

Town of Becket Conservation Commission 26 May, 2020 Meeting Minutes

Meeting held virtually to comply with COVID-19 social distancing requirements

Commissioners in Attendance: Chair David Johnson, Meredyth Babcock, Cindy Delpapa, Henry Hagenah and Agent Mary Stucklen.

Commissioner(s) not in Attendance: Alison Dixon and Henry Scarpo

Members of the public: Shannon Boomsma, David Askew, William Cauldwell (Becket Town Administrator), Jeremy Dunn, Rita Furlong, Bob Gross, Melissa Kaplan, Mike Kulig, Dominic Meringolo, Michael Rein, Mark Stinson (MA DEP), Henry Terwedow, Mike Thomas

Introduction of the Commissioners: Chair Johnson called the 26 May, 2020 Becket Conservation Commission meeting to order at 6:35 PM, read the meeting guidelines adding that attendees should let it be known if they were having technological issues and to speak loudly and clearly. He virtually introduced the Commissioners and Conservation Agent. Agent Stucklen explained the current state of emergency has resulted in an extension of the appeals period for an NOI to 45 days after the lifting of the state of emergency. M Stinson added a request could be made to MA DEP to waive this extended period.

Public Input: None offered.

New Business

A Notice of Intent application submitted by Andrea Attias for the reconstruction of a residence at 8 South Lake Way (Map 211, Lot 45; DEP File #102-0452) M Kulig presented on behalf of the applicant. The project is to replace a house destroyed by a fire. The new house will be in the same footprint with a smaller deck and steps off the deck. The plan proposes to continue using two existing foot drains on the west side of the house. Previously a sump pump discharged to the lake but with the elevation of the foundation it is anticipated the sump pump will not be needed and will be abandoned in place. The foundation water-proofing material will be cement and not petroleum based. (materials data card on the water-proofing sealant provided). The onsite system remains unchanged. Some grading at the front of the house, outside the lake buffer zone, will be done to improve access. Commissioner asked about the wetland area near the lake edge. M Kulig explained there would be no work in the area though recognized the owners mow the entire lakefront area. Chair Johnson opened the Public Hearing at 6:52 PM. No input received. Chair Johnson closed the Public Hearing at 6:53 PM. Motion made to issue an Order of Conditions for MA DEP File #102-0452 for the reconstruction of a house within the buffer zone of Center Pond at 8 South Lake Way (Map 211, Lot 145) with Becket Standard Conditions, only a cement based water sealant be used on the foundation and the applicant will notify the Commission if the sump pump will not be abandoned, (Babcock/Hagenah). MSV.

A Request for Determination of Applicability submitted by the town of Becket for the removal of trees in the buffer zone at the Town Beach and Shaw Pond. W Cauldwell summarized the work as the removal of three dead trees at the town beach, (note the RDA lists the number as two trees) and two dead trees at the public access pathway at Shaw Pond. At the town beach, two of the trees are behind the life guard bench- proximal to the public boat ramp and about 40 feet from Center Pond. The trees at Shaw Pond are further from the resource at 70-80 feet. Efforts will be made to leave a 6-8 foot stump to maintain habitat if safe to do so. Commissioner asked if the town would be planting replacement trees especially at the beach. Agreed to have a 1 to 1 replacement with native trees. Motion made to issue a negative determination #3 for the cutting of the three identified dead trees at the Town Beach and the two trees at Shaw Pond right-of-way. The town will leave as much stump as is safe to maximize remaining habitat and will replace the cut trees one for one. The tree species and planting location must be approved

