



Town of Becket Conservation Commission Meeting Agenda

Tuesday February 27th, 2024
Community Room, **6:00 PM**
Becket Town Hall, 557 Main Street



Conservation Commission meeting can be accessed on ZOOM or dialing in as follows: Join Zoom Meeting: [Click to Enter](#)
Meeting ID: 889 0024 8705 Passcode: 216740
(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

New Business:

1. **Request for Determination of Applicability:** Submitted by Sherwood Greens Road District for aquatic plant management through the use of hand pulling and the limited use of benthic barriers in Longbow Lake, Little Longbow Lake, Silver Shield Lake, and Gold Fawn Lake.
2. **Request for a Certificate of Compliance:** Submitted by Emily Pfeiffer for the completion of the work associated with an Order of Conditions issued under MassDEP File #102-0471 at 0 Long Bow Lane W (Map 213, Lot 72).
3. **Notice of Intent:** Submitted by Amelia and Timothy LePrevost for the construction of two additions to an existing home, a front porch, and a new garage within the Riverfront Area of Palmer Brook at 1730 Jacobs Ladder Road (Map 407, Lot 25).

Continuing Business:

4. **Request for Determination of Applicability:** Submitted by Ron and Marily Sturgill for the work associated with the installation of a new septic system and bottomless sand filter within the Buffer Zone of a BVW at 77 Shawnee Shore Road (Map 204, Lot 98).
5. **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).

Conservation:

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

Additional Items:

- Deliberation and voting on the items on below
- Dark Skies Presentation
- Correspondence/Items needing attention
- Website Review
- Review and Approval BCC minutes:

- January 23rd Meeting
- February 20th Meeting #2
- September 26th Meeting
- October 11th Meeting
- October 24th Meeting

Items for Deliberation and Voting

- **Request for a Determination of Applicability:** Submitted by Francisca R. Heming, MassDOT Highway Division, for the work associated with the improvement of existing drainage along Route 20 from Wells Road.
- **Request for a Determination of Applicability:** Submitted by the Center Lake Estates Trust for the work associated with widening and redefining an existing boat ramp, beach refurbishment, and the removal of a dead tree and invasive plants at 17 North Lake Way (Map 211, Lot 146).
- **Request for an Amendment to an Order of Conditions:** Submitted by the Sherwood Forest Lake District to amend the Order of Conditions issued under MassDEP#102-0420) to allow for management of cattails (*Typha spp.*).
- **Emergency Certification:** Issued to Henry Scarpo for emergency repairs to a septic system at 3949 Jacobs Ladder Road (Map 201, Lot 21).
- **Enforcement Order:** Issued to Eric Dorn and Mary Jean 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).
- **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).
- **Request for a Determination of Applicability:** Submitted by Kathryn Strohmenger for the removal of four (4) trees within the buffer zone of the Bank of Center Pond at 303 Old Pond Rd. (Map 210, Lot 54).
- **Request for a Determination of Applicability:** Submitted by Grethel Requillo for the removal of trees within the buffer zone of a BVW and Riverfront Area of W. Walker Brook at 0 King Richard Dr. (Map 217, 225).

Next meeting Tuesday March 26th, 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 ask then 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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