

Town of Becket Conservation Commission 22 September, 2020 Meeting Minutes

Meeting held to comply with COVID-19 social distancing requirements. Most Conservation Commissioners attended in person with interested parties participating virtually.

Commissioners in Attendance: Chair David Johnson, Meredyth Babcock, Doug Bessone, Cindy Delpapa, and Henry Hagenah. Also Conservation Agent Mary Stucklen.

Commissioner(s) not in Attendance: Henry Scarpo

Members of the public calling in: Shannon Boomsma, Kathy Dickinson, Priscilla McEwen, Carl Nielsen Amer Raza, Alex Pettersont, Alan Stassler, Barbara Wacholder, and Brent White. (every attempt was made to identify all people participating virtually on the conference line)

Introduction of the Commissioners: Chair Johnson called the 22 September, 2020 Becket Conservation Commission meeting to order at 6:32 PM, read the meeting guidelines and introduced the Commissioners and Conservation Agent.

Public Input: None Offered

New Business

A Request for Determination of Applicability submitted by MassDOT for Interstate 90 for control of vegetation in the right-of-way with herbicides. Commission did not undertake a site visit because of the complications of accessing areas from I 90. A Raza from MA DOT District 1 provided background: MA DOT intends to spray along the guardrails to control hazard and nuisance vegetation as these areas are hard to mow. This RDA is to confirm the boundaries of resource areas only. The herbicide spraying will be reviewed by the Department of Agricultural Resources with a 45 day comment period. This DAR filing will include more detail on the vegetation and will include images of areas. Commissioner inquired as to who performed the delineation? A Raza reported the delineation was derived from MA DEP's wetland layer in MA GIS and was not done in the field. Commissioner followed-up asking what the age was of the imagery used to create the wetland data layer as there has been wetland changes related to beavers and other landscape alterations. A Raza did not know the date of the GIS layer and does not know how frequently MA DEP updates the wetland layer. Commissioner asked if the spraying was isolated to those areas in this RDA. A Raza explained the treatment is for the entire length of I-90 in District 1. Commissioner asked A Raza to explain why there are no spray zones adjacent to some resource areas but not others. A Raza explained there is different guidance on set backs required from different resource areas. Commissioners expressed an interest in seeing the markers for the spray zones. A Raza said a visit could be arranged and the start and stop points could be adjusted in the field. Commissioner also asked the date on the GIS wetland data be provided to the Commission. A Raza agreed to submit this information. Motion made to issue a positive determination 2A to MA DOT for Interstate 90 for control of vegetation in the right-of-way with herbicides, (Babcock/Bessone). MSV.

A Request for Determination of Applicability submitted by Nan and Allen Lipton of 211 Tyne Rd for work on o Tyne Rd and 40 Preservation Drive (Map 203, Lots 38.1/43) for the removal of trees in the buffer zone. Commission completed a site visit. P McEwen was available on behalf of the applicant to answer questions. The project involves the removal of two trees overhanging the

house. Remediation will involve some tree trimming and work to save two birch trees. Homeowners do not wish to leave a large trunk as it will eventually decay and fall over. P McEwen noted there is a provision to allow up to 10 cords of wood to be removed from a resource area and, as the land is flat, there is no risk to Yokum Pond from this work. Commissioner was concerned about being inconsistent relative to requiring 1:1 replacement for trees. Commission discussed replication and noted replication requirements were tied to resource areas (e.g. banks) over buffer areas. Motion to issue a negative determination for the removal of trees in the buffer zone, by climbing and the use of a chain saw, at 0 Tyne Road (Map 203, Lot 38.1) and any disturbed soils will be reseeded with native seed mix and invasive species managed, (Hagenah/Bessone). MSV with 4 in favor and 1 abstention.

