

Town of Becket
Conservation Commission Minutes
Tuesday, September 13th, 2016

Commissioners in Attendance: Barbara Brand, Cindy Delpapa, Alison Dixon (Chair), Karen Karlberg, Rebecca Perry, and Mallory Larcom (Conservation Agent).

Commissioner(s) not in attendance: Richard Pryor.

Others in attendance: Jeanine Pryor, David MacWilliams, John R. Boleng, Jeff Stanton, Jeanne Pryor, Simone Natale, Matt Donnell, Andrea Sholler, Morgan Taylor, Paul Merrill, Ann Brazie, Heather Spencer, Mike Spencer, Marc LeVasseur, Chris Bouchard.

Meeting called to order by Chair Dixon at 6:39 PM. Chair read meeting guidelines, noted there were two continuances on the agenda and introduced Commission members. Agent Larcom announced the meeting was being recorded.

1. **Motion made to approve the minutes of the 9 August, 2016 meeting, (Brand/Karlberg). MSV.**
2. **Public input and comment for items not on the agenda.**
None offered.
3. **Request for Determination of Applicability from Pat and Mary Taylor** for a septic system upgrade in the buffer zone located at 27 Shore Road, **(Map 204, 184).**
Commissioners conducted a site visit. John Boleng, representing the property owner, explained the work proposed was for the replacement of a failed title 5 on-site system. The proposed system has been approved by the Health Agent. The leach field will be raised because of elevated groundwater and a jet pack will treat effluent before discharge to leach field. Silt fencing will be installed around the entire work area. There will be work within 48 ft. of a resource area while the septic system will be 62 - 63 ft. The work will be done as soon as possible. Motion made to issue a negative #3 determination with standard Becket conditions for the replacement of a septic system at 27 Shore Road, (Map 204, Lot 184), (Brand/Perry). MSV.
4. **Request for Determination of Applicability from David MacWilliams** for the proposed work of porch support replacements on an existing porch and lake-front cottage on Greenwater Pond, located at 74 Greenwater Drive **(Map 202, Lot 37).**
Commissioners conducted a site visit. The porch is 8 ft. wide and 20 ft. long on the lake-side of the house with failing or near to failing supports. The owner is proposing *techno posts* to replace the failing supports as this will reduce disturbance. The intention is to install the techno posts this autumn. Motion made to issue a negative #2 determination for the installation of techno post porch supports at 74 Greenwater Drive (Map 202, Lot 37) with Becket Standard Conditions, all refueling done at roadside and a silt fence installed between the work area and the pond with the bottom edge held in place by stones before work begins, (Perry/Brand). MSV
5. **Request for Determination of Applicability from Norma Stanton** for the removal of a number of unhealthy and/or hazardous trees located on a parcel adjacent to Center Pond at 148 Osceola Drive **(Map 210, Lot 83).**

Commissioners conducted a site visit. Several trees on the property are dead or stressed with some posing a safety risk. Request for permission to removal additional trees was made during the site visit. Trees a distance from the house and leaning toward the lake will not be removed and the spruce tree adjacent to the house will be trimmed though if this spruce continues to fail the owner may remove the tree within the next three years without refiling. Motion to issue a negative #3 determination for 148 Osceola Drive (Map 210, lot 83) to remove up to 12 dead or dying trees, as flagged during the site visit, within the buffer zone of Center Pond to improve safety, (Perry/Brand). MSV.

6. Notice of Intent from Jacob's Pillow Dance Festival for the proposed work of drilling a water supply well, access road construction, and installation of an associated electrical conduit and water line at 358 George Carter Road **(Map 407, Lot 16)**.

