

Lincoln Conservation Commission
Meeting Minutes – October 24, 2018

Start – 7:00 pm

End – 9:00 pm

Commissioners Present: Peter von Mertens, Ari Kurtz, Larry Buell, Ron Chester, Jim Henderson

Staff Present: Tom Gumbart, Jennifer Curtin

7:00 p.m. – Orgel. 237 Old Concord Road (139-1-0). Discussion of land clearing activity within the buffer zone resource area.

Attendees: Robert Orgel, Elizabeth Orgel, Geoff Ward

Peter von Mertens opened meeting and described how this matter came to the Commission's Attention. Tom Gumbart was at a site visit at a neighboring property and noticed that there had been some cutting near a known wetland area. When the Commissioners conducted a site visit at the subject property on September 26, the wetland line was not clearly marked in the field however it appeared that there had been substantial cutting near the wetland resource area. The line is measured on the surveyed site plan. Jim Henderson asked if it was possible for the Orgels to mark the line in the field themselves to which they said that they could. Mr. Gumbart said that he has been to the property before the Orgels bought it so he was aware of the conditions on the site prior to the cutting project. When the Orgels came for site plan review, Mr. Gumbart drafted a memo stating that there was no need for wetlands permitting because they had not shown any cutting near the resource area on their plan. It appeared to Mr. Gumbart that the clearing that was done was more extensive than what was shown on the site plan and encroached on the buffer zone resource area. The Orgels did not do any work near the Conservation Restriction area near the property or any riverfront area.

Mr. von Mertens said that the clearing of the slope is an issue because of the high potential for erosion and that a planting plan would be necessary. Mrs. Orgel said there is a plan in progress and there are wood chips on the slope to prevent against erosion. Mr. Orgel said they have retained a landscaper who is concerned with native plants. They want to plant conservation mix and low growing plants to shore up the slope. Mr. Orgel said they were very clear with landscapers and did not intend to make problems for sensitive resource areas. Mrs. Orgel said that the slope was not heavily wooded to begin with save for a few small trees. Ari Kurtz said that there is ecological value to trees that are not pretty. Jennifer Curtin showed Google Satellite images of before and after the work and showed the site plan which clearly shows the wetland resource area delineation. Mr. Henderson said that we need to establish facts of where the line is. Rob is asking how best to do this to satisfy the commission. Jim Henderson said that they need to develop a comprehensive plan to reestablish what has been impacted. Mr. Gumbart advised that they should plan to plant mostly upland plants with a mix of low plants and taller trees to reproduce the lost habitat. Mr. von Mertens said that the 100-foot buffer line should be shown on the ground in a natural way so that future work will stay outside of it. They need an interim resolution in order to get an occupancy permit. That will be handed at the staff level. Mr. von

Mertens said that they will need to file a Notice of Intent before the end of the year with a maintenance plan under it which will solve the issue from Conservation standpoint.

Order of Conditions Extension for Humphrys - 93 Conant Road (182-24-0) (MassDEP File # 203-0865) for continued landscaping and invasives work within the buffer zone resource area.

The Commission **voted 5-0 to issue** a five-year extension to the existing invasives management plan.

Request for Certificate of Compliance for MBTA Fitchburg Commuter Rail Line Improvement Project (MassDEP File # 203-0841) - Railroad Row from Concord to Weston Town Lines.

Tom Gumbart gave a summary of the background of this Order of Conditions that was issued under the Fitchburg Commuter Rail Line Improvement Project on August 17, 2011. The infrastructure changes proposed by the NOI (other than the fiber optic cable) are in place and the work sites appear stable so the Commission is pleased with that. There is one outstanding issue that the Commission would like resolved prior to issuance of the COC. This is the status of the gravel farm road, located east of Concord Road, which traverses municipal conservation land licensed to The Food Project. The road meets the railroad tracks just beyond their greenhouse and it provided access during the permitted project. There are typically multiple daily trips in and out of this roadway by MBTA/Keolis employees or contractors. This level of use leads to a decline in the quality of the gravel road bed, particularly with potholes and ponding. We have been in contact with different contacts several times since 2016 regarding this situation and have been assured that repairs would be made but this has not yet happened. There apparently is no easement or legal documentation of any agreements about use of this access by the MBTA/Keolis. Even lacking any formal documentation, we understand it is important to access the tracks at this site. What the Commission proposes is to have a Memorandum of Understanding (MOU) that formally documents that access is allowed provided routine maintenance is performed

DPW Building Initial Site Screening – Discussion of Town Parcels

This is a process of vetting all town land to find a new transfer station. Mr. Gumbart made it clear that Conservation land was off limits to development for this purpose. It is difficult to take land out of Conservation and all converted land must be replaced with that much more Conservation land. The Commission agrees that Conservation land is not to be considered. Mr. Gumbart will draft a statement from the Conservation Commission for a final statement to be approved at the next meeting.

Sub-committee & Liaison Reports

An All-Boards meeting took place to bring everyone up to speed on the School Building project. Mr. Henderson and Mr. von Mertens were in attendance. They expressed the Commission's concern regarding the planned Public Safety access road behind the building that needs to be sloped in a way that controls runoff away from wetland. Also, laydown area in parking lot needs

to be addressed with issue of potential oiling, repair of vehicles. There could be as many as 24 modular classrooms with runoff to consider on top of the field. The Commission will treat these similarly to the classrooms that were used at Hanscom. Cleanup areas will need to be established. Original quotes for the building project came in at \$104 million, with the town authorizing \$94 million. \$3.7 million will be saved by postponing planned grading and road repairs. Mr. Gumbart said this will impact stormwater management and will have to be done eventually. Solar panels may be owned by a 3rd party to save additional funds. The Commission will require permitting for some of the construction. Conservation will also need an onsite coordinator to oversee construction process to ensure compliance with state and local Wetland laws.

ACTION ITEMS

- Order of Conditions Issued for DeNormandie – 4 Minebrook Road (144-22-0)
- Extension to Order of Conditions Issued for Humphrys – 93 Conant Road (182-24-0)
- Meeting minutes from October 3 approved
- Bills paid and payroll signed

Respectfully Submitted,

Jennifer Curtin
Conservation Assistant