A **Notice of Intent application** submitted by Indian Lake Association manage excessive aquatic plant growth in Indian Lake through herbicide treatments, mechanical harvesting, benthic barriers, and hand pulling/cutting (DEP File# 102-0457). A Petersen explained the Indian Lake Association has been managing the lake for over 20 years but this year a new issue, purple bladderwort, has created a serious nuisance. This has led to a decrease in species richness and has negative impacts to fish, wildlife, aesthetics and recreation. Sonar is the most effective tool to address extensive infestations of purple bladderwort with use of benthic barriers in targeted areas and mechanical harvesting. These three techniques will be the base of the tool box to determine what to use after an annual assessment. MA DEP has sent their comments and response #2 asked for more detail on the mechanical harvesting. A barged mounted harvester will be launched on the lake and travel slowly around the lake in a transect pattern. The cutting depth can be adjusted. The cut plants will be brought onto the barge by conveyor with water draining off plants flowing into the lake. Plants will be composted. B Wacholder added because of shallow water harvesting cannot address all of the purple bladderwort. One possible contractor for this work reported their harvester could harvest waters at or above 5 feet deep. Commissioner noted the WRS part of the filing, prepared by Dr. Wagner, stated mechanical harvesting could manage the purple bladderwort without chemical treatment. Unclear why there is a difference of opinion on the likely effectiveness of harvesting. Commissioner asked what percentage of the lake would be treated with which of the treatments methods being proposed- the NOI did not present a detailed plan of which treatment would be used where to what specific end point is trying to be achieved. Also there was no mention of natural controls which was a possibility raised by K Wagner previously. C Nielsen explained this is a five year plan fitting in with DCR management guidance. It is not possible to anticipate the effectiveness of a treatment. The Commission could condition to require an annual review of conditions and treatment plan. It is imperative the bladderwort is treated now or it will eventually impact bottom growing plants. The zooplankton population could be decimated and lead to algal blooms. The bladderwort population could collapse and lead to colonization by invasives. All 60 acres will be treated with the chemical application and smaller management efforts can be used in subsequent years to keep the bladderwort in control. Beetles are not effective controls for purple loosestrife. Commissioner asked if hand harvesting is an option. C Nielsen felt this was not possible at the scale of the infestation and it would be expensive. B Wacholder reported 600 hours were spent hand harvesting last year. Commissioner asked why the purple bladderwort, a native species, has invaded the impoundment to such an extent. The data provided in the NOI shows no overabundance of zooplankton and nutrients samples were below detection limits. C Nielsen did not know why things are out-of-balance and species richness has declined since 2017. Commissioner pointed out there was no management goal presented in the NOI. Requested the goal of the Indian Lake management plan be provided- how will it be possible to assess success

or failure without knowing what the end goal is. A Peterson explained it is hard to have a goal given this is a created waterbody. B Wacholder would like to see conditions as they were in 2017. Commissioner observed the purple bladderwort appears to be a boom to bust plant – this may mean the seed stock does not remain viable for long. Would like more information on the plant's long term life cycle as this infestation may wane on its own. Would be especially interested in knowing how the annual drawdowns impact purple bladderwort- if the drawdowns increase the likelihood of a boom? A Peterson did not think the drawdown impacted the plant- it was more dependent on the zooplankton population. Commissioner noted the NOI reported a low concentration of zooplankton so this does not make sense either. Agent Stucklen asked the applicant how many years were being requested for this OOC. Commissioner expressed concern that the mechanical harvesting would disrupt the lake bottom and this could lead to invasive plants taking hold. C Nielsen explained the harvester only goes to 5 feet so on a 12 foot deep lake this will not be a problem. Motion made to issue an Order of Conditions for DEP File# 102-0457 to the Indian Lake Association to manage excessive aquatic plant growth in Indian Lake through herbicide treatments, mechanical harvesting, benthic barriers, and hand pulling/cutting (Hagenah). No second offered. Public hearing opened by Chair Johnson at 8:41 PM. No comments offered. Motion made to continue the hearing for DEP File# 102-0457 for the management of excessive aquatic plant growth in Indian Lake through herbicide treatments, mechanical harvesting, benthic barriers and hand pulling/cutting to the 27 October, 2020 Becket Conservation Commission meeting, (Bessone/Hagenah). MSV. Commissioners are to submit any additional comments about this NOI to Agent Stucklen by 30 September. The questions will be compiled and sent to the applicant and their consultant.

