

Town of Becket Conservation Commission 23 June, 2020 Meeting Minutes

Meeting held to comply with COVID-19 social distancing requirements. Conservation Commissioners attended in person with interested parties participating virtually.

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

Commissioner(s) not in Attendance: Alison Dixon

Members of the public: Heather Anello, Amei Arza, Shannon Boomsma, Madelon Elovirta, Matt Fenton, Peter Fortier Terry Hayden, Chris Jones, Bruce Lipton, Chriss Neery, Karl Purdy, Anthony Richardson, Robert Ronzio, Michael Spencer, John Todice, Nancy Todice, Ken Wagner, (every attempt was made to identify all people participating virtually on the conference line)

Introduction of the Commissioners: Chair Johnson called the 23 June, 2020 Becket Conservation Commission meeting to order at 6:32 PM, read the meeting guidelines and 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. Chair asked if anyone was recording the meeting. R Ronzio was recording. Chair Johnson noted there will be two opening on the Commission after this meeting if anyone was interested in serving.

Public Input: R Ronzio reported the cutting of trees on Map 216, Lot 793-794 on Nottingham Lake.

Chair Johnson outlined a new process the Commission will be using to move through the agenda.

New Business

A Request for Determination of Applicability submitted by Peter Fortier of 67 Lancelot Lane (Map 217, Lot 82) for the reconstruction of a wall and stairway in the buffer zone. Commission conducted a site visit. The applicant, P Fortier, explained an existing 1987 era retaining wall was beginning to bow out and needs to be replaced. The project will also include the rebuilding of a smaller half wall closer to the shoreline and the replacement and relocation, to be built into the upper wall, of existing wooden steps. The area would be landscaped with native plants after the work was completed. Commissioner asked if the amount of buffer zone disturbance was known? Applicant said the dimensions of the upper, larger wall are 42 feet long and the lower wall will be 16 feet long but the exact disturbance is not yet known because a contractor has not been engaged but preliminary discussions indicate stone will be put in behind the wall for drainage. The base beneath the existing wall will likely be kept with some augmentation reducing the amount of disturbance and digging needed. Commissioner asked about the handling of debris and demolition materials generated in removing the existing structures. P Fortier stated the cement blocks would be removed by the contractor. Some of the native stone from the lower wall will remain as landscape features. The excavated dirt will be reused on site. Commissioner comments the work area is quite steep and the potential bank behind the upper wall relatively high, ordinary erosion controls measures might not be strong enough to control soils runoff from the steep slope. Commissioner asked about the drainage proposed. P Fortier explained the current drainage system is no longer functional. A new drainage system will be installed with the outlet of the drain on the sides of the wall. Commission was interested in knowing the total square area of buffer zone disturbance. Motion made to issue a negative determination #3 for the reconstruction of two walls and stairway in the buffer zone at 67 Lancelot Lane (Map 217, Lot 82) with the following conditions: sequence of work will be provided to the Commission by the landowner or construction firm before work begins, any exposed bank/slope will be covered during thunderstorms or a significant rain event, erosion control will be installed prior to the commencement of work and will consist of both staked silt fence and straw waddles/hay bales, only clean fill will be used at the site, any machinery

brought into the work area will be cleaned before entering the site to reduce the potential of transporting invasive species, the Commission recommends native species be used on site and a vegetated buffer is planted at the lake edge, (Hagenah/Babcock). MSV.

A Request for Determination of Applicability submitted by Sherwood Greens Road District for limited manual aquatic vegetation management in access areas. K Wagner and B Lipton were on the phone to present on this application. Agent Stucklen reported MA Department of Environmental Protection (DEP) did not receive a copy of the RDA. MA DEP requires both an electronic and hard copy of an RDA be files with the them before a local Commission may consider an application. K Wagner explained he was unaware of and had not encountered this requirement before. A request for a special meeting was discussed by the Commission to consider this application in a timely manner. A special meeting was agreed to on 7 July, 2020 where this and any other continued application would be considered. Motion made to continue the RDA application for limited manual aquatic vegetation management in access areas submitted by Sherwood Greens Road District to the 7 July, 2020 special Becket Conservation Commission meeting, (Hagenah/Babcock). MSV.

