

**TOWN OF STURBRIDGE, MA
CONSERVATION COMMISSION
ADDENDUM to Meeting Minutes of Thursday, June 2,
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

Meeting Adjourned: 6:55 pm.

7:00 pm Reconvene Meeting for Regular Business

Quorum Check: Confirmed

Members Present: Ed Goodwin (EG), Chairman **Absent:** Joe Kowalski (JK)
David Barnicle (DB), Vice Chair
Steve Chidester (SC)
Steve Halterman (SH)

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

Chapter 5 - Resource Areas, Values, Presumptions of Significance, etc.

Chapter 5 Section 5.5 Riverfront Area

- Somewhere in this section, the Sturbridge Conservation Commission (SCC) will make reference to the “special intermittent stream” status and the map that will be created. Perhaps a list of all, and the specific reason it is being given such a designation- maybe inserted here, maybe to an appendix- all to be discussed when decisions have been made.
- **Sec 5.5.2 Definitions** - 1st sentence, very end: change word “considered” to “protected.”

Sec 5.6 Vernal Pools

- DB stated concern that this section is 1.5 pages long and the state law is so detailed; wondering if necessary to keep here in the regulations: EG responded that Sturbridge protects uncertified vernal pools, which are not protected by the state, and that the SCC protect a greater distance around a vernal pool than the state does.
- Commissioners: Current wording of “mean annual high water” in sec 5.6.1 is very difficult to determine; resulting edit shown below.
- Some discussion about whether criteria has changed regarding presence of fish: Commissioners will research with MACC.

Sec 5.6.1 Definitions – very end: Edit as follows current: The adjacent upland resource area for vernal pools shall extend 200 feet from the mean annual high-water line defining the depression, or one-half of the distance between the vernal pool and any existing house foundation, whichever is greater. New revise: The adjacent upland resource area for vernal pools shall extend 200 feet from the boundary of the vernal pool.

Sec 5.6.2 – Presumption of Vernal Pool Habitat: 2nd paragraph: **Delete:** Based on an overwhelmingly consistent show that those vernal pools identified by NHESP as potential vernal pools are in fact identifiable vernal pools, **Sentence now reads:** All potential vernal pools as noted by NHESP shall be considered identified vernal pools. Burden of proof to the contrary is the responsibility of the applicant.

Sec 5.7 - Estimated habitats: format correction.

- Commissioner consensus that balance of Chapter 5 is approved as it currently stands.

Pesticides and Herbicides (CH 1; 1.3 and CH 3; 3.5 and 3.8):

- Agent distributed print of MACC Environmental Handbook for Mass Cons Commissioners, section 18.5: **Herbicides and Pesticides: Regulation of Use.**
- Paragraph 5 states: “Municipalities cannot directly regulate use of herbicides and pesticides except to collect information on their use and make sure that state and federal laws are being properly carried out.”
- DB pointed out Paragraph 6, and is of the opinion that the SCC are not trying to “regulate”; “Regulating” pertains to having the expertise to advise how to use the product: He maintains that the SCC should be able to “prohibit” this use altogether while not overstepping our regulations.
- GC: Could the SCC include language about requiring “licensed professionals”?
- Commission will continue this conversation at the next working session.