

## **Town of Becket Conservation Commission 24 September, 2019 Meeting Minutes**

**Commissioners in Attendance:** Alison Dixon (Chair), Meredyth Babcock, Cindy Delpapa, David Johnson, Henry Scarpo and Agent Mary Stucklen.

**Commissioner not in Attendance:** Agent Stucklen

**Members of the public:** Amy Attais, Karen Avalue, Colin Goundrey, Lee Hirsch, Bob Hirsch, Lisa Oram, Carl Rosenstein, Evan Triantafilidis, Andrea Wadsworth, Preston Webb, Jill Weinberg

Chair Dixon called the 24 September, 2019 Becket Conservation Commission meeting to order at 6:32 PM, read the meeting guidelines, introduced the Commissioners and asked if anyone was recording the meeting. E Triantafilidis of the *Berkshire Record* was recording.

**Public input and comment for items not on the Agenda.** None offered.

### ***New Business.***

*A Public Complaint regarding 318 County Road (Map 409, Lot 20) resulting from the construction of a shed, fencing, the placement of a steel container, and possible other projects within the Riverfront area of a stream that feeds Yokum Brook.* Agent Stucklen sent a letter to the landowner, K Avalue, asking for a representative to attend this meeting to discuss the activity within the Riverfront Area. The Riverfront area is on the side of the house where there is temporary metal storage container, a fence placed at a diagonal to maximize privacy and a storage shed. K Avalue thought all of these activities were exempt. Commissioners explained the value of the Riverfront and buffer areas. The landowner's representative asked who made the complaint or can be made available under open meeting law. Chair Dixon explained people may report a suspected violation anonymously. This is not a requirement in the Wetland Protection Act but a Becket Commission policy and Chair Dixon outlined the process the Commission follows when receiving a complaint. Chair Dixon asked the landowner if she would permit a site visit by the Commission explaining the Conservation Agent may advise but is not able to make decisions. K Avalue complemented Agent Stucklen as kind and helpful when she visited the site and was agreeable to the Commission visiting the site.

*A Request for Determination of Applicability submitted by Lisa Oram & Steven Brown of 163 Mystical Isle Way (Map 416, Lot 435) for the replacement of house piers and installation of a new deck.* Commissioners visited the site. L Oram and P Webb were present to explain the project. Agent Stucklen contacted P Webb to request a few additions to the proposed plan. P Webb reported he measured the distance from the proposed deck to the water's edge (47.5' and 51') and added this information to the plan as requested. When asked the type of posts to be used, P Webb explained he was using conventional posts not technoposts. The excavated material will be stored, for reuse, behind the proposed straw wattle erosion control barrier and the excavate can be covered during wet weather though the excavation will likely take one day. Motion made to issue a negative determination #3 for the replacement of house piers and installation of a new deck, as shown on the plan dated 9/23/19, at 163 Mystical Isle Way (Map 416, Lot 435), (Scarpo/Johnson). MSV. When asked about recording the decision, Chair Dixon explained a registered letter would be mailed to the applicant. There is a ten day appeal period before the work may begin. Since this is an RDA, the decision does not have to be filed at the Registry of Deeds.

Commissioner Babcock brought up the wildlife fencing observed during the site visit. This type of fencing, which prevents the free movement of wildlife, is not allowed near a wetland resource area. There was no record found in the conservation files authorizing this work. Owner explained the fence was in place prior to her acquisition of the property. Commission asked the owner to remove the metal grid from the split rail fence to restore wildlife passage. The Commission encouraged the planting of bushes and small shrubs to deter geese from using the lawn. A member of the public asked if there was a list of suitable plants and if the Commission needs to be consulted before planting. Chair Dixon recommended some web sites and confirmed the Commission should be consulted before planting in a a buffer zone or wetland resource area.

### ***Continuing Business:***

***A Notice of Intent application submitted by the Department of Conservation and Recreation for the initiation of an Aquatic Management Program to control nuisance aquatic plants and maintain future vegetation at Buckley Dunton Reservoir (Map 203, Lot 1; DEP File #102-0446).*** Chair Dixon reported on an earlier email received from Jim Straub of DCR. The email did not clearly state if DCR was withdrawing the NOI. A later email sent by Lauren Sullivan of SOLitude on 9/23/19 asked for a continuation of the public hearing as harvesting will not be done this year. C Rosenstein offered his opinion that no reason for a continuation was provided by DCR. DCR and SOLitude provided responses to some of the questions raised during the September public hearing. A letter was also received from MA Natural Heritage stating the project would not have an impact on any listed species. A member of the public asked about the DCR Partnership grant received for this work. Chair Dixon explained the source of funding for the project has no bearing on Wetland Protection Act regulations, requirements or the Commission's deliberation. Any questions about the Partnership grant would need to be directed to MA DCR. Commissioner asked about how much flood storage would really be gained from this project as the applicant lists flood protection as an outcome. Commissioner Babcock paddled around Buckley Dunton on 9/22/19 and noted the vegetation mostly corresponded to the vegetation map provided in the NOI packet. Commission Johnson voiced his preference not to drag this public hearing over many months and suggested not continuing the hearing past the next meeting. Commissioner Babcock recommended we make an effort to work with DCR to develop a holistic and science based management plan for the entire lake. C Rosenstein requested the Heritage list of listed species from Agent Stucklen. The list provided was from 2005 and is out-of-date as it does not list the nesting loons present for the past two years. Commission reached consensus to pursue an update of the Endangered listing for Buckley Dunton. Commissioner expressed interested in seeing a picture of the harvester and more detail and/or video on how it works. The responses to questions did indicate the density of bladderwort is variable from year-to-year with the last large bloom in 2014. Consensus was to compile additional questions, questions not answered in the supplemental material, and requests for clarification to Agent Stucklen to compile and send to DCR. Will also need clarification from DCR if they are withdrawing the NOI or they prefer to continue the public hearing. Commission would like to have a site visit with DCR if at all possible. Motion made to allocate up to \$100 if needed to cover the cost of updating the MA Heritage Endangered Species List, (Babcock/Scarpo). MSV. Member of the public voiced support for working with DCR to get a holistic management plan and clarify the dredging issue. Commission discussed whether to continue to the next month or take a vote. A point was made that it would be useful to gather all of the information possible and fully document the basis of our decision so all of the justification is available should there be an appeal of our decision by one side of the issue or the other. Motion made to continue the public hearing for the NOI submitted by the Department of Conservation and Recreation for the initiation of an Aquatic Management Program to control nuisance aquatic plants and maintain future vegetation at Buckley Dunton Reservoir (Map 203, Lot 1; DEP File #102-0446) to the 26 November, 2019 Becket Conservation Commission, (Babcock/Johnson). MSV.

