

Town of Becket Conservation Commission 27 October, 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, Doug Bessone, Cindy Delpapa, Henry Hagenah and Henry Scarpo. Also Conservation Agent Mary Stucklen.

Commissioner(s) not in Attendance: All present

Members of the public participating virtually: Robert Akroyd, David Askew, Virginia Avery, Chris Clapper, Sarah Clapper, Dave Dickinson, Kathy Dickinson, David Edgecomb, Theresa Haden, Melissa Kaplan, Michael Lavery, Bruce Lipton, Jack Magnatti, Mary Mayo, Dominic Meringolo, Christopher Metter, Katie Metter, Gary Morgenegg, Jody Morgenegg, Carl Nielsen, Mike Parsons, Stacey Parsons, Fred Sears, Bruce Soloway, thomas Therrien, Barbara Wacholder, and Ken Wagner, Brent White. (every attempt was made to capture and correctly record the names of all people participating virtually)

Introduction of the Commissioners: Chair Johnson called the 27 October, 2020 Becket Conservation Commission meeting to order at 6:32 PM, read the meeting guidelines, introduced the Commissioners and Conservation Agent and briefly explained the Commission's deliberation process.

Public Input: C Metter requested the discussion on their application be moved to the November meeting.

New Business

A **Request for Determination of Applicability** submitted by Katie and Christopher Metter of 226 Sherwood Dr. (Map 215, Lot 209) for the removal of a tree in the buffer zone. Motion made to continue the Request for Determination of Applicability submitted by Katie and Christopher Metter of 226 Sherwood Dr. (Map 215, Lot 209) for the removal of a tree in the buffer zone to the 17 November, 2020 Becket Conservation Commission meeting, (Hagenah/Babcock). MSV.

A **Request for Determination of Applicability** submitted by Eversource for the construction of gravel access roads and pads for utility structure repair in the utility right-of-way off George Carter Road. Commissioners completed a site visit. M Kaplan from BSC Group and D Askew from Eversource summarized the project explaining this was the second phase of work and more complicated than the already permitted Phase I. A thorough review of options was undertaken to determine the preferred option for the work necessary to upgrade the equipment. Eversource is maximizing the use of mats to support construction equipment to minimize resource impacts. However, it was determined to be advantageous to construct four permanent gravel access roads as these roads will improve the facility of the immediate work and accommodate long term maintenance activities. The steep conditions at Huckleberry Road require a long access road down the slope. Mats will be deployed along the toe to slope which is marsh and some shallow water. Best management practices will be used throughout the work period with weekly inspections undertaken and an internal report generated. In response to a Commissioner question, M Kaplan agreed to provide the Commission with copies of the internal reports. The Commission encouraged the applicant to schedule the work at Huckleberry Lane during the winter/frozen conditions since the mats would be resting directly on marsh. Motion made to issue a negative determination #2 and #3 to Eversource for the construction of four gravel access roads and pads for utility structure repair in the utility right-of-way off George Carter Rd and Huckleberry Lane, (Hagenah/Babcock). MSV.

A **Request for Determination of Applicability** submitted by Christopher and Sarah Clapper of 626 County Road, (Map 409, Lot 17) for the construction of a driveway. Commissioners completed a site visit. M Parsons and J Magnatti, representing the applicants, explained the current situation. As work was progressing the contractor raised a concern about proximity to wetland resource areas of one section of

the driveway. S Clapper wished to have the Commission understand the driveway was already in place when they purchased the property four years prior and this proposed work is drainage improvements. The wetlands as shown on the MA DEP GIS data layer differed from what was found on site though M Parsons acknowledged he is not a wetland scientist but does have years of experience working near wetlands. An updated map with the delineation was provided to the Commission. The work on a small portion of the driveway is in buffer and the wetland is isolated and not isolated land subject to flooding. The contractor has installed erosion control as shown on the plan. The Commissioners at the site visit concurred the work would not impact wetland and discussed the intermittent stream at the site and observation of mud and material flowing down the road. Motion made to issue a negative determination #3 to Christopher and Sarah Clapper for the construction of a driveway at 626 County Road (Map 409, Lot 17) with the condition that the erosion control extended along the edge of the driveway starting from the western edge of the erosion controls shown on the revised site plan dated 10.27/2020 to County Road, (Hagenah/Babcock). MSV.

