

**Town of Becket Conservation Commission
15 December, 2020 Meeting Minutes**

Meeting held to comply with COVID-19 requirements. Conservation Commissioners and interested parties participating virtually.

Commissioners in Attendance virtually: Chair David Johnson, Meredyth Babcock, Doug Bessone, Cindy Delpapa, Henry Hagenah and Henry Scarpo. Also Conservation Agents Mary Stucklen and Stacy Parsons

Commissioner(s) not in Attendance: All present

Members of the public participating virtually: David Askew, Melissa Kaplan, Bruce Lipton, Emily Pfeiffer, Amer Raza, Marc Smith, Emily Stockman, Theresa Wright (every attempt was made to capture and correctly record the names of all people participating virtually)

Introduction of the Commissioners: Chair Johnson called the 15 December, 2020 Becket Conservation Commission meeting to order at 6:30 PM, read the meeting guidelines, and asked the Commissioners to introduce themselves.

Public Input and Comment: None offered.

Motion made to elect Hank Hagenah as vice chair of the Becket Conservation Commission, (Johnson/Bessone). MSV.

Discussion Re: Requests for Determinations involving tree cuttings in the buffer zone. Chair Johnson prepared an outline on the subject of cutting trees relative to RDA requests. The ee outline is meant to serve as a guide when reviewing tree cutting requests. Chair Johnson anticipates similar guidance may be helpful for other common activities. Commissioner asked if the guidance is taken directly from the regulations. Chair Johnson explained much of the content is from the MA Association of Conservation Commission (MAACC) online guidance coupled with materials provided by DEP Wetlands Circuit Rider Mark Stinson. H Hagenah researched how other towns handle tree cutting requests and will also look at the pertinent Code of MA Regulations (CMR). Chair Johnson noted Becket does not have a local wetland bylaw with more stringent requirements than those in the WPA. There are some towns in the county with significantly stricter requirements in their local bylaw. If Becket wanted a local wetland bylaw it would need to be approved at town meeting. Agent Stucklen noted the outline was meant as a reference sheet not as a replacement of a review of the pertinent regulations. Asked Commissioners to note the guidance is focused on requests for tree cutting in the buffer zone which is not a resource area under the WPA. Agent Stucklen recommended the Commissioners review the document and the regulations and raise any questions and concerns. Chair Johnson reiterated the Commission may make recommendations for work in the buffer area but these recommendations cannot play a part in deliberations. Chair Johnson will aggregate all comments received for the next meeting.

Continuing Business

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 #102-0459). Agent Stucklen believes the septic system has been approved by the BOH but the well and well location is under review. Commissioner Babcock asked if the Commission comments on variance requests before the Planning and/or BOH or should a Commissioner's concerns be submitted as a resident? Chair Johnson does not believe it is the place of the Commission to interfere with other Board's processes and deliberations. Agent Stucklen noted the Planning Board will condition their approval on Conservation Commission approval. Commissioner Babcock remains concerned their may be undue pressure on the Commission to approve a project granted a variance by a another board. Agent Stucklen noted it would be an ethics issue if a town board was not following regulation(s) in their granting of a variance. Motion made to continue the hearing on the NOI submitted by John Todice for the construction of a residence at 0 Sherwood Drive (Map 215, Lot 197; DEP File #102-0459) to the 26 January, 2021 Becket Conservation Commission meeting, (Hagenah/Bessone). MSV. (H Scarpo was no longer on the call)

New Business

A Request for Determination of Applicability submitted by MassDOT for work involving the resurfacing and maintenance of Route 20. A Raza of MassDOT explained this work involves an approximately 1.7 mile stretch of Rte 20 where the top two inches of tarmack will be removed and the road resurfaced. The work will also include repairing or realigning drainage and resetting or replacing damaged curbing. Work in the buffer is exempt but work in floodplain is not and this is the focus of this RDA. All disturbed areas will be loamed and reseeded. Erosion control will be installed in areas where excavation is needed. Commissioner asked if all excavate will be removed? A Raza felt it should be but would need permission. Commissioner asked for more detail on the realigning of drainage structures. A Raza explained there would be no new structures but some existing structures may have become a bit "out of whack" over time. Commissioner asked if it would be possible to revert to county drainage and not replace curbs? A Raza informed the Commission this would not be possible as curbs are used where needed to direct runoff into drainage structures. Motion made to issue a negative determination #2 & #3 to Mass DOT for work involving the resurfacing and maintenance of Route 20, (Babcock/Hagenah). MSV.

