

TOWN OF STURBRIDGE, MA
CONSERVATION COMMISSION
ADDENDUM to Meeting Minutes of Thursday, November 17, 2016
Approved 11/6/2018
Sturbridge Center Office Building, 2nd Floor

Meeting Called to Order: 6:00 – 6:55 pm: The Commissioners working session for a continuation of review of the Bylaws

Quorum Check: Confirmed

Meeting Adjourned: 6:55 pm.

Members Present: Ed Goodwin (EG), Chairman
David Barnicle (DB), Vice Chair
Steve Chidester (SC)
Steve Halterman (SH)
Paul Zapun PZ

Others Present: Glenn Colburn (CG), Conservation Agent
Anne Renaud-Jones (ARJ), Conservation Clerk

- Document FORMAT discussion - request to review whole document and use numeric numbers within the text throughout. All agreed.

Chapter 4 – Procedures

Chapter 4 - Section 4.7 Orders of Conditions Regulating Work and Orders of Resource Area Delineation

- 3rd bullet: running text is confusing; break out options into sub-bullets for clarity.
- Last 2 bullets: Need to research and confirm which Superior Court is referred to in last 2 bullets and spell out - Worcester County Superior Court- needs to be confirmed.

Chapter 4 - Section 4.11 Certificates of Compliance:

- Paragraph 5 wording is unclear to a layperson.
- Suggested rewrite: The Commission may decline to issue a COC until the project site is fully stabilized to the satisfaction of the conservation agent. In cases where (wetland) restoration has been required, Certificates of Compliance will not be issued for a minimum of 5 years, even when the replication has been inspected and verbally approved by this Commission. The five-year period is based on the Commission's previous experience with replication efforts, and the frequency with which they fail. This issue is often deliberated within the industry.

Chapter 4 - Section 4.14 – Appeals to the DEP and Mass Superior Court:

- **Paragraph 1 and 2: Edit the end of the paragraph to read: Regarding State Regulations:** Those aggrieved of the Commission's actions based on the State Wetlands Protection Act or the State Riverfront Protection Act, may appeal to DEP and request the DEP to issue a Superseding Determination of Applicability or Order of Conditions. This appeal must be made within 10 business days of the issuance of the Order. **Regarding Local Bylaw Regulations:** Those aggrieved of the Commission's actions based on the Sturbridge Wetland Bylaws may contest the Commission's decision through Massachusetts Superior Court. This appeal must be made within 60 calendar days of the issuance of the Order.

Chapter 4 - Section 4.15 Enforcement and Cease and Desist Orders:

- PZ: Should there be a timeline?
- This from PZ who recognized these longstanding issues the Sturbridge Conservation Commission (SCC) have on our plate.

The board had the following questions, comments and concerns:

- EG: Goal is to have clear process going forward- to stop the violation and to have plan in place to execute.
 - SH: Ticketing process as currently in place does not seem to have a process to address the
 - Magnitude of the damage
 - No sting for deterrence
 - Example from DEP, “Work in wetlands without a permit is immediate \$4000 fine no questions asked; assessment and discussion FOLLOWS this immediate fine.”
 - SH sees “ticket” as a “slap on the wrist” to move people along in their projects; as currently used, does not lend it to large violations.
-

Chapter 4 - Section 4.23 Revocation of Permits - Commission all agreed to rewrite to this:

Failure to comply with conditions in any permit issued by the Commission shall be cause to revoke the permit.