

## **Town of Becket Conservation Commission 28 July, 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. Also Conservation Agent Mary Stucklen.

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

**Members of the public calling in:** Bill Allen, William Bartlett, Shannon Boomsma, Dave Buttrick, Steve Dalton, Paul Gardiana, Karen Karlberg, Dominic Merengolo, Steve Nelson, James Schaefer, Barbara Wacholder (every attempt was made to identify all people participating virtually on the conference line)

**Introduction of the Commissioners:** Chair Johnson called the 29 July, 2020 Becket Conservation Commission meeting to order at 6:30 PM, read the meeting guidelines and introduced the Commissioners and Conservation Agent.

**Public Input:** S Boomsma provided an update on the driveway project at 229 South Cove Drive. In preparing to install the driveway the contractor has determined five trees, birch and alder, need to be removed. As mitigation live dogwood stakes would be planted on the bank. Commission discussed and consensus was the proponent needed to submit a formal request with a map showing the location of the trees proposed to be removed, location of replacement plantings with more details and justification for the replacement planting on the lake bank and not the slope. If the proponent would like this to be considered at the special 11 August, 2020 meeting, materials be submitted by 31 July.

Chair Johnson explained the Commission is working on a new approach to agenda items. Conservation Agent will read an agenda item. The applicant or a representative may provide a summary of the proposed project followed by questions from Commissioners. Once the questions and answer portion is completed the Commission will determine if there is adequate information to make a decision if there is the process will move to a motion and vote. Commissioners will rotate making motions and providing the second for a meeting. The Chair will open the public hearing on an NOI or consider allowing public input on other matters, (e.g. RDA), followed by a final discussion by Commissioners and a vote.

### **New Business**

***A Request for Extension of the Order of Conditions (DEP File #102-0423) for Greenwater Pond (Map 201 & 202) issued on 8/7/2017 for management of aquatic vegetation.*** D Merengolo, representing the applicant, explained since the OOC was issued in 2017 there has been only one chemical application, (2018) and the treatment worked well. Native plants were not impacted. The invasive milfoil is now beginning to bounce back. Applicant would like to have a three year extension to the existing OOC. Applicant also asked to add a new EPA approved chemical to the two potential treatment chemicals listed in the OOC. Agent Stucklen noted some key conditions including the OOC was good for only 3 years, only two chemicals are approved, water quality monitoring was to be done after approval of the monitoring plan by the Commission and alternative methods for controlling *Phragmites* was to be investigated. Commissioners questions: Asked what the management and habitat goal is for the lake. D Merengolo explained the goal is to manage non-native species not undertake an ecological restoration. The water quality monitoring data has limited pre-treatment parameters- dissolved oxygen, temperature and secchi disc depth. The later monitoring, which was months after treatment, had more parameters making the two sampling days and pre and post water quality conditions incomparable given the limited overlap of water quality constituents. The post treatment sampling did not capture the impact of the treatment as the sampling was done in late autumn not directly post-chemical application to capture any impacts the

treatment may have had to water quality. Also there was no metadata provided such as time of sampling, location, water column depth, etc. which are all pertinent factors when interpreting the data. D Merengolo noted the OOC did not specify the water quality monitoring requirements. Commission discussed if the vote needed to occur tonight because of the pending expiration date or a continuance of this request would not impact the Commission's ability to approve an extension. Agent Stucklen offered the opinion, under current extending circumstances, it would not acceptable to delay voting on the an extension. Commissioner noted because SoliTude is not engaged by the applicant every year there is no continuity in the lake monitoring. D Merengolo offered the option of augmenting the OOC to include the new treatment chemical requested by the applicant and a water quality monitoring plan. Commission requested a written water quality monitoring plan able to capture any impacts from the chemical applications and contain the metadata necessary for interpreting the data. D Merengolo would try to provide the materials for the 11 August meeting. Agent Stucklen reminded D Merengolo there are fees for the OOC extension and amendment. Motion made to continue the consideration of the Request for an Extension of the Order of Conditions (DEP File #102-0423) for Greenwater Pond (Map 201 & 202) issued on 8/7/2017 for management of of aquatic vegetation to the 11 August, 2020 Becket Conservation Commission meeting. (Babcock/Hagenah). MSV.

