

Town of Becket Conservation Commission 25 September, 2018 Meeting Minutes

Commissioners in Attendance: Alison Dixon (Chair), Barbara Brand, Cindy Delpapa, Karen Karlberg and Conservation Agent Stacy Parsons

Commissioner not in Attendance: all present

Members of the public: Andrew Bleier, Stephen Booher, Elizabeth Goodman, Ann Krawet, Mike Kulig, Frances- Camp Lenox, Richard Moss, Steve Sroka

Chair Dixon called the 22 September, 2018 Becket Conservation Commission meeting to order at 6:30 PM, read the meeting guidelines, introduced the Commissioners and Conservation Agent, requested members of the audience to sign in and asked if anyone present was recording the meeting. No one was recording the meeting.

Public input and comment for items not on the Agenda. None offered.

New Business:

A Request for Determination of Applicability submitted by Camp Lenox (Map 205, Lot 71) for the reconstruction of a deck and lifeguard stand. Commissioners visited the site. Richard Moss, applicant, outlined the proposed project including rebuilding a 16' by 16' life guard tower, an expanded 36' by 36' deck supported on 16 techno posts and a new 16' by 56' deck on 24 techno posts. The lower deck's steps are about 8' from the lake, the new deck about 15' and the life guard stand is approximately 15-17' from the water with the 12:1 pitched roof draining toward the lake. There will be no clearing of vegetation, all demolition will be done by hand and debris removed from the site. Commissioners observed eroded areas during the site visit and expressed concerns about access these areas to undertake erosion control hampered once the proposed projects are built. Motion made to issue a negative determination of applicability #3 for the demolition, using only hand held tools, of an existing dry dock to be replaced by a 16 foot by 56 foot deck with stairs supported by 21 techno posts to be no closer than 15 feet from the lake, an expanded 36 foot by 36 foot deck on 16 techno posts no closer than 8 feet from the lake, and the in-kind replacement of a 16 foot square life guard tower at Camp Lenox, (Map 205, Lot 71). The applicant will submit a more detailed site plan for review before the project can begin. Erosion control silt fencing will be installed along the beach edge in front of the life guard tower and dry dock and inspected by the Conservation Agent before the project may begin. A waste container will be located on a flat area of the driveway away from the beach and all demolition debris, waste construction materials and trash will be disposed of daily. Native vegetation will be planted to the front of the dry dock in the spring of 2019 to address erosion issues. (Brand/Karlberg). MSV.

A Request for a Determination of Applicability submitted by Scott and Cynthia Trenholm, 62 Algeria Road (Map 219, Lot 231 for construction of a new seasonal floating dock on Indian Lake. S. Booher of Walk on Water Docks was present to represent the applicants. The proposed project involves replacing an existing 4' by 12' dock with a larger, 25' long, 'T' shaped dock with a 4' by 5' hinged ramp. Motion made to issue a negative determination of applicability #3 for the replacement of a seasonal dock on Indian Lake at 62 Algeria Road (Map 219. Lot 231) with a 4 foot by 5 foot ramp with a 4 foot by 10 foot floating dock topped by a 6 foot by 10 foot floating platform. The existing wooden dock will be removed by hand and disposed of properly off-site, (Karlberg/Brand). MSV.

A Request for an Extension of the Order of Conditions (DEP File #102-0411) for 18 South Way Drive (Map 211, Lot 144) issued on 12/7/15 for structure stabilization and drainage improvements.

a. **A Request for an Amendment of the Order of Conditions** (DEP File #102-0411) to include the construction of a 8' x34' deck. A formal request was made to the Commission to move this item to the October meeting. Motion made to move discussion of this request for an extension to and amendment of the Order of Conditions (DEP File #102-0411) for 18 South Way Drive to the 23 October, 2018 Becket Conservation Commission meeting, (Karlberg/Brand). MSV.

Ratify **Emergency Permit** issued to the Becket Parks and Recreation Committee for tree removal at the North Becket Town Park, Maple Street (Map 206, Lot 89). The request was for the removal of six trees to allow to allow emergency vehicle access. The trees were approximately 110 feet from the river. The area will be replanted with shade tolerant grass. Motion made to ratify the emergency permit for the removal of six dead trees at the North Becket Town Park (Map 206, Lot 89), (Brand/Karlberg). MSV. Commissioner mentioned the recent installation of an exercise structure and associated thick layer of wood chips at the park within the riverfront area as it appears excavation was done to accommodate the protective wood chip layer plus the placement of fill (wood chips). Agent Parsons noted the DPW installed the equipment and will follow-up.

