

Town of Becket Conservation Commission Meeting Minutes: July 27th, 2021

The Becket Conservation Commission Meeting was held at the Becket Town Hall in compliance with the MA hybrid open meeting laws allowing applicants, contractors, and consultants to participate in person, virtually, or by audio.

Commissioners in Attendance: Chair David Johnson, Jim Schaefer, George Roberts, Henry Scarpo

Guest in Attendance: David MacWilliams, Alyssa Maggi, Steve Rosenthal, Nic Mofioi, David Colpitts

Commissioners participating virtually: Meredyth Babcock, Conservation Agent Mary Stucklen

Not in Attendance – Doug Bessone, Henry Hagenah

Others in virtual or audio attendance: Amy Perlmutter

The Chair Johnson called the July 27th, 2021 meeting to order at 6:00 p.m. having a quorum and indicated the meeting is being recorded. Chair emphasized that the meeting agenda included introduction comments that wouldn't be read and it is the responsibility of each applicant to review.

The meeting was opened for public comment for items not on the agenda. Amy Perlmutter expressed concerns about the Yokum Pond public access road violation and what action was going to be taken. Chair indicated that the matter is not settled and the Commission would be deliberating at some future date. The Commission will be inquiring into what action could or should be taken.

CONTINUING BUSINESS:

3. **Update: Enforcement Order issued to David Levenfeld of 229 South Cover Drive (Map 211 Lot 41)** for work conducted outside of a Determination of Applicability issued 12-18-2019

Issue: discussions on how to handle and actions to take regarding the enforcement order and violation of the enforcement order

Motion: Motion by George, seconded by Jim,

- a. send a certified letter to the property owner that the "Enforcement Order" is being recorded with the Registry of Deeds.
- b. Record the "Enforcement Order" inclusive of all documents with the Registry of Deeds and notify the property owner that it has been recorded
- c. Notify the property owner that a resume for their choice for an environmental consultant must be provided to and received by the Conservation Commission no later than Tuesday August 3rd, 2021.
- d. The environmental consultant to present to Conservation Commission on Thursday August 05th, 2021 at 6:30 p.m. documents for the purpose of the Commission to review and consider approval of their qualifications.

Amendment to motion: Made by Meredyth, seconded by George

- a. The property owner is responsible for reimbursing the Becket Conservation Commission for the \$200 filing fee to record the enforcement order with the Registry of Deeds. Carried unanimously

Amended motion: Chair called for a vote, carried unanimously

NEW BUSINESS:

4. **Request** for Ratification of an **Emergency Certification issued to MassDEP** for work related to a fuel spill in a wetland near mile marker 20 on Interstate 90.

Issue: refer to A.6 of WPA E-Cert for work to be allowed

Motion: ratification of E-Cert, Motion by George, seconded by Jim, Carried unanimously

5. **Request** for Determination of Applicability submitted by Alyssa Maggi of **0 King Richard Drive (Map 261, Lot 285)** for on the Buffer Zone related to the construction of a residence.

Issue: the applicant is requesting permission to drill a well and remove trees in the Buffer Zone, the Commission's concerns were: a. how will a drilling truck to access a steep slope to drill a well in the Buffer Zone without causing significant damage, b. and the removal of substantial live trees and the effect on the bank slope, shaded plants and ground cover, and small animals, and c. potential erosion of the bank.

Motion: Chair asked for a motion of continuance in order for the applicant to provide addition information to the Commission to address their concerns. Motion by George, seconded by Meredyth for a continuance with the following information required: a. an updated ~~map-plan~~ with contour lines drawn ~~accurately at on~~ a scale of 1"=20' ~~with accurate measurements~~, b. a full-size site plan with engineer's signature, c. trees numbered, and d. these items must be submitted and received by the Commission no later than Monday August 16th, 2021 in order to be on the August 24th Conservation meeting.

Amendment 1 to motion: Made by George, seconded by Jim, the well engineer to mark the spring location in the Buffer Zone, Carried unanimously

Amendment 2 to motion: Made by George, seconded by Jim, the well engineer will put in writing that the well drilling will not cause damage to the spring, Carried unanimously

Amended motion: Carried unanimously

Note: Chair indicated a letter of public concern would be heard at the next meeting on the application is being considered

6. **Request** for Determination of Applicability submitted by **Sherwood Forest Lake District** for work and maintenance on the Lake District beaches.