A Notice of Intent application submitted by Eversource for the construction of access roads and replacement of a utility structure within the Utility right-of-way off of Huckleberry Lane (Map 406, Lot 29; DEP File # 102-0460). M Kaplan explained the Commission has already issued a negative determination for this project work but further assessment has shown the approach proposed in the RDA does not allow enough room for the large machinery needed for this project. In order to place the proposed mats in the wetland and buffer areas there needs to be thirty one trees removed in BLSF and buffer zone and four in riverfront area. The section of gravel road in BLSF requires no additional fill in the flood zone. The tree removal will not result in any ground disturbance. The impacts from this proposed work are minimal, and given the steep slopes at the site, no viable options exist. Commissioner asked why the location of the mats has shifted. M Kaplan explained the machinery needs to get closer to the structure. D Askew reported the move to a gravel access road is to reduce impacts over time. Should be able to balance cut and fill to have a net zero impact. Commissioner asked if the number of trees to be cut could be reduce? M Kaplan explained they looked at accessing the area from the north but this would require more tree removal and decided this option would result in the fewest impacts. Commissioner asked if disturbed upland areas will be reseeded given the high possibility an upland disturbance would re-vegetate with invasives and increase the likelihood of spread to the wetland? M Kaplan felt Eversource would be willing to reseed but is not anticipating much disturbance. Commissioner asked if during the alternatives analysis moving the structure to a more accessible location was considered? M Kaplan explained the structure is on the berm and these stations are placed at set distances. A few other alternatives were consider but deemed not viable. Commissioner noted the goal is to have 75% re-vegetation in 2021 but would prefer a number closer to 90% given the thriving wetland complex. D Askew notes the 75% threshold is higher than the 70% in the regulations and noted the existing vegetation is naturally spotty. Commissioner requested clarification -the access road lines on the plan set are about 6 feet wide but the narrative states the road will be 16-25 feet. Is the line on the map the center-line of the road with the road extending 5 to 9 feet beyond the line on the plan? M Kaplan said the line may not be exact center as the road skews away from the wetland. Commissioner noted the proposed mitigation is not specified in section 4. M Kaplan explained Eversource is willing to provide monetary compensation to the Commission. Commissioner asked if \$3,000 would be acceptable. M Kaplan replied they could agree to \$3,000. Commissioner noted there was a culvert shown in the earlier plan but not on the plan set submitted with this NOI. M Kaplan explained the culvert is outside of the project area. Motion made to issue an Order of Conditions to Eversource for the construction of access roads and replacement of a utility structure within the Utility right-of-way off of Huckleberry Lane (Map 406, Lot 29; DEP File # 102-0460) with the following conditions: Becket standard conditions, disturbed areas or areas spread with excavate will be seeded with an appropriate native seed mix, invasive species will be monitored for two full growing seasons, and mitigation for the loss of trees in resources areas will take the form of \$3,000 in monetary compensation for the Becket Conservation Commission to use for conservation purposes, (Babcock/Hagenah). MSV.

A Request for Determination of Applicability submitted by Eversource for the installation of underground utilities within the existing roadway of Becket Woods (Maps 407, 408). M Kaplan reported the Phase I work was completed and this phase will include underground conduit within the roadway adjacent to the existing line, silos and transformer installations. One area may be near an isolated pool dominated by *Phragmites*. Work in the buffer zone includes four new silos adjacent to the road and two transformer pads. Much of the

work is exempt as maintenance activities. Commissioner asked if the transformers contain oil or other contaminants with the potential to leak? M Kaplan reported there was a small amount of oil in the transformers but the transformers will sit on a concrete pad with a small lip, offering some level of containment but not sure if the entire volume would be contained. Commissioner asked about the Fox Den transformer extending closer to the wetland when the last house and road is farther back? M Kaplan explained this extension may be to accommodate a new house or a house being planned. M Smith augmented this by explaining this is a future planning effort, the work is still in the road ROW and there maybe existing utilities already in place. Commissioner asked if any of the new silos have the potential to interfere with future culvert upgrades as some appear fairly close to a few road/stream crossings? M Kaplan reported they were careful to avoid any conflict. Commissioner commended their forethought. Motion made to issue a negative determination #3 to Eversource for the installation of underground utilities within the existing roadway of Becket Woods, (Maps 407, 408), (Babcock/Bessone). MSV.

Additional Items

Update Re: Enforcement Order issued to K. Avale of 318 County Road (Map 409, Lot 20) for unpermitted work in the Riverfront Area. E Stockman clarified some of the details relative to the Enforcement Order confirming the property owner understands the restoration still needs two growing seasons of monitoring. E Stockman was on-site to view and assess the soils beneath the stockpile when the materials were removed. E Stockman confirmed the presence of wetland soils so a similar profile was followed. Yard stakes were placed to delineate the no mow area. The BCC will be checking in over the next two growing season and at that point will consider closing the restoration. E Stockman requested a letter for the property owner which states all requirements of the enforcement order were met with only the two years of monitoring outstanding. Agent Stucklen would provide a letter as soon as possible.