Commissioners conducted a second site visit. Commissioner Karlberg recused herself for this hearing. Simone Natale of Berkshire Engineering was present to represent Jacobs Pillow Dance Festival in addition to several Jacobs Pillow staff. The proposal is to install a new well, gravel access road and supply line infrastructure with the water line construction falling within resource areas including wetland associated with an intermittent stream and buffer zone. The water line will be installed, using an open cut method, along an existing pedestrian walkway. The trenching will be to a depth of five feet working within a ten foot wide work area. Excavate will be stockpiled and used to fill the excavation after the water line and protective PVC pipe is installed. The work should be completed within one day. NOI fees were paid this evening. A new narrative was only provided to the Commission at the meeting. Note the wetland area was not flagged during the site visit Commission requested resource areas be flagged for any future projects. Motion made to issue an Order of Conditions, with Becket Standard Conditions, for the installation of a water supply line from a new public water supply well as submitted and revised for DEP 102-0417 at 358 George Carter Road **(Map 407, Lot 16)** with the additional conditions: complete the trenching through the jurisdictional areas and replacement of excavate in one day, replant the disturbed area with a native NE erosion control seed mix, plant the replication area as detailed in the NOI and monitor the disturbed and replication areas for a minimum of three years for 75% survival of native vegetation and the removal of all non-native plants, (Delpapa/Perry). Chair Dixon opened the public hearing. No comments offered. Chair Dixon closed the hearing at 7:27. MSV.

Commissioner Karlberg returned to the meeting at 7:29.

7. Ratification of the Enforcement Order Issued to Linda Molinari, Darius Kalicki, and Wioletta Kalicki, owners of 370 Alan-A-Dale Drive **(Map 216, Lot 468)**.

Commissioners drove by the site and observed activity within a jurisdictional area. Agent Larcom discussed the project with the building inspector and was told the Board of Health does not have a complete information packet for the proposed installation of a tight tank. Agent Larcom issued an Enforcement Order requiring work to cease and the resource area to be restored. Motion made to ratify the Enforcement Order to Linda Molinari, Darius Kalicki, and Wioletta Kalicki, for impacts to resource are at 370 Alan-A-Dale Drive, Map 216, Lot 468, (Karlberg/Perry). MSV.

8. Request for Certificate of Compliance from Gregory Cohen for DEP#102-404 project location is 74 Bow South **(Map 214, Lot 47G)**.

Commissioner completed a site visit. The parcel has been recently sold. The work covered by DEP #102-404 was for a septic system upgrade, replacement of deck supports/pier and the building of a 5 foot path to access the waterfront. The septic system was installed, the 'swale' between the building and septic system detailed in the filing is just a gravel drip line. The support piers were installed as was new decking. The 5 ft. pathway was not completed by the former owner but Commissioners observed a ~ 11 feet wide path as well as a significant amount of mowing in the buffer of the lake including paths to the water's edge and assorted cutting of brush and trees. The past owner's engineer stated the vegetation cutting was done by the new owner. Motion made to issue a partial Certificate of Compliance for the septic system upgrade and pier replacement for DEP #102-404 at 74 Bow South, Map 214, Lot 47G, (Brand/Delpapa). Discussed the tree removal mentioned in the filing in the vicinity of the septic upgrade area. Motion made, to issue a partial Certificate of Compliance for all work except the buffer zone enhancement, which includes the proposed 5 foot access path, as stated in the original filing, (Brand/Perry). Four votes in favor, one opposed. Former owner must remove the silt fence and any construction debris from the site.

Motion to issue an Enforcement Order to Gary and Joyce Anzalone for unauthorized vegetation removal in the buffer zone and floodplain of Long Bow Lake. All vegetation cutting within the buffer zone and flood plain must cease and desist at 74 Bow South, (Map 214, lot 47G) and the owner appear before the Commission with a restoration plan by 15 November, 2016, (Brand/Perry). MSV.