Continuing Business:

A **Notice of Intent application** submitted by Palmer Brook Corporation for a yearly drawdown at Palmer Brook Lake (Map 408, Lot 37; DEP File # 102-0456). A Strassler was available to answer questions and began by addressing the comment by MA DEP regarding the mowing of areas around the dam. He explained the mowed areas identified were part of the emergency spillway and dam safety standards require the spillway areas to be mowed annually to prevent woody vegetation from growing within 20 feet of the dam or in the emergency spillway. He further stated this NOI is simply asking to be able to continue what the Palmer Brook Corp has been doing for decades and to keep the lake in a good balance. A Commissioner noted the application listed the drawdown rate as 5 cubic feet per second per square mile (cfs/m) which is above the allowed 4 cfs/m in the MA Fisheries and Wildlife letter granting this request for a deep drawdown. Commissioner also felt it was important to obtain a new letter from MA Fisheries and Wildlife since the guidance requires a letter for drawdowns in excess of 3 feet, the letter for the just expired OOC is from 2003, this is a new NOI and there has been a change in downstream water's status to impaired. Commissioner asked if there were significant impacts related to the lack of a drawdown this past season? The data provided does not appear to show any change in lake species at all. The applicant wishes to eliminate the annual reporting requirement. The years of reports have shown there has been no changes in the impoundment and the downstream monitoring is confounded by beaver activity/dams. Agent Stucklen asked what information the applicant is proposing to provide in lieu of an annual report. The drawdown and refill rate could be provided. One Commissioner requested the management goal needs to be defined so there is something to assess progress or lack thereof. Chair Johnson opened the floor to public input at 9:15 PM. No comments were offered. Public hearing was closed at 9:16 PM. Motion made to issue an Order of Conditions to Palmer Brook Corporation for MA DEP File No. 102-0456 for the yearly drawdown at Palmer Brook Lake (Map 408, Lot 37) with the following conditions: the drawdown rate cannot exceed 4 cubic feet per second per square mile of contributing watershed; the applicant must obtain and share with the Commission a new letter from MA Fisheries and Wildlife to drawdown Palmer Brook Lake greater than 3 feet; a report on the drawdown and refill including start/end dates, discharge and refill rate will be provided to the Commission by 15 September of each year, and a letter will be submitted to the Commission prior to the start of the 2020 drawdown detailing the aquatic plant management goal(s); by 15 September 2022 a report will be provided to the Commission indicating the

extent of nuisance plants, downstream biodiversity and community structure; the spillway and areas within 20 feet of the dam will be mowed no more than once each year and hand tools may be used to eliminate any woody vegetation to maintain the safety and integrity of the spillway and dam. This OOC will expire in three years (2023) from issue, (Hagenah/Bessone). MSV.

A Request for Extension of the Order of Conditions (DEP File # 102-0423) for Greenwater Pond (Map 201 & 202) issued on 08/07/2017 for management of aquatic vegetation. Agent Stucklen reported the applicant will be ready by next meeting. Motion made to continue the request for an extension to the Order of Conditions for MA DEP File #102-0423 to the 27 October, 2020 Becket Conservation Commission meeting, (Hagenah/Babcock). MSV

A Notice of Intent submitted by John Todice for the construction of a residence at 0 Sherwood Drive (Map 215, Lot 197; MA DEP File #102-____). MA DEP has not issued a file number. Agent Stucklen spoke with the applicant's engineer and was told some logistical issues as being resolved. Motion made to continue the hearing for the Notice of Intent submitted by John Todice for the construction of a residence at 0 Sherwood Drive (Map 215, Lot 197) to the 27 October, 2020 Becket Conservation Commission meeting, (Hagenah/Bessone). MSV.

