

## Minutes

### Becket Conservation Commission

May 16, 2013 6:30 PM

Commissioners Present: Mary Winters; Purr McEwen; Bud Moylan; Richard Pryor, Vice Chair; Laurel Burgwardt; Kathy Vsetecka, Agent

Commissioners Absent: Scott Morley

Members of the Public: David Lenart, Lenart Consulting Service; Emily Stockman, Stockman Associates LLC; Preston Webb, Contractor; Valerie Nickerson-Bird, VBN Associates; John and Joyce Courtemanche; Jeffrey Kotkin; Jeanne Pryor; David Neelon; Caroline Whitbeck, Bruce Lipton; Elaine Stern; Katherine Hoak; Steve Michaels; Chris Bouchard, Highway Superintendent

Purr McEwen presiding

1. **Approval of minutes of past meetings: Dec. 2012; Feb. 2013; March 2013; April 2013**

- Minutes of the December 2012 meeting cannot be voted on as a quorum of those present at that meeting is not present.
- Minutes of the February 2013 meeting: **Motion by Ms. McEwen to approve; second by Mr. Winters; unanimous approval**
- Minutes of the March 2013 meeting: **Motion by Ms. McEwen to approve; second by Mr. Winters; unanimous approval**
- Minutes of the April 2013 meeting: **Motion by Ms. McEwen to approve; second by Mr. Winters; unanimous approval**

2. **Introduction of the new Highway Superintendent, Chris Bouchard.**

3. **Continued Notice of Intent Crystal Pond Home Owners' Association Map 413 Lot 75 DEP #102 Lot 0388 Repair to the outlet pipe to Crystal Pond Dam**

- David Lenart presenting. Mr. Lenart presented the project again for those who were not at the first hearing and the public. (See minutes of the January 2013 meeting) At the last hearing there were some questions, especially as the site visit was in January and there was snow on the ground. It was again stated by Mr. Lenart that the repair should last forever unless there was a high velocity water flow. Straw bales will be used and a dam siphon will be placed around the site for flow when repairs are being done. The project should be done in one week or so. A letter was sent to the Office of Dam Safety at that time and their response was that all was acceptable per the plan but that if there were any unexpected work that was not described in the information given to the ODS, they were to be notified. The Commission asked for the same.
- Public comment opened at 6:50 pm. No comments and thus closed. No further discussion by the Commission.

- **Motion by Ms. McEwen to approve with Becket Standard Conditions; if additional work is required beyond the limits as presented in the NOI, ODS be notified as well as the Conservation Commission be notified Second by Marty Unanimous approval**

**4. Continued Notice of Intent Alice and Philip Shabecoff 96 Plumb Road Mao 407 Lot 12 DEP # 102-0389 Pond dredging and maintenance to return a private pond to its original configuration and removal of nuisance weeds for recreational purposes**

**Ms. Vsetecka recused herself and left the meeting as she is an abutter.**

- Emily Stockman, Stockman Associates LLC presenting. Ms. Stockman stated that they are awaiting other agency permits. This is a pond management plan. The pond is a man-made pond built during the 70's and is just over a 1/2 acre in size. In the past permits were applied for the spillway. In 1998 there was a cease and desist order because dredging work was being done without a permit. An after-the-fact Notice of Intent was filed and an Order of Conditions issued. A Certificate of Compliance was issued in 2001. The Shabecoffs want to dredge to remove nuisance vegetation and some of the mud for recreational purposes. They need apply to DEP for a Water Quality Certification, to the Army Corp of Engineers as a Category 2 application, and to the Division of Fish and Wildlife because the project doesn't meet all their drawdown standards. Access will be from a woods road on George Carter. The majority of this area is out of the jurisdiction of the Conservation Commission. The access is a historic access as it once was used to access a beach and for equipment travel. This access does cross 318 sq ft of BVW. Swamp mats will be used within the BVW. The in-situ replacement area will be equal to the temporary area lost. There is an existing valve outlet but it doesn't get the pond down to dry conditions. So it will be necessary to combine it with the use of a pump which will be elevated to draw from higher in the water column and avoid disturbing sediments. It is estimated that the drawdown will take 30 days. The drawdown and dredging will take place in the low flow season as defined by the Army Corp--in this case between August 1st and September 30th because there are amphibians which will be breeding at that time. If necessary any aquatic species within the dredging area will be relocated to other areas. There will be 371 cu ft of dredging; the base of the pond appears to be ledge and it is about 8' down to that. A temporary sediment basin will be installed within the upland area adjacent to the perennial outlet stream. Any sediment laden water during the drawdown process or residual water during the dredging process will be discharged into this for treatment. The streams etc. are all part of the Farmington River watershed area. Mr. Pryor and Ms. Burgwardt were on the site visit and think that this is a doable project. The question re recreation being an interest of the WPA was voiced. Because of this the applicant is charged with meeting all the performance standards of the Act.
- Opened to public comment None Public comment closed
- Ms. Stockman asked for a continuance because all the permits have not been received and would like to see if any changes will be required by them
- **Motion by Ms. McEwen to continue with the applicants' consent. Second by Mr. Moylan Unanimous approval**

