

Town of Becket Conservation Commission Meeting Minutes: March 9th, 2023

The Becket Conservation Commission (BCC) Meeting was held at the Becket Town Hall in compliance with the MA hybrid open meeting laws allowing applicants, contractors, and consultants to participate in person, virtually, or by audio.

Commissioners in Attendance: Chair David Johnson, Vice Chair Hank Hagenah, Jim Schaefer, Doug Bessone, Henry Scarpo, Chris Clapper, and Nic Pietroniro Conservation Agent

Guest in Attendance: Amy Mattias, Robert and Marcy Haber, Sean Rilla

Commissioners participating virtually: none

Commissioners Not in Attendance: John Verity

The Chair called the March 9th, 2023 meeting to order at 6:00 p.m. having a quorum of six (6) Commissioners and indicated the meeting is being recorded. The chair emphasized that the meeting agenda included introduction comments that wouldn't be read and that it is the responsibility of each applicant and all others in attendance to review.

The Chair opened the meeting for public comment for items not on the agenda. Not hearing any comments, it was closed for public comment.

New Business:

1. **Request for Determination of Applicability:** Submitted by Amy Attias of 23 Prentice Place (Map 206, Lot 95) for the construction of a deck within the 200-foot Riverfront Area of Yokum Brook.
Issues: none
Motion: to approve the RDA by Hank, seconded by Henry, motion carried by unanimously, 6-0-0
2. **Request for Determination of Applicability:** Submitted by Robert and Marcy Haber of 36 Ridge Hill Farm Road (Map 203, Lot 38.7) for the replacement of a failed septic system within the Buffer zone of a Bordering Vegetated Wetland.
Issues: none
Motion: to approve the RDA by Hank, seconded by Henry, motion carried unanimously, 6-0-0
3. **Notice of Intent:** Submitted by Sean Rilla of 0 Leonhardt Road (Map 208, Lot 24) for retroactive permitting of tree clearing, and proposed construction of a manufactured home within a Buffer Zone
Issues: working with Emily Stockman to finish a delineation and possibly restoration recommendations, applicant requested a continuance to April 28th, 2023 BCC meeting
Motion: to approve the continuance by Hank, seconded by Chirs, motion carried unanimously, 6-0-0
4. **Notice of Intent:** Submitted by the Mountain Grove Association, Inc. for the addition of sand nourishment, installation of benthic mats to control aquatic vegetation, and the permitting of two docks and a float in Shaw Pond at the Mountain Grove Association community beach area (Map 204, Lot 146).
Issues: items in question were the licensing of the dock and use of the Benthic Barriers – Commission and applicant agreed for a continuance to March 28th, 2023 BCC meeting
Motion: to approve the continuance by Hank, seconded by Jim, motion carried unanimously, 6-0-0

Continuing Business:

5. **Request for an Extension of an Order of Conditions:** Submitted by the Town of Becket for an extension to an active Order of Conditions (MassDEP #102-0450) issued on 7/01/2020 for work associated with repairs on the Werden Road culvert.

Issues: none

Motion: to approve the Extended Order of Conditions to July 01/2026 by Hank, seconded by Jim, motion carried unanimously, 6-0-0

Additional Items:

6. **Approval for Fleetwood Consulting Services:** Commission requested a proposal for service from Fleetwood Consulting. The proposal is attached to the minutes.

Issues: needed the option to request third party input for interpreting the Wetlands Protection Act Law.

Motion: to approve the proposal submitted by Fleetwood Consulting by Hank, seconded by Jim, motion carried unanimously, 6-0-0

7. **Approval for Public Notice Fee:** Commission to establish a set fee of \$65 for a posting a public notice when required on applications, to be paid in addition to the application filing fee simultaneously when submitting an application to the BCC for consideration. The BCC will post the public notice in the local newspaper. The fee to be effective 04/10/2023.

Issues: it was difficult and timely to track applicants' reimbursement of posting fees to the BCC

Motion: to approve the public notice fees by Hank, seconded by Henry, motion carried unanimously, 6-0-0

The BCC minutes from the two prior meetings were moved to the March 28th for ratification.

Motion to Adjournment at 7:05 pm - carried unanimously, 6-0

Becket Conservation Commission meeting minutes

Prepared by Dave Johnson, Chair

Edit Date: 03/12/2023



David Johnson, Chair
Becket Conservation Commission
Becket Town Hall
557 Main Street
Becket, MA 01223
conservation@townofbecket.org

December 4, 2022

Subject: Proposal and Contract for On-Call Environmental Consulting Services to Support the Becket Conservation Commission

Dear Mr. Johnson:

Following up on our recent conversations and correspondence, Fleetwood Environmental Solutions, LLC (“Fleetwood”) is pleased to present the Becket Conservation Commission (“Commission”) with this proposal and contract for on-call environmental consulting services.

