

Lincoln Conservation Commission (LCC) - Public Meeting Minutes

January 11, 2023

Approved: February 1, 2023

Members Present: Susan Hall Mygatt (Chair), Becca Fasciano (arrived at 8pm) Ari Kurtz, Laura Regrut (arrived at 7:20 p.m.), Richard Selden, and Kathleen Shepard

Members Absent: Amber Carr

Conservation Staff: Michele Grzenda, Conservation Director and Stacy Carter, Conservation Planner

*This meeting was held virtually, pursuant to Senate Bill #2985, Suspending Certain Provisions of the Open Meeting Law*

7:00 p.m. –150 Lincoln Road – Historic Wetlands Enforcement Order (EO)

Tim Teabo, the executor of 150 Lincoln Road, reached out to the Conservation office on 1/5/23. A title search of the property found that there is a 1989 recorded Enforcement Order on the property. Staff will perform a site visit with Mr. Teabo next week and it is likely that the staff will recommend that the Commission require Mr. Teabo to hire a wetland scientist to determine compliance/stability before a CoC may be issued.

7:10 p.m. Request for Determination of Applicability: 247 Old Concord Road; A. and J. Hutchinson –

This RDA was filed for the construction of a new house and demolition of existing structures at 247 Old Concord Road. The new house would be sited entirely outside of the 100-ft Buffer Zone. During construction, a small area within the 100-ft Buffer Zone would be used to access the back of the building site. The limit of work line would be marked with erosion controls. Three plants (two pine trees, one rhododendron) are proposed for removal within the 100-ft Buffer Zone. The Applicants are also requesting permission to remove three structures that are currently within the 100-ft Buffer Zone – a deck near the house, a small photography stand close to the pond, and a ‘duck food ramp’ at the edge of the pond. The Applicants propose removing these structures and associated footings. Removal of existing structures in the buffer would not need a permit under the WPA as it is considered “conversion of impervious to vegetated surfaces” (310CMR 10.02(2)(b)(2)(f)). The Bylaw does not afford the same exemption. However, staff stated their opinion that removal of these structures would benefit the buffer zone. Motion by Mr. Kurtz to issue a Negative 3 Determination of Applicability; seconded by Ms. Shepard; roll call vote: each member responded Aye. Special conditions will include: pre-construction meeting with staff to talk about means and methods of removal of structures and inspection of erosion controls.

Documents reviewed:

- “Schematic Siting Diagram” dated December 12, 2022
- “Existing Conditions Plan” dated April 6, 2022
- “Narrative” dated December 6, 2022

7:25 p.m. Notice of Intent: Hanscom Drive (DEP file number pending); J&J Contractors Inc. (Applicant).

Present at the Remote Meeting: Dave Perham & Jon Braley from J&J Contractors, Inc. (Applicant); Al Kopek, Scott Sheehan, and Demetrios Papathanasiou from Hanscom Air Force Base (Property Owner); Anthony Maressa from Army Corp of Engineers; and Jeffery Santacruce & Mel Higgins from Weston & Sampson (Engineering Co.):

Mr. Higgins and Mr. Santacruce presented the proposed project, which will involve the reconstruction of the main entrance gate to the Hanscom Air Force Base (Hanscom). They stated that the reconstruction is required because the existing entrance is not in compliance with anti-terrorism requirements. The Applicant, on behalf of Hanscom, is seeking a permit to construct a new access control facility and to reconstruct part of Hanscom Drive. The

project will involve the construction of four new buildings (outside of resource areas and buffer zones), reconfiguration of Hanscom Drive (some of which would be within resource areas and buffer zones), construction of a roundabout at the intersection of Hanscom Drive, Old Bedford Road, and MassPort Driveway (outside of resource areas/buffer zones), and construction of a new stormwater system and treatment system. A portion of the project will alter wetland resource areas in the center median of Hanscom Drive adjacent to two existing drainage culverts. These culverts connect an intermittent stream. across Hanscom Drive and therefore the resource area Bank is present. A Bordering Vegetated Wetland (BVW) exists adjacent to the intermittent stream, and within the existing mostly grassy median strip which is routinely mowed. Work within the BVW and 100-ft Buffer Zone would involve removal of the existing drainage headwalls for the installation of a concrete drain to tie the two existing culvert pipes together. Proposed regrading of the realigned roadways will require the full elimination of the Bank in this location and the filling of the BVW. The amount of BVW and Bank loss is still being assessed. The Applicant states that it is necessary to impact the wetland, as the new Hanscom Drive reconfiguration must meet current MassDOT standards for safe slope design.

This project is being filed as a limited project under the MA Wetlands Protection Act (WPA) 310 CMR 10.53(3)(f), which allows “*maintenance and improvement of existing public roadways, but limited to widening less than a single lane, adding shoulders, correcting substandard intersections, and improving inadequate drainage systems*”. The Applicant is requesting that the Commission allow for some variation from strict compliance with the performance standards for BVW and Bank alteration under the WPA. The limited project provisions of WPA allow the Commission to issue an Order of Conditions and impose such conditions as will contribute to the interests of the resource areas. For mitigation, the Applicant is proposing to replicate an isolated vegetated wetland (IVW) equal to or greater in size than the existing wetland.

Mr. Higgins reviewed the performance standards in the WPA for work in a BVW. The portion of the median strip which is currently located within the Upland Buffer Zone Resource Area (UBRA) under Lincoln’s Wetland Protection Bylaw is currently ‘disturbed’. The Applicant has submitted the bylaw application form which showed that the project would result in a decrease of 8,350 s.f. of impervious area within the UBRA.

