

*Town of Becket
Conservation Commission Minutes
July 11th, 2017*

Commission Members in Attendance: Barbara Brand, Cindy Delpapa, Alison Dixon, Karen Karlberg, Richard Pryor and Agent Mallory Larcom.

Commission Members not present: none

Members of the Public present: Emily Stockman, Arnie Nappo, John Deacon, Susan Deacon, Lydia Rosner, Peter Puciloski, Tim Leitter, Terry Leiter, Henry Pacific, Craig Okerstrom-Lang, Shannon Boomsma, Paul Merrill and Chris Tryon.

Meeting called to order by Chair Dixon at 6:37 PM. Meeting guidelines were read and Commissioners introduced.

Public Input:
None offered.

New Business:

Request for Determination of Applicability from Arnie Nappo, for the minor exempt activity of deck construction in the buffer-zone of BVW and Riverfront Area. Project Location is 1725 Main Street, (Map 210, Lot 33). E. Stockman and A. Nappo were in attendance to explain the proposed project- the construction of a deck supported by helical piers. E. Stockman noted the presence of an intermittent stream on an adjacent property could not be surveyed though a reasonable estimate of the stream's location appears on the filed plan. The buffer area was delineated and all proposed work will be outside the 50 foot buffer area. Erosion controls will serve as the limit of work. E. Stockman notes this is an exempt project. Motion made to issue a negative determination #5 for the construction of a deck supported by helical piers at 1725 Main Street, (Map 210, Lot 33) within the buffer zone of a bordering vegetated wetland and riverfront area, (Pryor/Brand). MSV.

Request for Determination of Applicability from Jessica Arrowsmith, for the construction of a barn in the buffer-zone of a vegetated wetland. Project location 986 Main St., (Map 211, Lot 165). Agent Larcom reported J. Arrowsmith requested a continuance. Motion made to continue the Request for Determination of Applicability for the proposed barn construction at 986 Main Street, (Map 211, Lot 165) until the August 2017 Conservation Commission meeting, (Pryor/Karlberg). MSV.

Request for Determination of Applicability from Margaret Rodriguez, for the removal of approximately 10 hazardous trees within the buffer-zone of several resource areas. Project location is 194 Robinwood West, (Map 213, Lot 119). Commissioners visited the site. The applicant was unable to be present. Chair Dixon summarized conditions at the site. The applicant proposes to prune nine trees, to remove approximately 1% of the

limbs, following applicable American arborist guidelines and the removal of seven trees. Seven replacement trees and shrubs would be planted, (proposed native replacement species include: *Salix* sp. or American Elm and dogwood). Motion made to issue a negative determination #3 with Becket Standard Conditions for the pruning of nine trees, removal of seven trees and the planting of seven native replacement trees and shrubs at 194 Robinwood West, (Map 213, Lot 119), (Pryor/Brand). MSV.

Request for Determination of Applicability from Gerald R.K Moore, for the repair of an existing cabin, tree removal and installation of a septic system within the buffer-zone of an intermittent stream. Project Location is 1909 Jacob's Ladder Road, (Map 407, Lot 151). C. Tyron, representing the applicant, explained the project. The property has not been used in some time, the existing cabin has deteriorated, and the land has become overgrown. The applicant wishes to repair the cabin and install of a new septic system, whose 1,500 gallon septic tank location is proposed to be within 100 feet of an intermittent stream. The septic leach field and potable water well are proposed for outside of the buffer area. Five large pines and one dead white birch need to be removed for safety reasons and an additional 6-8 trees, (6-8" in diameter) removed. C. Tyron noted the intent was to complete removal of the trees but the stumps can be ground. Following some discussion, C. Tyron did concur the septic tank could be relocated outside of the buffer zone. Motion made to issue a negative determination #3 with Becket Standard Conditions for the repair of an existing cabin and removal of up to 14 trees in the buffer area of an intermittent stream at 1909 Jacobs Ladder Road (Map 407, Lot 151). Additional conditions are: a final plan must be submitted to the Conservation Commission before construction begins showing the new location of the septic tank outside of the buffer area, a copy of the building permit provided, and tree stumps will be ground in place and not removed, (Karlberg/Brand). MSV.

Request for Determination of Applicability from CSX Transportation, Inc., for the confirmation of resource area boundaries along the CSX right-of-way in Becket. Motion made to continue the Request for Determination of Applicability for the confirmation of resource area boundaries along the CSX right-of-way until the August, 2017 Conservation Commission meeting, (Pryor/Brand). MSV.

Ratification of the Emergency Certification, for the breach of 3 beaver dams with a flow leveler device along RT 20 threatening the roadway. Project location is Greenwater Pond (Maps 210 & 211) Mile marker 24.6. Three beaver dams had to be modified with flow leveling devices to prevent flooding of State Route 20. The work was completed without disturbing wetland resource areas. Motion made to ratify the Emergency Certification to breach and install flow leveling devices at 3 beaver dams at Greenwater Pond, (Maps 210 and 211) and Route 20 at mile marker 24.6, (Brand/Pryor). MSV.