Background and Understanding

The Becket Conservation Commission (“Commission”) is charged with a number of responsibilities, including but not limited to local administration and implementation of the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131 §40) and its associated regulations (310 CMR 10.00).

Fleetwood understands that administration and implementation of the Commission’s duties is currently carried out mainly by municipal/citizen volunteers that are supported only part-time by compensated administrative staff. Due to the significant and often complex responsibilities of the Commission, and the Town’s need and desire to efficiently and effectively provide relevant services to the regulated community, the Commission is presently seeking support from an external consultant to provide on-call services.

The Commission evidently has accumulated funds from the collection of filing fees. It is Fleetwood’s understanding that general on-call services for environmental consulting would be paid for out of this budget, with the understanding that similar consulting services for more complex or potentially controversial projects originating from the private sector would be paid for by project applicants through a formal “peer review” process, via M.G.L. Ch. 44 (“Municipal Finance”) § 53G (“Employment of Outside Consultants”), and which would not require deduction from the Commission’s current filing fee fund.

To this end, Fleetwood proposes the following terms and conditions:

General Terms & Conditions

1. Retention of Fleetwood. The Commission shall engage and retain Fleetwood and Fleetwood hereby agrees to use Fleetwood’s best efforts to render to the Commission the requested consulting services for a period commencing on December 15, 2022.

2. Fleetwood Environmental Solutions' Fee Schedule

Activity	Rate
General on-Call, Verbal Advice and Assistance	\$90/hour
Public Meeting Attendance (virtual or in-person)	\$90/hour
Site Meeting Attendance	\$90/hour
Field Compliance Inspections	\$90/hour
Technical Training	\$90/hour
Desktop Review of Technical Documents	\$90/hour
Regulatory/Policy Analysis and Report Writing	\$90/hour
Violation and Enforcement Support	\$125/hour
Appeals Support	\$125/hour
Field Review of Resource Area Boundaries	\$125/hour
Stormwater Review by a Professional Engineer (P.E.)	\$160/hour
Travel Time	\$75/hour + current IRS mileage rate

- Fleetwood shall be retained by the Commission for its technical expertise with respect to the Massachusetts Wetlands Protection Act and Wetland Regulations and to provide an unbiased and objective review of proposed and active projects and relevant matters. Fleetwood makes no guarantee or prediction with any degree of certainty to the Commission concerning the outcome of any of these matters. The Commission understands that the outcome of any such matters is uncertain, that the Massachusetts Department of Environmental Protection is the arbiter of any formal disputes (i.e., appeals) between the Commission and project applicants, and acknowledges that this current agreement between the Commission and Fleetwood is not based upon any promise of a specific result for any given matter.
- The Commission shall allow Fleetwood "first right of refusal" for any projects it deems shall require formal peer review support under M.G.L. Ch. 44 ("Municipal Finance") § 53G ("Employment of Outside Consultants"), and which would not require the use of town funds, as such costs would be borne by project applicants.
- Invoices for services rendered will be submitted to the Commission on a monthly basis. All such invoices shall be paid promptly, but in no event later than thirty (30) days after an invoice is issued. Lack of timely payment shall constitute Fleetwood's authority to terminate this agreement, upon written notice to the Commission.
- This current agreement shall expire on December 31, 2023, whereupon a new agreement will be prepared and negotiated should the Commission request such continuation of services. Either party (Commission or Fleetwood) may terminate this agreement at any time, in writing, for any reason. Any unpaid balances shall be paid promptly, but in no event later than thirty (30) days after any such contract termination.

If this proposal is acceptable, the Commission is requested to print, sign, and date the respective lines below, then scan and return to Fleetwood via email. Fleetwood is prepared to commence the scope of services upon receipt of an executed contract. Thank you again for this opportunity; we look forward to working with you!

Sincerely,

David Cameron

David Cameron, SPWS, Principal
Fleetwood Environmental Solutions, LLC

The scope of services, fee schedule and terms and conditions outlined above, are hereby authorized by the Becket Conservation Commission:

David Johnson, Chair BCC

Name (Printed) and Title

David Johnson

Signature

March 10, 2023

Date

This agreement was deliberated on and approved at the March 10th, 2023 BCC meeting by unanimous vote.