A Request received from MA DEP (DEP File #102-0430) regarding assuming significant plan changes under Wetlands Program Policy 91-1 as part of the appeal filed for a superseding Order of Conditions for work at Lancelot Lake Dam. MA DEP is requesting a formal vote by the Becket Conservation Commission to allow the MA DEP to continue oversight of the Order of Conditions for this project. E Goodman, representing Sherwood Forest, spoke supporting the MA DEP determination relative to more impact to the resource area. Chair Dixon read the drafted response letter. Motion made to ratify the response letter as read by Chair Dixon, (Karlberg/Brand). MSV. Note the project will be filing an Environmental Notification Form with MEPA.

A Notice of Intent submitted by A. and A. Attias for 8 South Lake Way (Map 211, Lot 145) for regrading and adding drainage to direct stormwater away from house and upgrading the existing septic system. Commissioners visited the site. M Kulig of Berkshire Engineering was present to represent the owners. He explained the property currently has a tight tank for waste disposal. The applicants purchased a parcel across the street suitable for a septic tank and this will allow a septic tank to be farther from the lake. For the runoff issues, a wedge of of fill is proposed to prevent runoff from the road hitting the house's concrete block foundation and entering the basement. The owners would also like to excavate around the foundation to allow for drainage improvements. This work will require the removal of 2 maple trees and several stressed spruce trees. The owners also propose to add about a foot of fill, approximately 500 cubic feet, to the southern corner of the lot adjacent to the lake and convert the area from lawn to a wetland. It was noted during the site visit that the area adjacent to this proposed conversion area, on the other side of the lot line, has cattails (*Typha* sp.) growing. Commission discussed the proposed fill adjacent to the lake. Motion made to issue an Order of Conditions for DEP File #102-0440 for regrading and adding drainage to direct stormwater away from the house at 8 South Lake Way (Map 211, Lot 145) and upgrading the existing septic system (wastewater collection system) without the proposed regrading and placement of fill in the rear yard adjacent to Center Pond. An additional condition is the prohibition of activity west of the limit of work defined on the site plan by the proposed erosion control line, (Brand/Karlberg). MSV.

Continuing Business

A review of the **Enforcement Order** for A. and V. Bleier, 819 Bonny Rigg Road, for unpermitted work impacting bordering vegetated wetland, buffer zone, and intermittent stream. Commissioners visited the site on 18 October with Mark Stintson of MA DEP. Commission discussed the Enforcement Order which established a timeline for the submittal of a restoration plan. Motion made to adjust the timeline in the Enforcement Order to have the due date for submitting a restoration plan be by 16 October, 2018 as mutually agreed to with Andrew Bleier for review at the 23 October, 2018 Becket Conservation Commission meeting, (Brand/Karlberg). MSV.

Review of site visit to 211 Captain Whitney Road (Map 417, Lot 21). Agent Parsons visited the site with the building Inspector. Agent Parsons did not see any jurisdictional activity. A Krawet, a neighbor, summarized some of the activity she has observed on the property including tree cutting to allow for the creation of the pond. She is concerned this work may increase runoff onto her land. A Krawet walked the property prior to the current owner purchasing the land and observed wetland areas. She reported the current owner has a pipe from a wetland area to the created pond. Chair Dixon explained the Commission can not intervene in nor have any control over work done outside of the jurisdictional areas defined in the state's Wetland Protection Act. Based on Agent Parson's site visit, the property owner has not done work within any jurisdictional area.

A **Notice of Intent** submitted by Michael Tosch for a stream crossing replacement on Beaver Brook Road, Map 204, Lot 42. S Boomsma, representing the applicant, requested another continuance. Agent Parson visited the site with M Stintson of MA DEP. M Stintson suggested a 3 sided arch would be the best solution for the stream but would require fill and recommended a ford as an alternative since seasonal access is all that is needed. Motion made to continue the Notice of Intent for DEP #102-0439, stream crossing replacement on Beaver Brook Road, to the 23 October, 2018 Becket Conservation Commission meeting, (Brand/Delpapa). MSV.

A review of the **Enforcement Order** for S. Prum, 80 Beaver Brook Road regarding the unpermitted clearing in the resource area and buffer zone. Agent Parson reported the son of the property owner contacted the office and arranged a meeting for 28 September at 3:00 PM. He explained his mother was interested in planting water chestnut.

