

**Lincoln Conservation Commission**  
Meeting Minutes - September 16, 2020

Start - 7:00 p.m.

End – 8:20 p.m.

**Staff Present:** Tom Gumbart, Jennifer Curtin, Stacy Carter, Emmalin Coates

**Attendees:** Vicky Diaduik

**Commissioners Present:** Jim Henderson, Ari Kurtz, Christine Dugan, Kathleen Shepard, Richard Selden

**WETLANDS**

**7:15 p.m. – Abbreviated Notice of Resource Area Delineation: Savage/Diamond Capital. 58 Trapelo Road (140-30-0)** – This project is for the confirmation of wetland resource areas delineated on the property.

The applicant has requested to continue their hearing.

The Commission moved to accept the applicant’s request to continue their ANRAD hearing to October 6, 2020 at 7:15 p.m.

Motion was seconded.

Roll Call vote:

Ari Kurtz — Aye; Christine Dugan — Aye; Jim Henderson — Aye; Kathleen Shepard — Aye;  
Richard Selden — Aye;

**DISCUSSION ITEMS**

Mr. Gumbart sent out a letter to Lincoln and Maria Miara regarding the process they will comply with to begin their restoration project at their property at 37 North Great Road. Mr. Gumbart will conduct a site visit at the property prior to any plantings after re-grading is completed.

Mr. Gumbart received a project inquiry from a property on Concord Road. Pole Brook runs along the property boundary. The project is out of wetland buffer zone but would be in the 200-foot riverfront resource area. Due to unusual drought conditions, the water level is low but is still considered a perennial stream.

Capital Budget reviews are happening soon. A land management package is being compiled to acquire more electric equipment so the department can move towards more sustainability. Ms. Carter and Ms. Coates will work with Mr. Henderson to submit that by the due date on September 25, 2020. The dump truck has been funded and is due to be ready in October. Ms. Carter gave an update on the old dump truck. MHQ, the seller of the new dump truck, has offered \$5,200 for the old truck. The bed is stuck in the lifted position so that will have to be dropped in order to be towed. DPW has offered to crush the bed down but that will lead to damage that will lower the trade-in value. Mr. Henderson suggested a way to remove the bed entirely. Ms. Carter will talk with Jay Matisko, the rep for MHQ, to determine the best course of action.

**Discussion and possible adoption of M.G.L. c.110G, regarding the use of electronic signatures by Commission members pursuant to Amendment 13-7 to the Massachusetts Deed Indexing Standards 2018, effective April 17, 2020.**

Motion: The Lincoln Conservation Commission hereby recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect. Motion was seconded.

Roll Call vote:

Ari Kurtz — Aye; Christine Dugan — Aye; Jim Henderson — Aye; Kathleen Shepard — Aye; Richard Selden — Aye;

### **Wetlands Permitting – Public hearing process, we will review how we handle Notices of Intent and Requests for Determination of Applicability**

Mr. Henderson and Mr. Gumbart have been working on the process for both Commissioners and applicants to lead to a greater understanding of the wetland permitting process. Mr. Gumbart compiled permitting guidance and flowcharts from other communities and will work to develop Lincoln-specific documents.

### **Keolis License Agreement**

Keolis is the operating authority of MBTA. This is an agreement directly with MBTA. They did a large project several years ago for the replacement of signals along the Fitchburg line as well as track work. Some of this work was done near wetlands. They are seeking a Certificate of Compliance for the work. This was not immediately granted due to damage done by MBTA trucks to the roadway at the Food Project. They have been asked to take care of the roadway and this license agreement seeks to cement their responsibility to do so going forward. The drafted agreement was done for a one-year term but the Commission would like for the agreement to exist in perpetuity so that it would not have to be renewed every year. Town Counsel will draft a new agreement to reflect this request.

## **SUB-COMMITTEE & LIAISON REPORTS**

### **Agricultural Subcommittee**

Hannan Agro, which licenses land at Ricci Field, has submitted a proposal to the Executive Office of Energy and Environmental Affairs for funding for infrastructure improvements and equipment.