***A Notice of Intent application submitted by Indian Lake Association for the replacement of toe drains at the Indian Lake Dam (DEP File #102-0455).*** A site visit was completed. K Wilkins, D Buttrick and W Bartlett, of Tighe & Bond, were on the call to answer questions and provide information on behalf of the applicant. The toe drains were found to be deficient during a Phase I dam inspection. The proposal is to replace the toe drains in-kind working in sections to limited exposed areas to what can be completed in a day. Also included in this proposed work is the addition of stones within the dam spillway to protect the concrete structure and the creation of a gravel lined drainage swale/french drain below the river right embankment. The dam embankments are grassed and area within twenty feet of the dam is mowed annually as required by dam maintenance regulations. This area is lawn and palustrine emergent marsh (PEM). Work area access is proposed to be from a small staging area off Seneca Drive access area and the main staging area near the tennis courts off Bonny Hill Rigg Rd. The access path from this main staging area may require gravel placed temporarily in the path to facilitate vehicle access. There will be temporary impact to BVW and the disturbed area will be monitored during the growing season to ensure the areas re-vegetate. The proposed gravel lined drainage swale, on river right between the dam embankment and the forested area is intended to direct water away from the toe drains. The swale will not discharge directly to the stream. The lake drawdown will need to occur early to allow work to be done under lower water conditions. The drawdown is proposed to begin 15 September, instead of 1 November in the existing OOC, and last a month. This will allow the work to be done before the first snow. Working in spring is undesirable as it would result in greater resource area impacts because of saturated soils, the weather is unpredictable and this could impact refill timing. The change to the drawdown timing requires an amendment to the existing OOC . B Wacholder emphasized this early drawdown is essential as the work needs to be done to protect the dam. Agent Stucklen explained the Lake Association needs to make a formal request to the Commission for an amendment or modification to the existing OOC to allow an early drawdown. The Commission cannot consider an item not formally before them. Commission asked if the drawdown report from the previous year has been provided? B Wacholder explained the report is not filed until November so not due yet. Commissioner was interested in the impacts this early drawdown will have on aquatic resources as the September start of the drawdown is a considerable deviation from the GEIR/DCR Lake Management guidance. D Buttrick said this could be investigated. Commissioner asked if the proposed drainage swale was included in the calculation of permanent impact and if any mitigation is proposed. D Buttrick explained the area of resource impact included the entire area below the dam embankment which includes the drainage swale. No mitigation is proposed as the swale is not seen as an impact. Commissioner questioned the functionality of the swale to achieve the goal of directing water from the toe drain. The NOI notes the groundwater was found to be 10" below the surface during the field assessment work. The drainage swale is proposed to be 3 feet deep and this would result in a considerable volume filled with groundwater and during a significant rain event would likely not intercept runoff. This raises the question of the impacts associated with constructing this 'french drain' in riverfront are being

offset by the structure achieving its stated purpose? D Barlett conceded these were valid assessments. The swale is not a major focus of this work and the project can be done without the drainage swale. Commissioner noted the proposed location of the main staging area is within the Riverfront Resource Area. And it would be preferable to have this staging area outside Riverfront and asked if another area such as the tennis courts could be used. B Wacholder explained because of the tennis court's special surface it is unsuitable for a staging area but the parking lot is an alternative. Commission asked how frequently the area below the embankment is mowed. B Wacholder responded the area was mowed once or twice a year. Discussion about timelines for approval. For a vote at the next (additional August meeting) materials would need to be provided by 31 July. If the materials was supplied for the end of August meeting and voted favorably, the ten day appeal period would allow work to begin 6 September. Motion made to continue the hearing on the Notice of Intent application submitted by Indian Lake Association for the replacement of toe drains at the Indian Lake Dam (DEP File #102-0455) to the 11 August, 2020 Becket Conservation Commission meeting, (Babcock/Hagenah). MSV.

***A Request for a Determination of Applicability submitted by Michael Magistrali of 296 Sherwood Drive (Map 215, Lot 202) for the replacement and installation of four piers.*** Site visit completed. This is an existing structure within the buffer zone of the lake. The piers are being installed to bring the deck into compliance with code. Motion made to issue a negative determination #3 for the replacement and installation of four structural piers at 296 Sherwood Drive (Map 215, Lot 202) to Michael Magistrali, (Babcock/Hagenah). MSV.

***A Request for a Determination of Applicability submitted by Brad & Alison Palser of 415 Prince John Drive (Map 216, Lot 765) for the installation of a new septic system.*** Site visit completed. B Allen and P Gardiano, representatives for the applicant, explained stabilization plan was submitted after the site visit to address the concern relative to the steep slope at the back of the leach field which descend steeply toward the stream. The design has been augmented to include a geotextile layer on the downslope side. Motion made to issue a negative determination #2 for the installation of a new septic system at 415 Prince John Drive (Map 216, Lot 765) to Brad & Alison Palser with Becket Standard Conditions and disturbed areas will be planted with a shade tolerant New England seed mix, (Babcock/Hagenah). MSV,

***A Request for a Determination of Applicability submitted by Bruce Soloway of 253 Longbow Lane West (Map 214, Lot 21) for the extension of a dock.*** Site visit completed. After the site visit, the applicant submitted a revised plan so the dock extension will avoid the emergent aquatic vegetation at the edge of the lake. During the site visit wildlife fencing was observed and there is an ongoing discussion about rectifying the situation. Motion made to issue a negative determination #2 for the extension of a dock at 253 Longbow Lane West (Map 214, Lot 21) to Bruce Soloway, (Babcock/Hagenah). MSV.

