

Town of Becket  
Conservation Commission Minutes  
9 May, 2017

Commissioners present: A Dixon (Chair), C Delpapa, K Karlberg, R Perry, R Pryor, M Larcom (Agent)

Commissioners not in attendance: B Brand

Members of the public in attendance: David Drugmand, Roy Arnold, Barb Wacholder, Dave Bacon, Jay Lopez, Stephen Booher, Mercedes Gallagher, Dominick Meringolo

Chair Dixon called the meeting to order at 6:41 PM, read meeting guidelines and introduced the members of the Commission.

*Minutes:*

Motion made to approve the minutes of the 28 March, 2017 meeting, (rescheduled from 14 March because of weather), with the correction of typos, #5 corrected to reflect the motion made to approve an outside review of storm water runoff and that the motion passed unanimously, and a list of meeting attendees (public and Commission) will be added, (Karlberg/Perry). Dixon, Karlberg and Perry in favour with Pryor and Delpapa abstaining. Motion does not pass.

Minutes of April 2017 meeting. Motion to approve the minutes of the 11 April, 2017 meetings with minor typos corrected, (Perry/Karlberg). MSV with 1 abstention

*Public input and comment:*

B Wacholder, representing the Indian Lake Association, inquired about the requested input relative to their upcoming NOI for the Indian Lake drawdown. One Commissioner provided input which will be sent to the consultant, (K Wagner) by Agent Larcom once it is re-formatted. Commissioner Pryor voiced his reluctance to send input prior to a filing as it is the role of the Commission to respond to a filed NOI.

*New Business*

*Request for Determination of Applicability* from Thomas Smith for the clearing of one acre of vegetation within the buffer-zone of various wetlands for conversion to farmed land. Project location is 244 Otis Road, (Map 204, Lot 232). Commission inspected the site. At the site visit the applicant indicated he would need a continuance as he has decided to change the location and this will require additional preparation. Motion made to continue the request for determination for agricultural activities at 244 Otis Road to the June, 2017 meeting, (Pryor/Perry). MSV.

*Request for Determination of Applicability* from Roy Arnold for the replacement of an existing permanent dock on Shaw Pond. Project location is 613 Otis Road, (Map 205, Lot 69). Commissioners inspected the site. Agent Larcom noted the existing permanent dock was installed, without a WPA filing, in 2005. Mr. Arnold explained the existing dock is deteriorating. The proposed dock will rest on floats and be horizontally anchored by vertical pipes/piers. The pier's feet have an auger at one end to allow the pier to be screw into the pond bottom. The dock will be attached at the shoreline by one pier. Assembly will be on-site and installation will be done manually. Commissioners noted the filing did not include information on the installation and requested written details including the vertical anchoring pier/pipes installation. This location is in close proximity to the public boat launch which may raise safety issues with the public launching boats- an issue that may be raised during the

Chapter 91 licensing. Motion was made to issue a negative determination #2 to install a permanent dock on Shaw Pond at 613 Otis Road with following conditions: the dock and the vertical anchoring piers/pipes will be manually installed and the augers will not exceed eight inches in length and three inches in diameter, (Pryor/Perry). MSV. Agent Larcom reminded Mr. Arnold that he will need a copy of this Determination in order to file for a Chapter 91 license prior to installing the dock.

*Request for Determination of Applicability* from Marianne Klimchuk for the installation of a Goshen Stone Patio and a Boulder Wall within the buffer-zone of Center Pond. Project location is 31 Rosner Drive, (Map 210, Lot 26). D Bacon was present on behalf of the applicant. Commissioners inspected the site. Commissioners observed recent vegetation clearing within the buffer zone of the pond noting at least 13 fresh stumps, mulch spread throughout the area, recent erosional gullies and a burn pit in the area of the proposed patio. Mr. Bacon described the proposed project as a stone fire pit surrounded by an approximately 10 foot diameter Goshen stone patio. A mulch pathway would be laid heading toward the house from the patio. Construction will include removing 8-10 inches of top soil, adding a base material followed by the Goshen stones with a boulder wall delineation on the up-slope side. Mr. Bacon would prefer to use machinery for this work. The limit of work would be 10 feet from pond's high water. The boulder wall upslope of the burn pit and patio will be ~ 51 feet from the pond. Mr. Bacon added details not in the RDA filing explaining he will backfill on the upslope side of the boulder wall with top soil added and seeded with hard fescue. No additional vegetation will be cut to allow for this project or to improve the viewshed. Commissioners discussed the extent of work proposed under an RDA. Motion made to continue the RDA for the installation of a Goshen stone patio, fire pit and boulder wall in the buffer zone of Center Pond at 31 Rosner Drive pending additional investigation of a possible wetland violation related to cutting of vegetation in a resource area, (Perry/Karlberg). All Commissioners voted in opposition to this motion. Motion fails. Motion made to issue a positive determination #4 for work at 31 Rosner Drive for the installation of a fire pit, patio, and boulder wall within the buffer zone of Center Pond, (Pryor/Perry). MSV. Chair Dixon explained the NOI should detail equipment to be used, storage of equipment and materials, all aspects of the work, erosion control measures, amount of fill and type of fill to be used, and distances from resource areas.