Ratification of the Emergency Certification, for the breach of a beaver dam and installation of a flow leveler device at the Becket Motel due to septic flooding. Project location is 29 Chester Road (Map 414, Lot 37). Motion made to ratify the Emergency Certification for the breach of a beaver dam and installation of a flow leveler device at 29 Chester Road, (Map 414, Lot 37), (Pryor/Brand). MSV.

Old Business:

Continued from 6/7/2017: Request for Determination of Applicability from Lydia Rosner, for aquatic vegetation removal in Center Pond adjacent to private property and private docks. Location of private property is 95 Rosner Lane, (Map 210, Lot 27). Agent Larcom informed the Commissioners the required filing fee was outstanding. M. Gallagher emailed a letter to the Commission earlier in the day explaining the project. L Rosner was present to explain the proposed vegetation thinning is needed to allow for safer swimming to and around a swimming platform. Motion was made to issue a negative determination #2, pending the payment of the outstanding RDA fee, to allow the thinning of nuisance aquatic vegetation at 95 Rosner Lane, (Map 210, Lot 27) following the methodology outlined in the 11 July, 2017 letter from M. Gallagher, (Pryor/Brand). MSV with one opposed.

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 farmed land. Project location is 244 Otis Road, (Map 204, Lot 232). Agent Larcom reported the applicant's representative asked for a continuance. Motion made to continue the review of a Request for Determination of Applicability for the clearing of one acre of land for conversion to farmland at 244 Otis Road, (Map 204, Lot 232) to the August, 2017 Conservation Commission meeting, (Pryor/Karlberg). MSV.

Continued from 6/7/2017: Public Hearing: 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). File number 102-0426. C. Okerstrom-Lang, the applicant's representative, presented an updated plan showing the placement and type of erosion control proposed and the location of the intermittent stream on an adjacent parcel. Chair Dixon opened the public comment period at 7:14 PM. No input was offered. Public comment closed at 7:15 PM. Public hearing for DEP 102-0426 closed by Chair Dixon at 7:20 PM. Motion made to issue an order of conditions for landscaping and masonry work within the buffer zone of Center Pond at 31 Rosner Drive (Map 210, Lot 26/DEP #102-0426) with Becket Standard conditions and proposed conditions as outlined in an email of 7 July, 2017 by Craig Okerstrom-Lang, (Pryor/Brand). MSV.

Appended email relative to Klimchuk NOI

From: Craig Okerstrom-Lang [mailto:craig@okerstromlang.com]

Sent: Friday, July 07, 2017 2:20 PM

To: Becket ConComm <conservation@townofbecket.org>

Cc: Garth Klimchuk <gklimchuk@northrenew.com>

Subject: Klimchuk Res NOI suggested OofC

Dear Mallory & Becket Conservation Commission,

Suggested Order of Conditions for the Klimchuk Res Notice of Intent in addition to your standard OofC:

1. See Project Narrative for proposed work details and description and Sequence of Construction.
2. Order of construction: work from Center Pond, up to the house in sequence:

- Fire pit area
 - Pathway from fire pit to house
 - Stone wall and terrace near house lower walkout area
 - Secondary pathway TBD
3. Fire pit area: keep any pavers that surround the fire pit about 5-6' away from the top of bank of Center Pond.
 4. Stabilize the site with Hard Fescue seed and straw mulch as projects are completed.
 5. New tree plantings to be installed by late Fall 2017. The owners have the following trees they will install as substitutions for some of the trees listed on the Plant List:
 - 4 - Balsam Fir, 4' tall
 - 2 - Blue Spruce, 4' tall
 - 1 - Kousa Dogwood, 4' tall
 6. New native shrub plantings to be installed by June 2018.
 7. The Landscape Plan shows a general layout. All new tree and shrub plantings to be field located to avoid stumps, roots and above and below ground boulders.

I will bring one color copy of the Updated Landscape Plan for presentation and to submit,

Regards, Craig OL, RLA

Okerstrom Lang Ltd
Landscape Architects
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Great Barrington, MA 01230

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Craig Okerstrom-Lang RLA, ASLA