***A Request for a Determination of Applicability submitted by Brett & Jenna Bessey of 39 Becket West Rd (Map 204, Lot 49) for a septic system upgrade.*** Site visit completed. The area is mapped as having a state endangered species. S Nelson, representing the applicant, reported a photo was sent to MA Heritage and Endangered Species Program to illustrate the installation will be in an upland area and no vegetation will be impacted. S Nelson further explained the smaller footprint of the leach field is possible because of the advanced treatment system being used and the good soils. The site of the leach field is located as far as possible from the wetlands and the drinking water well. K Karlberg, adjacent landowner, reported the system is closer to her well than the applicant's well. K Karlberg reported she was not notified of the Board of Health hearing on this project. Chair Johnson explained the Commission was unable to address any BOH concerns but did ask if the abutters were properly notified. S Nelson thought the system was far enough from the neighboring properties well radius set back. Commissioner asked is there will be erosion controls installed. S Nelson reported there would be erosion controls. Motion made to issue a negative determination #3 for a septic system upgrade at 39 Becket West Rd (Map 204, Lot 49) to Brett & Jenna Bessey with Becket Standard Conditions, all debris and waste will be removed promptly and no materials will be stockpiled on site, (Babcock/Hagenah). MSV.

## **Continuing Business**

A **Notice of Intent** submitted by John Todice for the construction of a residence at 0 Sherwood Drive (Map 215, Lot 197; MA DEP File #102-\_\_\_\_). MA DEP has not issued a file number yet. Waiting for septic system approval from BOH. Motion made to continue the hearing for the Notice of Intent submitted by John Todice for the construction of a residence at 0 Sherwood Drive (Map 215, Lot 197) to the 11 August, 2020 Becket Conservation Commission meeting, (Babcock/Hagenah). MSV.

A **Request for a Certificate of Compliance** for 3805 Jacobs Ladder Road (Map 201, Lot 17; DEP File #102-0425) by Maurice Henry Jr. Trust. Order of Conditions was issued August 4, 2017 for the reconstruction of a home. S Boomsma, on behalf of applicant, submitted a letter detailing the deviations from the approved plan at the site. She also explained the elevation certificate did not include an actual 100 year flood elevation so the letter was not included but the propane tanks are now secured with webbing to the parking deck supports. Regarding the dock, since the adjacent land is MA Dept of Transportation, the dock being less than 20 ft from the low line does not impinging on another landowner. The applicant will be filing for a Chapter 91 license. Commissioner asked for the percent increase in impervious area with the current configuration over what was approved. S Boomsma felt the increase was negligible. Commission discussed the dock and float which is significantly bigger and in a different location than what was approved. Agent Stucklen noted it will be necessary to attached the 'deviation' letter and supporting materials since the final project differed in many ways from what was approved. Motion made issue a partial Certificate of Compliance for 3805 Jacobs Ladder Road (Map 201, Lot 17; DEP File #102-0425) for the reconstruction of the house and all parts of the project except the dock to Maurice Henry Jr. Trust, (Babcock/Hagenah). 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. 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 11 August, 2020 Becket Conservation Commission meeting, (Babcock). No second. Motion is not voted.

## **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.* There are no materials or report due until September.

*Update Re: **Enforcement Order** issued to K. Avale of 318 County Road (Map 409, Lot 20) for unpermitted work in the Riverfront Area.* There are no materials or report due until 15 August.

*Discussion: Letter to lake communities regarding wildlife fencing.* Agent Stucklen asked for MACC guidance but they do not have any to offer. Commissioner reported she undertook some rewriting of the first page of the letter though it is now longer and probably too long. Chair Johnson has someone who will be able to offer editing assistance. Hope to have it edited by 11 August and finalized by 25 August and mailed in September. Agent Stucklen will upload geese information into the share drive.

*Conservation Commission vacancies.* Commissioner Hagenah will have the individual he knows who expressed interest contact Agent Stucklen.

## **General Mail:**

Becket Motel is starting on their septic system replacement. A letter asking for permission to move the dewatering pit to improve its functionality was received. Motion made to accept the requested changes to the septic system upgrade at the Becket Motel as specified in the 17 July, 2020 email to allow for a relocation of the dewatering pit, (Babcock/Hagenah). MSV.

Motion made to adjourn the 28 July 2020 Becket Conservation Commission meeting, (Babcock/Hagenah).  
MSV. Chair Johnson adjourned the 28 July, 2020 Becket Conservation Commission meeting at 10:02 PM.

*Action Items:*

- Commissioners- wildlife fencing letter- edits by 11 April.