPDES permit was not provided as the link in the response letter did not lead to the permit or to a link for the permit. Locating the NPDES permit required considerable searching by Commissioners. Commissioner referenced the 2004 MA DEP storm water standards, standards MA DOT agreed to abide by, and these standards require improvements to stormwater in any maintenance activity. This project does not achieve this standard. M Moore stated the intention was to repair the existing system and this does not require adherence to the standards. Commissioners are concerned about runoff from the highway to the adjacent cold-water resource waters. Chair Dixon felt the work involved just replacing headwalls. Commissioner Delpapa noted maintenance is an explicitly referenced redevelopment activity in MassDEP storm water standards, "maintenance and improvement of existing roadways including improving existing drainage systems" so the guidance applies. M Moore disagreed – the work is repair/maintenance of existing structures to stop current erosion and prevent failure. The system has already failed at most of the seven sites with headwalls collapsed and pipes broken. Commissioner Delpapa raised the need for this project to adhere to Gov Baker's executive order 569 which places responsibility on all state agencies to promote climate resiliency. M Moore still considered this maintenance and not subject to the Governor's executive order. M Moore equated this work to repaving which doesn't require a permit. These projects are trying to bring the structures back to functioning status. Commissioner Delpapa countered that Gov Baker's executive order mentions the need to improve existing conditions. K Dequis stated they are specifically doing in-kind replacement to prevent deterioration of the side of the roadway. No way to do thermal mitigation other than plantings. Commissioners felt the Operation and Maintenance plan is vague. No alternatives analysis done. K Dequis says section 3.1 has an alternatives analysis. It was pointed out the analysis was not even a paragraph long and would not be considered a comprehensive analysis by most reviewers. M Stucklen mentioned a verified wetlands mitigation plan was provided. K Dequis stated dogwoods and willows will be planted and a few extra can be planted in the cold water resource sites. Chair Dixon asked if that would be acceptable for Commissioner Delpapa. She felt the DEP standards are clear and there needs to be improvement to the existing runoff conditions and an added OOC condition is not meeting the intent of the standards. Commission Karlberg asked about adding understory plantings for more shade. M Babcock asked if the culvert work associated with the cold water streams was a question of adequate sizing? J. Deacon asked if the concern is water temperature related to the fisheries? He felt there is already flow and did not see how this work would affect the current conditions of the water? Commissioner Delpapa replied it was not a question of maintaining existing conditions but meeting the MA DEP stormwater standards which require improvement over existing

conditions when a maintenance project is being carried out as is the case here. Commissioner Karlberg asked about herbicide application to control *Phragmites* spcs? K Dequis replied there is selective clearing and mowing and herbicide applied during daytime hours- typically backpack sprayers. Commission asked that there be before and after photos of work zone. K Dequis emphasized that unless you manage the entire colony, Phragmites will grow back so it's a short-term removal.

Public Hearing closed by Chair Dixon at 9:03. Motion made to issue an Order of Conditions to the Massachusetts Department of Transportation Highway Division for the completion of culvert replacements and drainage structure improvements for seven locations along the Massachusetts Turnpike (Mile Marker/MM 17 EB, MM 17.6 EB, MM 17.7 EB, MM 19 EB, MM 19.5 EB, MM 19.8 EB, and MM 20.1 EB), DEP File No. 102-0443, with special conditions:

1. Using over and under story native plantings particularly to improve shading adjacent to the intermittent streams at the resource areas related to the construction sites MM 17.0 EB, MM 17.7 EB.
2. Before and after photos of all construction sites with attention shown to invasive species areas at each construction sites.
3. Invasive species should not be buried on site and must be removed from the construction zone and disposed of properly.
4. Wetland Replication inspection reports should be sent to the commission. No less than twice for each of the two growing seasons. If planting fails, the plants must be replaced as soon as feasible and prior to the end of the second growing season. If there is a replanting at this time, then an inspection should be conducted the following, thus third, growing season, (Delpapa/Karlberg) MSV with 2 in favor and 1 opposed.

