

Buckland, MA Conservation Commission Meeting Minutes

November 7, 2022

Via Zoom

Agenda

1. Open Meeting
2. Review Previous Meeting Minutes
3. Enforcement Order for 22 Upper St., Buckland
4. Other items within 48 hours
5. Public Comment

Attendees

 Kathy Lytle, chair
Alex Meade, member
Steve Howland, member
Mary Knipe, member
Jim Eagan, member
Janet Sinclair, public

1. Chair Kathy Lytle opened the meeting at 6:35 pm
2. The minutes of the October 3, 2022 meeting were reviewed. Member Steve Howland moved to approve the minutes; member Mary Knipe seconded the motion; all voted in favor.
3. Enforcement Order for 22 Upper St., Buckland

Chair Lytle recused herself from the discussion; member Howland assumed the chair position pro tem. Chair Howland explained that dredging had been done on an intermittent stream on the property without a permit, and the property owner has hired John Organ to draft a recommended plan. Chair Howland summarized the situation overall, and quoted from Mr. Organ's report:

Restoring the site to it [sic] prior condition is not a feasible option as it would involve replacing the dredged material into the stream bed. Impacts of placing fill back in the stream channel to restore the original stream width would likely outweigh leaving the stream bed as is. Consequences of leaving the stream in the altered condition include reduced depth of water and faster flow along the 201' segment during flow periods (normally November to June). Replacing the dredged material could alter or impede the flow.

My recommendation is to remove the dredged material from the west bank either by grading it back through the mowed lawn, which I believe would have minimal impact, or by direct removal and deposition in a on-resource

area. This should occur prior to resumption of flow (mid-November?) as the streambed is currently dry, and we are experiencing low water conditions.

It is likely the stream bed will eventually close-in and the site will return to its original condition provided no further interventions occur.

Chair Howland moved that a friendly enforcement order be drafted affirming the plan proposed by Mr. Organ, with the added conditions of the Conservation Commission monitoring the work, and photographic documentation of the site be submitted in the spring and fall of 2023 as well as in two years (fall of 2024).

Member Knipe seconded the motion; all voted in favor; the motion passed.

Member Alex Meade noted the order would be available for signatures the following day.

4. Ms. Lytle resumed chairing the meeting, and asked for any items received within 48 hours requiring the Commission's attention; there were none.

5. Public Comment

Ms. Janet Sinclair spoke about an email she had received from Select Board Chair Barry Del Casthilo, communicating to her about a visit to her property in which he reported that the work performed looked fine. Ms. Sinclair spoke of her disagreement with this assessment, and referred to email correspondence she has had with the Conservation Commission expressing her concerns. The Conservation Commission has responded (via email) that, from their perspective, this project is closed; Ms. Sinclair expressed disagreement with that view.

Ms. Sinclair described past practices by the town, including staking the road in advance of plowing season, as well as an accumulation of debris resulting from plowing, and her efforts to clear the debris to allow vegetation to recover. Ms. Sinclair also noted the position of the wattles which had been installed during the work were not, at this point "on the side of the road."

Member Howland noted the Conservation Commission had voted to complete the enforcement order at a regularly scheduled meeting.

Ms. Sinclair stated that in her October email to the Conservation Commission she indicated that this was now a new complaint.

Member Howland stated that the enforcement order had accomplished the Conservation Commission's intent. Ms. Sinclair disagreed.

Member Meade stated that if Ms. Sinclair disagreed with the Conservation Commission's decision, she needed to appeal that decision with Massachusetts DEP, and reiterated that the Commission had approved the work which had been

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done. Member Meade also noted the Commission is not obligated to investigate every complaint received.

6. Member Howland moved to adjourn the meeting; member Meade seconded the motion; all voted in favor. Meeting was adjourned at 6:54 pm.

Respectfully submitted,

Alison Cornish, Boards Clerk

Documents Referenced

(undated) Restoration Plan, 22 Upper Street, Buckland, MA
John F. Organ, Ph.D., Certified Wildlife Biologist