

Lincoln Conservation Commission
Meeting Minutes - January 20, 2020
Approved 2/10/21

Start - 7:00 p.m.

End – 8:30 p.m.

Commissioners Present: Susan Hall Mygatt, Richard Selden, Jim Henderson, Ari Kurtz, Kathleen Shepard, Larry Buell

Staff Present: Jennifer Curtin, Stacy Carter, Emma Coates

Attendees: Michele Grzenda, Kord Jablonski, Josh Hasenfus.

WETLANDS

7:15 p.m. – Request for Determination of Applicability: The Trustees. 51 Sandy Pond Road (135-2-0) -
This project is for tree removals and pruning in the upland Buffer Zone Resource Area. *Continued from December 30, 2020.*

Ms. Curtin read off the conditions that have been drafted to attach to the Negative Determination of Applicability one-by-one to ensure everyone agreed with them and made edits along the way. The Commission agreed to the conditions as amended.

The Commission moved to close the hearing.

The Motion was seconded.

Susan Hall Mygatt – Aye; Richard Selden – Aye; Jim Henderson - Aye; Ari Kurtz - Aye; Kathleen Shepard – Aye; Larry Buell - Aye

DISCUSSION ITEMS

Consider the authorization of Wetlands Protection Act funds for employee cellphones.

Ms. Grzenda said that she has a work cell phone through Weston and that it has become a very useful tool. She spoke with Dan Pereira who said that not many town employees have cell phones. She said that this would be an authorized use of the Wetland Protection Act (WPA) Fund to assist with administration of the WPA. Filing fees for permit applications go into this fund. Colleen Wilkins said that \$15,000 is appropriated yearly to support the Conservation budget for administration. Ms. Carter did legal research on the authorized uses of the WPA Fund and agreed that this would be considered “equipment or materials related to administration or enforcement of the Act”. Ms. Grzenda is asking if the Commission would be amenable to authorizing the use of these funds for her and Ms. Curtin to acquire cell phones. Ms. Carter and Ms. Coates said that they would not need phones and they would not be able to use the WPA Fund for their phones since they are not doing administration. The Commission discussed the benefits and economics of this proposal, and were informed that the cost would be approximately \$40/month/phone for service, plus the cost of the phones themselves. Ms. Grzenda or Ms. Curtin will investigate the possible options to obtain phones in this approximate price range. The Commission gave their approval for the allocation of money from the WPA Fund for two cell phones.

Letter to 237 Old Concord Road regarding Order of Conditions compliance

The Commission discussed changes to the drafted letter. The letter will be sent via certified mail.

Sub-Committee & Liaison Reports

Traffic Committee

Mr. Henderson has been working with the Committee on a project at Codman Farm on a new path through the garden area. The Tennessee Gas line goes through the area and there is a guy wire from a corner pole owned by Eversource that has to be moved because it is under a lot of stress. Eversource would like to put it in the middle of the garden plots. Mr. Henderson has submitted a proposal for the development of two pole points to avoid having to put it in that location. The Committee will decide on a final plan at their January 28, 2021 meeting.

Capital Budget Committee

Mr. Henderson said that the Committee is completing the final analysis of projects to be funded this year.

Select Board

Mr. Henderson said that a new Conservation Commissioner will be appointed at the next Select Board's meeting on January 26, 2021. Mr. Kurtz added that Christine Dugan's last meeting was on December 30, 2020 and thanked her for staying on past her resignation date.

SLIPAC

Mrs. Shepard gave a report. The Committee is working on a septic study. They need to put out request for proposals (RFP) for the study and contact Community Builders regarding the study. Two engineering companies will need to be defined and identified to bid on the proposal for the septic. A town wide survey will take place to find out what people want in the South Lincoln area. Governor Baker will be signing new bill for zoning regulations which may impact the projects.

Community Preservation Committee

Ms. Mygatt said that a meeting will take place in February.