by the Conservation Agent prior to installation, (Babcock/Hagenah). MSV

A Request for Determination of Applicability submitted by the Town of Becket for the installation of underground structures for broadband access throughout Becket. Agent Stucklen noted the town of Rowe recently approved a broadband installation project and generated conditions but those conditions were not uploaded to the meeting folder. They issued both a negative #2 and negative #3 determination. A question was asked about the recent utility pole replacements which did not come before the Commission. Several poles on the banks of Yokum Brook were replaced and piles of dirt were left to wash into the brook. It was explained the poles are jointly owned, are not part of this RDA, and pole replacement is exempt from the RPA. Commission asked to be notified of pole replacements to prevent further washing of soils into the brook which would be a violation after the fact and to ensure no outside fill, which has the potential to spread invasive species, be brought in as a part of the work. B Gross explained the underground installation project involves over 500 underground 'drops' with some near wetlands. Installation includes trenching but most will use a 'slice' method with a narrow slice into the ground, the line laid and the opening immediately back-filled. Crushed stone will need to be installed when there is a vault installation to aid drainage. In Becket Woods all utilities are underground and the work will be coordinating with Eversource. Eversource has not filed an RDA for Becket Woods work. The contractor, Westfield Gas & Electric, has sub-contracted with Tri Wire who will be doing surveys of all underground installations. The Commission discussed the merits of being notified of the schedule so they may determine if it would be advisable to attend the field visit to help identify the best possible installation method if there are wetlands involved. The request for permission to access private property being asked of homeowners to allow for the on-site survey and work could be made to extend to a Conservation Commission member or agent. Conservation Agent, with an advance list of visit, could prioritize areas of most interest to the Commission. J Dunn noted the process is not straight-forward; there are multiple steps with the exact fibre line path decided after the completion of survey work. M Kaplan explained all work to be done by Eversource will be within the roadway, is exempt from the WPA, and not a part of this broadband RDA. Motion made to issue a negative #2 and negative #3 determination for the installation of underground structures for broadband access through the town of Becket with the following special conditions to identify the fibre line path with the least environmental impact: 1) The applicant will supply lists of each Fiber Service Area in the town, with the potential underground utility drops that will be done in each of these areas. A commissioner or agent of the commission will review this list and identify the properties that will need a site visit. 2) Applicant is to obtain permission from property owners for Conservation Commission to enter onto properties to check proposed conduit paths as necessary. Applicant or an assigned representative may accompany Conservation Commissioner on the site visits. 3) The applicant agrees to work with the commission on choosing the path that minimizes the amount of negative environmental impact. 4) The applicant and their representatives or contractors shall make their best effort to clean the machinery between properties in order to prevent the spread of invasive species, (Hagenah/Babcock). MSV.

A Request for Determination of Applicability submitted by Derek Brine of 39 Longbow Lane Circle (Map 214, Lot 33) for lawn grading and the installation of drainage in the buffer zone. Commissioners completed a site visit. Updated materials have yet to be submitted. Motion made to continue the RDA submitted by Derek Brine of 39 Longbow Lane Circle (Map 214, Lot 33) for lawn grading and the installation of drainage in the buffer zone to the 23 June, 2020 Becket Conservation Commission meeting, (Babcock/Hagenah). MSV

A Request for Determination of Applicability submitted by Heather Anello of 3235 Main Street (Map 207, Lot 66; MA DEP File # 102-__) for the construction of a parking area and an addition to the existing building. Agent Stucklen explained the application is not yet complete and no DEP file number assigned. The applicant has asked for an earlier hearing than the next meeting on 23 June as this is a commercial business and does not wish to do work while the business is open. Motion made to continue the hearing for the Notice of Intent submitted for the construction of a parking area and an addition to the existing building at 3235 Main Street (Map 207, Lot 66) to the 23 June, 2020 Becket Conservation Commission

meeting, (Babcock/Hagenah). MSV.

A Request for Determination of Applicability submitted by Eversource for the construction of gravel pads and improvement of access roads for utility structures within the utility right-of-way. M Kaplan and D Askew presented on behalf of Eversource. Structures are being replaced in the right-of-way with some work in the buffer zone. Requesting permission to improve access roads off Johnston Road and George Carter Road. The work is exempt under regulation with the 'wetland webbing' requiring review under a consent order under CWA Section 401 issued by MA DEP. M Kaplan noted this is phase I of the work and more work may be done next year. Work pads will be matted and Johnson Road will be tiered because the structure is in a depression and they will need to locate the road on the high side. No gravel is proposed in Riverfront Area or floodplain. Disturbed areas will be monitored and reseeded if the wetland does not recover. Matting will be placed down first. Question asked regarding how long the mats would be in place- if they would be there for months. M Stinson reported there is a time limit in the Consent Order of two years. M Kaplan confirmed mats are cleaned between uses and wetlands monitored for recovery. Commission requested the monitoring reports be shared with the Commission with pre and post imagery. Commissioner Babcock noted some of the work is close to the historic Huckleberry Trolley line. Motion made to issue a negative #3 determination for the construction of gravel pads and improvement of access roads for utility structures within the utility right-of-way by Eversource with the following special conditions: 1. the annual wetland monitoring report be submitted to the Commission with pre and post work imagery and 2. every possible measure will be employed to prevent the spread of invasive species, (Babcock/Hagenah), MSV.