Report: Sherwood Greens Benthic Barrier Report for 2020. E Pfieffer from Sherwood Greens explained management actions were taken for the later half of the season and appreciate the Commission need to view the results. The hand pulling was started late in the season and results may be significantly different with a full season of effort. The Association found a manufacturer able to provide a reasonable price and deliver assembled benthic barriers to homeowners for installation. Participants did feel there is a need to address plants past the near shore area and barriers would not be viable for a whole lake treatment. Chair Johnson passed along the information about a Becket lakes group forming to help coordinate the sharing of information and resources. He suggested Sherwood Greens Association contact the lead of on this initiative. Agent Stucklen asked the Commission to be careful as they can not be seen as deliberating on the issue relative to the results. Commissioner asked if the group would consider taking a few photographs of the benthic barrier installation and hand pulling as this would likely be of interest to other lake associations. E Pfieffer felt this was a good suggestion.

Report: ILA Drawdown Report for Fall '19/Spring '20. Commissioner had a few questions about the report noting it appeared the 2019 drawdown may have extended into December based on the graph included in the report though the report failed to include start and end dates of the drawdowns- just dates for the refill period. This may mean an EO is warranted for going past the end date for a drawdown contained in their OOC. Also wished to know if the Association has their Div. of Fisheries & Wildlife letter for their 4 foot drawdown as the volume per unit area may be in excess of DFW requirements. Report included a rating curve but did not include the flow readings which would have been helpful. S Parson recommended a discussion with Indian Lake before considering an EO. Commission discussed the report and recognized the benefits of reviewing the OOC conditions and their NOI, asking ILA for some clarification about the report, and review options for an EO. Commissioners should send their questions about the report to Agent Stucklen to compile and send to ILA.

Update: Grant award from Berkshire Taconic Foundation re: agent position. Berkshire Taconic Foundation selected the BCC grant application, to facilitate a shared agent position between Becket and two or three other towns, for matching funding. The required matching funds were approved by the BCC but can also be in-kind so Commissioners should track their time spent on the project. Chair Johnson talked with BRPC who subsequently talked to Becket town administrator about the project. Chair Johnson will take the lead on this project to the extent the town will allow him to do so. Town concern is the additional costs associated with sharing the

additional costs (e.g. benefits) associated with a full time position with the other towns agreeing to participate in the shared position. Noted the town had not received the check from Berkshire Taconic Foundation yet.

Update: Submission of proposed budget for FY 2022. Went through budget with intent to make a reasonable cut in recognition of these trying times. The agent salary has not changed though the town is considering a cost of living increase. This current budget has the agent salary \$20 from the town and \$5 from the wetland account. Recommend the town absorb the cost of living increase and the wetland account continue with a \$5 match through FY22. Motion made to maintain the Becket Conservation Commission share of the Conservation Agent compensation to \$5 per hour through FY22, (Babcock/Bessone). MSV.

Review and approval of November 17, 2020 Conservation Commission Meeting minutes. Motion made to approve the 17 November, 2020 Becket Conservation Commission Meeting minutes, (Hagenah/Babcock). MSV.

General Mail. There are three lots in Becket Woods under Chapter 61B for recreation but owner would like to sell the land. Agent Stucklen did some research and found two of these lots are predominately wetland resource area making them a significant challenge to develop. The third lot has only a small sliver of wetland. Based on these findings, Agent sent a letter to the BOS recommending the two wetland dominated lots remain in Chapter 61B based. The Commission can only offer a recommendation to the BOS. If any Commissioner has any comments they should get them to Agent ASAP. Commissioner asked if the BOS reached out to the Boards for input. Agent Stucklen explained she received a letter about this matter on Friday leaving her little time to research and pull together a letter. Have been told there is an interested buyer for the three lots. Agent Stucklen also received a letter, with images, regarding the Sherwood Drive EO. The pictures showed some re-vegetation but still a great deal of wood chips evident. A site visit in the spring is recommended. MADOT responded to our information request concerning the date on the wetland GIS Layer used to delineate the resource areas on a recent filing. The layer was a MADEP layer and was updated in 2020. Agent Stucklen asked Commissioners to stop into Town Hall as soon as possible to sign the paperwork related to tonight's decisions. Chair Johnson reported he contacted MACC about the schedule for upcoming trainings. MACC is working on improvements to their web page.

Motion made to adjourn the 15 December, 2020 Becket Conservation Commission meeting, (Hagenah/Johnson), MSV. Chair Johnson adjourned the 15 December, 2020 Becket Conservation Commission meeting at 9:31 PM.

Action Items:

- D Johnson accepting comments on tree cutting guidance and will aggregate input for next meeting
- Agent Stucklen to provide a letter to Avalle regarding EO compliance status.
- Commissioners to submit questions about Indian Lake report to Agent Stucklen who will compile and send to ILA.
- Check with BTF about the grant fund check.
- Commissioners stop by Town Hall to sign paperwork.

Previous items:

- K Wagner to supply definitions and descriptions for table 4 in Sherwood Green NOI