***Additional Items:***

A representative from Jacobs Hollow Road Association intends to attend the next meeting to request an extension on an existing OOC but the OOC expires before the April meeting. Motion to extend the existing OOC for DEP File No 102-0413 until the 26 April, 2019 Becket Conservation Commission meeting, (Karlberg/Delpapa). MSV.

*Update on Town Beach Project (DEP File# 102-0432).* There has been multiple NOIs filed over the years to address erosion problems at the beach. R Furlong wanted to verify work on the beach can begin. She never received a copy of the OOC. Agent Stucklen explained the OOC was sent to the town administrator as he was the applicant listed on the NOI. Agent Stucklen would be happy to provide her with a copy of the NOI and OOC. R Furlong was concerned about sand from the beach washing around the corner to the refuge area and would like to construct a barrier. It was explained this work would not be covered by the existing OOC. J Deacon expressed dismay at the last repair efforts which increased the pitch of the beach and exacerbated the erosion problem. R Furlong explained the wall removal was based on an engineer's design. She also requested input on what actions would be acceptable to get through the season. Agent Stucklen noted the Berkshire Engineering 2017 design filed with the last NOI is valid until January of 2021 and allows bringing in more appropriate sized sand, removal of more fabric and stones from the beach. R Furlong asked for assistance in understanding the OOC. W Elovirta interjected that the beach work may not happen until autumn as the DPW is busy this time of year and the work cannot move forward when the beach is in use. Agent Stucklen recommended Parks & Recreation contact the DPW as she is under the impression the beach nourishment is happening in the near future.

*Letter of Withdrawal for the Notice of Intent application submitted by the Town of Becket for construction of a UV water treatment system at the Route 20/Chester Road Becket Spring (Map 417, Lot 1900; DEP File # 102-0441).* Town formally requested the withdrawal of this NOI application in a 7 March letter to the Commission. Agent Stucklen will inform the MA DEP of the withdrawal.

*Review and approval of February 26th, 2019 Conservation Commission Meeting minutes.* K Dequis name

spelling needs to be corrected. Motion to approve the 26 February, 2019 Becket Conservation Commission minutes with corrections, (Karlberg/Delpapa). MSV.

*Conservation Commission vacancies.* D Johnson introduced himself to the Commission and explained he is interested in being on the Commission. Henry Scarpo has submitted his application. John Deacon has also applied to be on the Commission.

*Update: Letter to Board of Selectman re: MVP.* The town will be applying for MVP planning assistance and Agent Stucklen will help with the application. There is a presentation on MVP in Pittsfield on Friday at BRPC.

#### *General Mail*

*a. Forest Cutting Plan for Mitchell Road.* Agent Stucklen will send a digital copy to Commissioner Karlberg who will review the plan. Commissioner Karlberg is meeting with DCR Forester Ryan on Friday.

*b. Notice of Public Hearing from the Zoning Board of Appeals re: 30 Washington Street*

*c. Lake Drawdown at Palmer Brook Update* The report was just submitted to the Commission. Palmer Brook appeared on the latest MA Impaired Waters list for aquatic life issues – the lack of cold water fish assemblage present in the river.

Agent Stucklen reported the comment period for the EverSource vegetation management plan ended in January. Commission received correspondence from EverSource verifying they will be spraying.

MACC Unit 101 is being offered as a webinar on 9 April for a cost of \$55 which the Commission will cover. M Babcock is interested. Unit 103 is being offered in Framingham on 3 April.

Motion made to adjourn the 26 March 2019 Becket Conservation Commission, (Karlberg/Delpapa). MSV. Chair Dixon adjourned the meeting at 9:55 PM.

#### Action Items:

- 1.** Agent Stucklen will get guidance on invasives.
- 2.** Center Pond Beach current NOI & OOC to Parks & Recreation (R Furlong)
- 3.** Agent Stucklen will notify DEP of the UV treatment system NOI withdrawal
- 4.** Agent Stucklen will send cutting plan for Mitchell Rd. to K Karlberg
- 5.** Palmer Brook lake drawdown report will be sent to Commissioners