

MINUTES
WEST BOYLSTON CONSERVATION COMMISSION
APRIL 25, 2016 SPECIAL MEETING

MEMBERS PRESENT: William Chase (Chair), Charlene Hopkins (Vice-Chair), John Hadley (Vice-Chair), David Mercurio and David Eckhardt (Associate Member).

MEMBERS ABSENT: Mark Meola and Clerk Toby Goldstein (Ms. Hopkins had agreed to take minutes for the Clerk).

At 7:00, Mr. Eckhardt made a motion to open the special meeting. Mr. Hadley seconded. All in favor. (Mr. Eckhardt suggested deferring review and approval of these special meeting minutes until the June 6 meeting; all were in agreement).

Discussion of Proposed Wetland Bylaws Prior to May Town Meeting:

Mr. Hadley asked for explanation to him and Mr. Mercurio for why the draft bylaw prepared by the Bylaw Committee (and discussed at the April 11 meeting) was not going to be presented at Town Meeting, but instead the December, 2015 draft of the bylaws? Ms. Hopkins explained that, in order for the Commission to enforce bylaws, they needed to identify resource areas and regulatory zones in their bylaws (town bylaw, town enforcement). Ms. Hopkins further explained that the Commission already had authority to enforce under the Wetlands Protection Act (WPA) and the draft bylaws being only able to provide fining ability were not even legal. Mr. Chase agreed and confirmed that he asked Attorney McGregor of McGregor and McGregor to look at this draft, as was suggested by Vinny Vignaly of Planning Board when he initially sent Concomm the Bylaw Committee draft. That attorney's office confirmed that this draft was not legal and the Commission would still need to do what the WPA requires them to enforce, which is to obtain monies for legal opinion and/or litigation by going to the Board of Selectmen. Mr. Eckhardt suggested that if the Commission did not submit any bylaws for approval, they could instead have funding in the amount of \$20,000 to \$30,000 for legal enforcement under the WPA. Mr. Hadley said that was not possible so the Commission continued discussion of the bylaws.

Mr. Chase then pointed out that the December, 2015 draft was the result of three years of work, had been submitted for review internally to the other Town boards and externally, having been prepared by NRWA and reviewed by DCR, and that the draft was further revised just in the last year due to Mr. Mercurio joining the Concomm, DEP appointing a Circuit Rider, and Planning Board doing comprehensive review and edits. All of these things had been incorporated during the past year resulting in the December, 2015 version. Mr. Eckhardt pointed out that there are over 200 local bylaws within Massachusetts and asserted that the current draft was fair and reasonable. Ms. Hopkins mentioned that while she understood that Mr. Mercurio and Mr. Hadley might be looking at the bylaws from a building/developing perspective, she has been on the Commission over seven years, the same duration as Mr. Hadley, and that during her entire tenure she could not recall a time that the Concomm did not work with a developer or a private resident to move forward with projects. Mr. Hadley agreed.

Mr. Mercurio also agreed that this was true over his past year's tenure. Mr. Mercurio also spoke about the Cohen Law and explained it to Ms. Hopkins who was not familiar with it. Ms. Hopkins pointed out that she met with the Town Administrator when requesting to volunteer for the Commission and told him that she was volunteering to protect our town's wetlands for our generation and future generations. She also mentioned that she has reviewed the WPA in its entirety several times and also has taken numerous training sessions with MACC as had Mr. Chase and Mr. Eckhardt, and that, to her knowledge, neither Mr. Hadley nor Mr. Mercurio had done any training with MACC. They both confirmed this. Mr. Mercurio spoke of his extensive property owned in the Town and how it is regulated by Chapter 61A because he believes in preserving the property for his family's future generations, but he acknowledged that any bylaws would not affect him or his property because the property is upland and 80 acres do not even have wetlands. Mr. Mercurio also said that he too wants to protect the wetlands without prohibiting builders of his generation or future generation from being able to do projects. He added that the WPA being re-written is a real possibility during the current State administration. Mr. Chase pointed out that there would be no way to circumvent the WPA even if it is re-written and that even if the Commission has a wetlands bylaw in place, they are still going to be required to enforce the stricter WPA and that there was not anything that they could do about that. Mr. Chase and Ms. Hopkins then discussed how they wanted to have a wetlands bylaw in place for future Concomm members who might not have the experience that the current board has. Ms. Hopkins pointed out how the Commission has been able to get further protection and projects done by Mr. Chase with the help of both his business and political connections, and without him as a member the Commission will need the wetlands bylaw more than ever. Mr. Mercurio requested that Ms. Hopkins forward him a copy of the WPA for his review and she agreed to do so.

With no further questions or comments, Ms. Hopkins then made a motion to submit the December, 2015 draft of the wetlands bylaw to the Board of Selectmen for warrant and consideration at the May Town Meeting. Mr. Eckhardt seconded. Mr. Chase, Mr. Eckhardt and Ms. Hopkins voted in favor. Mr. Hadley and Mr. Mercurio opposed. The quorum ruled; the December, 2015 draft of the bylaws will be submitted for the Town Meeting warrant.

Submitted by: _____ (For Charlene Hopkins)
Date accepted: _____