

Town of Becket Conservation Commission 17 December, 2019 Meeting Minutes

Commissioners in Attendance: David Johnson (Chair), Meredyth Babcock, Cindy Delpapa, Alison Dixon, Henry Scarpo, and Agent Mary Stucklen.

Commissioner not in Attendance: -

Members of the public: James Schaefer, Emily Stockman via phone

Chair Johnson called the 26 November, 2019 Becket Conservation Commission meeting to order at 6:31PM.

Public input and comment for items not on the Agenda. None offered.

New business

A Notice of Intent submitted by David Levenfeld for the construction of a driveway in the buffer zone of Center Pond at 229 South Cove Drive (Map 211, Lot 49; DEP File #102-0449). Applicant's representative unable to attend this meeting. Motion made to continue the NOI hearing for DEP File #102-0449 for the construction of a driveway in the buffer zone of Center Pond at 229 South Cove Road to the 28 January, 2020 Becket Conservation Commission meeting, (Dixon/Scarpo). MSV.

A Request for a Certificate of Compliance submitted by Sergey Kaletin of 0 Yokum Pond Road (Map 409, Lot 3; DEP File #102-0431) for the construction of a driveway. A request was made by the applicant to continue this request to the next meeting. Motion made to continue the discussion on a Certificate of Compliance for DEP File #102-0431 to the 28 January, 2020 Becket Conservation Commission meeting, (Dixon/Scarpo). MSV.

Continuing Business

A Request for Determination of Applicability submitted by Daniel & Sadie Mecca of 275 Maid Marion Lane (Map 217, Lot 254) for the installation of a replacement septic system. Project has been delayed at the Board of Health and a request was made for a continuance to the next meeting. Motion made to continue the RDA for the installation of a replacement septic system at 275 Maid Marion Lane Lane (Map 217, Lot 254) to the 28 January 2020 Becket Conservation Commission meeting, (Scarpo/Dixon). MSV.

A Notice of Intent application submitted by James and Donna Schaefer for the installation of a second garage, expansion of a driveway, and repair of deck footings and retaining wall at 138 Bonny Rigg Hill Road (Map 218, Lot 128; DEP File #102-0448). Applicant provided an updated map, plan and planting scheme. Commissioners discussed the work proposed in the inner riparian area. The proposed new garage will be installed over what is now a gravel area so it would not constitute new alteration and the deck work involves replacing supports in-kind. The new alteration is associated with the driveway extension mitigated by the conversion of a gravel area at the side of the house to a fully vegetated area. The Commission reviewed the proposed planting plan and requested the homeowner allow a member of the Commission or the Conservation Agent access to inspect the condition of the plantings after two growing seasons to gauge the success of the plantings. The homeowner was amenable. Agent Stucklen explained an extension to an OOC may be required because of the plantings as the original OOC may expire before the Commission would be able to issue a complete Certificate of Compliance, (a partial COC could be requested for the garage, driveway and deck work but not the planted mitigation area). The applicant will be speaking to the tree service about the work done in a WPA jurisdictional area. Motion made to issue an Order of Conditions for DEP File #102-0448 for the installation of a second garage, expansion of the driveway, and repair of deck footings and retaining wall at 138 Bonny Rigg Hill Road (Map 218, Lot 128) with Becket Standard Conditions and the additional condition that the plantings will be monitored for two growing seasons, (Babcock/Dixon). MSV.

Commissioner followed up on the drawdown of Indian Lake and if releases were stopped by the deadline in the pertinent OOC. J Schaefer reported the drawdown was extended several days past the 30 November seasonal end date to 3 December. Agent Stucklen asked MA DEP about extensions needed because of confounding weather conditions and MA DEP says the issue is black and white- the OOC conditions must be followed.

Additional Items

Update Re: Enforcement Order for A. and V. Bleier, 819 Bonny Rigg Road (Map 416, Lot 23), for unpermitted work impacting bordering vegetated wetland, buffer zone, and intermittent stream; and Enforcement Order issued to L. and N. Dean, 765 Bonny Rigg Road (Map 416, Lot 22), for unpermitted work impacting bordering vegetated wetland, buffer zone, and intermittent stream. A. Bleier responded to the certified letter sent by Agent Stucklen. He apologized explaining the qualifications of the wetland specialist was to be sent by the consulting company. Subsequently Berkshire Engineering sent Shannon Boomsma's resume. Agent Stucklen recommended the Commission send another certified letter requiring the submittal of the report due this past autumn. If the report is not received, the Commission should move to the next level given the repeated failures to comply with the timeline in the Enforcement Orders. Consensus was to have the agent send a certified letter immediately stating a deadline for receiving the report of 3 January 2020. The letter should also state a failure to comply would result in the Commission transferring this matter back to MA DEP who received the initial complaint.