**Ms. Vsetecka returned to the meeting.**

5      **Notice of Intent Stuart and Susan Offner   Algerie Road   Map 219 Lot 229   DEP# 102-0391**  
**Construction of a single family house and amenities**

- The applicant has asked for a continuance until the June 20, 2013 meeting.
- **Motion by Purr to continue until the June 20, 2013 meeting; second by Marty   Unanimous approval**

6.      **Request for Determination of Applicability   Gerard Nostra   Sioux Drive   Map 218   Lot 60**

- Preston Webb presenter. This site is a steep site. There are questionable wetlands at the bottom of the site which are over 100' away from any construction. The driveway has to go over a what appears to be a runoff area. A culvert will be installed. Kathy has done a site visit and this area does not appear to be wetlands. Straw wattles and/or bales will be used per plan.
- **Motion by Purr to issue a negative determination with Becket Standard Conditions   Second by Marty   Unanimous approval**

7.      **Request for Determination of Applicability   John and Joyce Courtemanche   531 Otis Road   Map 204 Lot 149   Filling of approximately a 3' depression   and add an exit to existing parking area**

- Mr. Courtemanche presenting. The area is relatively steep. The area being considered is within 60' of Shaw Pond. Because of the traffic on Rte. 8, the he wants to put in a circular-type driveway. He will put in gravel to bring the area up to grade and level it. Also, there will be another curb cut put in. There is no work on bank or LUW--all is within the buffer zone. There are no drainage areas from the driveway. After a discussion, it was decided that trap rock will be put in the area 3 feet out from the wall. Also, straw wattles or bales will be used as erosion controls rather than just silt fencing. The plans were amended and initialed by Mr. Courtemanche.
- **Motion by Mr. Pryor to issue a negative determination with Becket Standard Conditions and the plan as amended including using straw wattles/bales.   Second by Ms. McEwen   Unanimous approval.**

8.      **Notice of Intent   Sherwood Greens road District   Silver Shield Lake, Little Long Bow Lake, Long Bow Lake   Map 213/214   DEP #102-393   Herbicide treatment; continued management of common reed**

**Mr. Pryor recused himself as he is a homeowner on Silver Shield Lake**

- Marc Bellaud of Aquatic Control Technology presenting. There were treatments in 2006 which worked well and since then only the phragmites have been treated as permitted. Golden Fawn is doing all right with open-water conditions, but Silver Shield and Long Bow and Little Long Bow are not--they are beyond the strategies of diving and hand pulling. The weeds are back to being at nuisance levels. This application is being presented so that they will be able to extend treatment and not to have to do it as often. At the present time, wildlife is being affected due to the low oxygen levels. There is a new product that can be used, Habitat. It is similar to Rodeo but it generally gets 90% or more control as it moves through the plant more readily. The plan is to treat the lakes this year and also get permission for hand-pulling. They want to do the the

herbicide treatment in June because it is a growth inhibitor. If applied later, it would take longer to work.

Open to the public at 7:40 PM Ms. Nickerson--Bird asked about the impact on wells in the area. Mr. Bellaud stated that there are no wells close to the area and that there is no movement of the herbicide. It dissipates in the water quickly. There is very little aquatic impact as it is very specific to plants. Other questions were about the use of sterile carp and just not doing anything to the lakes. Sterile carp are very hard to manage and sometimes don't eat the right vegetation. If nothing was done, the wildlife would be negatively impacted as the algae would grow as the water temperature would increase as well as the oxygen levels would decrease. Public closed at 7:50 PM

- **Motion by Ms McEwen to approve pending DEP number issuance. Second by Mr. Moylan Unanimous approval.**

**Mr. Pryor returned to the meeting.**

9. **Notice of Intent W. Katherine Hoak 1178 Bancroft Rd. Map 412 Lot 13 DEP #102-0392 Construction of a breezeway and carport in the outer riparian zone. Assembly of a tent in the inner riparian zone. Clearing of trees near septic system in the buffer zone. Clearing of dead or diseased trees on road side of the house in the outer riparian zone.**