A **Notice of Intent application** submitted by Sherwood Greens Road District for the management of aquatic nuisance and invasive vegetation through herbicide treatments and mechanical harvesting (MA DEP File #102-0458). K Wagner, of WRS, prepared the management plan for the applicant and B Lipton was participating as the designated representative of the SG Road District. Mark Stinson of MA DEP provided comments on the NOI for which K Wagner provided answers and rebuttals. K Wagner noted M Stinson shared the NOI with other state agencies outside of his jurisdiction and this resulted in a letter from MA Fisheries and Wildlife prohibiting the proposed use of a non-native crayfish as a pilot project to determine their efficacy in controlling vegetation. K Wagner strongly expressed his differing opinion on the potential impacts of the crayfish and felt the two small impoundments in Sherwood Greens were well suited to testing the crayfish as a way to control nuisance plants. Agent Stucklen asked how many years were being requested for this OOC. K Wagner requested 3 years. K Wagner emphasized the management efforts start conservatively and only 'ramp up' if results are unsatisfactory. Chair Johnson opened the public hearing at 8:15 PM. D Edgecomb expressed his concerns about the use of chemical treatments especially if chemical applications are used for the long term. His concern was long term use might result in the build-up of chemicals and subsequently impact drinking water wells water quality. He stressed the need for a long term plan. K Wagner weighed in that the proposed chemical, floridone, has not been found to impact fish and will be gone by summer. D Edgecomb reported the information on this chemical available on the EPA web site clearly states it should not be used near wells and everyone near the lakes has a well. B Lipton explained the intent is to try to control the vegetation with mechanical harvesting- chemical application will be the last resort except for the *Phragmites* management efforts K Wagner responded the chemical is safe if used as specified. V Avery also weighed in with concerns about the potential treat of the new chemical proposed for the *Phragmites* treatment, imazapyr. Her research found this chemical can impact wells in a radius of up to a half mile. K Wagner reported all the *Phragmites* patches were greater than a half mile from any well. Commissioner Babcock suggested landowners could 'adopt' a *Phragmites* patch and cut or pull the plants to avoid the use of herbicide. This work could be done under an existing negative RDA. C Nielsen expressed interest in seeing how successfully crayfish can control vegetation. M Schultz also supported keeping crayfish in the management 'tool kit'. Given no other public input, Chair Johnson closed the public hearing at 8:35 PM. Motion made to issue an order of conditions for three years for MA DEP File #102-0458 to Sherwood Greens Road District for the management of aquatic nuisance and invasive vegetation through herbicide treatments and mechanical harvesting with the following special conditions: the biovolume of aquatic plants in each waterbody may not drop below 25%; the proposed treatment plan for the upcoming season will be submitted to the Commission for review and approval before treatment begins; a report will be filed each autumn with the Commission detailing findings, listing all data gathered and providing an assessment of the success of the season's treatments; hydroraking is not allowed to be used as a treatment method; a formal method will be put in place to allow landowners to adopt *Phragmites* patches for hand cutting and pulling in lieu of chemical controls; the Sherwood Greens Road District will launch an education and outreach campaign focusing on available vegetation control options; crayfish may be used as an experimental control in the two smaller impoundments if all pertinent and necessary authorizations can be obtained and every effort would be made to prevent the transfer or intentionally

spread the crayfish to other waterways; all herbicides will be applied by a licensed applicator according to label directions and MA Dept of Agricultural Resources regulations; and WRS will supply the definitions and missing materials associated with Table 4 in the NOI supplemental report, (Hagenah/Scarpo). MSV.

Continuing Business

A Notice of Intent application by Indian Lake Association manage excessive aquatic plant growth in Indian Lake through herbicide treatments, mechanical harvesting, benthic barriers, and hand pulling/cutting (DEP File# 102-0457). C Nielsen reported responses were provided to the 18 questions submitted by the Commission. He emphasized they Association was requesting a five year OOC. Commissioner expressed the strong desire to have only one OOC for lake management for Indian Lake. There is currently an active OOC for lake drawdown and would recommend this OOC last only until the existing drawdown permit comes up for renewal. This would allow one, coordinated lake management permit. B Wacholder objected strenuously because there was only two years left on the existing drawdown OOC and this is not enough time for these new management activities. It was noted one option would be to add the drawdown as an amendment to this work when the drawdown OOC expires if the Commission issues an OOC. Commissioner noted in the response to questions, the stated management goal was to achieve less than 25% biovolume but, as worded, this would allow the biovolume to go to zero. The goal should be to not have less than 25%. Also noted it will be difficult to get the ecologically preferable 'patchiness' with chemical treatment. C Nielsen explained plant species have differing susceptibility to flouridone and weather and current conditions impact treatment. Commissioner asked about the use of beetles to control purple loosestrife. B Wacholder reported purple loosestrife is not a problem at Indian Lake. In response to the area of the lake to be covered by barriers, C Nielsen explained only the three beach areas would use barriers which is approximately an acre and a few homeowners would deploy benthic barriers for about 0.6 additional acres. Motion made to issue an Order of Conditions for DEP File# 102-0457 for five years to Indian Lake Association to manage excessive aquatic plant growth in Indian Lake through herbicide treatments, mechanical harvesting, benthic barriers, and hand pulling/cutting with the following conditions: a work plan must be submitted each spring for review and approval by the Commission prior to work beginning for the season; a report must be submitted each autumn detailing findings, assessment of success toward management goal, provide all data and include all other pertinent information; mechanical harvesting must be reviewed by the Commission each year to obtain approval; the biovolume in waterbody must not fall below 25% and benthic barriers will not cover more than 1.6 acres of the waterbody, (Hagenah/Bessone). Chair Johnson reopened the Public Hearing at 9:44 PM, hearing no input, Chair Johnson closed the Public Hearing at 9:45 PM. MSV.