Mr. Santacruce reviewed the existing and proposed stormwater management. The site is comprised of several Drainage Areas (DA). DA#1 currently discharges to the wetland resource areas. The project will result in the removal of 65% of Total Suspended Solids (TSS) in DA#1. Since portions of the project are considered redevelopment, the Applicant has attempted to meet the applicable performance standards to the maximum extent practicable. Given the limitation of the site conditions, the Applicant indicated that they are unable to achieve the 80% TSS removal standards in the Stormwater Management Regulations. Overall flow rates will be reduced through the project site, however, by significant infiltration and the construction of two detention basins outside of the 100-foot buffer zone.

Discussion ensued.

- Mr. Kurtz asked what will happen if phragmites begins to grow in the replication area. Mr. Higgins stated that if an invasive species begins to infest more than 10% of an area during the two year post-construction monitoring period, then the plants would be hand removed. Mr. Sheehan, Natural Resources Manager for Hanscom, stated that Hanscom’s long-term monitoring program will incorporate invasive species monitoring of this replicated IVW.
- Ms. Grzenda asked about the condition of the reinforced concrete pipes (RCP) that the project will tie into, which currently discharge directly to resources areas and would continue to do so. The Applicant indicated the RCPs were inspected during the design work but will be more closely inspected during the construction (and repaired if necessity). Ms. Grzenda suggested adding a condition which would address the additional measures needed should the RCP need to be replaced/repared.
- Staff suggested that additional quantity and species diversity of shrubs should be included in the wetland replication plan. Currently the plan calls for only 10 high bush blueberries and native herbaceous seed mixes.

- Staff will conduct site visits to confirm revised BVW flags and Bank length. In addition, staff have asked that the proposed replication area be flagged and inspected.
- Staff have prepared 4 pages of comments which the Applicant has been asked to address.
- Susan Hall Mygatt asked a question about alternatives to planting a monoculture of grass within the former roadways.

Due to the complex nature of this project, staff recommended that the Commission hire an outside consultant to review the Notice of Intent and advise the Commission on the compliance of the proposed project with Wetlands Protection Act stormwater standards and wetland replication requirements. The consultant would assess the following three regulatory questions:

- Does the project meet the WPA stormwater standards?
- Does the proposed wetland replication comply with 310 CMR 10.55(4) (performance standards for work conducted in a BVW resource area)?
- Does the proposed Bank alteration (loss) of 52 linear feet comply with 310 CMR 10.54(4)?

Conservation staff issued a Request for Quotes (RFQ) for an outside consultant (as permitted under GL Ch. 44, Section 53G) and received one quote, from CEI Environmental Consultants, for \$5,000. Motion by Ms. Mygatt to hire CEI Environmental Consultants to review the project as described in the RFQ under Ch. 44, Section 53G; seconded by Mr. Kurtz; roll call vote: each member responded Aye. It is the responsibility of the Applicant to pay for the Commission's outside consultant. Mr. Braley agreed to hand deliver a check to the Conservation Office.

Ms. Mygatt asked if there was anyone from the public who wished to comment; no comments were received. The Applicant consented to a continuance; motion by Ms. Mygatt to continue until Feb 1<sup>st</sup> at 7:10p.m.; seconded by Mr. Kurtz; roll call vote: each member responded Aye.

Documents reviewed:

- Vandenburg Gate Complex Site Plan Sheets CS100, CS103, CG103, W100, W101

8:50 p.m. Administrative Matters, Cont.

- Motion by Mr. Kurtz to approve the meeting minutes from December 21, 2022; seconded by Ms. Shepard; roll call vote: each member responded Aye.
- Farm Licensing on Conservation Land
  - Stewardship Policy – Staff and the Farming Working Group (Ms. Mygatt, Mr. Kurtz, Dr. Selden, and Jim Henderson) have revised the Farm Stewardship Policy. No major changes were made to the content of the 2018 policy. However, the Policy has been significantly reorganized, language has been clarified throughout the document, and the LCC's farm proposal, re-licensing, and annual submission requirements have also been clarified. Motion by Ms. Mygatt to approve the Farm Stewardship Policy; seconded by Ms. Fasciano; roll call vote: each member responded Aye.
  - New Farm Licensing – Last fall, staff advertised two available farm fields for licensing, at Mt. Misery (60 South Great Road) and at Umbrello (270 South Great Road). The Conservation Department received six proposals for new or expanded farm operations on these fields. The Farming Working Group reviewed the proposals, and it was their opinion that Codman Farm would be the best fit for the Mt. Misery field, and that Hannan Healthy Foods Farm would be the best fit for Umbrello. Motion by Ms. Mygatt to select Codman Farm and Hannan Healthy Foods Farm as discussed; seconded by Dr. Selden; roll call vote: each member responded Aye.

- Land Acknowledgement – Ms. Fasciano suggested at the 12/21/22 LCC meeting that the Commission should consider beginning each meeting with a land acknowledgement, similar to what the Lincoln School Committee does. The wording of the Lincoln School Committee acknowledgement is as follows: *“We are on the Pawtucket and Massachusett territories, and I recognize them as the past, present and future stewards of this land.”* Mr. Kurtz suggested a land acknowledgement that he found that stated: *“To begin, let us acknowledge that Lincoln is situated on traditional-----territory. We are grateful to be able to live, work, and enjoy the beauty of this land that we strive to preserve, and recognize its longer history, predating the establishment of the earliest European colonies.”* The Commission will continue this discussion at their February 1<sup>st</sup> meeting.
- 115 Tower Rd – Staff issued a memo confirming compliance and closing out the Enforcement Order for this property.

Meeting adjourned at 9:40 p.m.