

## **Town of Becket Conservation Commission Meeting Minutes: August 22<sup>nd</sup>, 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, Jim Schaefer, Doug Bessone, Henry Scarpo, Chris Clapper, Hank Hagenah, John Verity, and Nic Pietroniro Conservation Agent

Commissioners participating virtually: none

Commissioners Not in attendance: none

Others in Attendance: Allan Strassler, Bob Moore, Bruce Lipton

Others participating virtually: Howard Lerner, Julia Tuladhar, Alexander Trop, Robert Fowler

The Chair called the August 22<sup>nd</sup>, 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. Request for a Determination of Applicability:** Submitted by Bruce Lipton for the work associated with the upper story addition to a single-family home within the buffer zone of the Bank of Longbow Lake at 361 Long Bow Ln W (Map 214, Lot 29).

Issues: Provide silt fence/erosion control on the lake side of the construction site.

Motion: to approve with addition of erosion control a Negative 3 Determination by Jim, seconded by Henry, carried unanimously 6-0

Chris Clapper arrived at 6:15 and the quorum is changed to seven (7) – Agenda items #4 and #1, had already been deliberated in that order.

**2. Request for a Determination of Applicability:** Submitted by Ron Marullo for the removal of one tree in Center Pond and a tree within the buffer zone of the Bank of Center Pond. Additionally, for the approval of a dock installed on Center Pond, for a Chapter 91 Simplified Waterways License, at 104 Osceola Drive (Map 211, Lot 14).

Issues: how to remove tree that landed in the resource area in front of the dock

Motion: to approve a Negative 3 Determination for work in the buffer zone and resource area with three conditions by Jim, seconded by Henry, carried unanimously 7-0

Conditions:

- The cherry and hemlock trees are to be cut level to the ground level or higher.

- b. The tree that fell into the resource area may be cut into sections and moved to the left or right of the dock area close to the shoreline. The applicant will notify and provide the BCC agent with the details on the process to move the said tree.
- c. Measures will be taken to protect the resource area bank while work is being performed on 1&2.

**3. Request for a Determination of Applicability:** Submitted by Robert L. Fowler for the approval of a dock on Center Pond for a Chapter 91 Simplified Waterways License. Located at 293 Old Pond Road (Map 210, Lot 53)

Issues: Dock was not permitted by prior owners

Motion: to approve a Negative 3 Determination by Hank, seconded by John, carried unanimously 7-0

**4. Request for a Determination of Applicability:** Submitted by Sally Eldred for the work associated with the installation of a new septic system, leach field and pump chamber within the buffer zone of the Bank of Robinhood lake located at 460 Wells Road (Map 216, Lot 454).

Issues: Commission could not proceed with deliberating on this application for the following reasons:

- a. the proposal indicated the leach field would extend into an adjacent lot not owned by the applicant,
- b. the adjacent lot belongs to the lake Association thus has say in its use,
- c. Howard Lerner called Chair Johnson earlier in the day of the meeting and indicated the Association was working on an agreement with the applicant to allow a leach field on adjacent Association property,
- d. Chair advised Association and applicant's contractor that the Board of Health would need to approve the septic system and its location, and the Commission will support keeping the system as far from the resource area as approved by the Board of Health and the Association,
- e. a copy of the agreement the agreement between the Association and applicant is required to be provided to the BCC prior to deliberation on this application.

Motion: for continuance to the September 26<sup>th</sup>, 2023 BCC scheduled meeting by Hank, seconded by Jim, carried unanimously 6-0

**5. Request for a Determination of Applicability:** Submitted by Julia Tuladhar of the Shaw Pond Club for the removal of a tree within the buffer zone of the Bank of Shaw Pond at 569 Otis Rd (Map 204, Lot 152).

Issues: None

Motion: to approve a Negative 3 Determination with the condition the tree will to be cut level to the ground or higher by Hank, seconded by Jim, carried unanimously 7-0

**6. Request for an Extension of an Order of Conditions:** Submitted by Alexander Throp of Accord Engineering for the extension of the Order of Conditions for the Palmer Brook Drawdown Project MassDEP# 102-0456.  
**Order Update:** Issued to Jack and Carol Attias of 43 Greenbrook Road (Map 207, Lot 55).

Issues: none

Motion: to approve a three-year extension by Jim, seconded by Hank, carried unanimously 7-0

**7. Request for minor Amendment of an Order of Conditions:** Submitted by Alexander Throp of Accord Engineering to Amend order #25 of MassDEP# 102-0456 to allow a total drawdown of four feet

for Palmer Brook Reservoir Bordering Vegetated Wetland and possibly within the resource area. Unpermitted work occurred at 0 Quarry Road (Map 416, Lot 13).

Issues: Correction of an OOC

Motion: Jim moved to delete condition #25 and replace with amended condition #25 as proposed by Accord Engineering (see below), seconded by Hank, carried unanimously 7-0

“25. The total drawdown shall not exceed 4 feet. The drawdown shall be commenced on or about October 15, and shall be completed by December 1 of each year. Adjustments to the gate valve shall be made so that the drawdown is accomplished over a period of at least 30 days, and so that the drawdown does not exceed 3 inches per day.”

In addition, the applicant shall forward a recent letter to the Commission from Massachusetts Fish and Wildlife confirming that a 4-foot drawdown does not damage fish or other wildlife.

### Continuing Business:

**8. Enforcement Order Update:** 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: information requested not yet received – agent to follow up with Barrows

Motion: for continuance to the September 26<sup>th</sup>, 2023 BCC scheduled meeting by Jim, seconded by Hank, carried unanimously 7-0

### Additional Items:

Funding for safety equipment: yellow vests and hard hats

Funding for Massachusetts DEP Reporter - approved one year's subscription approved by majority

Thomas Brook Conservation Area Proposal – process in review

MACC Convention scheduled for October 28<sup>th</sup>

Discussion of fee schedule – no discussion

Correspondence/Items needing attention - none

July 25th BCC meeting minute approved by majority

August 9th meeting minutes, as revised, approved by majority

**Next meeting** Tuesday September 26<sup>th</sup>, 2023, in the Community Room, at 6:00 p.m.

**Motion for Adjournment 7:28 p.m.** approved unanimously