*Request for Determination of Applicability* from Jacob's Pillow Dance Festival for the maintenance and reclamation of an existing 'Wetlands Trail'. Project location is 358 George Carter Road, (Map 407, Lot 16). Commissioners inspected the site. Mr. Lopez was present to discuss the project on behalf of Jacob's Pillow Dance. Commissioner Karlberg recused herself and left the room. The existing eight hundred feet trail was completed in 2000 Festival under an O of C. Jacob's Pillow Dance wishes to reclaim and refurbish this educational nature trail, replacing rotted bog bridging and invasive plant control, to improve safety and universal accessibility. The Pillow plans to partner with Greenagers, a youth employment and empowerment group, to undertake this trail refurbishment. Agent Larcom explained MA DEP considers bog bridges resting on the ground to be 'fill' in a resource area. To avoid this 'fill' DEP requests the use of helical piers to allow sunlight penetration. July 10-13 was the planned work window. Motion made to continue this request for determination until the June 2017 meeting, (Pryor/Perry). MSV.

*Request for Determination of Applicability* from Marc and Debra Schultz for the replacement of existing deck footings with techno-posts on a lake-front cottage situated in the buffer-zone of Long Bow Lake. Project location is 347 Long Bow Lane West, (Map 214, Lot 28G). Agent Larcom inspected the site. D. Drugman represented the applicant. Chair Dixon requested the proposed straw erosion control extend further up the sides. Motion made to issue a negative determination #3 for the replacement of existing deck footings with techno-posts in the buffer-zone of Long Bow Lake at 347 Long Bow Lane West, (Map 214, Lot 28G) with Becket standard conditions and additional straw waddle erosion control up the side of the work area, (Karlberg/Perry). MSV.

*Request for Determination of Applicability* from Jeremy Abramson, for the installation of a seasonal aluminum dock on Indian Lake. Project location is 670 Bonny Rigg Hill Road, (Map 219, Lot 233). Agent Larcom performed a site visit. S. Booher represented the owner. Agent Larcom noted there was cutting in the area related to the dam maintenance. Mr. Booher said the owner, who just purchased the property, has done no cutting on the property. He went on to explain the owners wishes to install a seasonal floating dock, (4 feet by 15 feet) to be attached to permanent anchor weights, (1' by 1' by 1' square concrete blocks) resting on the lake bottom. Only the 4 foot by 5 foot ramp touches the lake edge. The dock will be manually removed/installed seasonally. No vegetation will be removed for this installation. Motion was made to issue a negative determination #2 for installation of a seasonal dock and ramp at 670 Bonny Rigg Road over the waters of Indian Lake, (Pryor/Perry). MSV. Ms. Wacholder will follow-up with Indian Lake Association maintenance person about cutting at 670 Bonny Rigg and report back to Agent Larcom.

*Request for Determination of Applicability* from Karen Alcombright, for the removal of several trees within the buffer-zone of vegetated wetland surrounding Center Pond. Project location is 308 Old Pond Road, (Map 210, Lot 58). Commissioners conducted a site visit. Some of the trees pose a threat to one or two houses and are barely in buffer area of the lake. Commissioner Karlberg was concerned that one tree proposed for removal has a great cavity that should be checked for nesting wood duck prior to cutting and requested the planting of at least two replacement native trees, (cherry or service berry would be the preferred replacement trees). Motion was made to issue a negative determination #3 to allow the cutting of three trees in the buffer zone of Center Pond at 308 Old Pond Road with the following conditions- the existing tree cavity checked for wood duck habitation prior to cutting and two native trees (cherry and/or serviceberry are recommended) will be planted this season, (Karlberg/Perry). MSV.

