

Town of Becket Conservation Commission Meeting Minutes: December 20th, 2022

The Becket Conservation Commission (BCC) 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, Vice Chair Hank Hagenah, Jim Schaefer, Doug Bessone, Henry Scarpo, John Verity, Chris Clapper, and Nic Pietroniro Conservation Agent

Note: only six Commissioners were present for the first vote

Guest in Attendance: none

Commissioners participating virtually: none

Commissioners Not in Attendance: none

Others participating virtually or by audio attendance: Scott McFarland

The Chair Johnson called the December 20th, 2022 meeting to order at 5:00 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 that it is the responsibility of each applicant and all others in attendance to review.

At 5:00 pm the Chair opened the meeting for public comment not on the agenda. Not hearing any comments, it was closed for public comment.

New Business:

1. **Request for Determination of Applicability:** Submitted by Scott McFarland for the work associated with the setting of a new distribution box and section of pipe at 134 Fireside Lane (Map 217, Lot 74) within the Buffer Zone of the Bank of Lancelot Lake.

Issues: add additional erosion controls to the proposed downhill side of the work area

Motion: to approve the Request for Determination with order of condition to place erosion controls on the downhill side of the work being permitted by Hank, seconded by Henry, motion carried unanimously 6-0. Only six commissioners present for this vote.

2. **Notice of Intent:** Submitted by Emily Pfeiffer (MassDEP #102-0471) for the removal of trees, construction of a gravel driveway, and installation of a shed and gazebo within Buffer Zone. As well as the removal of vegetation in a Bordering vegetated Wetland, Land Under Water and from the Bank of Longbow Lake, at 0 Long Bow Lane West (Map 213, Lot 72)

Issues: application was insufficient of information regarding the scope of work in the Buffer Zone and Resource area. Applicant was not present for the meeting. Commissioners could not make a decision.

Motion: Chair requested a motion for continuance to the May 23rd, 2023 meeting, motion by Jim, seconded by Henry, motion carried unanimously 7-0

Continuance:

3. **Enforcement Order:** Issued to Jack and Carol Attias of 43 Greenbrook Road (Map 207, Lot 55) for unpermitted removal of beaver dams on Pill Pond, alteration of several Resource Areas, and piling of materials in Resource Area and Buffer Zone.

Issues: will evaluate the disturbed are in April to determine any residual damage and if any restoration is required.

Motion: Chair requested a motion for continuance to the May 23rd, 2023 meeting, motion by Jim, seconded by Henry, motion carried unanimously 7-0

4. Request for a Certificate for Compliance: Submitted by Jacob's Pillow Dance Festival, Inc, at 358 George Carter Road (Map 407, Lot 16) for the closing out of four Orders of Conditions for the following MassDEP File #'s:

- a. #102-44 issued 05/02/1989 for Sewer Line and Fire Pond Construction.
- b. #102-205 issued on 06/22/2000 for a wetland trail installation.
- c. #102-0361 issued on 02/23/2011 for Installation of Loop Road Bridge and Maintenance Facility.
- d. #102-0417 issued on 10/11/2016 for Installation of Public Water System Pipe through BVW

Issues: COCs for b. and c. were already issued and filed with the Registry of Deeds, a decision on a. and d. are being deferred to the April 25th meeting – applicant not available for this meeting

Motion: Chair requested a motion for continuance to the to the April 25th, 2023 meeting, motion by Jim, seconded by Henry, motion carried by majority 6-0-1, Henry abstained

Minutes from prior meetings ratified:

2022-10-23 BCC meeting

2022-11-15 BCC meeting

Additional Items: Chair read his response to Meredyth Babcock's email that was sent to DCR and indicated it would be included in the BCC minutes. Refer to pages 3-5/

Date for Next Regular Meeting: Tuesday, January 24th 2023 in the Community Room, at 6:00 pm to 9:00 pm

Motion to Adjournment at 5:46 pm - carried unanimously 7-0

Becket Conservation Commission meeting minutes

Prepared by Dave Johnson, Chair

Edit Date 12/30/2022

From: aiaincdaj@gmail.com
Sent: Friday, November 18, 2022 11:50 AM
To: anne.carroll@state.ma.us; jim.straub@state.ma.us
Cc: 'henry hagenah'; aiaincdaj@gmail.com
Subject: RE: Buckley Dunton Lake management In Becket Mass

Hi Jim and Anne,

I read through Meredyth's email and wanted everyone to be clear on a couple of items.