A Notice of Intent application submitted by Jason Lacourciere of 37 Shore Road (Map 24, Lot 184; MA DEP File # 102-___) for the construction of a new residence. Agent Stucklen thought this parcel with within Riverfront Area but MA DEP determined the stream was intermittent with a 100 foot buffer only. The applicant already paid \$237.50 to MA DEP and MA DEP will not refund the fee because they reviewed the application. Agent will send a letter to the landowner to let him know the work is not within jurisdiction. Chair Johnson will also send a note. Motion made to reimburse Jason Lacourciere \$237.50 from the general expense fund for filing fee paid to MA DEP due to an error made by the Commission regarding jurisdictional area, (Hagenah/Babcock). MSV

Continuing Business

A Notice of Intent application submitted by the town of Becket for the installation of a recreational pavilion and permitting of exercise equipment at 0 Maple Street (Map 206, Lot 85; DEP File #102-0453). R Furlong attending as a member of the Parks and Recreation Committee. MA DEP did supply a file number and provided four comments on the proposed project. R Furlong explained the pavilion was to help develop North Becket and bring the Brewhaha back to the village. This would provide a place to house a band. R Furlong reported their review of the available space on the parcel indicated the proposed location was the only sensible spot. Agent Stucklen asked if the total Riverfront Area on the parcel was known as she calculated 60,984 sq ft? R Furlong reported she did not know how to calculate this information. MA DEP commented the alternatives analysis was lacking and not up to standards. The Commission can only consider allowing the structure in the Riverfront area, especially the inner riparian area, if there was no viable alternative and DEP mentioned this analysis should include all town properties. Motion made to continue the public hearing on the NOI submitted by the town of Becket for the installation of a recreational pavilion and permitting of exercise equipment at 0 Maple Street, (Map 206, Lot 85; DEP File #102-0453) to the 23 June, 2020 Becket Conservation Commission meeting, (Hagenah/Delpapa). MSV.

A Notice of Intent submitted by the Crystal Pond Homeowners Association for aquatic vegetation management in Crystal Pond (Map 212 & 213, DEP File #102-0451). D Meringolo submitted written responses to the questions submitted to SOLitude by the Commission. He also noted the proponents were willing to undertake some water quality monitoring. D Meringolo noted he did some research which shows 20-30% cover as a goal which is the intention of this ecological restoration project. The Homeowner Association want to mange an open water pond and aggressively go after the nonnatives to keep invasives

at bay. The pond has been monitored for bacteria but not for nutrients. There is no official fisheries data but there are anecdotal reports of pickerel, sunfish and bass. D Meringolo does not believe reducing plant cover will increase temperature as there will be more wave action without plant cover. Agrees there is not much flood attenuation. Hydrooaking will selectively remove old plants and branches, etc which will reduce nutrients and will help pond from getting shallower. D Meringolo stated it was a misconception that managing plants does not reduce nutrients. By reducing vegetation and treating earlier in the season there will be less biomass settling in the fall. He noted everyone in the homeowners association received an abutters notice and knows what is planned for the pond. They are not planning regular treatment- only done based on monitoring. He explained Crystal pond is a man-made pond which they are trying to maintain as a pond and not a swimming pool. SOLitude will provide a year-end report. Commissioner Babcock was pleased there were homeowners on the call and asked for their input on this project. M Thomas responded that he is a 13 year resident and shares responsibility for property management. He finds the pond wonderful and he wants to preserve the waterbody. He has been happy to work with SOLitude to demystify pond management. He would like to talk to the Commission about possible grants. Commission expressed concern that there was no water quality data. D Meringolo explained there could be some taken before first treatment. Commissioner asked some follow-up questions on the responses SOLitude provided to the questions the Commission submitted. Commissioner thanked D Meringolo for his diligence to answer the list of questions. Commissioner noted the two references provided to justify the stated target for an ecological restoration for Crystal pond were not Peer reviewed documents, just web sites without references or citations. D Meringolo responded it was difficult to find any literature. Commissioner further reported the two references had solely a recreational focus as the end goal- no mention of ecological or biodiversity in either reference – just “use and enjoyment” which are not interests of the act. The references clearly stated the best situation was one of a ‘mosaic or checkerboard’ pattern of plants and open water. Asked how this recommended this end state is possible with chemical treatments? D Meringolo said the checkerboard is to give predator fish a way to stalk prey fish. Commissioner- the references provided by SOLitude recommend obtaining the desired plant cover- open water ratio and pattern be achieved through the creation of deep holes noting the two web sites provided were focused on created ponds and impoundments. Neither web site recommended herbicide or hydrotack methods. D Meringolo felt the deep hole would not be feasible here but did not elaborate on why it is infeasible. He explained the treatment was to get the edge clear – it is harder to get a checkerboard pattern. M Thomas reported there has been many discussions about the chemical treatment and they want to keep it to a minimum as they are interested in the ecological health. D Meringolo hopes annual treatments will not be needed. Commissioner concerned the response to a question about the treatment eliminating the native plants may result in the disruption needed to give a foothold to new invasives, or expansion of the modest infestation of naiad, as the invasives take advantage of the major disruption to fill the void was vague and did not provide any specific example of a waterway treated for native plants not having an increase in invasive species types, biomass or extent. Chair Johnson closed the public hearing at 10:19 PM. Motion made to issue an order of conditions for MA DEP File #102-0451 for aquatic vegetation management in Crystal Pond (Map 212 & 213) submitted by the Crystal Pond Homeowners Association, (Hagenah). No second. Motion made to deny an order of conditions for MA DEP File #102-0451 for aquatic vegetation management in Crystal Pond (Map 212 & 213) submitted by the Crystal Pond Homeowners Association as the applicant did not provide evidence that the project would result in an ecological restoration of Crystal Pond which is dominated by native plant species, there was no data provided to show there was eutrophied conditions in the pond, no data on current conditions to determine restoration needs, no fisheries or water quality data was provided to help guide an ecological restoration or indicate the habitat and aquatic assemblage the project was managing for under its restoration efforts, (Delpapa/Babcock). MSV with Hagenah voting against.

