

## **Town of Becket Conservation Commission 28 April, 2020 Meeting Minutes**

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

**Commissioners in Attendance:** Chair David Johnson, Meredyth Babcock (entered call at 8:15 PM), Cindy Delpapa, Alison Dixon Henry Hagenah, Henry Scarpo and Agent Mary Stucklen.

**Commissioner(s) not in Attendance:**

**Members of the public:** Bill Allen, Richard Dellinger, Rosemary Dellinger Steve Herzog, Dominic Meringolo, Fred Pierce, Emily Stockman.

Chair Johnson called the 28 April, 2020 Becket Conservation Commission meeting to order at 6:31 PM and read the meeting guidelines. Agent Stucklen provided an overview of the current status of meeting and filings under the COVID-19 emergency declaration.

- Conservation Commissions need not hold meetings during the emergency but may opt to conduct 'virtual' meetings.
- Commissions may NOT elect to consider some applications and not others if a Commissions chooses to hold meetings.
- The appeal period for Orders of Conditions has been extended to 45 days after the state of emergency has been lifted. This does not apply to RDA determinations.
- The Registry of Deeds will allow e-signatures provided there is at least one 'wet ink' signature and a Commission has voted to authorize the use of e-signatures.

Motion made to allow e-signatures as an acceptable alternative to 'wet ink' signatures of Commission members on Requests for Determination decisions and Order of Conditions during the Commonwealth of Massachusetts' declared state of emergency due to COVID-19 pandemic, (Dixon/Scarpo). MSV.

### ***New Business***

***A Request for Determination of Applicability submitted by CSX Transportation for a vegetation management plan using herbicides along the railroad right-of-way.*** Agent Stucklen wanted to note the RDA is about the wetland delineation only and not about the vegetation management activities. S Herzog explained no vegetation management activities may occur within 10 feet of a wetland and the RDA decision is applicable for five years. He furthered reported the delineation has not changed since the last filing. Agent Stucklen asked why the yellow and blue marking on figure 70 do not match riverfront. S Herzog explained the data layers are for reference; the actual markings are in the field delineating any rail bed within 10 feet of a wetland placed. The delineations was done by wetland scientists S Herzog and Emily Gardener in autumn, 2019. Commissioner Dixon noted the Commission would need to hire a consultant to check and confirm the delineation. Motion made to issue a negative determination #3 to CSX Transportation for a vegetation management plan using herbicides along the railroad right-of-way, (Dixon/Hegenah). MSV with one abstention (Delpapa)

***A Request for Determination of Applicability submitted by the Becket Athenaeum located at 3367 Main Street (Map 206, Lots 14, 106, 105) for replacement of a septic system.*** F Pierce summarized current conditions as a failed on-site system with a non-functioning leech field. The proposal is to install a new septic tank and pump the effluent to the Becket Arts Center's leech field which is outside the Riverfront Area thus creating a shared system. The installation requires an approximately 10' by 20' excavation within the Riverfront Area of Yokum Brook which is on the opposite side of Rte 8. He anticipates a maximum influent volume of 40 gallons per day to the system from the Athenaeum. The shared system has been evaluated by the Board of Health who considers the shared system beneficial. Motion made to issue a negative determination #2 to the Becket Athenaeum for the replacement of a septic system at 3367 Main Street (Map 206, Lots 14,106, 105), Dixon/Hagenah). MSV.

### **Continuing Business**

A **Request for Determination of Applicability** submitted by Daniel & Sadie Mecca of 275 Maid Marian Lane (Map 217, Lot 254) for the installation of a replacement septic system. A site visit was conducted by the Commission. B Allen explained the current on-site system has failed and the owners are proposing to install an advanced technology system, Elgin tank and chamber, to improve the quality of the effluent. Much of the work proposed will be within the Riverfront Area to a perennial stream to the rear of the property. Robinhood Lake is across the lane at the front of the house. Erosion controls are proposed and the work will take between one and two weeks to complete. The hope is to replant some of the smaller trees, (1-2" in diameter) and augment with other plants as noted in the RDA. Motions made to issue a negative determination #2 for the replacement of a septic system at 275 Maid Marion Lane (Map 217, Lot 254), (Dixon/Scarpo). MSV.

*Update Re: **Enforcement Order** issued to K. Avalle of 318 County Road (Map 409, Lot 20) for unpermitted work in the Riverfront Area.* E Stockman called into the meeting to represent K Avalle. Agent Stucklen updated the Commission reporting an email was sent in response to the submitted restoration plan detailing the plan changes voted on by the Commission. The change was to make the Riverfront Area west of the auxiliary driveway a no disturbance area. The storage of a camper during the winter should not be an issue as its storage would not cause a disturbance to frozen ground. E Stockman responded to the Commission's email asking for clarification about the area near the fence remaining lawn. This area is not wetland and recommended language to more specifically detail what constitutes no disturbance to: **MARY PLEASE INSERT THE CLARIFYING LANGUAGE HERE AS I DID NOT CAPTURE ALL OF IT** *no disturbance that would damage vegetation and leave bare soils.* A letter will be sent to E Stockman with this clarifying language. Demarcating the boundary of the no disturbance area was discussed as it would avoid future confusion or disagreements around the area to be left undisturbed. E Stockman agreed to establish boundary markers and take images of the markers to provide to the Commission when completing the spoil survey work. E Stockman requested a month's extension on the timeline given the current unusual circumstances. Motion made to grant a one month extension to the deadline in the existing Enforcement Order for 318 County Road from 15 May to 15 June, 2020, (Dixon/Hagenah). MSV.