Agricultural Subcommittee

Ms. Carter said that all farmers have been contacted for annual farm reviews. Ms. Coates has called all of the small farms and the larger farms have been met with on Zoom and in the field. Farmers are met with once annually to determine production, any issues to be resolved, and what their plans are for the coming year. Ms. Carter said that some farmers have struggled due to COVID but have had a generally productive year. Muhammad Hunan is in the process of finding a well site. This will not be a wetland issue because there is an agricultural exemption. Mr. Henderson said that he is working with Mr. Hannan who is looking into a lot of issues including a possible farm stand on another property and infrastructure. Mr. Kurtz said that Codman Farm has been doing well and the food project was increasing volume of food to send to hunger relief programs. Ms. Carter added that increased trail use has brought a lot of customers to the Farm.

Other Reports & Announcements

LLCT Filing

Ms. Carter gave an overview of this project. The Lincoln Land Conservation Trust (LLCT) owns a property called Chapman Pasture off Old Winter Street. The entrances are not large enough for equipment and the terrain is uneven, so it is difficult to manage. There is a finger of wetland that runs through the property. LLCT is pursuing prescribed burns to control invasive plants and non-native cool season grasses to promote warm season grasses and native plants. Conservation staff reached out to DEP and Mass Wildlife inquiring as to how burns are permitted. They both said that it is up to the Commission if a Notice of Intent (NOI) or a Request for Determination of Applicability (RDA) is necessary. LLCT has a burn consultant and the burns will be carried out by Massachusetts Fisheries and Wildlife. Staff recommended that LLCT file an RDA. A question was raised

by LLCT about how much filing the Department does for management on their own land within Wetland Resource Areas and suggested that there should be more consistency.

As part of these discussions, the Conservation department decided that they will also develop a Notice of Intent to cover land management within Wetland Resource Areas on Town land that could include LLCT land. Mr. Kurtz said that it will be important to be very specific about what activities are permitted, not just a blanket approval of all activities. Ms. Grzenda said that she has put this together in both Framingham and Weston and that it is a useful tool for improving habitat. She added that this will be a detailed process and there will be different categories for administrative approval by staff, Commission approval, or separate wetland filings depending on the type of work proposed.

Enforcement Issue on Winter Street Properties

Ms. Carter said that during routine monitoring of a Winter Street Conservation parcel by LLCT it was observed that trees had been cut on Conservation land. Another property had a dog barrier over the property line and the owner had been blowing leaves and yard waste into the wetland on the Conservation land. Ms. Carter said that the debris pile appeared to be over 3 feet thick. She added that she was not sure if this would be a wetland violation since it is only in the Buffer Zone Resource Area. Dr. Selden said that some research should be done into the rules on yard waste in wetland resource areas. Mr. Kurtz said that the first step should be contacting the property owners to see if it can be remediated without an official enforcement order. Ms. Mygatt said that this contact should be in a letter, not a phone call. Dr. Selden said that staff should be empowered to have these interactions with property owners and not just have the Director make these connections. Ms. Grzenda said that she has dealt with many encroachment issues in Weston and that she has a standard process for these letters. She added that a phone call can be startling to the property owner and can put them on the spot, so a letter is the best way to go about it before elevating the issue to enforcement action. Ms. Carter will draft letters to both homeowners.

ACTION ITEMS

Approve Meeting Minutes from December 30

Meeting minutes approval has been postponed until the next meeting.

Issue Order of Conditions to McVety. 217 Concord Road (173-58-0) DEP File#203-0936

The Commission moved to issue the Order of Conditions.

The Motion was seconded.

Susan Hall Mygatt – Aye; Richard Selden – Aye; Jim Henderson - Aye; Ari Kurtz - Aye; Kathleen Shepard – Aye; Larry Buell - Aye

Issue Determination of Applicability for The Trustees. 51 Sandy Pond Road (135-2-0)

The Commission moved to issue and Negative Determination of Applicability allowing the project to proceed.

The Motion was seconded.

Susan Hall Mygatt – Aye; Richard Selden – Aye; Jim Henderson - Aye; Ari Kurtz - Aye; Kathleen Shepard – Aye; Larry Buell - Aye

Respectfully submitted,

Jennifer Curtin
Conservation Assistant