

GEORGETOWN CONSERVATION COMMISSION

Memorial Town Hall One Library Street Georgetown, MA 01833

Phone: (978) 352 - 5712 - Fax: (978) 352 -5725

MEETING Minutes

Thursday, December 21, 2023 at 7:00 pm

Conservation Commissioners Present: R. Bancroft, R. Chane, C. Candia, T. Howland, L. Umberger, I. Wye

Conservation Staff: **Michèle Grenier Conservation Director all on Zoom.**

7:00 PM: CALL TO ORDER

Vote for New Chair

1. Vote for Elect New Conservation Commission Chair

Motion made by Ms. Candia, seconded by T. Howland to elect Ms. Rebecca Chane as Conservation Chair.

A roll call vote was taken 4 in Favor, 2 Abstained. Motion Carries.

2. Vote to Elect to an Open Place Committee Member

Motion made by Ms. Chane seconded by T. Howland to appoint Ms. Judy Heerlein a roll call vote was taken all in favor.

3. Vote Agent to Conservation Director

Motion made by R. Chane and seconded by T. Howland to change title of Agent to Conservation Director. A roll call vote was taken all in favor

Certificate of Compliance

4. **4 Barry Way (DEP# 161-0925)**

M Grenier, Conservation Director informed the Board that she and Ms. Candia performed a site visit and the As-Built Plan is accurate as well as the requested buffer zone plantings and the 4 Post with Conservation Placards. The commission approved under the OOC to all an extended yard.

Motion made by Ms. Chane, seconded by Mr. Umberger to approve the Certificate of Compliance for 4 Barry Way DEP# 161-925. A roll call was taken all in favor.

Tree Removal 12 Lake Avenue

Ms. M Muise appeared on zoom to discuss her tree removal. Chair Chane asked the Director if she has done a site visit. Ms. Grenier said the three trees need removal. Two were dead and one on the bank was leaning severely over her house and a danger.

Motion made by R. Bancroft, seconded by L. Umberger to give permission to Ms. Muise to remove the trees. A roll call was taken all in favor.

Discussion continued about the past agent that had the permission of the board to give permission to take down trees during an emergency and in times of danger. That our current Director should also have our permission. Ms. Bancroft said this should be on our next agenda. Ms. Bancroft made the motion to put this on the next meeting agenda Mr. Umberger seconded and added to allow the Conservation Director to provide the applicant with a letter of approval. A roll call was taken all in favor.

Certificate of Compliance Cont.

5. 9 Pine Plain Road (161 – 0274)

Ms. Grenier informed the Commission that this house was built in 1995 and the Order of Condition found at registry and house was being sold. A Site visit found the house in compliance, no additions, or yard increase. Ms. Grenier recommends issuance of the COC. Motion made to Issue Certificate of Compliance Mr. Howland seconded. A roll call was taken all in favor.

6. 12 Pillsbury Lane (DEP# 161-0902)

Ms. Grenier informed the commission her site visit found this house in compliance with the engineer's letter and submitted as-built plan. Ms. Bancroft made a motion to approve the certificate of compliance for 12 Pillsbury Mr. Howland seconded. A roll call was taken all in favor.

7. 59 Warren Avenue (Dep# 0904)

Ms. Grenier and Ms. Candia performed a site visit and found the garden proposed and approved was in good shape with winter rye planted to prevent erosion. Also, a small farm stand shed that sat on the ground, no foundation. It was mentioned the past agent approved the farm stand and Ms. Bancroft agreed. Ms. Candia made the motion Ms. Bancroft seconded to approve the Certificate of Compliance for 59 Warren Avenue DEP# 0904. A roll call was taken all in favor.

Notice of Intent

8. 200 West Main Street (DEP# 0941)

Ms. Chane asked Ms. Grenier to give a report. Ms. Grenier explained this is an existing dwelling with a proposed addition in the area of alteration a concrete slab, where a garage was torn down outside the 50 Ft. no disturb area.

Ms. Chane commented that the commission had performed a site visit here and it was before us. The applicant Mr. Larch confirmed it was an RDA. He also confirmed the addition would be on the exiting area where the garage sat. Ms. Bancroft made the motion Ms. Candia seconded to approve the Order of Conditions for 200 West Main, DEP # 941. A roll call was taken all in favor.