A Request for Determination of Applicability submitted by Westfield Wild & Scenic for manual invasive species management and removal along Center Pond Brook. Agent Stucklen reported this RDA was also not received by MA DEP and cannot be considered by the Commission at this meeting. Commissioner Babcock, as an independent contractor for the Wild & Scenic Committee, and Commissioner Delpapa, as the Becket town representative on the Committee, both recused themselves. Motion made to continue the RDA application for manual invasive species removal submitted by the Westfield Wild & Scenic Committee to the 7 July, 2020 special Becket Conservation Commission meeting, (Hagenah/Scarpio). MSV with Babcock and Delpapa recusing themselves.

Ratification of an Enforcement Order issued to Joan Leitao at 0 Sherwood Drive (Map 215, Lot 198) for unpermitted work in the buffer zone to Robin Hood Lake. Agent Stucklen reported there has been multiple complaints about two contiguous parcels. Agent Stucklen visited the site with M Fenton and others. The property is owned by J Leitao and the adjacent property, which has a significant wetland area, was sold to M Fenton but *there* was a confusion over which parcel was which and work was performed on the Leitao parcel by M Fenton. This included vegetation cutting and gravel deposited to create a driveway. The stone has since been removed from the site and the area mulched by M Fenton who wished to rectify this error as quickly as possible. The owner, J Leitao, is amenable to letting the vegetation grow back naturally but there is some concern about invasive plant species tacking advantage of the newly disturbed areas. The E.O. as written is not correct as there is no dock, just a pontoon boat, a restoration plan is not warranted and the 'driveway' did not extend to the lake. Commission discussed the spreading of some shade tolerant NE/native seed mix with some follow-up to make sure invasives have not taken hold. Motion made to ratify the Enforcement Order issued to Joan Leitao at 0 Sherwood Drive with the following amendments: a native New England, shade-tolerant seed mix will be spread in all disturbed areas by 23 July, 2020, the Conservation Agent will be invited to inspect the site in September, 2020 and June 2021, no restoration plan is needed and the EO activity is limited to the cutting of vegetation in a buffer area, (Hagenah/Babcock). MSV.

Ratification of Emergency Permit issued to N. Silcox at 141 Hennesey Lane (Map 414, Lot 31) for the reinstallation of a beaver culvert fence. The existing beaver fence has deteriorated and beaver activity threatens to flood the driveway on the property. Motion made to ratify the Emergency Permit issued to N Silcox for the reinstallation of a beaver culvert fence at 141 Hennesey Lane, (Map 414, Lot 31), (Hagenah/Babcock). MSV.

A Request for a Certificate of Compliance for 0 Sherwood Drive (Map 215, Lot 197; DEP File Number 102-0365) by John Todice. Order of Conditions was issued September 24th, 2010 for the construction of a residence.

A Notice of Intent application submitted by John Todice for the construction of a residence at 0 Sherwood Drive (Map 215, Lot 197; DEP File #102-_____).

Ratification of Enforcement Order issued to John and Nancy Todice at 0 Sherwood Drive (Map 215, Lot 197) for unpermitted work in the buffer zone and in bordering land subject to flooding. These three items all pertain to the same property. Agent Stucklen explained an EO was issued related to a gravel driveway being built and some stacking of wood in the buffer zone and bordering land subject to flooding. Several complaints had been received about this activity which is proximal to the EO discussed above. The landowners, J and N Todice were contacted and it was found they had been issued an OOC in 2010. They did not renew the OOC and the permit expired. N & J Todice explained they were unaware the OOC had expired and are requesting an COC to close out the expired OOC for which no work was done. This will allow the owners to file a new NOI. The newly filed NOI is not complete thus the MA DEP has not issued a new file number. Relative to the driveway, J Todice explained he sent in a payment for a driveway permit but he subsequently found the payment was put toward another tax. Not knowing this and unaware a current OOC was needed, he hired a contractor to begin installing the driveway. Motion made to issue a Certificate of Compliance for an invalid Order of Conditions to John Todice for the construction of a residence at 0 Sherwood Drive, (Map 215, Lot 197; DEP File Number 102-0365) with an Order of Conditions issued 24 September, 2010, (Hagenah/Babcock). MSV.

