

Town of Becket Conservation Commission Meeting Minutes: June 27th, 2023

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, Doug Bessone, Henry Scarpo, Chris Clapper, and Nic Pietroniro Conservation Agent

Commissioners participating virtually: John Verity

Commissioners Not in Attendance: Jim Schaefer

Others in Attendance: Emily Stockman, Bruce Lipton, Rob Nunzio, Leanne Ellis, Mark Stinson DEP,

Others participating virtually: Carl Neilson, Jonathn Barrows, Virginia Martell, Melissa Kaplan, Chris Larose

The Chair called the June 27th, 2023 meeting to order at 6:00 p.m. having a quorum of six, (6) Commissioners and indicated the meeting is being recorded. The 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.

The Chair opened the meeting for public comment for items not on the agenda. Not hearing any comments, it was closed for public comment.

New Business:

1. Enforcement Order: Issued to Jonathan Barrows for road, tree clearing, placement of gravel/rock, storage of fill material, and possible grading has occurred within the Buffer Zone of a Bordering Vegetated Wetland and possibly within the resource area. Unpermitted work occurred at 0 Quarry Road (Map 416, Lot 13)

Issues: A copy of a signed contract inclusive of the statement of work prepared by Salvini Associates LLC was provided to the BCC with an RDA and a partial wetland delineation.

Motion: to certify the Enforcement Order subject to the following Order of Conditions by Chris, seconded by Henry, motion carried unanimously 6-0

Order of Conditions:

- a) On or before July 13th, 2023, the Recipient of this enforcement order shall cause the consultant to establish, in the field and on a plan set at an appropriate scale, the boundaries of the protected resource areas as they existed prior to the disturbance, and to provide documentation on how those boundaries were established. These plans shall be submitted to the Becket Conservation Commission for review and approval and or modification.
- b) On or before August 15th, 2023, the Recipient of this enforcement order shall cause the consultant to submit a restoration plan and set at an appropriate scale for any alteration of resource area in the subsequent delineation.
- c) Recipient and or Salvini Associates LLC (BCC approved consultant) to appear before the August 22nd, 2023 Conservation Commission meeting for approval of the of items a. and b.

2. Request to Extend an Order of Conditions: Submitted by the Sherwood Forest Lake District to retroactively extend the Order of Conditions for the Sherwood Forest Aquatic Plant Management Program (MassDEP #102-0420).

Issues: no action is required, the EEOC had been previously extended at the BCC 05/31/2023 meeting

- 3. Request to Extend and Amend an Order of Conditions:** Submitted by the Sherwood Greens Road District to extend their Order of Conditions for Aquatic Vegetation Control on the Sherwood Greens Road Districts Lakes (MassDEP #102-0458) They also are requesting to amend the Order to allow the use of diquat herbicide as warranted based on survey data collected.

Issues: The approval for the introduction of crayfish into the resource area for lake management treatment was outside of the authority for the BCC to permit. The Commission had previously approved this treatment on the previous Order of Conditions. As indicated by Mark Stinson (DEP) that treatment option is not permissible in MA. The BCC asked the applicant (Bruce Lipton) to request an amendment to the OOC to remove items 22 and 23 that reference the crayfish. The applicant agreed to make that request.

Motion: to approve amendment request to remove conditions 22 and 23 from the current OOC by Hank, seconded by Henry, motion carried unanimously 6-0

Motion: to approve amendment request to allow for the use of diquat herbicide as warranted based on survey data collected, motion carried unanimously 6-0

- 4. Request for a Certificate of Compliance:** Submitted by Adrienne L. Arnold for work regulated by a final Order of Conditions issued to John Laczak (MassDEP #102-0329) at 343 Trail Circle (Map 213, Lot 103).

Issues: letter of project completion provided by contractor; site inspection confirmed work completed

Motion: to approve the Certificate of Compliance by Hank, seconded by Henry, motion carried unanimously 6-0

- 5. Request for a Determination of Applicability:** Submitted by the Killeen Family Nominee Trust for approval of Bank and BVW boundaries and confirmation that an existing culvert is not jurisdictional at 0 Quarry Road (Map 416, Lot 12.1).

Issues: Emily Stockman submitted an RDA inclusive of a Wetland Resource Delineation and Culvert Report that indicated the specified area is not jurisdictional to the WPA. There were no recommendations for work in this area to be performed.

Motion: to approve Bank, BVW boundaries, and confirmation and that an existing culvert is not jurisdictional by Hank, seconded by Henry, motion carried unanimously 6-0

- 6. Notice of Intent:** Submitted by NSTAR Electric Company d/b/a Eversource Energy (Eversource) for the 19J3 Distribution Line Rebuild and Reconductor Project located on Chester Road (Route 20). Proposed jurisdictional work includes 29 utility poles and tree removal within the 100-ft Buffer Zone to Bordering Vegetated Wetlands (BVW) and Inland Bank, and the 200-foot Riverfront Area (RFA) to Walker Brook, Spark Brook, Cushman Brook, and Bordering Land Subject to Flooding.

Issues: About 190 jurisdictional trees are being cut down due to installation of new poles and wire clearance. Several are being replaced on the opposite side of the road from Walker Brook. Many of the poles are leaning and or have cable ties connecting them to boulders that are in the brook or trees that are compromised. This is a potential detriment to the resource area.

Motion: to approval the Notice of Intent subject to the following Order of Conditions by Dave, seconded by John, motion carried unanimously 6-0

Order of Conditions:

- a) A check for \$3,000 (three-thousand dollars) will be paid to the Town of Becket.
- b) The use of these funds is restricted to the following: ecological restoration projects, tree removal, culvert repairs, and removal of invasive species on town own properties.

7. Emergency Certification: issue to Ron Marullo, 104 Osceola Drive, Map 214 Lot 14 for removal of a tree in the Buffer Zone.

Issues: A top section of a tree fell onto the side of the house and rear deck area. The remaining 16-foot section is also in danger of falling onto the deck area. A large tree fell into Center Pond blocking access to the dock and swimming area, which is not authorized for removal under this emergency certification. The certification indicated the property owner would need to file an RDA with the BCC for this item.

Motion: to approve the Emergency Certificate with the following Order of Conditions by Hank, seconded by Henry, motion carried unanimously 6-0

Order of Conditions:

- a) The tree may be cut level to the ground and the stump shall remain.
- b) The tree is to be cut into smaller sections and placed in the adjacent wooded area.

Continuing Business:

8. Enforcement Order Update: Issued to Jack and Carol Attias of 43 Greenbrook Road (Map 207, Lot 55).

Issues: the area in question had sufficient natural recovery not requiring any restoration. There is a debris pile of materials next to the small dam. This debris pile needs to be removed outside the resource area.

Motion: to continue the Enforcement Order to the July 25th, 2023 BCC meeting and require the property owner to remove the debris pile by Hank, seconded by Henry, motion carried unanimously 6-0

Additional Items:

Thomas Brook Conservation Area Proposal – Commissioners agreed on creating a proposal for Thomas Brook Conservation Area.

Review and Approval BCC minutes:

- April 25th meeting – approved unanimously 6-0
- May 23rd meeting – deferred to July meeting – not presented
- May 31st meeting – approved unanimously 6-0

Follow-up to our May 24th BCC Forum – quick review of great feedback from participants

Next meeting Tuesday July 25th, 2023, in the Community Room, at 6:00 pm.

Motion for Adjournment – motion carried unanimously 6-0

Prepared by Dave Johnson

BCC Chair

06/29/2023