

Town of Becket  
Conservation Commission Minutes  
13 June, 2017

Commissioners present: Alison Dixon (Chair), Cindy Delpapa, Karen Karlberg, Rebecca Perry, Richard Pryor, and Mallory Larcom (Agent)

Commissioners not in attendance: Barbara Brand

Members of the public: Dean Lagrottera, Elia DelMolino, Mark Stinson, Dean Smith, Peter Puciloski, Craig Okerstrom Lang, Kathryn Strohmenger, Mercedes Gallagher, Kathleen Dubay, David Weiler, Jay Loper, Gabrielle Murphy, Shannon Boomsma, Emily Stockman

Vice-Chair Pryor called the meeting to order at 6:37 PM, read the meeting guidelines and introduced the members of the Commission.

*Minutes*

Minutes of 28 March, 2017 tabled for lack of a quorum.

Commission discussed the draft 9 May, 2017 minutes. There was a question regarding the note on the last page note about Agent Larcom providing information. This bullet should be stricken from the minutes. Motion to approve May 9 2017 minutes, (Dixon, Perry) MSV.

*Public input and comment:*

Dean Lagrottera, a Sherwood Green resident, explained he recently received notice about upcoming spraying for mosquitos. He asked if the Commission would reconsider the mosquito spraying. Vice Chair Pryor explained the Commission does not have jurisdiction on mosquito spraying. Mr. Lagrottera noted some of the spraying would be near the buffer of a pond which would be a WPA resource area. M Stinson of MA Dept. of Environmental Protection interjected Mosquito Control Districts are not subject to the WPA.

*New Business:*

*Request for Determination of Applicability from Center Pond Weed Project* for the removal of aquatic invasive plant species in Center Pond within the watershed/drainage basin of Center Pond. Project location is Center Pond (Maps 210 and 211). M Gallagher presented on the request. This project is a continuation of an on-going 15 year management program. Current procedures and methods will continue unchanged. Agent Larcom asked about the disposal of the removed vegetation. M Gallagher explained she processes the vegetation and uses the composted materials in areas away from any waterway. A question arose about the training of new scuba divers to maintain enough divers to complete the work. M Gallagher reported she trains new recruits herself and has enough divers for the project. Motion made to issue a negative Determination of Applicability #2 for the Center Pond weed Project within the Center Pond drainage (Maps 210 and 211) with a condition that the handling and disposal of the pulled invasive plants be done away from any waterbody, (Perry, Dixon). MSV

*Request for Determination of Applicability from Lydia Rosner for aquatic vegetation removal* in Center Pond adjacent to private property and private docks. Location of the private property is 95 Rosner Lane, (Map 210, Lot 27). Agent Larcom reported no fee accompanied this filing and the filing was inadequate as it did not indicate the density of the vegetation. M Gallagher offered to explain the project as she was familiar with the homeowner. The owner wishes to clear the plants in her cover to allow unimpeded swimming between two docks- an approximately 10 foot wide swath. Commissioners would like to visit the site. Motion made to continue the RDA from Lydia Rosner for aquatic

vegetation at 95 Rosner Drive until additional materials are provided (e.g. a map of area showing where the area will be thinned and the plants to be thinned) and a site visit is completed, (Dixon/Perry). MSV.

*Request for Determination of Applicability from Susan Volk-Weiss* for the upgrade of an existing septic system in the Riverfront Area of Yokum Brook and buffer zone of an intermittent stream. Project location is 1048 Benton Hill Road (Map 207, Lot 75). No one was present to represent the applicant. A site visit was completed though neither the applicant nor a representative were present. The plan provided to Agent Larcom did not show any erosion control measures – the applicant will need to have the site inspected for erosion controls before work can begin. Motion made to issue a negative Determination of Applicability #3 and #5 for the replacement of an onsite system in the riverfront area of Yokum Brook at 1048 Benton Hill Road, (Map 207, Lot 75) with Becket Standard Conditions and the additional conditions that all excavate be tarped at the end of the work day and the excavated and disturbed areas will be seeded immediately after work is completed, (Delpapa/Dixon). MSV.

*Public Hearing on the Notice of Intent from Garth Klimchuk for landscaping and masonry work within the buffer zone of Center Pond.* Project location is 31 Rosner Drive (Map 210, Lot 26). C. Okerstrom Lang was present to represent the owner. Commissioners visited the site for a second time. Mr. Okerstrom Lang provided a synopsis of the proposed work. The area where vegetation was cut without a WPA filing, the intent is to grind the stumps in place, leave all boulders in current locations and plant native vegetation this year as listed in the filing NOI. The Goshen stone patio has been modified to be 5 feet from the water's edge. Mr. Okerstrom Lang explained the lack of DEP number was because he was unable to successfully file on the DEP web site despite repeated attempts but will provide a file number soon. Commissioner asked that the intermittent stream noted during the first site visit be shown on the plan in addition to adding the location and type of erosion control to be used. Motion made to continue the hearing for landscaping and masonry work within the buffer zone of Center Pond at 31 Rosner Drive (Map 210, Lot 26) until the July meeting, (Dixon/Perry). MSV.