A Request for Extension of the Order of Conditions (DEP File # 102-0423) for Greenwater Pond (Map 201 & 202) issued on 08/07/2017 for management of aquatic vegetation. Commissioner Scarpo recused himself from the deliberation on this application. D Meringolo, representing the applicant, summarized the request before the Commission: grant a three year extension of the existing OOC and amend to allow the use of a newer herbicide to control the nuisance vegetation. The new herbicide is approved by the EPA and should control the vegetation for three seasons. In response to Commission input, D Meringolo provided a proposed annual monitoring to the Commission for their review which would include one pre and one post monitoring event. It would also be possible to provide a pre-treatment report and an annual report. Commissioner requested the monitoring plan be more specific relative to where the monitoring will be done and rationale behind site selection, the depth of the sampling if not a profile (DO and temperature), how long before and how long after treatment the sampling will be done, etc. as the submitted plan is vague about key assessment metrics. Commissioner expressed some concern about the proposed new chemical as the support material provided was from the manufacturer and would not be unbiased and the poster was unreadable in the format provided. Commissioner also asked if hand pulling has been tried and why it is not a part of the 'tool box' of treatment methods? Agent Stucklen noted the request to amend to add the new herbicide was not specifically mentioned in the public notice so the Commission could not vote on this amendment request. Motion made to continue the Request for Extension of the Order of Conditions issued on 08/07/2017 for DEP File # 102-0423 for management of aquatic vegetation in Greenwater Pond (Map 201 & 202) to the 17 November, 2020 Becket Conservation

Commission meeting (Hagenah/Bessone). MSV with Scarpo abstaining.

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 #102-0459). Commissioners completed a site visit. Agent Stucklen clarified the two current Enforcement Orders were for two different, contiguous parcels where driveways were installed in buffer areas. The EO for this parcel is being rectified by this NOI and the adjacent parcel has had the driveway materials removed. Commissioner requested the Enforcement Orders be made available to the Commissioners and discussed if the EO required the driveway on this parcel to be removed or allowed the EO to be addressed through the filing of an NOI. F Sears, representing the applicant, explained the original OOC from ten years ago has been closed with a Certificate of Compliance recorded at the registry. The flood elevations on the plan are from the older FEMA flood map but do not appear to be accurate. Instead, they have assumed the 100 year flood elevation, 1533.0' NVGD, as the best indicator of floodway and it falls approximately at the lake edge leaving the house and driveway well out of the 100 yr flood zone. The proposed house and driveway will be in the buffer zone as shown on the plan. The proposed well will be at the bank as this is the only location meeting septic system setback distance. Currently there is only a shallow well in this area. After the site visit, F Sears revisited the plans and considered the questions raised. It would be possible to move the house 15 feet over and this would decrease work in the buffer but would not be able to move the driveway. The house will be only 720 sq ft with about one quarter within the fifty foot buffer area. There will also be decks on the lakeside of the house though these are not shown on the site plan. The permitting for the septic system was started with the Board of Health ten years ago but was not completed. Will work on the BOH approval for septic and well after gaining the OOC. Commission discussed the lack of information about the well including its location, how slurry will be managed and dewatered, the drilling scheme, etc. F Sears noted the drilling rig would come in on mats. Other concerns were the lack of the wetland delineation on the site plan, a tally of the larger trees (>8" DBH) needing to be removed/cut down, the planting plan, the elevated driveway serving as a barrier to runoff, and the potential for the gravel driveway to erode and send material into the lake. The Commission highly recommended the applicant secure BOH approvals before continuing with this NOI application as changes in the well or septic locations required by the BOH would require the applicant to come before the Commission for an amendment to the OOC. The Commission also requested a more complete site plan with proposed grading, planting plan, list of trees over 8" DBH to be removed/cut and a complete depiction of the footprint of all proposed structures. Public Hearing opened by Chair Johnson at 10:47 PM. Motion made to continue the hearing for the Notice of Intent for MA DEP File #102-0459 submitted by John Todice for the construction of a residence at 0 Sherwood Drive (Map 215, Lot 197) to the 17 November, 2020 Becket Conservation Commission meeting, (Hagenah/Bessone). 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. S Boomsma, consultant for the Bleier's, submitted additional materials and images to document the status of the restoration efforts. The next update will be in the spring when the revegetated areas begin to grow again.