A **Bundled Notice of Intent** submitted by the Town of Becket Highway Department (DEP File # 102-0438): The project proposes the anticipated yearly maintenance projects typically performed by the Highway Department within areas subject to the Wetlands Protection Act. A hard copy of the requested map was received. Motion made to issue an Order of Conditions for DEP File #102-0438 bundled NOI for the Town of Becket Highway Department to be valid for five years with the following special conditions in addition to Becket Standard Conditions:

- any new or additional beaver deceivers must be pre-approved by the Becket Conservation Commission.
- The Highway Superintendent will provide the Commission with the annual list of anticipated projects for review and approval no later than April 15th.
- Updates regarding new or unanticipated projects at the time the list was developed may be emailed to the Conservation Commission for review and approval.
- Work will be completed in accordance with Exhibit B: Project Narrative items I-XVII.
 - In-kind culvert replacement within temporary intermittent watercourses is **NOT PERMITTED** under this Order of Conditions.
- Work will be completed in accordance with Exhibit C-1 General Conditions:

- Construction Phase Measures for Control of Sediment and Erosion and Protection of Wetlands.
- All work will be occurring from the existing roadway or Town Right of Way. All work is restricted to previously disturbed or degraded areas within the public right of way including but not limited to impervious surfaces.
- Follow the NHESP requirements listed for activities as located within Priority and Estimated Habitat as detailed in the letter from NHESP dated 8/10/18 titled Project Description: Generic NOI for Routine Road Maintenance; NHESP Tracking No.: 08-25399. Culvert cleaning and maintenance will occur only within non-jurisdictional areas unless there is an emergency.
- Ongoing maintenance of the existing beaver deceivers is allowable under this Order of Conditions and will be a Continuing Condition of the permit. New beaver deceivers require separate permitting through the Commission. An updated map showing the new locations must be submitted to the Commission.
- All culvert cleaning, maintenance, repair, and replacements will only take place at cross culverts and not regulated stream crossings without further permission from the Conservation Commission.
- Maintenance and repair of structural conveyances and removal of culvert blockages is permissible.
- Emergency repairs and activities in response to storms, natural disasters, or other unforeseen events are permissible under this Order. The Commission must be notified by phone call or email within 72 hours regarding actions taken.

Additional Items

Review site visit to 388 Black Arrow Way (Map 216, Lot 375). Demolition work is complete. The area has been reseeded and is growing. The silt fence needs to be removed and the town has been contacted about removal.

Review site visit to 21 Lady Lucille (Map 215, Lot 182) regarding follow up to Determination of Applicability. The patio and driveway work is complete. The owner wishes to come before the Commission to request approval for a retaining wall so erosion control will remain in place.

Review of site visit to 90 Dawn Drive (Map 204, Lot 73) regarding tree cutting near resource area. Two trees were removed at the front of the house. Did not access the back of the house where the wetland resource is located.

Review of site visit to 799 King Richard Drive (Map 216, Lot 165) regarding tree cutting near a resource area. The trees are near but not in a resource area. Six trees were dropped.

Review of site visit to 458 Brooker Hill Road (Map 402, Lot 165). Demolition work is complete. The work is complete but the erosion control needs to be removed and the gravel drive restored.

Review of site visit to 21 Maple Street (Map 206, Lot 86). Demolition work is complete. There was still some disturbance- though the silt fence is still in place. Asked Highway Department to remove trash at site.

Signed off on Building Permit issued for 190 Goodwin Drive (Map 210, Lot 24).

Review of site visit to 674 Benton Hill Road (Map 209, Lot 23). Permitted work includes construction of the two decks and a septic system. The property appears to have changed owners but the house seems abandoned. The parcel also appears to have an Enforcement Order. A Certificate of

Compliance was requested related to old work needing to be cleared. A new permit was issued in 2017. No apparent action is needed.

Received State of the Lake 2018, Observation of Palmer Brook Lake, dated 8/30/2018.

Announcement that the Lake and Pond Association Conference has been postponed to November.

Discussion of Homeowners Activities Brochure. The updated brochure with Becket specific information and edited by Beverly was emailed to Commissioners. If ready it could be sent out with the tax bill in December going to 3,800 property owners and would cost about \$200.

Conservation Commission vacancies. Commission could consider a flyer to help recruit new members.

General Mail

a. Board Leadership Forum on 10/13 hosted by Berkshire Taconic Foundation

b. Update on the Forest Cutting Practices Act received from DCR.

c. Received notice of Planning Board meeting on October 10, 2018 at 7 pm regarding small scale solar array on Fred Snow Road. On October 16, 2018 there will be a special meeting on a solar bylaw.

Motion made to adjourn the 23 September, 2018 Becket Conservation Commission, (Brand/Delpapa). MSV. Chair Dixon adjourned the meeting at 10:02 PM.

Action Items:

- 1.** Agent Parson will follow-up concerning the work done in the riverfront area to install a new exercise structure and associated wood chip fill at the North Becket Park by the Becket DPW.
- 2.** Meet with property owners regarding E.O. at 80 Beaver Brook Rd on 28 September at 3 PM.
- 3.** Agent to send the additional conditions read at the meeting for the DPW bundled NOI to C Delpapa to be added to the minutes.
- 4.** 458 Brooker Hill Road- ask for erosion control removal and gravel driveway repaired.
- 5.** Commissioners should review the informational brochure as soon as possible.