### ***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, buffer zone, and intermittent stream; and Enforcement Order issued to L. and N. Dean, 765 Bonny Rigg Road (Map 416, Lot 22), for work impacting bordering vegetated wetland, buffer zone, and intermittent stream.*** Commission visited the site and photos from the inspection were uploaded to the Commission's share file. Some work has been completed. There were concerns about the steepness of the river bank and if it would be stable over time especially before vegetation becomes well established. A Bleier has not hired a wetland scientist yet but informed Agent Stucklen he would contact someone within the week and inform the Commission. Commission was disappointed the wetland scientist has not been engaged- well past the deadline in the EO. If a wetland scientist is not hired and a report provided to the Commission by the next meeting, the Commission will need to exercise the clause in the EO and hire a specialist.

***State of the Lake Report 2019.*** Need to check if all of the report components, as listed in the OCC, were completed. Commissioner noted the latest MA DEP Integrated List of Waters listed Palmer Lake Brook as impaired for aquatic life.

*A Public Complaint regarding 60 Donald Drive (Map 203, Lot 8) resulting from the removal of trees along the bank of Buckley Dunton Reservoir.* A certified letter was sent to the property owner, a Trustee, requesting the owner contact the Commission by 22 October, 2019. At least 6 trees have been cut. Commissioner asked for the due date for contact be a few days before meetings in the future to allow Commissioners to review responses.

*A Public Complaint regarding a town owned property on Wade Inn Road (Map 407, Lot 2) resulting from work done to the existing pull-off.* Agent Stucklen spoke with DWP head C Bouchard and he said the disturbance, a small section plowed into the wetland, would be fixed. There was some concern about the fix which actually extended the disturbance further into the wetland and allowing more area for invasives to take root. Would also like to find a path forward to educate DPW staff about wetlands and what is acceptable.

*Review and approval of the August 27<sup>th</sup> and September 4<sup>th</sup> 2019 Conservation Commission Meeting minutes.* The Attorney General's office clarified the question about needing to read all written comments into the record. Do not have to redact names or read the entire comment letter. A summary of letters received, comparable to minutes which are a distillation of a meeting, is acceptable and the full versions of the letters can be made available. Motion to approve the 27 August, 2019 Becket Conservation Commission Meeting minutes with minor corrections, (Johnson/Scarpo). MSV with 1 abstention. Motion to approve the 4 September, 2019 Becket Conservation Commission Meeting minutes, (Johnson/Scarpo). MSV with 1 abstention.

*Discussion: Public Education of the WPA and our role as the Conservation Commission.* Commissioner Babcock drafted a letter about lake buffers and wildlife fencing and put it on the share drive. Commissioners are encouraged to read and edit. Commissioners Babcock and Johnson are signed up for the autumn MACC conference and the town car is available for their use. M Stinson, (MA DEP) sent educational materials about appeals and disputes. It will be scanned and placed on the share drive.

*Conservation Commission vacancies:* There are two vacancies.

*General announcements:* Received notices about 2 public hearings: 16 October at 7 PM for a special permit to construct an addition; 12 November for a special permit to operate a marijuana facility.

Commission Babcock mentioned the town is auctioning many parcels and at least one is wetland and she feels it should be set aside as conservation land. Perhaps CPA funds could be used to purchase the land. It may be worth talking with the Selectboard about considering what parcels might be best preserved for conservation purposes before they are put up for auction and more clarification on how the parcels for auction are selected

Motion to Adjourn, (Delpapa/Babcock). MSV. Vice Chair Johnson adjourned the meeting at 9:45 PM.

***Next meeting:*** October 22<sup>th</sup>, 2019 at 6:30 pm.

### ***Action Items:***

1. Ask Agent Stucklen to inquire about updating the Heritage ESA list for Buckley Dunton.
2. Commissioners to send any additional questions or requests for clarification about the Buckley Dunton NOI to Agent Stucklen who will compile and send to the applicant.
3. Request clarification from DCR relative to the status of their NOI submittal.
4. Contact A Bleier to inform him a report from a wetland specialist is needed by next meeting and there are concerns about the bank slope and stability.
5. Review the Public Education about wildlife fencing and buffer on share drive and offer comments.