



## 0481 Town of Becket Conservation Commission Meeting Agenda

Tuesday April 23<sup>rd</sup>, 2024

Community Room, **6:00 PM**

Becket Town Hall, 557 Main Street



**Conservation Commission meeting can be accessed on ZOOM or dialing in as**

**followings:** Join Zoom Meeting: [Click to Enter](#)

Meeting ID: 854 5684 9701 Passcode: 956595

(Full Link/Phone On Last Page)

**Mask are recommended for anyone attending the meeting in person**

### **Introduction – 6:00 P.M.**

- Introduction of the Commissioners
- Public input and comment for items not on the agenda

### **Continuing Business:**

1. **Enforcement Order:** Issued to Sean Rilla for unpermitted work within the Bank of an intermittent stream and violations to an open Order of Conditions under MassDEP# 102-0473 at 659 Leonhardt Road (Map 208, Lot 24).
2. **Enforcement Order Update:** Issued to Mary Jean and Mark Jarvis for unpermitted activity in protected resource areas. Work includes the placement of fill and two culvert pipes to create a passageway for vehicles within a BVW at 442 County Road (Map 409, Lot 18.5).
3. **Enforcement Order:** Unpermitted tree removals within the Buffer Zone and on the Bank of Ward Pond at 0 Silver Leaf Drive (Map 214, Lot 132.2).

### **New Business:**

4. **Request for Determination of Applicability:** Submitted by Kenneth Tessier for the work associated with the] installation of a well and septic system within the Buffer Zone of a BVW at 0 Captain Whitney Road (Map 418, Lot 19).
5. **Request for Determination of Applicability:** Submitted by Francisca Heming - MassDOT, for the work associated with the resurfacing and related work on Route 8 in Becket, MA. Work will include micro-milling, hot mix asphalt overlay, pavement markings, and other incidental work within the Buffer Zone of various resource areas.

### **Conservation:**

- Eversource Improvement Projects
- Shaker Mill Brook Conservation Land
- Thomas Brook Conservation Area Proposal

### **Additional Items:**

- Discussion of Fees
- Correspondence/Items needing attention
- Review and Approval BCC minutes:
  - February 27th Meeting

- March 26th Meeting

**Next meeting** Tuesday May 28th, 2024, in the Community Room, at 6:00 pm.

## **Motion for Adjournment**

### **BECKET CONSERVATION COMMISSION (BCC) MEETING PROTOCOL**

#### **Start of Meeting:**

The Chair at 6:00 p.m. will call the 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 (7) appointed Commissioners. The meeting must be adjourned by 9:00 p.m. due to the posting of our public meeting agenda.

This meeting is being held in accordance with the Massachusetts Wetlands Protection Act (MGL Ch.131 Sec.40) and Wetlands Regulations (310 CMR10.00).

It is the responsibility of all those who have business before the Becket Conservation Commission to read our meeting protocol.

This meeting of the Becket Conservation Commission is held in-person as indicated on the public notice. Members of the public are welcome to attend in-person. Please note that while an option for remote participation is provided to the public, the meeting will not be suspended or terminated due to technological recording problems, or interruption of the virtual broadcast unless otherwise required by law.

It is the duty of the commissioners to review properly completed applications, 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 scheduled open meeting.

Any decision made this evening on a Request for Determination of Applicability or Notice of Intent Application must be appealed to MassDEP within 10 business days. This period will commence the day the Order is postmarked, and the Commission has 21 days to file paperwork. If your application is approved by the Commission some "Order of Conditions" may be required.

A "Order of Conditions" is not legal until it has been recorded with the Registry of Deeds. It is the responsibility of the applicant to bring the approved Notice of Intent inclusive of the Order of Conditions to the Registry of Deeds, and then to send proof to the BCC that it has been recorded. The Commission has the right to issue a cease-and-desist order to stop any work that occurs before the deed is recorded.

Public comment is required only on a Notice of Intent application. The Chair may allow it on other issues. The Chair reserves the right to limit comments expressed either verbally, electronically, or in writing. Ch. 39 Section 23C of the Mass General Laws states that no person shall address a public meeting of a governmental body without permission of the Chair of such meeting, and all persons shall, at the request of the Chair, be silent. All comments or questions by the public must be jurisdictional to the Commission in content.

#### **Introductions:**

Commissioners: Dave Johnson – Chair; Hank Hagenah – Vice Chair; Jim Schaefer; Henry Scarpo; Doug Bessone; John Verity; Chris Clapper; and Nic Pietroniro – Conservation Agent

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

An individual may not be required to identify themselves to attend and observe a meeting, regardless of whether the meeting is in-person or remote. You are only required to identify yourselves if you wish to speak. You have the right to remain silent and anonymous. You have the right to record the meeting and do not need to inform the Commission Chair. The Commission doesn't record the meetings. All the application, supporting documents, meeting minutes, agendas, and written public comments submitted to the Commission for a meeting are available to the public upon request to the Commission either by email or letter.

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

The Chair 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. When the Commissioners' deliberations are complete, the Chair will call for a vote on the motion. If the motion carries by a majority, then the Chair will state that the applicant's application is approved subject to any required Order of Conditions.

### **Abstaining:**

If a commissioner opts to abstain, they may deliberate, but do not vote. The Commissioner remains part of the quorum. Hence for example any motion that 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 meeting quorum. As Chair of the BCC, I cannot require a Commissioner to recuse or abstain from participation on a matter before the Commission. Neither can anyone else. Massachusetts' ethics laws hold individuals responsible for deciding if their participation is a conflict of interest or they would not be able to render a decision based on the Wetlands Protection Act without bias or preconception.

Outcomes:

1. The Commission does not believe they have sufficient information to make a decision. The Chair will ask the Commissioners what additional information is needed and then ask the applicant if they wish to request a continuance.
2. The Chair asks 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 Chair asks for a motion and a second on the application, both are made, the application is not approved unless it receives a majority of the quorum.
4. The Chair asks for a motion and a second on the application, both are made, the application is approved if it receives a majority of the quorum.
5. The Commission may stipulate Order of Conditions during the motion process, which will be part of the approval process of an application.

David Johnson, Chair  
Becket Conservation Commission  
Edit Date: January 1st, 2024

**Join Zoom Meeting**

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