## **OTHER REPORTS & ANNOUNCEMENTS**

Ms. Carter and Ms. Coates have begun mowing of the land fill. There are deep ruts in the lower section from mowing that was done during a wet period a few years ago. Mr. Henderson said that the field crew should measure the depth of these ruts and compare to the design of the fill to determine if they will need to be filled to protect the integrity of the fabric barrier.

The field crew has been asked to mow the fields behind the schools. Ms. Carter said that these fields have not been included in the mowing schedule for a few years and that they will be added to the list. She added that the crew is ahead of the mowing schedule this year and will be able to mow every field on the list.

Ms. Diadiuk, of 40 Morningside Lane, got in touch with Mr. Gumbart about her concerns regarding tree clearing. Mr. Henderson said that the Commission has no legal authority about what happens on private property regarding trees unless they are within wetland jurisdictional area. Ms. Diadiuk said that she

understands that there is no legal recourse, but she believes that there should be a bylaw through which homeowners would have to acquire permits through some board for substantial tree removal. She has noticed several large trees in her neighborhood have been cut down for what she believes were frivolous reasons. Mr. Henderson said that this gets into property rights which creates difficulties. Ms. Diadiuk said that Quechee, Vermont has regulations on tree removal. She also added that there are restrictions in terms of things that are detrimental to the character of Lincoln. Mr. Henderson said that Ms. Diadiuk can lead the charge to reach out to others in the community and do more research on what possible remedies can be made. Dr. Selden said that permitting will just be more paperwork to the result of trees being taken down anyway and said that Ms. Diadiuk should investigate what exactly she would like to stop and how to go about doing that.

The Board of Selectmen approved parking restrictions on Sandy Pond Road. This was done to minimize improper parking and to control access to Flint's Pond. Ms. Carter and Ms. Coates have been keeping up with keep trails clean and increasing signs to try to stop littering. They say that the dog leashing rules are not being followed and that parking has been an issue. Mr. Kurtz said that dogs being off leash at Mt. Misery is continuing to be a problem as well.

Mr. Henderson asked that Mr. Gumbart follow up about the status of roadway drainage at the schools.

Mr. Gumbart said that it is unfortunate that the department is unable to do the usual public outreach such as Wednesday Walks and Conservation Coffees.

The Lincoln schools are now in session which has led to increased traffic due to COVID considerations as well as the school building project.

MACC and MSMCP have provided guidance on what are acceptable exemptions for Determinations of Applicability for Keolis Vegetation Management.

Linda McMillen introduced herself and discussed her interest in joining the Conservation Commission.

### **ACTION ITEMS**

1. The Commission moved to issue a Negative Determination of Applicability for Keolis.

Motion was seconded.

Roll Call vote:

Ari Kurtz — Aye; Christine Dugan — Aye; Jim Henderson — Aye; Kathleen Shepard — Aye; Richard Selden — Aye

2. The Commission moved to issue the Order of Conditions for Gimbel. 167 Concord Road (160-33-0)

Motion was seconded.

Roll Call vote:

Ari Kurtz — Aye; Christine Dugan — Aye; Jim Henderson — Aye; Kathleen Shepard — Aye; Richard Selden — Aye

3. The Commission moved to approve meeting minutes from August 5, 2020 and August 26, 2020

Motion was seconded.

Roll Call vote:

Ari Kurtz — Aye; Christine Dugan — Aye; Jim Henderson — Aye; Kathleen Shepard — Aye;  
Richard Selden — Aye

4. Bills and payroll were reviewed. Payroll was done as normal. The invoice from Mike Callahan at Beaver Solutions was for the installation of a deceiver pipe which allows the water to go through while it is dammed. The department received a call that a beaver made its way up culvert pipe, so Mr. Callahan returned to add additional fencing to avoid that to happening again. These funds are taken from the Agricultural Licensing fund.

Respectfully submitted,

Jennifer Curtin  
Conservation Assistant