9. **Request for Certificate of Compliance from Joseph DeCarolis for DEP#102-143** project location is 126 Alan-A-Dale Drive (**Map 216, Lot 494**). Commissioners completed a site visit. Property has a new owner. The order was for the building of a single family residence. Everything was fully in compliance. Motion made to issue a Certificate of Compliance for DEP #102- 143, for the construction of a single family residence at 126 Alan-A-Dale Drive, Map 216, Lot 494, (Karlberg/Perry). MSV.
10. **Continuance: Request for Determination of Applicability from Heather Anello** for the proposed work and boundaries of a proposed parking lot near the Riverfront of Yokum Pond as well as additional activities related to the conversion of a single-family home to a multi-use store/building. Project location is 3235 Main Street, (**Map 207, Lot 66**). Commissioners completed a site visit. Additional parking spaces within the riverfront area of Yokum Brook are proposed. The proposed main gravel parking area and dumpster are outside of the riverfront area. The Commission confirmed the riverfront resource area delineation. Ms. Anello confirmed salt will not be used for ice and snow control. Since the proposed expanded car parking is currently turf and falls within the riverfront area, an NOI would need to be filed for the additional parking. The owners requested permission to install a flag pole in the lawn area (within riverfront). Commissioners felt this would be minimal disturbance and could be undertaken without an NOI. Motion made to issue a positive determination #2a for the delineation of the riverfront area at 3235 Main Street, (Map 207, Lot 66) as staked and confirmed by the Commission on 10 September, 2016 pending the submittal of additional measurement of the staked delineation from a fixed benchmark, (Brand/Delpapa). MSV.

Motion made to issue a positive determination #3 for the work described in the filed RDA which falls within the riverfront resource area and requires the filing of a NOI, (Brand/Karlberg). MSV. Chair Dixon called for a brief recess at 8:38. Meeting called back into session at 8:45

Continuance: Notice of Intent from the Town of Becket for the proposed culvert replacement and related work at Bonny Rigg Hill Road over the West Branch of Walker Brook, NHESP Estimated & Priority Habitat (**Map 414, Roadway**).

Chair Dixon read a follow-up email from Tim Chorey (MA DER) in which he reported the revised design met only three of his comments (1-a, 11-e and #3). Mark LaVasseur from Foresight Engineering was present to represent the town. Heights of fill material, bedding and culvert were discussed. Mr. LaVasseur, in response to issues raised by Tim Chorey of MA DER, reported a longitudinal profile was completed about 150 ft above and below the crossing as was a pebble count but these were not included in the filing or additional materials. Chris Bouchard, of the Becket DPW, stated the culvert work is part of a FEMA grant and has undergone substantial review and was offended by the comment made by Mark Stinson about wanting to “get this right” and Mr. Stinson bringing in Tim Chorey to comment on the project at the last minute. Commission responded that they only saw this project for last month’s meeting so unable to offer comment prior to this time. Mr. Bouchard reported the bid has already been awarded and the project is ready to begin. Expect the construction to take 30-60 days. Increased stream bed depth to two feet and changed bedform to make a slight bank- minor changes. Motion made to issue an Order of Condition for the open bottom culverted stream crossing at Bonny Rig Road on and over the West Branch of Walker Brook, Map 414-roadway, with Becket Standard Conditions and stream bed cobbles and boulder spacing will be random to more closely replicate the existing natural conditions in West Branch Walker Brook as cited in the revised plan set dated 9-9-16, file #102-0416, (Delpapa/Karlberg). MSV.