*Notice of Intent* submitted by Greenwater Pond Association, represented by SOLitude Lake Management for a limited project involving aquatic vegetation management to occur within Greenwater Pond with the use of herbicides, (Maps 201 & 202). D Meringolo of SOLitude Lake Management, representing applicant, summarized the proposed project noting there was a survey of the pond vegetation which showed hand pulling is not keeping pace with the growth of Eurasian milfoil. To keep the invasive in check, the Greenwater Pond Association proposes a chemical application of herbicide. The NOI contains a listed of several possible chemicals that may be used thus allowing for some flexibility in the chemical(s) used for the aquatic invasive control. Control will also include *Phragmites* sp. eradication at least annually. The Association's OOC for annual lake drawdowns expired though the four foot drawdown does not control plants effectively. Other past controls include a 2012 application of 'Reward'. The application controlled the plants for that year but did not impact the infestation in subsequent years. SOLitude proposes providing the Commission with a control plan each spring for the coming season's work. A discussion of the project was conducted. Mr. Meringolo was asked if a survey of the wildlife and aquatic species that will be protected by this management effort has been done? Mr. Meringolo reported he does not know of any such study. Chair Dixon asked if there was a long term plan for control of the invasives. Mr. Meringolo reported there is a good complement of native plants and hopes they will recolonize the cleared areas. He also stated there is no specific nutrient data for this waterbody. Chair Dixon opened the hearing for public comment at 8:54 PM. M Gallagher provided some history on the hand pulling efforts. She reported a paucity of divers to do hand pulling on all of the lakes leaving Greenwater Pond not pulled last year. She expressed her disappointment the Association is giving up on hand pulling after only one year. Mr. Meringolo explained a systemic herbicide would be preferable but is cost prohibitive for the Association. The alternative, a contact herbicide, requires multiple years of application to starve the roots. Ms Gallagher noted past Commissions always required the native plant species, a major component of habitat in an aquatic system, be mapped pre and post chemical applications to identify

if the native plant community was impacted by the application requiring replanting. Chair Dixon asked about the herbicide 'Reward' which is noted in the NOI as a non-selective herbicide with the potential to impact flora and fauna in the application area and can bind to soil. Ms Gallagher suggested the Commission restrict the chemicals allowed to 'Diquat' as its impact is better known. Mr. Meringolo will provide a map of vegetation for this year, (26 acres out of 90 have milfoil). All the *Phragmites* sp. Around the lake would be treated with glyphosphate which can be sprayed with low pressure sprayers if there is no other species in the area or the chemical can be hand applied. M Gallagher noted people have been successfully hand pulling *Phragmites* sp. because the area around the pond is atypical- hand pulling can successfully remove the entire plant and extensive root. The NOI mentions the management of 'other nuisance species' without a specific list. Mr. Meringolo explained this was done to anticipate potential future needs. A treatment plan for the upcoming season with the specifics of the target plants would be filed each spring. Chair Dixon closed the public comment period at 9:08 PM.

Motion made to approve the NOI for Greenwater Pond Association Lake Aquatic Vegetation Management (DEP 102-0423) with the following conditions: a pre and post survey of target and non-target species showing location and density of plants is completed, a habitat evaluation following Appendix B will be completed by a qualified professional prior to work beginning and the habitat evaluation data shall not be more than six years old; a status report will be provided to the commission one year after herbicide application and at year three following the application; specific sensitive sites will be work limit, water quality monitoring will be done pre-and post herbicide application, this NOI is limited to the control of Eurasian milfoil and *Phragmites* spcs., motion amended to include the applicant must demonstrate hand pulling and/or cutting of *Phragmites* spcs. will not be effective over the long term, (Pryor/Perry). Discussion: Ms Karlberg feels the *Phragmites* spcs. can be controlled by hand pulling given its limited extent amount the pond. The investigation of the efficacy of hand pulling or cutting of the *Phragmites* could be a condition. Preference was to cut and dab or repeated hand cutting. Milfoil treatment in June and *Phragmites* spcs in late summer. Could use the 2012 wildlife habitat evaluation as the baseline. Mr. Meringolo will send the 2012 habitat evaluation. Vote called- Pryor and Perry in favor. Karlberg, Dixon and Delpapa voted against the motion. The motion does not pass. Request a more detailed plan similar what was done in the Sherwood Forest NOI. Review pages 3-5 of the GEIR guidance and ever effort should be made to address what is listed on these pages. Concerned the proposed project is not a holistic long-term plan but a series of annual work plans. Motion made to continue the hearing for Greenwater Pond Association Lake Aquatic Vegetation Management Project (DEP 102-0423) to June 13, 2017 meeting, (Perry/Pryor). MSV.