*Update Re: **Enforcement Order** issued to K. Avasle of 318 County Road (Map 409, Lot 20) for unpermitted work in the Riverfront Area.* Work is completed. The success of the restoration will not be known until the next two growing season.

Update Re: Enforcement Order issued to 61 Donald Drive (Map 203, Lot 6) for unpermitted work on the bank of Buckley Dunton Reservoir. R Akroyd of Greylock Design, representing the landowner, explained the proposed planting plan prepared to mitigate the four trees greater than 8" cut down on the bank. The proposal is to replace the cut hemlocks with four new hemlocks of 4-6 feet in height spaced to allow the

trees adequate room to grow. Coir logs would be placed prior to planting for erosion control. The trees will be planted by hand. The schedule is to plant within the next 2-3 weeks followed by monitoring over the next two growing seasons. The geotextiles will be removed in late spring, 2021. Commissioner asked if hemlock woolly adelgid was present on site. R Akroyd reported there was no evidence of the adelgid. Motion made to approve the proposed planting plan and schedule submitted for restoration activities at 61 Donald Drive (Map 203, Lot 6) to address the Enforcement Order issued for the unpermitted work on the bank of Buckley Dunton Reservoir, (Babcock/Hagenah). MSV.

Agent Updates: Agent Stucklen reported she has met with S Parsons who will be filling in while she is on maternity leave. S Parsons, because of limitations on her schedule, would like to encourage Commissioners to take on more responsibilities. Commissioner Hagendah volunteered to assist. Other recommendations: move continuing business before new business and provide times for each item on the agenda as recommended by MACC. Consensus was to adopt these changes.

D Askew from Eversource investigated the concern raised by Commission about pole replacements along the bank of Yokum Brook/Main Street being done without erosion controls and leaving piles of excavate. He reported there would be Erosion controls put in place by 22 October.

Chair Johnson announced B Wacholder and P McEwen are working to pull together a Becket lakes group-exciting news and an opportunity for building partnerships. Chair Johnson recommends Commissioners take advantage of webinars to improve their understanding and noted any participation costs will be reimbursed. Would also like to update the website and give applicants a feedback form as this will provide helpful input.

Commissioner Delpapa reported the Berkshire Taconic grant application was submitted on time. Funding was requested to support facilitating a shared conservation agent position between three or more towns.

Review and approval of September 22, 2020 Conservation Commission Meeting minutes. Motion to approve the 22 September, 2020 Becket Conservation Commission minutes with a minor amendment, (Hagenah/Babcock). MSV

An **Emergency Certificate** for tree removal at 296 Sherwood Drive needs to be revised because it was not possible to remove the tree by hand methods because of the advanced decay of the tree. Motion made to ratify the new Emergency Order for the removal of a dangerous tree at 296 Sherwood Drive (Map 215, Lot 202), (Babcock/Hagenah). MSV.

An **Emergency Certificate** for two beaver dams near Beaver Brook Rd. Agent Stucklen explained the delineated endangered species habitat area border is right on the property line so this work is and is not in endangered species habitat but flooding was threatening Rte 20. MA DOT requested an emergency certificate to breach the two beaver dams. Commissioner Babcock read into the minutes a letter outlining her concerns about the breaching of beaver dams and the need for more coordination and communication between Boards about beavers. Motion made to ratify the Emergency Certificate requested by MA DOT for the breach of two beaver dams near Beaver Brook Rd, (Hagenah/Bessone). MSV with one opposed (Babcock). Agent Stucklen recommended Commissioner Babcock ask for time on the BOH agenda to discuss beavers. Commissioner noted there appeared to have been a breach of a large beaver dam just downstream of Buckley Dunton Reservoir in the past few weeks.

Motion made to adjourn the 27 October, 2020 Becket Conservation Commission meeting, (Hagenah/Babcock) MSV. Chair Johnson adjourned the 27 October Conservation Commission meeting at 11:37 PM

Action Items:

- K Wagner to supply definitions and descriptions for table 4 Sherwood Green NOI
- Enforcement Orders related to Todice NOI be posted on the shared drive
- D Meringolo provide more detail for the Greenwater Pond water quality monitoring
- Institute adjustments to the BCC agenda (conitnuing business moved up, time per item)