- Valerie Nickerson-Bird presenting. Ms. Hoak would like to build a breezeway and a carport which is within the outer riparian zone. The sonal tubes would be dug by a small excavator or by hand. She would also like to extend the footing drain in back of the house and redirect it to the side rather than toward the brook as it is now. A temporary structure to store construction equipment is also on the plan--it is in the inner riparian zone. It would have no floor and be anchored to the ground. This spring trees have been cut in jurisdictional areas as well as fill has been put in--all was done with no permit. The area for the carport is already a degraded area. The area where she wants the temporary shelter has no trees. Stored in it would be staging, power tools, snow blower, etc. Some of these contain fuel. Ms. Vsetecka points out that if any of the fuel leaked it would go right into the ground and perhaps into the river. The structure would be 52 feet from the bank of the river. She also pointed out that one would not be able to drive vehicles down to the structure. A discussion was held about whether there was another place for this structure. There is an area near the road where it is already degraded. The applicant would need to get a variance from the town because of the closeness to the road. It was suggested that a permanent structure be put up instead of a temporary one. Ms Nickerson-Bird asks if the Commission would be willing to approve the plan if the temporary structure is taken off the plan.

- The placement of the erosion controls was discussed. Changes were made as needed.
- Another drain which is not used will be cut off and capped.
- Discussion about plantings; native plants may be planted without a permit.

- **Motion by Ms McEwen to approve the Notice of Intent with the plan approved for the carport and the breezeway only; the tent as shown on the plan in the inner riparian zone be removed from the plan; the drain to be cut off; a permanent structure to be allowed in the outer riparian zone located in a presently degraded area off the driveway and abutting Bancroft Road pending approval of the Zoning Board of Appeals; Becket Standard Conditions Second by Marty Unanimous approval.**

Rejean Beaudoin Enforcement Order He has hired a wetland consultant and is following the correct procedure.

**Administrative business.** Mr. Pryor presented some information from a meeting last week dealing with invasive plants. The leader showed those in the group invasives around Town Hall. A suggestion was made from her experience as a Conservation member in Easthampton that there be an addition to the Standard Conditions concerning the responsibility of those getting a permit to make sure there are no invasives in the area.

**Motion to adjourn at 8:30 pm by Ms. McEwen. Second by Marty Unanimous approval.**

**Signatures:**

**Name**

**Date**

## MINUTES

Becket Conservation Commission

557 Main St., Becket, MA

June 20, 2013

Present: Purr McEwen, Bud Moylan, Marty Winters, Laurel Burgwardt, Commissioners; Richard Pryor, Chairperson; Kathy Vsetecka, Agent and Commissioner

Absent: Scott Morley

Member of the Public present: Emily Stockman, Stockman Associates; Jim and Halina Sullivan; Sharon Hughes; David Giannini, Indian Lake Lot Committee

1. **Approval of minutes of December 2012 meeting.** Ms. Vsetecka stated that she had listened to the tape of the minutes and therefore could vote on them (letter on file).  
**Motion by Mr. Moylan to approve the minutes; second by Mr. Winters. Unanimous approval**  
  
**Approval of minutes of May 16, 2013 meeting.**  
**Motion by Ms. McEwen to approve the minutes; second by Mr. Winters. Unanimous approval**
2. **Continued Notice of Intent Stuart and Susan Offner Algeria Rd. Map 219 Lot 229 DEP #102-0391 Construction of a single family house and amenities**
  - Applicant's agent, White Engineering, has requested a continuance until the July 18, 2013 meeting.  
**Motion by Ms. McEwen to continue until the July 18, 2013 meeting with the applicant's consent. Second by Ms. Vsetecka. Unanimous approval**
3. **Continued Notice of Intent Alice and Philip Shabecoff 96 Plumb Rd. Map 407 Lot 12 DEP #102-0389 Pond dredging and maintenance to return a private pond to its original configuration, and the removal of nuisance weeds**
  - Ms. Vsetecka recused herself as she is a neighbor within 100' of the property line.
  - Ms. Stockman representing. Fish and Wildlife appeal--email was received with attached conditions that had 'boilerplate' conditions already incorporated. Preliminary comments were received from DEP re the Water Quality submission. Ms. Stockman does not want to close the hearing until the final comments have been received. Ms. Stockman requests a continuance until the July 18, 2013 meeting.  
**Motion by Ms. McEwen to continue until the July 18, 2013 meeting with the applicant's consent. Second by Mr. Pryor. Unanimous approval**

Ms. Vsetecka returned to the meeting.

