



Hubbardston Massachusetts

Conservation Commission Meeting Minutes

Date: November 1, 2022

Location: 7 Main Street, Library basement, Hubbardston, MA 01452

Members Present: Rick Green, Rich Clapham, Tony Coppola

Members Absent: Kayla Larson, Tom Larson

Other Attendees: Mia McDonald (MA DEP), Luke Sisco, Sandy Sisco

Call to Order – 7:03 pm

1) Minutes Approval – Motion to approve 10/4/2022 minutes, as written, by Chair Green, seconded by Member Coppola, unanimous approval.

2) New Business

- a. Clerk Kresge updates the Commission that the Emergency Certification requested by MA DCR for repair work on the Ware River Rail Trail off Williamsville Rd has been completed and sent to DCR.

3) Old Business

- a. Moosehorn Pond alterations/violations

Chair Green introduces the issue, describing previous site visits, and states that it is his understanding that structures have recently been removed from the disc golf course. Luke Sisco comments that it was not a real disc golf course, and that it was a pre-existing trail. He states that it was just lopper work clearing brush on an existing trail, and that it was the only way to access their property due to beaver flooding. Luke and Sandy Sisco state that the trail was used by all the neighbors for recreation and dog walking; brush cutting and leaf blowing helped to keep the ticks down.

The Siscos claim that during the DCR inspection in 2019, they were told that breaching the beaver dam was OK, and that the trails were not a problem. They also indicate that the low water level in Moosehorn Pond this year was simply due to the drought conditions.

Member Coppola inquires about the breaching of beaver dam, and says that his interpretation of the photos taken was that some kind of excavation may have been involved. The Siscos deny that there was any excavation, and say that there was only erosion from water flow over or around the beaver dam.

Chair Green brings up the violation letter sent out by Allan Rantala (MA DCR). Ms. Sisco describes the previous inspection back in 2019 when certified letters were sent from Allan Rantala to all the neighbors. She claims that everyone was encouraged to use the land during that inspection. Mia McDonald asks whether the Commission has read the recent 2022 violation letter from DCR to



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Luke Sisco. She recaps this letter from Allan Rantala and signed by supervisor Dan Clark. She was told by Mr. Rantala that this was a second violation and was identical to the first violation (in 2019), except that it is more extensive. She reads the letter into the record. The letter details all the violations observed, and then goes on to say that since Mr. Sisco has agreed to remove all structures related to the disc golf course and to cease any additional alteration activity, DCR would not seek any further legal action. Ms. McDonald requests that the minutes reflect that the violations observed were found to have resulted not from trail maintenance, but from the installation of a disc golf course.

Mr. Sisco interrupts and repeats his claim that it was not a disc golf course. Ms. McDonald requests permission from Chair to continue with her observations. She reiterates that the disc golf course was observed by Allan Rantala and was also confirmed by other abutters. She explains that DEP can act as the lead enforcement agency for situations like this, which often leads to fines and other costs, but that they prefer the matter to stay with the local Commission for resolution through education and agreement rather than escalating to legal avenues. She observes that limited trail maintenance involving trimming and pruning is usually allowable on a 30"-wide trail corridor, but that the cutting and alteration in this situation was much more extensive. She also suggests that further conversation regarding a beaver management strategy might be appropriate for Moosehorn Pond, but it requires a permit from the Commission.

Chair Green confirms that disc golf baskets have been removed, but it is still a violation. He asks Ms. McDonald whether a cease and desist is required at this point. She recommends that especially since this is a second violation, some kind of documentation be produced by the Commission in the form of either a letter or an enforcement order. Chair Green polls the Commission on whether they wish to produce a letter or a cease and desist order. Member Clapham recommends a cease and desist order and Member Coppola agrees. Chair Green agrees that an enforcement order should be prepared by the Commission.

Member Coppola points out that the enforcement order will be to cease and desist from extensive cutting and alterations - limited maintenance of an existing trail is still permissible. Member Coppola presents a motion to prepare the enforcement order, seconded by Member Clapham, and the motion is approved unanimously.

Ms. McDonald advises the Siscos that if they ever have any questions, both she and Allan Rantala are available to advise on technical issues.

b. Application for Certificate of Compliance – 29 North Comet Pond Rd

Clerk Kresge summarizes that two Order of Conditions were issued 15 years ago for installation of a septic system and a water well. The work was performed but Certificates of Compliance were never requested at that time. We do have an as-built, stamped plan on file for the septic system, and details of the plan match with the plan referenced in the Order of Conditions.



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The Commission members inspect the as-built plan and the original Order of Conditions. After review, the members sign the Certificate of Compliance forms prepared for their signature.

- c. Clerk Kresge presents legal advertising invoices for approval. After discussion, the Commission members sign off on the warrant form for payment of the invoices.

The meeting was adjourned at 7:55 pm.

Respectfully submitted,
Mark Kresge
Land Use Clerk