

Lincoln Conservation Commission (LCC) - Public Meeting Minutes

July 28, 2021

Approved: August 18, 2021

Members Present: Ari Kurtz (Chair), Larry Buell (arrived at 7:15 p.m. and left at 10:00 p.m.), Susan Hall Mygatt, Laura Regrut (arrived at 7:10), Kathleen Shepard, Richard Selden  
Conservation Staff: Michele Grzenda, Conservation Director; Stacy Carter, Conservation Planner

*This meeting was held virtually Pursuant to Senate Bill # 2475, Suspending Certain Provisions of the Open Meeting Law*

**7:00 p.m. – Muster Field Request for Name Change -** LCC received a request from Rick Wiggin of the Lincoln Historical Society to change the sign that says “Muster Field” in the field where the Conservation Land Management barn is located. Mr. Wiggin stated that this field has been incorrectly called Muster Field. According to the Lincoln Historical Society, there was some discussion in 2000 by various town boards and consensus that “Muster Field” is inappropriate, as the Lincoln men did not muster at that location during the Revolution. The Historical Society suggested renaming the field to “Dakin’s Field” after Samuel Dakin, who owned the field in 1775. LLCT staff have requested that we consider re-naming the field for those who used the land pre-colonial era if appropriate. Staff have briefly researched this and there is very little information available to us about indigenous place names on the landscape at this small of a scale. Though this field does not have an official name on our maps, it has been called Muster Field by staff for many years and is listed as such in “a Guide to Conservation Land in Lincoln”. Ms. Mygatt and Dr. Selden inquired whether Mr. Dakin owned slaves and whether we should honor their contribution by acknowledging them on a sign. Dr. Selden wants to do something affirmative where we can show and recognize them. Mr. Wiggin stated that without archaeological information, it’s difficult to know which native American tribes used this part of Lincoln. Ms. Grzenda showed a sign that deCordova used which says, “You are on Native Land”. Mr. Wiggin will research whether Mr. Dakin owned slaves and report back to the Commission. The Commission agreed to remove “Muster Field” from the conservation land sign and then continue the discussion to a later date.

7:36 p.m. Request for Determination of Applicability (RDA): 10 Deerhaven Road, D. Harpell

The applicant has requested a continuance. Motion by Ms. Mygatt to continue this hearing to August 18, 2021, at 7:10 p.m.; seconded Dr. Selden; roll call vote: each member responded Aye.

7:37 p.m. Cont. Notice of Intent (NOI): 15 Stratford Way, E. Henry (Owner – Not Present); Bruce Ringwall (Goldsmith, Prest & Ringwall, Inc) (DEP #203-940)

This is a continued public hearing to discuss the NOI filed for the construction of a swimming pool, retaining wall and patio at 15 Stratford Way. Almost all of the work will occur within the 100-foot Buffer Zone of Bordering Vegetated Wetland (BVW) under the Wetlands Protection and Act and the Upland Buffer Zone Resource Area under the Lincoln Wetlands Protection Bylaw. Mr. Ringwall discussed the revisions made since the last meeting. The original NOI included the construction of 622 square feet of pool/patio in the 50-foot No Disturb Zone (NDZ). The Commission asked the applicant to modify the plan to show the extent to which the pool and patio could be moved outside the 50 NDZ. As a result of that meeting, the Applicant has reduced the size of the pool from a 20’x40’ pool to an 18’x36’ pool. The pool and deck area has been shifted away from the 50 NDZ. Due to this, the amount of proposed impervious and hard surface areas within the 50 NDZ has been reduced from 622 s.f. to 241s.f. The proposed deck is comprised of bluestone underlain with stone to allow for infiltration. For mitigation within the 50 NDZ, the Applicant is proposing 1,300 s.f. reduction of lawn and restoration of native shrubs and pollinator plants. The mitigation area will include 80 perennial plants and 25 shrubs. Sizing of the shrubs has been included in the revised plan. Mr. Ringwall submitted a revised maintenance plan for the restoration plantings with seasonal monitoring reports to be submitted to the Commission.

Mr. Ringwall summarized a memo he submitted to the Commission earlier in the evening (which the Commission was not able to review). All proposed activity would occur on existing lawn and 8-feet above the wetlands since a boulder retaining wall exists between the wetland and the backyard. It is Mr. Ringwall’s opinion that the project as proposed will not adversely impact the Resource Area Interests under the Bylaw and WPA.

Mr. Kurtz asked about the temporary access and its location relative to the boulder retaining wall and wetland. Mr. Kurtz expressed concern that the heavy machinery may impact the 8-foot retaining wall, especially as there appears to be no record of the wall being designed by an engineer or permitted. Ms. Mygatt stated that the Bylaw presumes there will be an adverse effect on the wetland resource area and upland buffer zone area when work is proposed in the 50 NDZ. Dr.

Selden asked if it's possible to move the pool and patio outside the NDZ. Mr. Ringwall explained he has moved the pool and patio as far out of the NDZ while maintaining the owners wishes in the size of the pool. Mr. Ringwall believes he has reduced the impacts in the NDZ substantially.

Ms. Mygatt read Section 7 of the Bylaw which states: "where the Commission determines that a proposed activity would have an adverse effect on the values of the resources areas... The Commission shall not permit such activity unless the Applicant demonstrates by a preponderance of the credible evidence that there is no practicable alternatives to the proposed activity that would have materially less adverse effect on the values of all resource areas protected by the Bylaw." Ms. Mygatt and Dr. Selden argued that there are alternatives to what is proposed (the pool could be placed further to the south in the backyard or in a portion of the side yard outside of the buffer zone). Mr. Ringwall believes that replacing lawn with a pool and mitigating with a robust mitigation/restoration plan are the best option for the site.