The Commissioners believed we had enough information to make a decision and to state the OOCs required based on the submission provided. There was not an onus on the Commission. As Chair of the Commission, I respectfully disagree with several of her comments and opinions. Anne, I spoke with you on the phone the Friday before the meeting. I had requested DCR be ready to present their application, or we would only consider a five (5) month continuance vs. one. As Chair I had set the requirements for the meeting. It would have been out of integrity me not to allow a deliberation and a vote. The Commissioners deliberated and voted to approve the application. That was the appropriate action for the Commission.

In our deliberations, we kept our discussion jurisdictional. Our duty was to consider the application at hand.

Please understand that these are her comments and for the most part not shared by the BCC

If you have any questions, please call me directly. We will support that application as approved.

Thank you, Dave

David Johnson, Chair
Becket Conservation Commission
Ph: 978-424-5752
Regular hours 8:00 am – 6:00 pm every day
Emergencies – call anytime

Website: [Conservation Commission | Becket MA \(townofbecket.org\)](https://www.townofbecket.org/conservation-commission)

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Subject: Re: Buckley Dunton Lake management In Becket Mass

Meredith

Thank you so much for attending the meeting and informing me of any issues that are at Buckley Dunton. Protection of the lake and surrounding watershed is our number one priority. I will contact the office of the Dam Safety and give them your email to find out what is going on with the dam. Also attached is the five-year management plan for the lake. I hope that you and the other people around the lake are available to help out with this over the next few years. Monitoring in real time will help to ensuring the protection of that lake. We will be going over this report and looking to start monitoring early spring of 2023.

Jim

James Straub
DCR Lakes & Ponds

From: Meredyth Babcock <meredythbabcock@gmail.com>
Sent: Wednesday, November 16, 2022 12:34:37 PM
To: Straub, Jim (DCR) <jim.straub@mass.gov>
Cc: Nicolas Pietroniro <conservation@townofbecket.org>; aiaincdaj@gmail.com <aiaincdaj@gmail.com>
Subject: Buckley Dunton Lake management In Becket Mass

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear James Straub
Lakes & Ponds Program

I am interested in reading your management plan more closely. Could you please send me a link to the plan?

It appears that responding to a small group of landowners is taking precedence over the stream below the dam, overall lake health and the maintenance of the public access. I hope a closer read of your plan will prove otherwise.

Seeing that the commission has permitted the removal of specified bladderwort species, should the plant cover %50 of the south cove on Buckley Dunton, I hope this will include maintenance of the Public launch, removal of invasive plants at the launch and your support in requesting a planned valve management that supports the natural flow regime one would expect to have in a high value Coldwater fishery.

I am very concerned and shared my concern with DRC that the Valve installed in the Dam at Buckley Dunton, to better manage flow regime into Yokum Brook, remained closed through much, if not all, of the drought conditions experienced in 2022.

It was disheartening that this is not an integral part of the States Dam management plan. This should not need oversight and should be an example of the States interest in riparian health, not an abuse of it. It should not be the Conservation commission's role to remind the State of its own laws and best management practices. They should be the first to follow and uphold the interest of the act and the health of its resources.

I was disappointed last evening that given all the changes proposed to the NOI that the commission did not require an updated version. The onus for "allowed actions" was put on and sadly accepted by the commission. This was not elegant, nor wisely done. If a morning meeting was held by Lakes & Ponds that substantially altered what was being asked, this should have been written up and an amended NOI proposed that evening.

I look forward to further conversations and collaborations for the benefit of our Lakes and Ponds. With consideration for the streams above and below impoundments and the public who enjoys and acts as steward for them all.

Yours Respectfully
Meredyth Babcock
413 207- 4282