For the EO the Commission discussed several options including requiring a restoration plan or the filing of a NOI. R Ronzio interjected that the landowner did not apply for a driveway permit and pay the town but from the (Sherwood Forest) road district. Chair Johnson noted the driveway permit payment was not directly pertinent to the EO and the wetland violation. He further noted the Chair need not entertain public comment outside of a public hearing. Motion made to ratify the Enforcement Order issued to John and Nancy Todice for unpermitted work in a buffer zone and bordering land subject to flooding at 0 Sherwood Drive (Map 215, Lot 197) with the following amendment- a complete NOI will be filed by 28 July, 2020, (Hagenah/Babcock). MSV. Before the NOI is filed, the owners have requested permission to remove a tree on the parcel. Commission agreed this should be a part of the NOI application. If it was a dangerous tree an emergency order could be obtained. N Todice asked if she will be receiving instructions. Agent Stucklen reported an email was sent outlining how to file with the town and MA DEP. It also noted it is the responsibility of the landowner to obtain all other pertinent permits and permissions. Motion made to continue the NOI hearing for the construction of a residence at 0 Sherwood Drive (Map 215, Lot 197; DEP File number not yet issued) to the 7 July, 2020 Becket Conservation Commission meeting, (Hagenah/Babcock). MSV.

A Request for a Certificate of Compliance for 3805 Jacobs Ladder Road (Map 201, Lot 17; DEP File Number 102-0425) by Maurice Henry Jr. Trust. Order of Conditions was issued August 4th, 2017 for the reconstruction of home. Agent Stucklen completed a site visit. During the site visit the applicant requested permission to remove the silt fence. During the visit it was noted there were black plastic pipes discharging directly to the lake. S Boomsma explained these a part of the footing drains which were a requested change from the original plan and she has asked the contractor to cut the pipes back so the discharge runs over the gravel on the bank before entering the lake. There was some concern about the rock slumping into the lake. S Boomsma noted more rock was added to the slope. The Commission never received a letter reporting a deviation(s) from the plan filed with the NOI application and one is required. At least one Commissioner requested a site inspection prior to the vote. Motion made to continue the request for a Certificate of Compliance for the reconstruction of a residence at 3805 Jacobs Ladder Road (Map 201, Lot 17; DEP File #102-0425) made by Maurice Henry Jr. Trust to the 7 July 2020 Becket Conservation Commission meeting, (Hagenah/Babcock). MSV.

Continuing Business

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. Agent Stucklen reported a new map of the parcel was submitted. C Neery, representing the owner, explained the project as proposed includes grading about 2,500 square feet of the backyard, from the house to the 'berm' area adjacent to the lake to make a more level yard. The work includes bringing in material to fill in the low

spot near the house A french drain is also proposed to regulate the water in the area. It will discharge closer to the lake. The owner would also like to regrade the 'stump area' nearer to the shoreline to create more level ground and help with runoff. Agent Stucklen showed a map highlighting the bordering land subject to flooding on the site which includes part of the proposed work area. Commissioner asked how much fill would be brought in to fill the low spot. C Neery anticipated 10-15 yards. Because much of the area is mowed it was difficult to ascertain, during the site visit, if the area was wetland but at least one obligate wetland species was observed in the area of the backyard to be graded. It was also noted the boardwalk on site is unpermitted and the retaining wall that is a part of the upgraded on-site wastewater treatment system is within the buffer zone and was not permitted. Motion made to issue a positive determination #1,3 and 4 to Derek Brine for lawn grading and the installation of drainage in a buffer zone and bordering land subject to flooding at 39 Longbow Lane Circle, (Map 214, Lot33) (Babcock/Hagenah). MSV. It was noted the NOI could retroactively bundle in the unpermitted boardwalk and on-site treatment system retaining wall.

*A **Notice of Intent** application submitted by Heather Anello of 3235 Main Street (Map 207, Lot -66; DEP File # 102-0454) for the construction of a parking area and an addition to the existing building.*