Update Re: Enforcement Order issued to K Avelle of 318 County Road (Map 409, Lot 20) for unpermitted work in the Riverfront Area. Agent Stucklen reported Emily Stockmann contacted the Commission to say she is available to discuss this EO work. K Avelle hired E Stockman before being approved by the Commission and E Stockman began some preliminary work to try and beat the winter snows and would make the information collected available to any subsequent consultant if the Commission did not approve her nomination. A delineation of current conditions was provided by E Stockman by 12/10/19. E Stockman was conferenced-in to answer questions. Of note on the current conditions plan is the delineation between flags B3 and B4. The actual delineation cannot be confirmed until there is further investigation including the removal of fill and bringing in a soil scientist to determine the presence of hydric soils. E Stockman plans to have the next deliverable for the February meeting but snow cover may prevent completing the work thus requiring a continuance. Motion made to accept E Stockman as the wetland specialist, the report and existing site conditions topographic map (dated 12-5-2019) for the Enforcement Order issued to K Avelle for unpermitted work in the Riverfront Area. The topographic survey will be refined prior to the February, 2020 meeting. If weather or other unfavorable conditions prevent the completion of this task, the Becket Conservation Commission authorizes an extension provided the Commission is notified of the need a minimum of ten business days before the 18 February, 2020 deadline, (Dixon/Scarpo). MSV.

Update Re: Potential Violation 61 Donald Drive (Map 203, Lot 6) resulting from the removal of trees along the bank of Buckley Dunton Reservoir. Agent Stucklen reported there has been no response likely due to the delivery status of the certified letter. The Post Office lists the letter as "in transit". Agent Stucklen will follow-up with the local (NJ) post office, ask for redelivery and will also post the letter at 61 Donald Drive.

Update Re: Potential Violation 344 County Road (Map 409, Lot 16) regarding a possible animal housing within the Riverfront Area. Agent Stucklen met with the owner on site on 16 December, 2019. Agent Stucklen shared photos taken during the site visit and summarized site conditions. There is a shed of less than 100 square feet serving as a chicken coop for the owners 6 pet chickens. It is just over 50 feet away from the stream and sits on cinder blocks. The coop also has some temporary fencing for the chickens through the winter. There is a dumpster which will be hauled away in a few weeks. Agent Stucklen explained this is not a commercial agricultural business (defined by state as earning \$500 in one year) and the coop meets the definition of a shed. The bird guano is used on the owner's garden which is out of the Riverfront area. The Commission discussed if this activity constitutes a violation based on WPA regulatory thresholds and exemptions. After deliberations, the Commission was in agreement. Motion made to issue a negative finding for a possible violation at 344 County Road (Map 409, Lot 16) based on a site visit,

information collected during the site visit and review of pertinent regulations, (Babcock/Dixon). MSV. Agent Stucklen will inform the property owner.

Update Re: Town Counsel's input on potential violations reported anonymously to the Becket Conservation Commission. The town counsel responded to the inquiry. The Attorney General's office had already responded to say they could not comment. Chair Johnson contacted the Dept. of Public Records to ask about requests for information under whistleblower protections. Agent Stucklen provided an example of a complaint about a possible violation of a beaver dam removal but she was unable to see the area in question from the road. MA DEP said it was not acceptable to enter private property without permission. The only option would be to obtain a court issued search warrant and this would likely require a sworn affidavit which would be available to the public.

Discussion about public education and the WPA. Commission agreed to a morning working session to discuss education and outreach efforts on 1 February from 9 to noon. Holiday gathering will be 18 January.

Annual Budget. The budget is typically initiated by the town administrator followed by Commission review and suggested changes. Agent Stucklen has already contacted the Town Administrator about the budget, going before the Selectboard for a vote and placement on the Town Warrant. Commissioner Babcock voiced support for adding a warrant article to allow the Commission to issue fines for violations. This would help the Commission with some of the frustration over Enforcement Orders requirements being delayed or ignored. The fines could potentially be used for education and outreach though it is recognized the existing wetland funds can be used for education. M Babcock will investigate this issue. Approval of the budget and annual report will be on the January meeting agenda. Agent Stucklen reported on the effort to create a shared full time agent position. The town of Windsor is interested.

Review and approval of November 26th, 2019 Conservation Commission Meeting minutes. Motion made to accept the 26 November, 2019 Becket Conservation Commission minutes, (Babcock/Dixon). MSV with one abstention.

General Mail: There are proposed changes to the WPA. BRNC sent a notice of an opportunity to work with UMass on landowner outreach for conservation. An application for the \$5,000 funding would be needed to be prepared. M Babcock will consider if she has time to prepare the application.

Motion made to adjourn the meeting, (Dixon/Scarpo). MSV Chair Johnson adjourned the 17 December, 2019 Becket Conservation Commission meeting at 9:53 PM.

Action Items:

- Agent Stucklen will send a certified letter to Bleier about past due report.
- Agent Stucklen will follow up with local post office in NJ and place a copy of letter at the residence at 61 Donald Drive.
- Agent Stucklen will inform property owner at 344 County Road of Commission's decision.
- Add annual budget and report placed on next agenda for approval
- M Babcock to investigate how other communities have added the ability to fine for violations
- M Babcock to consider applying for the funding to work with UMass on land conservation outreach