



TOWN OF TISBURY  
Conservation Commission  
Town Hall Annex  
66 High Point Ln  
PO BOX 1239, Tisbury, MA 02568  
PHONE: (508) 696-4260 FAX: (508) 696-7341  
<https://www.tisburyma.gov/conservation-commission>

CERTIFICATION PURSUANT TO G.L. c. 39, SECTION 23D OF  
PARTICIPATION IN A SESSION OF AN ADJUDICATORY HEARING WHERE THE  
UNDERSIGNED MEMBER MISSED A SINGLE HEARING SESSION [Note: Can only be used for  
missing one single hearing session]

I, John Best (name), hereby do swear and certify under the pains and penalties of perjury as follows:

I am a member of the Tisbury Conservation Commission  
I missed a discussion on the matter of DEP File 074-01008 and Enforcement Order for the 690 & 794  
Chappaquonsett project. which was held on 12/16/2025 (date)

On 1/6/26 (date) I examined all the evidence and testimony received at the hearing session that I  
missed which included a review of (initial one(s) which are applicable).:

☒ official audio recording of the missed hearing session; or  
☐ official video recording of the missed hearing session; or  
☐ official transcript of the missed hearing session.

This certification shall become a part of the record of the proceedings in the above matter.

Signed under the pains and penalties of perjury this 6<sup>th</sup> day of Jan., 2026

John D Best  
Signature of Board Member

Received as part of the record of the above matter:

Date: 1/6/26

By: Alyceke Pigman

Position: Assistant

MGL c. 39, Section 23D:     Adjudicatory hearings; attendance by municipal board, committee and commission members; voting disqualification

(a) Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

(b) By ordinance or by-law, a city or town may adopt minimum additional requirements for attendance at scheduled board, committee, and commission hearings under this section

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Any Member or Associate Member seated on a case for the initial session of the public hearing on an application is entitled to continue to sit on that case after being absent from a subsequent continued session of that public hearing, so long as that individual complies with the requirements of the "Mullin Rule" that is, listens to the recorded proceedings of the session or views the videotaped proceedings of the session or reads a transcript of the session from which the individual was absent, reads all relevant paperwork; and files a certification with the Town Clerk attesting as having complied with these requirements

No Member or Associate Member, not having been seated on a case at the initial hearing on the application may be seated on that case in lieu of an absent Member or Associate Member who was seated