



## **Town of Becket Conservation Commission Meeting Agenda**

**Continuance - Special Meeting #2 with Tetrahydra Agtek LLC**

**Notice of Intent Application - DEP File Number 102-0464**

Thursday June 30<sup>th</sup>, 2022 in Community Room,  
Start time: 6:00 pm – ending no later than 9:00 pm  
Becket Town Hall, 557 Main Street

Conservation Commission Meeting by ZOOM

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Meeting ID: 851 3484 8802 - Passcode: 062198 - Phone: 1-929-205-6099

### **Start of Meeting:**

The Chair at 6:00 p.m. will call the Special Meeting of the Becket Conservation Commission to order subject to having a legal quorum. This meeting requires the minimum participation of four (4) of the six (6) Commissioners. This meeting is held in accordance with the Massachusetts Wetlands Protection Act (MGL Ch.131 Sec.40) and Wetlands Regulations (310 CMR10.00).

The only item on the agenda is the Notice of Intent Application filed by Tetrahydra Agtek LLC. This meeting will only be opened for public comment on items related to their Notice of Intent application.

### **Introductions:**

Commissioners: Dave Johnson – Chair, Hank (Henry) Hagenah – Vice Chair, Jim Schaefer, Henry Scarpo, Doug Bessone, John Verity, and Nic Pietroniro – Agent

Foresight Land Service – Jackson Alberti – presenting Notice of Intent for Tetrahydra  
Fleetwood Environmental Solutions LLC, Dave Cameron – third party peer review consultant  
Stockman Associates – Emily Stockman – consultant

### **Under the Open Meeting Law:**

An individual may not be required to identify themselves in order to attend and observe a meeting, regardless of whether the meeting is in-person or remote. The Chair will require that all members of the public identify themselves in order to speak at this meeting. You have the right to record the meeting and please inform the Chair. A link will be placed on the Conservation website to allow anyone access to tonight's recorded meeting.

### **Due Diligence:**

It is the duty of the commissioners to review properly completed applications, and other competent documents, deliberate, and render a decision based on the Wetlands Protection Act without bias, preconception, or conflicts of interest. All deliberations of this commission must only transpire during our publicly scheduled meetings.

**Minutes:** Request a Motion to Ratify the BCC Minutes from the 2022-06-02 Special Meeting #1

### **Purpose of Meeting #2:**

Continuance to review Tetrahydra's application until the Commission feels they have sufficient information to make a decision.

### **Response to Prior Questions from meeting #1:**

The Commission has requested Foresight Land Services, Stockman Associates, and Fleetwood Environmental communicate with each other on any questions or concerns that were raised during meeting #1. The results of their discussions to be presented at this meeting.

### **Commission's Jurisdiction:**

Dave Cameron will discuss the Commission's jurisdiction providing guidance on what the Commission may or may not consider in their deliberations and voting process. The Conservation Commission will not comment on the decisions made by the other municipal boards or departments of Becket.

### **Written Public Comments:**

The Commission will aggregate all written public comments submitted and providing responses at this meeting. If the question is not jurisdiction to the Commission, it will be stated as not jurisdictional. If it is jurisdictional, it will be explained why. Dave Cameron will assist the Commission in our responses.

### **Open Public Meeting Comments:**

The Commission will open the meeting to public comments and questions for those in attendance either by phone, Zoom, or in person. The comments and questions must be jurisdictional to the Commission. Public comment will be closed when the Chair believes that all the jurisdictional questions have been answered sufficiently.

### **Motion and Deliberation on the application:**

When the Open Public Meeting Comment is closed, the Chair will ask the Commissioners if they have sufficient information to make a decision. If the answer is yes, the Chair will ask for a motion and a second to approve the application, and then open it up for further discussion. At this time, the Commission will stipulate the applicant's "Order of Conditions" with guidance from Dave Cameron to be added by an amended motion. Once the "Order of Conditions" and Commissioners' deliberation are complete, the Chair will call for a vote on the amended motion. If the amended motion carries by a majority, then the Chair will call for a final vote on the original motion that includes the amended motion.

### **Abstaining:**

If a Commissioner opts to abstain, they may deliberate, but do not vote. The Commissioner remains part of the six-person quorum. Hence, any motion would require an affirmative vote of four. A three-vote affirmative, two vote negative, and one abstaining vote for a motion will not carry because it is not a majority of the six Commissioners. As Chair of the BCC, I cannot require a Commissioner to recuse or abstain from participation on a matter before the Commission. Neither may anyone else. The Massachusetts' ethics laws hold individuals responsible for deciding if their participation is a conflict of interest or they wouldn't be able to render a decision based on the Wetlands Protection Act without bias or preconception.

### **Outcomes:**

1. The Commission doesn't believe they have sufficient information to make a decision. The Chair will ask the Commissioners what additional information is needed and ask the applicant if they wish to request a continuance.
2. The Chair ask for a motion and a second on the application, and if both are not made, then the application fails to move forward to further deliberation and no vote is taken.
3. The Commission deliberates and votes on the application and amended motion(s) and it fails to carry by a majority vote of the present quorum.
4. The Commission deliberates and votes on the application and amended motion(s) and it carries by a majority vote of the present quorum.

### **What's next based on the outcome:**

To be discussed.

**Meeting to adjourn at 9:00 pm**