Business/Discussion Items

Items not reasonably anticipated by the chair 48 hours in advance of the meeting.

Response to Open Meeting Complaint

R. Chane informed the Commission about Open Meeting Complaint #1, that the Violation was field against the Conservation October 20, 2023.that the Violation was field against the Conservation October 23, 2023.The process requires that the complaint is shared with the Board. The Complaint was filed by Kevin Wood, 8 Pine Plain Road, Georgetown, Mass. (stated in complaint 1:07) At the 7:07 mark of the meeting the Concom deliberated then Voted to hire a Conservation Agent. This Topic was not on the agenda and is in violation of the open meeting law.

R. Chane read the resolutions that were suggested by Kevin Wood.

R. Chane read her brief response to the Board

The Board concluded it agreed with response.

This Topic falls under item #1 in the posted agenda. Furthermore, the hiring of staff in town hall does not have fall under a topic discussion. It was determined earlier in the day that we identified a suitable candidate and it was shared with the board that evening.

R. Chane informed the Commission about Open Meeting Complaint #2, that the Violation was field against the Conservation October 23, 2023.The process requires that the complaint is shared with the Board. The Complaint was filed by Kevin Wood, 8 Pine Plain Road, Georgetown, Mass.

The description of the violation was discussed.

1. Defective agenda, 2. motion to enter into Executive Session is defective for the same reason the agenda is defective, and 3. purpose of the Executive Session is fabricated, untruthful and no litigation.

Alex Weisheit spoke to the commission that at the time the Conservation met the appeal period was still open on the decision issued by the Land Court Judge. The Conservation Commission met to determine if they wanted to continue the litigation while it was still open. There is no comment on number 2, and Number 3 as it pertained to open litigation.

Ms. Bancroft made a motion Ms. Candia seconded to allow Town Council to file a written response to the Attorney General. A roll call was taken all in favor.

R. Chane informed the Commission about Open Meeting Complaint #3, that the Violation was field against the Conservation November 8, 2023.

The process requires that the complaint is shared with the Board.
The Complaint was filed by Kevin Wood, 8 Pine Plain Road, Georgetown, Mass.
Conservation minutes have not been posted on 5/23/23, 6/15/23, 6/20/23, 7/20/23, 8/17/23, 9/14/23 9/21/23 /17 no agenda, Get all this of paper. 1. Immediately release all minutes in draft form and approved minutes in accordance with OLM Guidelines. 2. Provide a specific & compliant description of topics for 6/20/23 meeting. 3. Provide the Agenda or notice of cancellation for the 8/17/23 meeting. 4. Provide the Agenda for the 9/28/23 minutes.

R. Chane read the resolutions that were suggested by Kevin Wood.

R. Chane read her brief response to the Board

The Board concluded it agreed with response.

The Board concluded it agreed with response, there was no meeting in August, no meeting on 6/28/23 and the agenda of 6/20/23 in adequate. As for the other dates there were few meetings as there was no staff between June – October 2023. The Commission was told in a public meeting a town employee would be taking minutes and found out recently no minutes were taken. In the future staff will be hired to take minutes.

R. Chane informed the Commission about Open Meeting Complaint #4, that the Violation was field against the Conservation November 8, 2023. The process requires that the complaint is shared with the Board. The Complaint was filed by Kevin Wood, 8 Pine Plain Road, Georgetown, Mass. Chair (at the time) Shedder and others members of the commission who participated in this illegal discussion should resign.

R. Chane read the resolutions that were suggested by Kevin Wood.

R. Chane read her brief response to the Board

The Board concluded it agreed with response.

The meeting opened at 7:02 pm and there was an internal dialog between some members before the meeting was formally opened. It was not an agenda item; it was about a pervious meeting between the BOS and the Conservation Commission in a joint meeting to smooth relations between two boards. Since this is not an agenda item nor any discussion made in regards to this topic or any public or open cases, or other discussions such as a mention of the amount of FOIA's received at the Town Hall, this is not in violation of any Open meeting Law. It is free speech under the First Amendment under the Constitution of the U.S.

There being no further business, on a motion made and duly seconded, the meeting was adjourned at 8:30 PM.

Document used in the meeting:

Conservation Director Report

Next meeting: January 18, 2024