

**TOWN OF STURBRIDGE, MA
CONSERVATION COMMISSION**

ADDENDUM to Meeting Minutes of Thursday, April 21, 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

Present: Ed Goodwin (EG), Chairman
David Barnicle, Vice Chair
Steve Chidester (SC)
Steve Halterman (SH)

Absent: Joe Kowalski (JK) (was later present for regular meeting)

Quorum Check: Confirmed

Others Present: Glenn Colburn (CG), Conservation Agent
Anne Renaud-Jones (ARJ), Conservation Clerk
Applicants and/or Audience Members: No one present.

Chapter 4 Procedures

- **4.13 Emergencies- Paragraph 1: Accepted rewrite as follows:** The permit and application process required by this bylaw regulation shall not apply to emergency projects necessary for the protection of the health and safety of the public. Notice, oral or written, must be provided to the Conservation Commission, its Agent, or any single commissioner prior to commencement of the work or within 24 hours after work has begun. The Conservation Commission, its Agent, or any single commissioner must certify the work as an emergency project, and can act at the immediate onset of the emergency.
 - Work is to be performed (or be ordered to be performed) by an agency of the Commonwealth or the Town of Sturbridge.
 - Work will be performed only for the time and place certified by the Conservation Commission for the limited purposes necessary to abate the emergency.
 - Protective measures required by the Conservation Commission must be complied with.
 - A permit application must be filed with the Commission within 21 days of the commencement of the emergency project. **(See Section 1.3 of these regulations).**
 - The Commission may, at its discretion, conduct a site visit to view the work being performed and to confirm that the information in the notice is correct.
- **4.15 Enforcement and Cease and Desist Orders -- Accepted REWRITE:** Enforcement Orders or Cease and Desist Orders are issued when it is found that an activity is in violation of the Massachusetts Wetlands Protection Act or its Regulations, or the Town of Sturbridge Wetlands Bylaw or regulations or a Final Order by the SCC. Such orders may be issued by the Sturbridge Conservation Agent, or any of the sitting Commissioners, OR directly by the DEP or the Division of Law Enforcement of the Department of Fisheries, Wildlife and Environmental Law Enforcement (DFWELE).

Violations include, but are not limited to:

1. Conducting activities within a buffer zone or a resource area without a permit;
2. Conducting work which has an adverse impact on a resource area;
3. Failure to comply with a Final Order of Conditions ;
4. Failure to complete work described in a Final Order of Conditions;

5. Failure to obtain a Final Order of Conditions or Extension Permit.

- A Final Order of Conditions may be enforced by the Conservation Commission or a member, or designee authorized by the Commission, (the Board of Health Agent, the Director of Inspections or the Police Department), or the DEP. The members, officers, employees and agents of the Conservation Commission and the DEP may enter upon privately owned land for the purpose of performing their duties under M.G.L. c. 131, § 40, 310 CMR 10.08-2, and the Town of Sturbridge Wetland Bylaws.

ACCEPTED REWRITE Enforcement Orders shall be signed by a majority of the Commission, unless deemed an emergency. An emergency allows a single Commissioner, or Agent to take immediate action. Consultation with other Commissioners is encouraged. Said Order shall then be ratified by a majority of the Commission at the next scheduled meeting or be considered invalid. Owners of land on which violations occur will receive written notice of the violation, what measures are to be taken and the day and time on which the owner or the owner's representative is to meet with the Commission. These meetings will usually be held during the next scheduled public meeting. However, in the case of serious impact or threat of immediate serious impact to a resource area, the Commission may schedule the meeting at the earliest possible date. Determination of serious impact will be at the discretion of a majority of the commission. Failure to attend the meeting scheduled or to notify the Commission and arrange an alternative acceptable time, will result in a Cease and Desist Order being issued at the stated meeting time and date. Failure to respond to the Cease and Desist Order will result in the issuing of an Enforcement Order which will be recorded on the property deed as a lien against the property. Said enforcement order will not be waived until the property and the violation are completely mitigated and restored, and approved by the Conservation Commission.

- **4.21.16 Original approved rewrite:** Penalties for actions or violations of wetland/conservation laws, bylaws or regulations, requiring the Commission to initiate enforcement action are on a per site basis.
- **5.26.16 Suggested rewrite:** Activities deemed to be violations of wetland/conservation laws, bylaws or regulations, requiring the Commission to initiate enforcement actions, will have penalties imposed on a per site basis.
- The fines listed below may be overwritten by the Commission for violations considered to be egregious. Multiple actions within a single enforcement may, at the discretion of the Commission, incur "serial" fines.
- For example, a single tree cutting violation (in a buffer zone, without a permit) may sustain a "1st violation" fine of a \$50.00.
- If this first violation, however, involves the cutting of 20 trees (in a buffer zone, without a permit), the Commission may impose a "1st violation" for the first tree, a "2nd violation" for the second tree, and a "3rd violation" rate for every additional tree, totaling \$5,550.

For violations within a Buffer Zone:

1st violation \$50.
2nd violation\$100.
3rd and each subsequent violation \$300.

For violations within a Resource Area:

1st violation \$100.
2nd violation\$200.
3rd and each subsequent violation \$600.

- Fines shall be issued and collected using Non-Criminal Dispositions. The Commission may, at its discretion, elevate the offense to the Massachusetts Department of Environmental Protection, which could result in criminal charges depending upon the severity of the action.

CHAPTER 5 – Resource Areas, Values, etc.

5.1 Banks: Commission confirmed they use the state definition of the word bank.

5.2.3 Presumption: delete the word “bordering.”

5.2.4 (2) General Performance Standards - Commission agreed to this wording: Work which results in the loss of up to 5000 square feet of Bordering Vegetated Wetland may be allowed at the discretion of the Commission **under extreme conditions** on a case-by-case basis when no other alternatives are possible. Such work would require 2:1 Wetland Replication, and any additional specific conditions the Commission deems necessary to ensure that the replication area will function in a manner similar to the area lost. Wetland Replication regulations are detailed in Chapter 7 of this document.

End of discussion on Chapter 5 for this evening- continued to next meeting.