11. **Continuance: discussion of MassDOT stormwater practices**, along route 8, Otis Road along Shaw Pond. Agent Larcom recommended issuing the MA DOT an Enforcement Order to maintain their drainage system around Shaw Pond. Alternatively, Agent Larcom offered to discuss the MADOT issue with DEP. Motion made to issue an Enforcement Order to MA DOT for lack of maintenance of their stormwater collection system draining into Shaw Pond, (Karlberg/Perry). MSV.
12. **Discussion: dam breach at Sherwood Greens, (Map 215, Lot 3).**
During Agent Larcom’s initial site visit noted the breach of the beaver dam was recent and found tools likely used to break the dam adjacent to the breach. The impoundment was significantly lower as reported by a landowner living on the impounded waters. Agent Larcom reported the issue to the Becket police. They offered to check on borrowing a trail camera. The tools used to breach the dam were gone when the Commissioners visited last weekend. The land where the breach occurred is owned by a trust with little if any active management of the property. Commissioner Karlberg recommended Mass Wildlife be called as they have a great deal of authority on such matters. Agent Larcom will call the Environmental Police and as well as post the property. She recommends an Enforcement Order be sent to the trust. Motion made to issue an Enforcement Order to the land owner of Map 215, Lot 3 to cease and desist from any alteration or damage to a beaver structure, (Karlberg/Perry). MSV.
13. **Continuance from June 14th Meeting: Request from the Chair to discuss and adopt meeting guidelines for the Conservation Commission.**
Chair Dixon will send the guidelines electronically for a vote at the next meeting.
14. **Continuance from June 14th Meeting: Request from the Chair to discuss a potential public hearing for a fee increase for Becket RDA fees for fiscal year 2017.**

Agent Larcom is in the process of calculating the cost of processing an RDA and currently estimates an allocation of 2.5 to 3 hours of agent time per RDA. Commissioner Delpapa researched the fees charged by neighboring commissions and provided the results (generally between \$60-100). It appeared the fees charged by other towns were significantly higher mostly because of the higher cost associated with posting a public notice in the Berkshire Eagle. The communities appear to have little if any charges above the posting cost though most of the communities do not have an agent. The discussion of a fee increase will continue at the next meeting. Note a request to extend an Order of Conditions does not require the payment of a fee. Not known if a Commission can charge a filing fee for extension requests.

Miscellaneous:

Correspondence:

- Agent Larcom is going to require all materials related to a filing be sent on or before the Friday preceding a meeting to provide enough time to disseminate to Commissioners and for their review before a meeting. If applicants bring materials to the meeting, the Commission can decide if the late material will be accepted/matter continue to next meeting to allow time for review.
- Becket Town Beach- The town is working to achieve compliance with the Enforcement Order. Since the seasonal employee working on an NOI for additional restoration work has left, Agent Larcom will likely work with Town Manager Gibson to complete the NOI. There is a volunteer work day on Saturday, hosted by the Girl Scouts, to remove stones by hand to a pile in the uplands. The rock pile will be covered with tarp at day's end.
- Zoning Board of Appeals has requested comment the work proposed by Mark Stoughton (21 Lady Lucille Lane) as the set backs for the project are insufficient to meet Becket's minimum.
- Agent Larcom received several correspondences from Mr. Kaniecki about wells and possible wetlands.
- An East Shore Road property was sent a letter about an unpermitted dock.
- The Commission received a forest cutting plan for 37 Mitchel Road, a chapter 61A property.
- The Becket Highway Department sent a narrative concerning their restoration project at 150 Otis Road. The work has been completed. Agent Larcom reported she inspected the erosion control barriers before work began.
- Palmer Brook Corporation filed their annual report. Agent Larcom suggested the Commissioners review the material (report was provided electronically).
- Agent Larcom received an anonymous complaint about Camp Watitoh and an area adjacent to the property on Old town Road. The complaint centered on the building structures on the waterfront. Since it was an anonymous report there was no avenue to get clarification on the exact location of the structures. Locating the area may require paddling along the shore.

Motion to adjourn the meeting (Perry/Karlberg). MSV. Meeting adjourned by Chair Dixon at 10:17 PM.

Action Items:

- **Agent Larcom report the beaver dam breach to the Environmental Police**
- **Agent Larcom to post area in vicinity of the beaver dam breach**
- **Review meeting guidance (All Commissioners)**
- **Check vegetation at Jacobs Pillow for three years**
- **Restoration plan due for 74 Bow South (Enforcement Order)**
- **Chair Dixon to send our proposed meeting guidelines to Commissioners**
- **Review Palmer Brook Corporation Annual Report (All Commissioners)**