#### *Old Business:*

*Continuance of the Public Hearing on the Notice of Intent* submitted by Sherwood Forest Lakes District, represented by SOLitude Lake Management for various vegetation management methods to occur within the five lakes that abut the homes of residents of the Lake District, methods include herbicide treatment, lake dredging (hydro-raking), and hand-pulling of both nuisance and invasive weeds (Maps 216-218). Commission discussed the project at length. Agent Larcom felt the hydroraking part of this project would be complicated to condition. Commissioner Perry summarized her take away from the discussion held at the last meeting. Agent Larcom recommended a habitat evaluation be done and approval by the Commission for all lake management applications in order to prove the nuisance value of the plant management and to demonstrate there will be no long term negative impacts. Water quality monitoring should be done downstream to determine if presence of the chemical applied to the upstream waterbody is present, timing of treatments should be coordinated to prevent overlapping treatments, hydro-raking should have a soil analysis prior to activity, hydro-raking activities to remove leaf and organic materials will be a one time event hydro-raking only in areas without native and non-nuisance plants, show the hydro-raking will not disturb native species, , applicant needs to show eutrophied conditions in the target waterbody. Mr.

Meringolo had hoped to get a written listing of the commissions issues and conditions prior to this meeting especially since he finds some of the conditions vague. Mr. Meringolo agreed to eliminate hydro-raking as one of the management options. Testing for dissolved oxygen, temperature and dissolved oxygen on the day of herbicide treatment can be incorporated. Public Hearing opened at 10:25 PM. M Gallagher provided information on the life cycle of some of the nuisance plants and noted that no progress has been made on treating European naiad as it is necessary to treat before the plant produces seeds. She recommended allowing treatment to happen while the plants are small, (pre-survey) in mid-July. Motion made to issue an OOC for 2 years for the chemical treatment of Excalibur, Big Robin Hood and potentially three other Sherwood Forest ponds as listed in the NOI if investigation shows chemical treatment is warranted, Commission will receive pre-notification of a treatment, no hydro-raking will be performed, dissolved oxygen monitoring will be conducted in a lake treated for Eurasian milfoil post application (as specified in a study plan approved by Commission), European naiad will be treated before seed set, notification will be made to abutters of waterbodies downstream of a treatment area and the inlet to Indian Lake will be tested for the applied herbicide 30 days after application. Observation, monitoring and data collection will be consistent across all lakes, survey of plant populations will be completed before herbicide application except for the European naiad. If dissolved oxygen is found to be below 5 mg/l, the state standard for warm water fisheries, the Commission will be notified as soon as possible. If the herbicide treatment is found to have significant negative impact on dissolved oxygen concentrations the Commission may use the data in further deliberations, (Karlberg/Perry). MSV. 1 abstention.

Five minute break was called by Chair Dixon 10:43-10:48 PM

*Public Hearing continued on the Abbreviated Notice of Intent from Borrego Solar Systems, Inc., for the installation of a solar facility at 0 Tanglewood Circle (Map 406, Lots 14 – 20 & 37 – 47). Applicant asked for a continuance until the third party consultant completes their review of the stormwater management plan. Motion made to continue the hearing on the NOI to the June 2017 meeting, (Perry/Pryor). MSV.*

Review and Discussion of the Enforcement Order issued to Darius Kalicki. Agent Larcom forgot to call Mr.Kalicki to ask him to attend the meeting to provide an update.

#### *Misc.*

During the Saturday site visits Commissioners stopped at the Becket General Store and found the driveway doubled in width by being filled with gravel, burning trash in riverfront area, grease barrels stored at the rear of building within the riverfront area and a newly installed propane tank and trench supply line within the riverfront area. Commissioner Karlberg recommends an Enforcement Order. Consensus reached to ask owner to file an NOI for the activities in the resource area.

Agent's Report: No recommendations list was provided as Agent Larcom has observed the Commission does not need a written summary of recommendation. Commissioners asked recommendations to be prepared for the larger projects. Agent Larcom received flow data from Palmer Brook. Town is planning to open town beach prior to fixing the beach erosion problem which is under an Enforcement Order issued by the Commission last year. Funding for the work is on the town warrant.

Motion made to adjourn, (Pryor/Karlberg). MSV. Chair Dixon adjourned meeting at 11:12 PM.

#### Action Items:

1. Letter to Dr. Wagner about Indian Lake upcoming NOI recommendations
2. Agent Larcom will follow up on the cutting in the buffer zone at Rosner Drive
3. Ms. Wacholder will follow up with Indian Lake Association maintenance person about cutting at

670 Bonny Rigg and report back to Agent Larcom

4. Agent Larcom will contact Becket General Store owner about issues and the need to file an NOI.
5. Agent Larcom will share the Palmer Brook flow data with C Delpapa