Continued from 6/13/2017: 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 to flooding surrounding Greenwater Pond. Project Location is 3805 Jacob's Ladder Road, (Map 201, Lot 17). S. Boomsma, representing the applicant, reported the MA Department of Transportation denied the request to allow paved parking on the route 20 right-of-way. The alternative parking area proposed is the installation of a concrete slab with a 2" lip, to contain any potential

spills, resting on metal supports. The flood storage compensation for this change will be the removal of material from beneath the house. The parking pad change also requires moving the well closer to the house though the same installation method is proposed. The designated dumpster area and the location of the port-a-potty were added to the plan set. S. Boomsma reported MA Department of Transportation will be cutting down the trees on their right-of-way. Agent Larcom added MA Department of Transportation will not cut the trees until they have permission from the Conservation Commission. The tree cutting is part of the granting of a curb cut on route 20. Chair Dixon opened the hearing to public input at 8:24 PM. Commission received a letter from the Jacob's Ladder Trail Scenic Byway, Inc., signed by their president Jeffrey Scott Penn, strongly encouraging the town deny this proposal. Chair Dixon closed public comment period at 8:30 PM. Commissioner recommended the use of a boom in the pond to help capture materials falling into the pond and consider a condition requiring the site be cleaned twice daily. Chair Dixon closed the public hearing at 8:34 PM. Motion made to issue an order of conditions with Becket Standard Conditions for the demolition of an existing house, the construction of a new two story house, installation of a tight tank, the drilling of a new water supply well, installation of a new dock on Greenwater Pond, the construction of a concrete parking pad and paved driveway at 3805 Jacobs Ladder Road (Map 201, Lot 17/ DEP 102-0425) as detailed in the plans (dated 6/26/2017), filing narrative and cover letter (dated 6/28/2017) filed with the Becket Conservation Commission. Additional requirements are the installation of replacement plantings as detailed in the plan and provide a copy of the MA Department of Transportation curb cut request to the Conservation Commission prior to the work beginning, (Pryor/Brand). MSV with two opposed.

Continued from 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, Lots 14 – 20 & 37 – 47). P. Puciloski and D. Smith attending on behalf of the applicant. D. Smith reported the third party stormwater review was completed. D. Smith highlighted the changes to the plan following completion of the final survey. One change is the proponent moved the panels in the northwest quadrant farther away from residential properties and moved the site entrance. The applicant proposes seeding with drought-tolerant fescue grasses within the fenced area while outside the fence a wildflower seed mixed in to the fescue grass blend will be used. Long, grassed detention swales will be installed on-site to slow and detain runoff. The maintenance plan for the site, including the detention swales, is detailed in the report on file. The applicant will investigate the grass height used at Westover Air Force base to attempt to maximize beneficial wildlife habitat value. The Conservation Commission will be provided the contact information for the owner and the landscape maintenance company. The Becket Planning Board agreed to allow the wildlife gaps in the fence as requested by the Conservation Commission. Chair Dixon opened the hearing to public comment at 7:45 PM. Chair Dixon closed the public comment period at 7:46 PM. Commissioners discussed the possibility of hiring a consultant for the construction phase to inspect swale construction. Motion made to issue an order of conditions with Becket Standard Conditions for the installation of a solar facility at 0 Tanglewood Circle, (Map 406, Lots 14-20 and 37-47/ DEP 102-0421) following the revised plans, (dated 6/26/2017). Additional conditions require the applicant to provide the Conservation Agent with registry book and page information for all parcels related to this project and all pertinent

maintenance, owner, construction and emergency contact information. The construction schedule will be provided before work begins and the Becket Conservation Commission maintains the right to exercise the option of hiring a qualified third party to oversee the construction of the stormwater control features with fees, to be determined, paid by the land owner and/or applicant, (Pryor/Brand). MSV.

Chair Dixon called a recess at 7:59 PM. Meeting called back to order at 8:05 PM by Chair Dixon.

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 & 202). D. Meringolo representing the applicant reiterated the intent of the proposed work to apply herbicides to control in-lake vegetation and *Phragmites* sp adjacent to the waterbody. The proposed work includes pre and post management vegetation surveys, spot treatment of Eurasian Milfoil with Diquat® as hand pulling is not practical given the extent of the infestation. *Phragmites* spcs will be controlled by hand-pulling, 'cut and dab' or low pressure backpack sprayers with glyphosate. Commissioners expressed concern about the vagueness of the description of the vegetation density, (e.g. sparse, trace). D. Meringolo provided the following definition of terms: trace is vegetation cover of less than 10%; sparse is situations with 10-25% cover; moderate is plants covering 25-50% and dense is over 50% cover. Water quality monitoring was discussed at a previous meeting but no definitive sampling plan has been provided. The timing and dosage of the herbicide applications is not provided. D. Meringolo cited the recommended manufacturer dosages for Diquat®. Commissioners noted the potential turtle basking sites in the wildlife report and their proximity to herbicide application areas and asked if the herbicide has the potential to impact the turtles. D. Meringolo explained the boat used in applying herbicides stays away from the shore by necessity. The wildlife report did not include any citations or references for those sections related to aquatic fauna and amounted to a series of unsubstantiated statements. D. Meringolo said he contacted Robert Hartley today but had yet to receive a reply about fisheries. Some Commissioners remain concerned the proposed actions are a short-term control effort and not a long term management plan. Chair Dixon opened the hearing for public comment at 9:10 PM. None was offered and public comment closed at 9:11PM. Chair Dixon closed the public hearing at 9:14 PM. Motion made to issue a 3-year order of conditions for the application of herbicides Diquat® and glyphosate to control Eurasian Milfoil only in Greenwater Pond and *Phragmites* stands adjacent to Greenwater Pond, (Map 201 & 202/DEP 102-0423) with Becket Standard Conditions, the applicant will undertake water quality monitoring pre- and post treatment, complete a pre and post treatment vegetation survey, the applicant will investigate nonchemical treatment for *Phragmites* sp. Including, but not limited to, hand pulling, (Pryor/Brand). MSV with one abstention.

