

Town of Becket Conservation Commission Meeting Minutes: November 16th, 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, George Roberts, Henry Scarpo, Hank Hagenah, Doug Bessone, Henry Scarpo, Nic Pietroniro Agent

Guest in Attendance: David Colpitts, Julie and Scott Craumer

Commissioners participating virtually: Jim Schaefer

Not in Attendance: none

Others in virtual or audio attendance: Jason Lacourciere, Alyssa Maggi

The Chair Johnson called the November 16th 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. Not hearing any public comment, it was closed.

CONTINUING BUSINESS:

- 1. Enforcement Order:** Issued to Jason Lacourciere and the Town of Becket for the unpermitted work of cutting down of trees in the Buffer Zone at town owned beach at Shaw Pond.

Jason Lacourciere admitted to cutting down the trees in the Buffer Zone that is also property owned by the Town of Becket. His defense was the tree warden gave him permission to cut down the trees in question. Refer to attached document for specific details and location of the trees. The Chair received affidavits from both tree wardens indicating they never gave anyone permission nor did they ever discuss the cutting down of trees at Shaw Pond. The BCC doesn't consider Jason's statement that he was given permission to cut down the trees credible. Therefore, the Chair asked the Commissioners to create an enforcement order of conditions for the restoration of the unpermitted work in the Buffer Zone.

Enforcement Order of Conditions for Jason Lacourciere:

- a. To submit to the Commission the name of a licensed landscape designer.
- b. The landscape designer will either perform the restoration or hire the contractor to do the work.
- c. The designer will present a plan for the replanting of five (5) eight-to-ten-foot trees to the Commission.
- d. The trees to be of like kind. No fruit bearing trees will be permitted per the Town of Becket.
- e. The Commission reserves the right to approve the designer and the restoration plan. The designer cannot be a member of your family or someone you have a business relationship with.
- f. The designer will present their plan to the Commission at the January 25th BCC meeting.
- g. If you don't follow the specific conditions of this order, the Commission will hire a landscape designer and or contractor to perform the restoration.
- h. You will not be permitted to submit a design plan you create and will not be permitted to perform any of the restoration work.
- i. Once the restoration work is completed to the satisfaction of the Commission, the trees will monitor for three years to assure they are functional.
- j. All cost inclusive of the landscape designer, materials and labor, and replacement of trees that are not functional will be your responsibility.
- k. The Town of Becket reserves the right to approve the trees used in the restoration plan.

Motion: The Chair asked for a motion to ratify the existing enforcement order to include the conditions as specified above in a. thru k. Motion by George, seconded by Hank, carried unanimously.

Important legal notice: The commission decision is not appealable to the DEP. It is only appealable to District Superior Court within 60 days of receiving this order of conditions.

The Chair received a complaint and copy of an invoice indicating that Jason had hired a company to remove ten beavers from Shaw Pond outside of trapping season. The Chair was legally obligated to and did refer the complaint to the environmental police for handling.

2. **Emergency Certification Pending:** Waiting for Jewell Environmental to request the E-Cert of an oil spill into a wetland on October 8, 2021 on I-90 west just prior to the Route 20 overpass in Becket. To be removed from the agenda because no follow request was made or needed. No vote required.
3. **Request for Determination of Applicability** submitted by Steve Rosenthal of 85 Mystic Isle Way (Map 216 Lot 450.D) for bank stabilization in the buffer zone of a residence. Chair requested a continuance to the January 25th, 2022 BCC meeting. Motion by George, seconded by Hank, carried unanimously.
4. **Request for Determination of Applicability** submitted by Shawnee Shore Estate on Dawn Drive (Map 404, Lot 61) for culvert repair in the buffer zone of a private road. The DEP instructed the application was outside the scope of an RDA and an NOI would be required. Chair indicated the \$75 RDA filing fee would be refunded to Scott Quinlan. No vote required
5. **Request for Determination of Applicability** submitted by Olivia Krywuki of 2588 Main Street, (Map 208, Lot 09) for the installation of an underground propane tank in the Buffer Zone. The work was completed without an application and approval of the Conservation Commission. Due to no response from the installation contractor, the Chair and agent will issue an enforcement order to the property owner and the installation contractor. No vote required. The enforcement order to be ratified by the BCC at the next meeting.
6. **Enforcement Order Ratification:** review of jurisdiction of culvert in reference to Alyssa Maggi of 0 King Richard Dr (Map 216, Lot 285) for construction of a residence. Determination of jurisdiction. The BCC received a written report from Emily Stockman dated 11/2021 indicating the area under the enforcement order is not an intermittent stream. Therefore, the chair asked for a motion to rescind the enforcement order. Motion by Hank, seconded by Henry, George abstained, carried by majority. The Chair advised the property owner that the BCC will not review and or deliberate on her NOI to be submitted until the BOH and zoning board has formally approved the well and septic locations, and property setbacks.
7. **Amendment:** Letter submitted by John Todice of 0 Sherwood Drive (Map 215, Lot 197) for an amendment to their NOI residential application plan. The BCC could not determine based on the information submitted for an increase in the building footprint rather or not it encroached on the septic setback requirement. Motion was made by George to have the property owner (or engineer) submit a full engineering plan to clearly demonstrate that the increase in footprint doesn't encroach on the required setback and continue deliberation until the 12/28/2021 BCC meeting, seconded by Henry, carried unanimously.
8. **Public Access Road to Yokum Pond:** resolution to rock material placed on access road. The BCC has been reviewing and monitoring the conditions of the access road since 05/2021 after receiving a complaint that small rocks had been dumped on the road to fill in potholes. After considerable deliberation, the BCC felt that issuing an enforcement order to remove the stone would do more damage than leaving it as is. Also, this is a public access road as provided under the Great Pond Act. A recommendation was made to relocate the access road. The option to relocate was not practical nor did the

Commission find evidence of having any legal authority to relocate the access road and or even condition its use by the public. The Chair asked for a motion not to take any action, motion by George, seconded Hank, passed unanimously.

NEW BUSINESS:

- 9. Request for Determination of Applicability** submitted by David Friar of 261 Old Pond Road (Map 210 Lot 49.c) for the removal of a dead tree in the Buffer Zone. Motion to issue a negative three determination by George, seconded by Henry, carried unanimously.
- 10.** Review and approval of the Tuesday October 26th, 2021 Conservation Commission Meeting minutes. The Chair asked for a motion to accept the minutes, motion by Hank, seconded by Henry, George and Jim abstained, carried by majority

Adjournment – Chair called for a motion to adjourn the meeting at 7:02 pm.

Next Scheduled Meeting: December 28th, 2021 at 6:00 p.m.

Conservation Commission meeting minutes

Prepared by Dave Johnson, Chair

Date: 12/10/2021