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 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 wetland, buffer zone, and intermittent stream. S

Boomsma, for the property owner, reported on the completed work- summarizing the written report submitted to the Commission. She joined A Bleier on 13 May, 2020 to inspect the site and discuss work to date. S Boomsma found areas were regraded and seeded with the seeded areas just beginning to 'come up'. The culvert was removed. The far bank was slumping and S Boomsma requested coir log be installed and two courses of silky dogwood and willow be planted to aid bank stabilization. She will revisit the site before the next Commission meeting for another inspection. Agent Stucklen noted the Commission is anxious to have this work completed as the work is long past the E.O. deadlines. Requested the report be shared with the neighbor whose property is also under the EO. S Boomsma invited the Commission to make an appointment for a site inspection.

A **Request for 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. Agent Stucklen mailed a list of qualified local engineers able to provide a stamp As-built plan. Motion made to continue the request for a Certificate of Compliance for 0 Yokum Pond Road (Map 409, Lot 3, DEP#102-0431) to the 23 June, 2020 Becket Conservation Commission meeting, (Babcock/Hagenah). MSV

A **Notice of Intent application** submitted by the Town of Becket for work on existing culverts on Werden Road within the Town Right of Way. (DEP File # 102-0450). The town is still waiting on the abutter notifications. Motion made to continue the hearing on the Notice of Intent for work on existing culverts on Werden Road within the Town Right of Way (DEP File # 102-0450) to the 23 June, 2020 Becket Conservation Commission meeting, (Babcock/Hagenah). MSV

Update Re: **Enforcement Order** issued to K. Avalle of 318 County Road (Map 409, Lot 20) for unpermitted work in the Riverfront Area. An extension was granted for the work under this E.O. because of the COVID19 restrictions. No deadlines for this meeting.

Update Re: **Enforcement Order** 61 Donald Drive (Map 203, Lot 6) resulting from the removal of trees along the bank of Buckley Dunton Reservoir. Agent Stucklen reported a letter was received from the wife of the recently deceased homeowner reporting she was unable to meet the deadlines in the E.O. because of the COVID19 restrictions. Agent Stucklen recommended the E.O. be registered with the Registry of Deeds. Motion made to register the Enforcement Order for 61 Donald Drive (Map 203, Lot 6) for the removal of trees along the bank of Buckley Dunton Reservoir with the Registry of Deeds, (Babcock/Delpapa). MSV

Discussion Re: Potential Letter for Preventative Measures regarding Large Commercial Projects. Commission discussed large commercial projects which are not within WPA jurisdiction but may cause unintended impacts to downstream or nearby wetland resources areas. If there were 'after-the-fact' impacts to wetland resource areas these impacts would be jurisdictional. Commission agreed to compose and send a pro-active educational letter to perspective large project proponents to explain jurisdictional matters. C Delpapa with work on an initial draft and.

Minutes: Motion made to accept the 28 April, 2020 Becket Conservation Commission meeting minutes with the correction of two minor typos, (Babcock/Hagenah). MSV

Conservation Commission Vacancies and General Mail:
H Hagenah is up for reappointment in June.

Received mail from Michelle Smith who wrote to express concern about a proposed marijuana cultivation business causing contamination of Shaw Pond and potentially the Farmington River/watershed.

CSX submitted their yearly operating plan (YOP) to the state and it is open for public comment.

Chair Johnson would like to have the next meeting at Town Hall but it is too early to know if this will be possible. He also informed the Commission the comment letter about a proposed mosquito control bill on he sent on behalf of the Commission was received.

Agent Stucklen suggested the Commission decide on a site visit date and schedule in advance so it can be posted as a public meeting. This will allow Commissioners to ask questions of the applicant/representative. The other option is the limit the number of Commissioners so a quorum is not reached.

Motion made to adjourn the meeting, (Babcock/Hagenah). MSV. Chair Johnson adjourned the 26 May, 2020 Becket Conservation Commission meeting at 11:11PM.

Action Items:

- Donald Drive Enforcement Order to be registered by M Stucklen as Berkshire Registry of Deeds.
- C Delpapa to draft an educational letter for large commercial projects
- Site visit date and schedule decided in time to post as a public meeting.