At the last meeting, the Commission asked for documentation which describes the current maintenance of the lawn and written statements from the property landscapers as to the fertilizers, chemicals and/or other products that are being used on the lawn. Mr. Ringwall provided information at the meeting regarding the current maintenance of the lawn. Emerald Acres maintains the landscaping. Currently, pre-emergent crab grass chemicals and weed control chemicals/fertilizers are used. The applicant is amenable to modifying the maintenance plan to eliminate chemicals in the future, as required in a perpetual condition of a previous permit. The Commission is disappointed the Applicant has been in non-compliance with the previous perpetual conditions which prohibited the use of chemicals. Mr. Ringwall also confirmed that the landscaping company is now aware that dumping shall not occur beyond the retaining wall and that the dumping observed at the previous site visit will be cleaned up by hand (and wheelbarrow). Ms. Mygatt suggested that all of the lawn in the 50 NDZ be replaced with low growing native plants.

Mr. Kurtz suggested that the pool patio could be narrower, which would be less work in the NDZ. Dr. Selden also believes shrinking the patio apron to 6-feet (vs. the proposed 12-feet) is a viable alternative. Dr. Selden believes the first test is whether there are alternatives to keep the proposed work outside of the NDZ. Dr. Selden does not feel that the applicant has met the first test as the patio/pool could be reduced further or moved to an area outside the buffer zone.

Discussion ensued. It was the Commission's opinion that the Applicant should continue to work on eliminating all pool/patio from the 50 NDZ and that the lawn within the 50 NDZ be replaced with low growing native plants. The Commission is amendable to stepping stones in the 50 NDZ to aid in walking around the pool

Motion by Ms. Mygatt to continue the hearing to August 18<sup>th</sup> at 7:30 p.m.; seconded by Ari Kurtz; roll call vote: each member responded Aye. The conservation director asked that any revised documents be submitted before Aug. 9<sup>th</sup>.

#### 9:20 p.m. Continued Discussion re: Lincoln Trail Rules and Trail Use – Past and Present

Lincoln Land Conservation Trust (LLCT) and Conservation Department (LCD) staff have begun a comprehensive review of Lincoln's trail uses and rules surrounding those trail uses. In June, Michele Grzenda, Conservation Director, presented a slide show that included (1) summary of trail uses and how that use has changed over time, (2) detailed review of Lincoln's conservation land rules and regulations over time, (3) specific look at dog walking, bike riding, and horseback riding rules in Lincoln and the surrounding community, and (4) recommendations for next steps (public forum in November).

Discussion ensued. Gwyn Loud, LLCT Board member, is looking forward to a public forum. Dr. Selden is interested in having more in-depth discussions with the Commission at future meetings to identify its view compared with other groups. Ms. Mygatt recognizes that we are representing something bigger than our opinions and she wants to understand what the community wants. Ms. Grzenda hopes that the public forum will help garner that input. Ms. Shepherd encouraged the commission to create and install positive messages on the trails that highlight the beauty of Lincoln. Perhaps some interpretive natural history signage could be added to certain trails.

#### 10:08 p.m. Review of July 7, 2021 Meeting Minutes

Motion by Ms. Shepard to approve the Meeting Minutes from July 7, 2021, as corrected; seconded by Ms. Mygatt; roll call vote: each member responded Aye.

10:10 p.m. Reports, Correspondence & Announcements

- This was Larry Buell's last meeting as a member of the Conservation Commission. Staff and Commissioners thanked him for the wisdom and time he gave to the Commission.
- Assign Co-Chairs for the Commission; motion by Dr. Selden to appoint Ms. Mygatt and Mr. Kurtz to be co-chairs of the Conservation Commission; seconded by Ms. Shepard; roll call vote: each member responded Aye.
- Ms. Mygatt volunteered to be the new member of the Committee of Six.

10:15 p.m. Update on DeCordova Landscaping, Maintenance, and Master Planning

DeCordova Museum has been in contact with BOS, Planning and Conservation with a new set of landscaping improvements. None of the work is within the 100' wetlands jurisdictional area, and most of the work is outside of the 400' Surface Water Protection area. None of the proposed work triggers the Surface Water Protection Bylaw. DeCordova's proposed improvements include: (1) Replacement of the staff parking lot with a landscaped event area (mostly outside of the 400'); (2) Driveway Replacement (mostly outside of the 400'); (3) Replacement of pedestrian boardwalk along upper driveway (mostly outside of 400') with concrete sidewalk; (4) Tree pruning to create framed views within two previously established viewshed corridors. Conservation staff to review this in the field with DeCordova once they reach this stage (within 400' but outside of 100'); (5) Replacement of Waleska's Way, a hazardous flagstone walking path, with a compact gravel path (within 400'). In addition, DeCordova and Conservation staff have also been working together to prevent access in the 200' area around Flints Pond. DeCordova staff will be installing gates and plantings across former pondside trail entrances and will be working on erosion repairs closer to the pond. Conservation staff believe that this stage of DeCordova's work does not require Conservation Commission review at this time, and would like to move forward with DeCordova at the administrative level. Staff have been in contact with Darin Lafalam, the new Water superintendent, and he is comfortable with the scope of DeCordova's work and their mitigation measures on the pondside slope. The project is also currently under site plan review in the Planning department.

Meeting adjourned 10:19 p.m.