Commissioners conducted a site visit. M Spencer outlined the proposed work including adding a 10 foot by 10 foot addition to the west side of the building supported on helical piers plus two steps to the entrance and the addition of a 4,985 square foot parking area using a green paver system. The soils in the proposed parking area are Peru Marlow with Lime and Turnbridge soils (B-C soil drainage). The limits of work are as shown on the map and will remain within the straw waddle or hay bale erosion control line. It is anticipated car trips per day will be between 50 and 100. Small barriers and signs will be installed to keep vehicles on the green paver area and not allow vehicles to park into the forested area buffering the stream. The applicant is proposing two mitigation areas, as an alternative to a restoration project, at a 2:1 ratio to newly impacted Riverfront. The mitigation areas will be *no mow* and native vegetation will be encourage to reseed the areas. M Spencer reported the amount of Riverfront Resource Area on the parcel was calculated as 57,926 square feet. The paving grid will go directly over the existing grade, with limited leveling, and soil added to the grid voids. The fill material will be provided by White Wolf. The grid and disturbed areas with be reseeded. Snow will be plowed to the southern end of the lot. Applicant was asked which of the green paver types will be used. M Spencer indicated it would be the lite load grid and trucks would be kept off the grid system. No trees will be cut for this project. Agent Stucklen asked if the two mitigation areas are currently lawn as one area is shown as partially forested on the latest plan submitted. M Spencer confirmed the mitigation areas were currently lawn. The Commission stressed the applicant needed to submit the current disturbed area in addition to the proposed disturbance as this is important for the record to track the percentage of disturbed Riverfront Resource Area on the parcel. M Spencer explained the existing disturbed area was calculated by determining the foot print of the building in the Riverfront and the current parking area. His calculation indicated existing disturbance is 3,203 square feet. Commissioner expressed some confusion about the calculation as it differed from an amount calculated using MA OLIVER tools. M Spencer reported a total Riverfront Area disturbance of 5,085 square feet with an additional temporary disturbance of 200 square feet. Commissioner pointed out the green paver manufacturer's web site lists the uses of the various paver grid types and their different installation options. The paver selected and the installation method proposed has a light duty recommendation by the manufacturer. The recommendation provided by manufacturer for the proposed paver for this project and installation method is for a pedestrian walkway. The web site notes the lite paver is not recommended for a daily use parking area regardless of installation method as the torque generated by turning vehicle associated with parking is incompatible with the company's lite pavers. The Commission is interested in this parking area lasting and not having pieces of the plastic paving grid break off. Motion made to issue an Order of Conditions for MA DEP file #102-0454 for the construction of a parking area and an 100 square foot addition to an existing building at 3235 Main Street (Map 207, Lot 66) to Heather Anello with the following conditions: Becket Standard Conditions; before work begins the applicant must submit the type of green paver and installation method to be used for the parking lot-per manufacturer's recommendation- to the Commission; sequence of work provided to the Commission; all disturbed areas will be reseeded within one week of the completion of work and no area is to remain exposed for longer than one month;

all excavate and fill must be stored and staged in the existing parking area, contained within erosion control measures and covered to prevent erosion if a major rain event or thunderstorms are predicted; all fill brought on site shall be clean fill free from invasive plant material; The following are on-going conditions: the green paver system will be maintained according to manufacturer's recommendations and guidelines; the mitigation areas will be monumented to clearly demarcate the no disturbance area to prevent the area from being mowed or used for parking, (Hagenah/Babcock). Chair Johnson opened the hearing to public comment at 10:34 PM. No comments. Chair Johnson closed the public hearing at 10:35 PM. 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 # 102-0543). Agent Stucklen outlined the regulation which would allow this project to be considered a redevelopment which would allow the Commission to consider mitigation for the proposed new disturbance. If the project does not meet the definition of a redevelopment, it would be new development and the Commission would need to require the revegetation of the inner riparian area. M Elovirta stated there was play structures in the park previously but they were removed in 2018 because of insurance (safety) concerns and the new equipment is a replacement placed in the same area and not new development. The area where the old equipment was located was excavated to put in the required cushion fill and the new exercise unit installed. Motion to accept the play equipment as a replacement of structures existing prior to 1996 constituting a redevelopment project not requiring mitigation, (Hagenah/Babcock). Agent Stucklen did state the Town should have come before the Commission prior to installing the new equipment even though it was a redevelopment project as it was activity in the Riverfront Resource Area. It would not have been denied but it is still required under the state's regulations. MSV. An alternative analysis and new map showing the Riverfront Resource Area was provided, as required by regulation as noted in MA DEP's comments, relative to the proposed pavilion. Because of set backs, the location of the school's leach field and existing amenities, several alternative were not viable. Commissioners noted the narrative associated with alternative #2 has an inaccuracy based on a misunderstanding. The Commission did not disallow work on this front lot but is required by the regulations to not allow more than a 10% disturbance of the existing Riverfront Resource Area. The pavilion would not exceed 10% disturbance. Commission commended R Furlong on her diligence in exploring alternatives. Agent Stucklen highlighted a MA DEP comment about mitigation needing to be 2:1 for the 400 square foot pavilion. Commission discussed options as no mitigation area was shown in the application materials. There was consensus the necessary mitigation, 880 square feet, could be achieved by creating a vegetated buffer along the Yokum Brook side of the park. Motion made to issue an Order of Conditions to 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 # 102-0543) with the following conditions: Becket Standard Conditions, the 800 square foot mitigation will be on Lot 85 in the inner riparian area, planted with native plant species and will not be mowed as an on-going condition; the applicant will submit a document to the Commission outlining the proposed mitigation area and plantings; the Conservation Agent or Commissioner shall visit the site prior to the beginning of work; the mitigation will be completed within one year of the completion of the pavilion installation; all disturbed areas will be promptly reseeded with a native New England seed mix and the mitigation area will be permanently demarcated to prevent disturbance or mowing of the area, (Hagenah/Babcock). MSV. Agent Stucklen will ask DEP to waive the 45 day appeal period.