Evaluation of the Enforcement order issued to the Town of Becket for 150 Otis Rd. The highway department director requested Agent Larcom inspect the work completed at 150 Otis Road. Agent Larcom agreed the site had revegetated, it was acceptable to remove the erosion controls, and the completed works is in compliance with the enforcement order. Motion made to approve the work completed at 150 Otis Road by

the town of Becket as in compliance with the Enforcement Order issued, (Pryor/Brand). MSV.

Revocation of the Enforcement Order issued to Michael Tosch for violations occurring at Beaver Brook Rd (Map 204, Lot 42). Commissioner Karlberg recused herself and left the room. Agent Larcom explained the revocation of the Enforcement Order is necessary because of a conflict of interest related to the vote. Motion made to revoke the Enforcement Order issued to Michael Tisch for violations occurring at Beaver Brook Road (Map 204, Lot 42), (Pryor/Brand). MSV.

Re-issuance of an Enforcement Order to Michael Tosch for violations occurring at Beaver Brook Rd (Map 204, Lot 42). S Boomsma, representing the owner, asked for clarification regarding the basis for an Enforcement Order as the placement of materials constitutes road maintenance. A lengthy discussion ensued. S. Deacon, of 42 & 80 Beaver Brook Road, explained spring meltwater washes out the stones in the road necessitating repairs to maintain access to their properties and egress for emergency vehicles. J. Deacon, of 80 and 42 Beaver Brook, explained he was told the maintenance plan submitted to Agent Larcom last year was inadequate. Agent Larcom, noting the presence of endangered species habitat, said work on this crossing should strive to meet current stream crossing standards to the extent practicable. T. Zeitter, cottage owner, said S. Boomsma offered her interpretation that since the materials were placed on top of a culvert the action was not a violation. T. Zeitter provided additional insights saying flooding issues arose after the Route 20 culverts were cleaned increasing runoff from the highway. Chair Dixon explained the goal is to find a resolution capable of protecting the resource areas and endangered species. T. Zeitter asked if the current treatment is the correct treatment? Agent Larcom offered her estimation, based on her last visit to the site, the most recent effort improved of past actions at the road crossing. J. Deacon reported, after 30 years in 'the business', he feels he has some expertise but asked if it was necessary to hire an engineer to design a solution. Motion to re-issue an Enforcement Order to Michael Tosch for violations occurring at Beaver Brook Road (Map 204, Lot 42) in May, 2017 requiring a restoration plan to be filed by 8/25/2017 for review at the September 2017 Becket Conservation Commission meeting, (Brand/Pryor). MSV.

Commissioner Karlberg returned to the meeting room.

Minutes:

Motion made to approve the minutes of the 13 June, 2017 with minor corrections, (Karlberg/Pryor). MSV.

Motion made to approve the minutes of March 2017 with minor corrections (Karlberg/Brand). MSV with 2 abstentions (Delpapa & Pryor).

Board restructuring:

R. Pryor nominated Alison Dixon as chair, C. Delpapa will continue as secretary and K. Karlberg will be vice-chair. Second by K. Karlberg. MSV.

Meeting date

Agent Larcom will be working part-time for the Hinsdale Conservation Commission. Hinsdale Commission meetings are also the second Tuesday and they have asked the Becket Conservation Commission to consider changing their meeting date. After some discussion the third Tuesday proved a viable possibility provided a room is available for the meetings.

Miscellaneous

The Commission received more paperwork from CSX and a notice from Eversource announcing work has started on their right-of-way clearing. Chair Dixon saw the cutting in Lee on the Becket Road and noted a great deal of exposed soil on a steep slope. Request Agent Larcom speak with Eversource representative about stabilizing exposed soils on steep slopes where runoff will impact wetland resource areas.

Motion made to Adjourn at 10:26PM, (Pryor/Brand) . MSV.

Action Items:

1. Determine if there is a meeting space for the Commission on the third Tuesday of the month.
2. Agent Larcom to contact Eversource about the possibility o stabilizing exposed soils on steep slopes.