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-\_) Agent Stucklen reported the NOI has not been completed nor sent to MA DEP. Agent Stucklen submitted an inquiry to the town administrator but has yet to receive a reply. Agent Stucklen worked diligently with MA DEP to attempt to correct and complete the NOI. Funding for this project has yet to be obtained so there is not immediacy to the application. Note the application will include a request for the retro-active approval of the installation of some exercise equipment. Motion made to continue the consideration of 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) to the 26 May, 2020 Becket Conservation Commission meeting, (Dixon/Hagendah). MSV.

A **Notice of Intent** submitted by Crystal Pond Homeowners Association for aquatic vegetation management in Crystal Pond (Map 212 & 413, DEP File# 102-0451). D Meringolo was on the phone representing the applicant. The Commission only sent their questions to D Meringolo on Friday and it is understandable that he has not had a chance to respond. He did report the literature recommends a goal of 40-60% open water. Commissioner requested the specific Peer-reviewed literature with the research presented, on comparable waterways, to explain the 40-60% open water target be provided to the Commission. D Meringolo stressed the homeowners association wishes to maintain the waterbody not denude it and they feel conditions are getting worse. D Meringolo conceded this assessment is not based on actual measurement and assessment but the opinion of the homeowners. Commissioner also requested 'community balance' be defined as the goal of this ecological restoration project. It was agreed Agent Stucklen would solicit any remaining questions by 5 May and submitted them to SoliTude to allow time to

respond. Motion made to continue the Notice of Intent hearing for DEP #102-0451 for the aquatic vegetation management in Crystal Pond (Map 212 & 413) to the 26 May, 2020 Becket Conservation Commission meeting, (Scarpo/Dixon). MSV.

Commissioner Babcock joined the call at 8:15 PM.

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 reported the applicant still has not sent stamped plans despite being provided with a list of qualified engineering firms in the county. She has not heard from the applicant and emails to the owner are now being returned. Commissioner Hagenah volunteered to drive by the site and take pictures of the silt fencing if still in place. 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 26 May, 2020 Becket Conservation Commission meeting, (Babcock/Scarpo). 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) . DPW head C Bouchard has taken a position with another community. The town administrator has assumed responsibility for this project. 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 26 May, 2020 Becket Conservation Commission meeting, (Babcock/Scarpo). MSV.*

### **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. Commission discussed whether a report was due on 21 April or not until May. The letter to the Bleier's does say a report must be submitted 7 days prior to meetings but agreed this wording may be viewed as ambiguous. Will definitely need to supply required materials 7 days prior to the May meeting.*

*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 the homeowners failed to respond to the Enforcement Order by the 3 April, 2020 deadline as stated in the EO. Mark Stinson of MA DEP suggested the EO be recorded with the Registry of Deeds. This 'lien' would be an issue if the property were to be sold. Consensus was to send another letter emphasizing the seriousness of the EO and the Commission will wait to the 4 May deadline for the submittal of a planting plan before filing with the Registry.*

*Minutes: Motion made to accept the 24 March, 2020 Becket Conservation Commission meeting minutes as written, (Scarpo/Babcock). MSV with one abstention (Dixon). Motion made to approve the 31 March, 2020 Becket Conservation Commission special meeting minutes as written, (Delpapa/Babcock). MSV with two abstentions (Scarpo and Babcock).*

Agent Stucklen reported a significant number of requests for recommended plants. There is concern people will select plants from a list without considering the suitability of the location for the selected species. Consensus was to include a link to the MACC list of recommended native plants with a disclaimer that the Commission is offering this as only one source of information and a starting place for plant selection.

*General Mail: Two emergency certifications were issued this past month requiring ratification. One issued to 402 Alan-A-Dale to remove two dead trees in a wetland leaning toward a neighbor's house and two*

smaller trees partially gnawed through by beaver. Motion made to ratify the Emergency Certification for the cutting of four trees in a wetland at 402 Alan-A-Dale (Dixon/Scarpo). MSV.

The second emergency certification was requested by the new landowners at 451 King Richard. The new owners notice several cracked and decaying trees leaning toward the house. Five trees will be cut and an attempt will be made to save a bifurcated tree. The owner will leave 8 to 10" stumps to support wildlife. There is a perched culvert which may be creating wetter conditions on the site. Motion made to ratify the Emergency Certification for the cutting of five trees at 451 King Richard (Dixon/Scarpo). MSV.

A request was made by the town clerk for Commissioner Dixon to complete a reappointment slip. Commissioner Dixon will contact the town clerk.

Agent Stucklen ordered two books – *Bringing Native Home* and *Natures Best hope* . People are welcome to borrow the books. Commissioner Babcock requested a chance to borrow both books.

Agent Stucklen offered two options for e-signatures: Commissioners can scan their signature or she can send an email authorization. Commissioners preferred the email method.

Motion made to adjourn the meeting, (Delpapa/Scarpo). MSV. Chair Johnson adjourned the 28 April, 2020 Becket Conservation Commission meeting at 9:27PM.

*Action Items:*

- Letter to E Stockman with 'no disturbance' clarifying language.
- Questions about proposed Crystal Pond NOI due to Agent Stucklen no later than 5 May. Agent Stucklen will send the complied comments to Solitude.
- Commissioner Hagenah to take and share pictures of 0 Yokum Pond Rd.
- Agent Stucklen to send another letter relative to the EO on 61 Donald Drive tree cutting.
- Add link to MACC native plant list with a disclaimer to the CC web site page.
- A, Dixon to contact Beverly about re-appointment.