4. **Request for Determination of Applicability Eleanor Thomas 301 Beech Tree Lane Map 407 Lot 72 & 73 Construction of a new 20' x 24' garage and a 606 sq ft gravel driveway extension; this includes the cutting of approximately 8 trees within a limit of the work area**

- Eleanor Thomas presenting. The garage is proposed to be south of the existing house and off the present driveway. There is a rain garden and associated culverts by the house making the area jurisdictional. All work is within the buffer zone. The garage will be 10' x 24' and there will be 25' of clearance around the garage. This will call for the cutting of trees. The closed place to the wetlands is 16' to a culverted stream. The slope of the area is gentle, nearly level, with stony soil. In between is a mature forest. The work area will be encompassed with straw wattles. Kevin Favre will be doing the construction—he was involved with the scope and the sequence of the work.
- **Motion by Ms. McEwen for a negative determination with Becket Standard Conditions. Second by Mr. Winters. Unanimous approval**

Ms. Thomas asked about the continued monitoring of the pond on the property. She proposed a continued monitoring of the drawdown be reduced to only when there is an emergency. There has been 2 years of monitoring to this date on a weekly basis in the spring and fall.

**Motion by Ms. McEwen to approve the change. Second by Mr. Winters. Unanimous approval**

5. **Request for Determination of Applicability James and Halina Sullivan 127 Winter Dr. Map 219 Lot 88 Construction of a new deck and/or repair of the existing deck on the waterside of the house**

- Mr. and Mrs. Sullivan presenting. They want to add a 12' x 40' deck on the waterside of the house. The deck will be about 12' into the buffer zone. There will be 4 pre-casted footings so no cement will be needed on site. Any equipment will come down the driveway and be stored out of the buffer zone. Any materials during construction will be stored in the upper driveway outside of the buffer zone. There are boulders in the area that they want to move to make a wall closer to the house—about 7'. Stone and fill will be used to make a sitting area under the deck and to decrease the grade on the driveway. They will pitch the driveway so that water and silt won't go down into the lawn and into the lake. The driveway is not jurisdictional, but the concern was that the silt/dirt would go into the buffer and perhaps into the lake at some time. Ground cover will also be put on areas on the sides of the house to prevent erosion. Erosion controls will be a silt fence and straw bales or wattles. It was suggested that native seed be used.

**Motion by Ms. McEwen to issue a negative determination with Becket Standard Conditions and the revised plan presented. Second by Mr. Moylan. Unanimous approval**

6. **Request for Determination of Applicability Indian Lake Association (Barbara Wacholder) Bonny Rigg Hill Rd. Map 219 Replenish sand at Indian Lake Dam beach as recommended by the engineering firm of Fuss & O'Neill**

- No one presenting. Ms. Vsetecka stated that there had been a site visit. The Association wants to put washed masonry sand on the beach. It will be dumped by a truck using the existing access that is maintained for use by the Fire Department in the event they need to use the dry hydrant. The sand will be graded from the 4' line above the high water mark so that it matches the existing contour of the embankment. It will extend to where the grass grows. Approximately 4" of sand will be placed closest to the water and approximately 12-15" will be

placed in a small section closest to the existing grass.

**Motion by Ms. McEwen to issue a negative determination for the plan as recommended by Fuss & O'Neill. Second by Mr. Pryor. Unanimous approval**

**7. Request for Determination of Applicability Sharon Hughes 670 Bonny Rigg Hill Rd. Map 219 Lot 233 Installation of a floating dock**

- Ms. Hughes presenting. Keith Robinson gave her a description of a dock he would build. It would be made of cedar and be 7' in length. It would use Styrofoam billets. Spacing would be subjective because of the moisture content of the wood. Mr. Moylan questioned if Styrofoam is allowed on docks due to the fact that it deteriorates in time and becomes a problem in the lake. No one is sure. Ms. Hughes stated that the dock would remain in the water in the winter. The second plan is that of an aluminum frame dock. It has two tie down points. The Commission needs to know which dock she is proposing to use. Mr. Moylan stated that he would have to vote no on the one with the Styrofoam. After more discussion, Ms. Hughes agreed to a continuance so that a decision could be made and all questions answered.

**Motion by Ms. McEwen to continue until the July 18, 2013 meeting with the applicant's consent. Second by Mr. Winters. Unanimous approval**

**8. Request for Certificate of Compliance R. Chabot and M. Parisi 1324 Fred Snow Rd. Map 408 Lot 80 DEP# 102-0384**

- Ms. Vsetecka stated that all is done according to the permit and the site is stabilized.

**Motion by Ms. McEwen to approve the Certificate of Compliance. Second by Mr. Winters. Unanimous approval**

**9. Administrative business**

- Ms. Vsetecka stated that a request had come in for her to give out the personal email addresses of the Commissioners for someone against fracking. Mr. Pryor was the only one to give consent for this.
- Ms. Vsetecka asked for a motion to ratify an Enforcement Order to Rejean Beaudoin on Will Scarlett Dr. Work has been done in the riverfront area with no permit.

**Motion by Ms. McEwen to ratify the Enforcement Order. Second by Mr. Winters. Unanimous approval**

**Motion to adjourn at 7:29 PM by Mr. Moylan. Second by Ms. McEwen. Unanimous approval**

Respectfully submitted:

Kathleen Vsetecka