

# Buckland, MA Conservation Commission Meeting Minutes

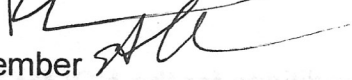



December 5, 2022

Via Zoom

## Agenda

1. Review Previous Meeting Minutes
2. NOI for 35-2 So. Conway Rd
3. Open Meeting Law Complaint, Janet Sinclair (November 17, 2022)  
Acknowledge receipt and review complaint, authorize submission of response by Town Counsel
4. Discuss COI Training

## Attendees

Kathy Lytle, chair   
Steve Howland, member   
Alex Meade, member   
Mary Knipe, member   
Mark Stadnicki, SVE Associates, representative for applicant  
Ralph, public  
Lisa Turowsky, public  
Kimberly Wetherell, public  
Mark Stinson, Mass DEP  
Kiffer Sikes, public  
Janet Sinclair, public

Chair Kathy Lytle opened the meeting at 6:30 pm

1. Review Previous Meeting Minutes

The minutes of the November 7, 2022 meeting were reviewed. Member Steve Howland moved to approve the minutes; member Alex Meade seconded the motion; all voted in favor of the motion.

2. NOI for 35-2 So. Conway Rd.

Mark Stadnicki of SVE Associates reviewed the Notice of Intent Package his firm prepared for a Single Family Residence (Lot 35-2 South Conway Road, Buckland) for applicant Charles S.C. Klosson of Chevy Chase, MD.

Mr. Stadnicki noted the 25% grade of the site (slopes to the northeast); reviewed the placement of the single family residence with a septic system, private well and 450' long driveway as indicated in the plans; and noted a potential vernal pool (at the site of a previously-created man made pool).

Also included in the plans is approximately 3500 sq. ft. of clearing within the buffer zone. Member Meade asked if all the anticipated work would be within the

buffer zone, and none in the BVW? Mr. Stadnicki responded most would be within the buffer zone with double erosion control and the slopes protected by matting. He noted the original project plans included a swale, but the applicant had purchased additional land so the driveway can be located in such a way as to avoid that work.

Member Howland asked if designation of the vernal pond would make a difference to the project plan; Mr. Stadnicki said it would not.

Member Meade asked if there would be additional clearing anticipated. Mr. Stadnicki said there might be some on the very southern portion, SE of the newly-added 4 acres. Member Howland commented there was not much to clear in that area as it appeared to be young growth, the result of a field "let go." Mr. Stadnicki agreed.

Member Meade moved the Order of Conditions for the NOI for 35-2 So. Conway Rd. be issued with the standard additional conditions; member Howland seconded the motion, and added that the delineation flags must be reinstalled. Member Mary Knipe asked whether there will be new plantings after the clearing; Mr. Stadnicki replied though none are shown on the plan, it is likely the applicant will proceed with planting in the cleared areas. Members Lytle, Meade, Howland and Knipe voted in favor of the motion.

### 3. Open Meeting Law Complaint, Janet Sinclair

Chair Lytle stated an Open Meeting Law (OML) complaint had been received on November 17, 2022, and appears on today's agenda within the required time frame; that all members of the Conservation Commission had received a copy of the complaint; and asked if the complainant, Janet Sinclair had anything to add to the written complaint. Mr. Sinclair had nothing to add at this time.

Chair Lytle reviewed the options available to the Commission: to submit the complaint to Town Counsel for a response, or respond to the complainant directly. If the complaint were formally referred to Town Counsel, Counsel would advise whether the complaint constitutes an OML violation. Member Howland asked if the complaint needs to be responded to? Chair Lytle reviewed the steps the Commission is required to take:

- Disseminate the complaint

- Acknowledge the complaint within 14 days of having received it

- Review the complaint

- Give a written response to the complainant within 15 days describing any action taken

- Send the complaint to the Massachusetts Attorney General

- Delegate the drafting of a response to town staff or Counsel

Member Howland moved the Conservation Commission to request Town Counsel to review the complaint; send the response to the complainant; and

forward the complaint to the Attorney General. Member Meade seconded the motion. Members Lytle, Meade, Howland and Knipe voted in favor of the motion. Chair Lytle noted to Ms. Sinclair she should look for communication from Town Counsel.

4. Discuss Conflict of Interest (COI) Training

Members Meade, Howland, Knipe and Egan have all completed their training, which is required every two years. Chair Lytle noted her intention to complete the course.

5. Other Business

Member Howland spoke about a building permit application for a new 2-family structure on a property on Crittenden Hill Rd. where there was previously only a barn. The application includes a proposed septic system (the tank is outside the 100' buffer zone of an intermittent stream but excavation and possibly part of the leach field extend into the buffer zone), and questioned if the project required an RDA. Mark Stinson suggested there are some options: ignore the situation; use erosion and sedimentation controls; or require an RDA. Member Meade concurred there should be paperwork filed as well as an official site visit. Member Howland will send an email to the owner to that effect.

6. Public Comment

Ms. Sinclair asked what happens to recordings of meetings which take place via Zoom, and asked about how the public goes about requesting such recordings.

Boards Clerk Alison Cornish responded the official record of the meetings is the minutes as approved by the Commission, and noted any member of the public may record the meeting to their own computer.

Mark Stinson of Mass DEP said "hello," and is glad to have returned to his state-based work.

Member Howland moved the meeting be adjourned; member Meade seconded the motion; all members voted in favor. The meeting was adjourned at 7:14 pm.

Respectfully submitted, Alison Cornish, Board Clerk

Documents Referenced

Notice of Intent Package, Lot 35-2 South Conway Road, Buckland, MA for Charles S.C. Klosson, 4 Newlands St., Chevy Chase, MD Prepared by SVE Associates, Mark Stadnicki, P.E., November 16, 2022

Open Meeting Law Complaint Form, November 17, 2022