Issue: applicant requesting the existing RDA to expire in five years from issuance vs. three years.

Motion: issue a negative determination number 3 and 2 for **Sherwood Forest Lake District** for the permit to expire five years from its date of issuance, Motion by George, seconded by Henry,

Amendment 1 to motion: Made by George, seconded by Meredyth, a. a four-foot barrier be constructed to prevent water erosion per diagram, b. report back to the Commission the measurable amount of sand lost on any beaches each year, Carried unanimously

Amendment 2 to motion: Made by Meredyth, no (0) second, not to issue an extension of the permit to five-years and leave it at three-years, motion not moved

Amended motion: Chair called for a vote, four- yes, Meredyth abstained, carried by majority

7. **Request** for Determination of Applicability submitted by **David MacWilliams of 188 Greenwater Drive (Map 202, Lot 25)** for vegetation management in the lake (resource area) and Buffer Zone of a residence.

Issue: The applicant wants to cut the pond weed with a special rake beginning from the lake side of the dock. The area cut will be 100 by 50 feet with the 100-foot section will be parallel to the shore line. The rake will be pulled behind a boat allowing sufficient control to keep it from cutting below five feet. The most effective time frame for cutting the pond weeds is the middle of June to mid-August. They will not be cut below a depth of five-feet. Once cut, the weeds float to the surface and are gathered and put in a compose pile. The applicant wants to demonstrate to other property owners an effective and

legal way to handle pond weed that persist in their dock areas that interferes with boating and swimming. Applicant explained that in past years there were a lot of power boats on Greenwater Pond that limited most of the nuisance pond weeds due to propellers cutting the weeds about four-feet below the water surface. Boating activity is way down, thus pond weeds are more numerous. This would be the same practice that is consistent with the pond weed treatment and cutting that is permitted for Yokum Pond.

Motion: issue a negative determination number 3 for **188 Greenwater Drive (Map 202, Lot 25)** for vegetation management in the lake (resource area) and Buffer Zone, Motion by George, seconded by Jim,

Amendment to motion: Motion by George, seconded by Jim the following conditions: a. permit is for 2021, b. property owner to tell Commission on how it went, c. no cutting at depth of five-feet below the from the surface, d. the area for weed cutting will not exceed 100 by 50 feet from the dock area. Chair called for a vote, three - yes, Meredyth and Henry abstained, carried by majority

Amended motion: Chair called for a vote, three - yes, Meredyth and Henry abstained, carried by majority

8. **Request** for Determination of Applicability submitted by **Douglas Bessone of 221 Carter Road (Map 206, Lot 111)** for the removal of trees and construction of a fence in the Buffer Zone to Pill Pond.

Issue: The location and type of fencing was not sufficient for the Commission to deliberate on. More information was required.

Motion: Chair asked for motion to continue, motion by Meredyth, seconded by Jim, Carried unanimously

9. **Request** for Determination of Applicability submitted by **John Todice of 0 Sherwood Drive (Map 215, Lot 197)** for an amendment to their residential plans.

Issue: Plan not received for Commission to review.

Motion: Chair asked for motion to continue, motion by George, seconded by Jim, Carried unanimously

10. Chair discussed the issues with 0 Tyringham Road potential buyer wanting the Commission to certify the property as buildable. Chair told potential buyer that he cannot comment on the property. An NOI application can only be filed by the property owner and then deliberated on at a scheduled public meeting of the Commission. And, the Chair is prohibited from commenting on the value of the land and its buildability.

11. Potential Violations:

- a. Leonhardt Road – follow-up in October
- b. Yokum Pond – to be continued

12. July minutes - continuance to next meeting, carried unanimously

13. Motion to adjourn meeting at 8:34 pm, carried unanimously

14. General mail reviewed

Motion to adjourn at 8:46 pm was made and seconded, and passed by unanimously consent

The Commission's next regular scheduled meeting is Tuesday August 24th, 2021 at 6:30 p.m. in Community Room.

The Commission scheduled a special meeting for Thursday August 5th, 2021 at 6:30 p.m. in the Community Room for the sole purpose of reviewing the qualification of an environmental consultant for work at 29 South Cover Road selected by the property owner.

Conservation Commission meeting minutes

Prepared by Dave Johnson, Chair

Date: 08/14/2021