*Public Hearing: Notice of Intent from Maurice Henry* for the demolition of existing house and construction of a new house, tight tank and well within the buffer zone and the bordering land subject to flooding surrounding Greenwater Pond. Project Location is 3805 Jacob's Ladder Road (Map 201, Lot 17). S Boomsma represented the applicant. A site visit was conducted. S Boomsma explained the proposed project includes the demolition of the existing structure followed by the building of a new, two-story house. The new building will have an additional 70 sq. ft. in foot print plus a 110 sq. ft. deck. A well will be drilled and a tight tank inserted into the slope with a pump out port incorporated into the deck design. The well drilling requires the building of a temporary 'platform' for the drill rig. The slurry will be pumped into a plastic lined dumpster to be taken off site when the drilling is completed. Large oaks and pines will be cut and removed to allow sufficient room for drill equipment.. Six replacement plantings are proposed (Species include grey birch, service berry, and red maple). The existing dock is in exceptionally poor shape, the proposed new dock will be moved and be 25 ft off the property line. The existing dock's Chapter 91 license was not recorded. A new Chapter 91 application will be filed. MA Department of Transportation (MA DOT) has been contacted about installing paved parking spaces on their Right Of Way. If MA DOT does not grant the request, the spaces may remain grassed. Commissioner asked where the roof runoff will go. S Boomsma thought it will flow to the side. In response to a question about the piping infrastructure, S Boomsma reported both water and septic lines will be installed using the open trench method. Public comment was opened by Vice Chair Pryor at 7:43 PM. Members of the public asked about 'portapotties' on site, if the house was to be used seasonally or year round. S Boomsma did not know the answer. Public comment closed at 8:44 PM. Commissioner Karlberg expressed concern about the loss of the large mature trees on the MA DOT lands noting she has seen and photographed osprey making use of those trees. Question raised about the lack of permission from MA DOT to remove trees on

their property, to place fill in the MA DOT ROW and to use the area for parking. Agent Larcom mentioned the filing did not mention if the dock was seasonal or explain the materials to be used to build the docks. The Commission has the following concerns: sanitary facilities for workers; how building materials will be stored on this constrained site as there is the possibility of some material being blown into the pond; the lack of approval from MA DOT given several key design features rely on this approval (e.g. well drilling platform), the material to be used for the dock; if the dock is seasonal and if it is where it will be stored and alternate for parking that would result in less runoff into the pond. Agent Larcom requested the filing fee be recalculated to include the dock. Motion made to continue the hearing for the demolition of existing house, construction of a new house, tight tank and well within the buffer zone and the bordering land subject to flooding surrounding Greenwater Pond at 3805 Jacob's Ladder Road (Map 201, Lot 17/ DEP #102-0425) until the July meeting pending more information (Perry/Dixon). MSV with one abstention.

*Public Hearing: Notice of Intent from Robert Maratea* for the re-establishment of a beach and installation of a floating dock on Lancelot Lake. Project location is 109 Lancelot Lane (Map 217, Lot 85). Site visit was conducted. E Stockman, representing the owner, explained this project is related to an enforcement order issued when sand was placed at the pond edge without filing with the Commission. The owner removed the sand and revegetated the area. The owner is now seeking permission to re-establish the beach and install a dock. The beach will be 560 sq ft resulting in approximately 33 linear ft of alteration to bank for both beach and dock. All work will be done by hand. Existing erosion control will be replenished as needed. The owner proposes a 1 to 1 replication by allowing the current lawn area adjacent to the beach and pond to revert to an untouched resource area. Restoration would be done first. The floating dock is 120 sq ft and will likely be left in year-round. Vice Chair Pryor opened the hearing for public input at 8:09 PM. Lacking any public input, the Public Hearing was closed at 8:10 PM. Motion made to issue an OOC for the re-establishment of a beach and installation of a floating dock on Lancelot Lake (Map 217, Lot 85/ DEP #102-0424) at 109 Lancelot Lane with the following conditions: Becket Standard Conditions, the limit of the restoration area be demarcated with native plantings of high bush blueberry and the wildlife fencing will be removed, (Karlberg/Dixon). MSV.