A Request for an Amendment of the Order of Conditions (DEP File #102-0447) for Daniel Henry Sr. Trust at 168 Greenwater Dr (Map 202, Lot 29) for changes to the footprint of the residence, driveway, and landscaping. Commission visited the site. S Boomsma, representing the applicant, summarized the changes made in response to issues raised last month. The house has been shifted eastward and reduced in size so fewer trees need to be cut down- 3 instead of 6 additional trees. The driveway and walkway will be made from pervious pavers and the walkway to the west of the house was eliminated. Have increased the plantings. Commissioner asked why the lower level elevation is now 5 feet lower than in original plan? S Boomsma explained this was necessary to accommodate the driveway. Commissioner asked why the proposed buffer will be impacted by the removal of trees, including the large white pine on the bank, and "weeds". S Boomsma explained this was to allow the buffer to be "beefed up" and filled in with top soil. Motion made to approve the request to amend the Order of Conditions for MA DEP File #102-0447 issued to Daniel Henry Sr Trust for changes to the footprint of the residence, driveway, and landscaping at 168 Greenwater Drive (Map 202, Lot 29) with the following requested change denied- the white pine on the bank will not be cut down> The driveway and pathways will be pervious pavers and this will be reflected in an updated plan provided to the Commission, (Hagenah/Bessone). MSV with one opposed (C Delpapa).

Additional Items

Update Re: Enforcement Order for A. and V. Bleier, 819 Bonny Rigg Road (Map 416, Lot 23), for unpermitted work impacting bordering vegetated wetland wetland, buffer zone, and intermittent stream; and Enforcement Order issued to L. and N. Dean, 765 Bonny Rigg Road (map 416, Lot 22), for unpermitted work impacting bordering vegetated wetland wetland, buffer zone, and intermittent stream. The Commission completed a site visit. S Boomsma updated the Commission noting she has asked the landowner to seed the exposed stream bank and install an erosion control blanket, dogwood stakes will be replanted and coir logs reinstalled. She will visit the site in a month to inspect this work and again in the spring to see if the slope/bank is successfully re-vegetated. At the request of a Commissioner, S Boomsma will provide a written memo on the work with firm dates after discussing with the landowner but anticipated all new work will be done by the 16th of next month.

*Update Re: **Enforcement Order** issued to K. Avalle of 318 County Road (Map 409, Lot 20) for unpermitted work in the Riverfront Area.* Agent Stucklen reported she granted a small extension on the demolition of the shed as the firm originally hired did not show. Agent Stucklen received images today showing the shed torn down. Motion made to grant an extension for the Enforcement Order for 318 County Road to remove the shed to on or before 22 September, 2020 for (Hagenah/Bessone). MSV

Review and approval of August 25 2020 Conservation Commission Meeting minutes. Motion to approve the 25 August, 2020 Becket Conservation Commission minutes, (Hagenah/Bessone). MSV

An Emergency Certificate was requested for tree removal At 296 Sherwood Drive. Motion made to ratify the Emergency Order for the removal of a dangerous tree at 296 Sherwood Drive (Map 215, Lot 202), (Hagenah/Babcock). MSV.

Commission discussed applying for Berkshire Taconic funding to help fund research and preparation of a shared service Conservation Agent position between Becket and 2 to 3 other towns. Commissioner Delpapa will prepare the grant application. Agent Stucklen will review.

Stacey Parsons has agreed to be a temporary replacement agent while Agent Stucklen is on maternity leave. The town administer has approved this temporary replacement and will go before the Selectboard for approval.

Motion made to adjourn the 22 September, 2020 Becket Conservation Commission meeting, (Hagenah)/Bessone) MSV. Chair Johnson adjourned the 22 September Conservation Commission meeting at 10:50 PM

Action Items:

- A Raza/MA DOT to provide the metadata of the wetlands data layers used to delineate wetlands
- Commissioners- questions about the Indian Lake aquatic management plan to be submitted to Agent Stucklen by 9/30/20. She will submit to applicant.
- Palmer Brook Corporation to provide aquatic plant management goal and new DFW letter if a drawdown of <3 feet will be done.
- S Boomsma to provide update plan set for 168 Greenwater Drive
- S Boomsma to provide written summary of additional work and deadline for work on Bonny Rigg EO
- C Delpapa to prepare and submit Berkshire Taconic Grant