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 she completed another site inspection in June. Coir logs were installed and the land owner planted shrubs instead of live stakes. She felt the fewer shrubs achieved comparable stabilization to a greater number of live stakes. The reseeded areas are beginning to come in

and there was no erosion visible. She is adding another inspection because there are still a few bare areas and will need this inspection to determine if additional seeding is warranted.

Discussion Re: *Communication from Jacobs Engineering for I-90 Culvert Replacement project, DEP File # 102-0443*. Agent Stucklen visited the I-90 culvert rehabilitation mitigation sites and it was clear the plans did not match the field conditions. A list of observations made in the field is available. Agent Stucklen noted some of the proposed mitigation would require impacts to existing wetlands to complete many of the mitigation areas and most of the proposed mitigation areas are small and marginal. Agent Stucklen would like to recommend an alternative to these scattered mitigation areas. In the field she noted a large mowed area adjacent to an existing wetland. This area could be one large mitigation site. K Purdy and A Richardson, for MA DOT, agreed one large mitigation at 19.7 westbound would be an acceptable approach. A letter of agreement was sent with a request for a site visit to confirm wetland delineation. The area would have similar plantings to those proposed for the smaller mitigation sites so it is possible to avoid a refiling just approve a modification. The area would need to be well marked to prevent mowing. Motion made to accept the 16 June, 2020 letter from Jacobs Engineering detailing the change in location for the 273 square feet BVW replication associated with the I-90 culvert replacement project (MA DEP File #102-0443), (Hagenah/Babcock). MSV.

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 there is no updates. 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 7 July, 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 one abutter notification. 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 7 July, 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. E Stockman sent an update reporting the restoration has been started. May need to request an extension.

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 the landowner has asked for an extension to the end of the emergency restrictions. Agent Stucklen was able to successfully record the EO with the Registry of Deeds for a fee of \$125.

Re-sign Certificate of Compliance for an Indian Lake Project, DEP File # 102-0281, issued 11/21/2005. The Indian Lake Association failed to record the Certificate of Compliance in 2005. None of the Commissioners from 2005 are still around thus this Commission will need to sign the COC so it may be recorded.

Discussion: Letter to lake communities regarding wildlife fencing. Given the lateness of the hour, this will be discussed at the 7 July, 2020 meeting.

Minutes: Motion made to accept the 26 May, 2020 Becket Conservation Commission meeting minutes, (Hagenah/Babcock). MSV

An Emergency Certificate for the removal of one tree on Will Scarlett was requested. Motion made to approve the emergency certificate for the removal of one tree on Will Scarlett Drive, (Hagenah/Babcock). MSV.

General Mail:

Received a new forest cutting plan for lands on Mitchell Road. D Askew of Eversource is looking into the new telephone pole installation on riverbanks. CSX submitted their yearly operating plan (YOP) to the state and it is open for public comment.

Motion made to adjourn the meeting, (Babcock/Hagenah). MSV. Chair Johnson adjourned the 23 June, 2020 Becket Conservation Commission meeting at 12:05 AM.

Action Items:

- Commission: Follow-on about tree cutting Map 216, Lot 793-794 on Nottingham Lake.
- Applicant: 67 Lancelot Ln- provide sequence of work
- Applicant- 0 Sherwood EO to invite Agent to view site post seeding
- Applicant- 0 Sherwood Drive- Todice to file NOI by 28 July, 2020
- Commission- site visit 3805 Jacobs Ladder for OOC
- Applicant- 3805 Jacobs Ladder Rd- letter outlining deviations from submitted plant
- Applicant- 3235 Main St- submit green paver type and installation method after confirming suitability with manufacturer.
- Agent: 0 Main St- ask MA DEP to waive 45 day appeal for the town's pavilion project.
- Applicant- 0 Main St- submit mitigation details.
- Agent- I-90 culvert mitigation- confirm wetland delineation at mitigation site.