



PAXTON CONSERVATION COMMISSION

MEETING MINUTES

January 11, 2018

Location and Time: John Bauer Senior Center 7:05-8:58pm

7:05 PM Meeting opened

Attendance:

Commissioners: Lenny Anderson, Chairman; Mike Voorhis, Vice Chairman; Jim Robert, Commissioner; Tim Luring, Commissioner; Bob Ferguson, Commissioner; Donmarie Desrosiers, Commissioner.

Absent: Holly Robert, Assoc. Member, Chris Keenan, Commissioner.

Others present: Mia McDonald, Cons. Agent., Caitlin Cournoyer, Resident.

Minutes: Minutes of December meeting were reviewed. TL motioned and BF seconded to approve the minutes with the addition of the DEP file number.

*BF requested that minutes are provided the week after the meeting to better remember the details of the meeting.

Bills: MM Agent \$630 payroll bill. TL motioned and DD seconded; all voted in favor of paying the bill.

Correspondence:

Eames Pond Dam Replacement at Moore State Park Supplemental Project Information Planning Board Review plan for 713-715 Pleasant Street, Fidelity Bank

Public Hearings

None

Informal Discussion:

Paxton Wetland Bylaw

Caitlin Cournoyer, a resident of Paxton and former member of the Conservation Commission, presented the Commission with comments on the bylaw. She is a lawyer, but stated her comments are as a citizen and for informational purposes only and she is not issuing her legal opinion. She provided suggestions to the appeals and fines sections which the MA Attorney General's office has required that the Commission clarify for the next Town Meeting. She also provided comment on a few typos that should be corrected. The Commission discussed her contributions and were all very grateful for her time and effort.

The Commission discussed the appeals and fines section and clarified them in response to the AG's office request as follows:

Under Section IX. Enforcement, the old third paragraph stated:

Any person who violates any provision of this bylaw, or regulations, permits, or administrative orders issued thereunder, shall be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense. The Commission may issue citations with specific penalties pursuant to the non-criminal disposition procedure set forth in Massachusetts General Law, which has been adopted by the Town.

The new paragraph shall be written as:

Any person who violates any provision of the Act, this Bylaw or Regulations thereunder or permits issued thereunder shall receive a written notice for the first violation. The penalty for each subsequent violation shall be one hundred dollars (\$100.00) per violation. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the Act, Bylaw, Regulation or permit violated shall constitute a separate offense. The Commission may issue citations with specific penalties pursuant to the non-criminal disposition procedure set forth in Massachusetts General Law Chapter 40 Section 21D, which has been adopted by the Town.

Under Section XI. Appeals, the old wording stated:

A decision of the Commission under this bylaw may be appealed to the Paxton Board of Selectmen OR the Paxton Zoning Board of Appeals by the applicant, the owner if not the applicant, any person aggrieved by a Determination or Order, any owner of land abutting the land on which the work is to be done, or any ten residents of the town in writing within thirty days of the decision being issued to the applicant.

A decision of the Commission under this bylaw shall be reviewable in the Superior Court in an action filed within sixty (60) days of the decision being issued to the applicant, as per M.G.L., Chapter 249, Sec. 4.

The new section shall be written as:

The applicant, the owner if not the applicant, any person aggrieved by a Determination or Order, any owner of land abutting the land on which the work is to be done, or any ten residents of the town may appeal a decision of the Commission under this Bylaw in writing, with a copy given to the Commission, in an action filed within sixty (60) days of the decision being issued to the applicant.

At the discretion of the appellant, the action may be filed with the Paxton Zoning Board of Appeals prior to or instead of filing with the Superior Court. This local filing does not preclude the appellant's right to file with the Superior Court within sixty (60) days of the appeal decision being issued to the applicant by the Paxton Board of Selectmen/Paxton Zoning Board of Appeals.

As per M.G.L., Chapter 249, Sec. 4, a decision of the Commission under this bylaw shall be reviewable in the Superior Court in an action filed within sixty (60) days of the decision being issued to the applicant by the Conservation Commission.

The Commission discussed, MV made a motion and DD seconded to accept the new wording to address the AG office's comments. This new wording shall be open to public comment at the February meeting of the Commission, pending comment from Town Counsel.

Paxton Stormwater Permit

MM updated the Commission that she, LA and TL had met to review the requirements of the new permit. TL and MM also met with Mike Putnam and Carol Riches to determine what of that list had already been completed. MM was also in correspondence with Fred Civian of MA DEP who was very informative and is willing to attend an upcoming meeting to clarify on the July Notice of Intent for the new Phase II, as well as the stormwater management plan that shall be required of the town. Fred was planning to attend the March meeting, but that meeting must be postponed due to lack of quorum. MM shall contact Fred re re-schedule.


Upcoming meeting dates:

February 8, 2018 and March 15, 2018 (March meeting moved from the 8th due to lack of quorum.)

MM requested alternate meeting dates for July and August due to vacation schedules. Due to the far off distance of the dates, the possible change shall be discussed later in the spring.

JR motioned and TL seconded to close the hearing. The meeting was adjourned at 8:58 PM.

Respectfully submitted,



Mia McDonald,

Agent for the Conservation Commission

Reference Documents:

*As noted in the minutes, on file with the Paxton Conservation Commission.