Meeting recessed at 8:17. Meeting called back to order at 8:25 PM

*Request for an amendment from Kathryn Strohmenger*, DEP#102-0394 request for amendment within the scope of the minutes, change in plan with reduced impact. Project location is 311 Old Pond Road, (Map 210, Lot 56). New plans were received today. Agent Larcom could not find the old file. The owner proposes to install a 14 ft by 24 ft deck resting on techno posts instead of an addition. Motion made to approve an amendment as proposed in the diagram filed with the Commission on 13 June, 2017 for DEP #102-0394 with the condition that the deck does not exceed the prior approved foot print, (Dixon/Perry). MSV.

#### *Old Business:*

Continued from 5/9/2017: *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). Commissioner Karlberg recused herself and left the meeting at 8:30PM. J Lopez provided a summary of the proposed new design for the nature trail. E DelMolino from Greenagers was also present. The new plan calls for rebar to support the bog bridge. M Stinson of MA DEP said this design cannot be approved under an RDA as it constitutes fill in a wetland. An NOI and replication is needed. J Lopez offered to change the design to use helical piers with the bridging one foot off the ground. Motion made to issue a negative determination #3 for the reclamation of a bog bridge along the nature trail of Jacobs Pillow Dance Festival at 358 George Carter Road (Map 407, Lot 16) based on a plan amendment to use helical pier supports only and to

have the bridging one foot above grade, (Dixon/Perry). MSV.

Continued from 5/9/2017. *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 farmland. Project location is 244 Otis Road (Map 204, Lot 232). T. Smith did not contact the Agent. Motion made to continue the RDA for the clearing of one acre of vegetation within the buffer zone at 244 Otis Road, (Map 204, Lot 232), (Dixon/Karlberg). MSV.

Public Hearing: *Abbreviated Notice of Intent from Borrego Solar Systems Inc* for the installation of a solar facility. Project location is 0 Tanglewood Circle (Map 406, Lot 14-20 & 37-47). Agent Larcom spoke with the third party reviewer who reported their rebuttal to the response from Borrego Solar Systems was not yet complete. The third party reviewer reported concerns about some unresolved issues and discrepancies. D Smith and P Puciloski, representing Borrego Solar Systems, countered that his conversation with the consultant suggested the only issues remaining were minor. Agent Larcom updated the Commission on the fee for the outside review. The cost will likely be \$2,400 over the initial estimate. There have been a few modifications on the layout to create large buffer though not significant. D Smith offered to delay the updated presentation until the response from the third party review is completed. Motion made to continue the abbreviated NOI for the installation of a solar facility at 0 Tanglewood Circle (Map 406, Lot 14-20 & 37-47) by Borrego Solar Systems until the July meeting, (Dixon/Perry). MSV. Motion made to authorize an additional \$2,400 to cover the fee for a third party review of the stormwater plan for 0 Tanglewood Circle, (Karlberg/Dixon). MSV.

Continued from 5/9/2017. *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 and 202) DEP #102-0423. Motion made to continue the NOI for aquatic vegetation management in Greenwater Pond, (Map 201 and 202) until the July Meeting, (Dixon/Karlberg). MSV.

*Review and discussion of the Enforcement Order issued to Darius Kalicki.* Agent Larcom recommended this Enforcement Order be rescinded based on information provided by M Stinson (MA DEP) about a septic system exemption. Motion made to rescind the enforcement order issued to Darius Kalicki, (Dixon/Karlberg). MSV.

*Ratification of the Enforcement Order issued to Michael J. Tisch.* Actions have resulted in impacts to multiple resource areas associated with Beaver Brook tributary (which drains to Shaw Pond) in addition to a violation of the Massachusetts Endangered Species Act (MESA). J. Tisch is a new owner of this property. Since the ownership change a significant amount of fill was dumped in the resource areas creating a new violation. A cease and desist order was issued. The property owner was also issued an order to submit a restoration plan by 23 June 2017 to be filed as an NOI. Motion made to ratify the Enforcement Order to Michael Tisch for alteration to multiple resource areas associated with Beaver Brook, (Karlberg/Dixon). MSV.

*Miscellaneous-* Commission thanked R Perry profusely for her service to the Becket Conservation Commission and noted she would be missed R Pryor requested the Commission officer reelection be placed on the July agenda.

Agent Larcom reported CSX's consultant Tighe & Bond resubmitted a right-of-way plan made necessary because of some discrepancies in easement distances/widths though none of the changes appear to be in buffer areas.

Agent Larcom contacted Becket General Store to ask the owner to submit an NOI for all of the work

the owner has completed within the riverfront area to Yokum Brook without authorization from the Commission.

R Pryor submitted a resignation letter for September 2017.

Agent Larcom informed the Commission that all fiscal matters for this year must be completed by 30 June for this year.

Motion made to adjourn, (Dixon/Perry). MSV. Vice Chair Pryor adjourned meeting at 9:27 PM.

Action Items:

1. Agent Larcom will tell Heather Annelo the NOI for Becket General Store work needs to be filed by 23 June.