

## Lincoln Conservation Commission (LCC) - Public Meeting Minutes

February 10, 2021

*Approved: March 3, 2021*

Members Present: Jim Henderson (Chair), Larry Buell, Susan Hall Mygatt, Ari Kurtz, Kathleen Shepard, and Richard Selden

Conservation Staff: Michele Grzenda, Conservation Director, Stacy Carter, Land Manager, Emma Coates, Land Steward, and Jen Curtin, Conservation Assistant

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, this Conservation Commission meeting was conducted via remote participation using Zoom.com. The Town provided access to such meeting via a link to call in. No in-person attendance of members of the public was permitted, but every effort was made to ensure that the public could adequately access the proceedings.

### 7:00 p.m. – Discussion Items -

1. Staff and Commissioner Introductions and Transitions
  - a. The Commission welcomed Michele Grzenda, Conservation Director, to her first official meeting.
  - b. Ms. Grzenda informed the Commission that Jen Curtin has been promoted to Assistant Director of Planning and will be leaving the conservation department effective February 9, 2021. The Commissioners thanked Ms. Curtin for her years of service to the Commission.
  - c. Laura Regrut was appointed to the Conservation Commission at the Selectmen's meeting on February 8<sup>th</sup>. Mr. Henderson and Ms. Grzenda will reach out to her before the next meeting and get her acquainted with the Commission roles and duties.
  
2. Winter Delineation Policy Discussion – Ms. Grzenda drafted a proposed Winter Delineation Policy. MassDEP recommends that resource area delineations be avoided when deep snow cover or “deep freeze” conditions exist. Based on this, Ms. Grzenda recommended that a hearing on a filing with unapproved wetland delineation be delayed until conditions have improved sufficiently to permit field verification of the submitted delineation. The Commission will review and continue discussions on this policy at the next meeting.

### 7:15 p.m. – Request for Determination of Applicability (RDA): Lincoln Land Conservation Trust (LLCT), Old Winter Street (164-10-0). Applicants Present: Geoff McGean (Executive Director), Nancy Soulette (Trustee), Sarah Lupkas (Stewardship Director)

Jim Henderson recused himself as he is an LLCT Trustee.

Mr. McGean, Executive Director of the Rural Land Foundation, presented the project. LLCT has filed this RDA under the Wetlands Protection Act (WPA) and Lincoln Wetlands Protection Bylaw (Bylaw) to conduct a prescribed burn in the Chapman pasture off Old Winter Street. The Applicant considers this an ecological restoration project intended to promote native plant growth within Chapman Pasture. A portion of Chapman Pasture contains Wetland Resource Areas and Buffer Zones protected under the WPA and Bylaw. A wetland finger exists along the southeastern portion and extends into the central portion of the field. A larger wetland associated with the Silver Hill Bog habitat exists to the west of the field.

The purpose of the burn is to reduce the predominance of undesirable cool season grasses and encourage the native warm season grasses. The proposed burn is not intended or expected to impact the Wetland Resource Areas due to weather conditions and hydrology at the time of burn, and therefore, LLCT believes there will be no adverse impact to the Interests protected under the WPA and Bylaw. In fact, some Interests may be enhanced by the burn and subsequent management plan. Alex Entrup from Entrup Consulting, who would be the Burn Manager, briefly reviewed the burn management plan. Mr. Entrup explained that the timing of the burn will be carefully planned, and he will ensure proper climatic conditions exist prior to initiating the burn.

Mr. Buell wondered if the Commission should be concerned with any leakage from vehicle equipment in or near the wetlands. Mr. Entrup indicated any vehicle traffic in the upland buffer zone would be limited due to sensitive/saturated soils. He anticipates only using a utility task vehicle (UTV) to access the southern portion of the field. The equipment will be in good condition and properly serviced. The big equipment will be mostly outside the buffer zone. Commission members expressed concern about equipment creating ruts in the field. Mr. Entrup indicated that if any ruts are caused by equipment, those areas can be raked out.

Susan Hall Mygatt asked specifically, what work will be occurring in the wetland or upland buffer area. Mr. Entrup is not expecting that vegetation within the wetland will be impacted. If the fire does extend into the wetland, only the non-native cool season grasses and thatch may burn, but that will improve the habitat. In addition, several cedar trees in the Upland Buffer Zone Resource area are intended to be removed prior to the burn. This too will promote meadow habitat.

Mr. Seldon requested that the burn plan be revised to include what happens in the event of an escaped fire – i.e. who would have jurisdiction and what chemicals might be used. Mr. Seldon asked who has responsibility for any injury or structure damage. Mr. McGean indicated that the LLCT will be responsible. Mr. Seldon requested all final reports be submitted to the Conservation Commission.

Jane Winchell, abutter, asked how the burn will be managed around the cedars. Mr. McGean indicated that some cedars would be removed; some will be saved. They will be trimmed – lower limbs will be removed.

The Director suggested the following conditions be incorporated in the permit: (1) final burn report shall be submitted to the LCC file; (2) a site visit with LCC Staff shall be conducted before the burn to review the final details with the Conservation Director; (3) any ruts created in jurisdictional areas shall be raked out by hand; (4) after the burn, a site visit shall be conducted with LCC Staff to ensure that there are no short-term erosion issues and to identify any ruts to be hand raked out immediately; (5) a final planting plan shall be submitted prior to any plantings, for review and approval by the Director. The Commission requested a draft Determination be distributed to LCC for review before the next meeting. LLCT requested to review the draft as well. Motion by Larry Buell to continue the hearing to 3/3/21 at 7:15pm; seconded by Susan Hall Mygatt; Roll call vote: each member responded Aye.

#### 7:45 p.m. – Request for Determination of Applicability (RDA): Byrne. 115 Trapelo Road (150-25-0, 150-26-0)

Dan Carr and Jared Conway from Stamski and McNary presented the project. This project is for the replacement of an existing failing sewage disposal system with part of the work within the Buffer Zone Resource Area.

Work within the 100-foot buffer zone to the Bordering Vegetated Wetland (BVW) is limited to the installation of the septic tank, pump chamber, and a portion of the force-main pipe to the soil absorption system. No part of the leaching field is proposed within the 100-foot Upland buffer zone resource area. All work within the Buffer Zone will take place on existing lawn area. The closest point of disturbance to the BVW is 77-feet away from the wetland edge. Any stockpiled material will be placed within the approved limit of work, outside the buffer zone. The Commission requires straw bales double staked with entrenched siltation fence. The old tank will be pumped, cracked, disassembled. Stockpiling area with erosion control is shown on the plan. Motion by Susan Hall Mygatt to close the hearing; seconded by Ari Kurtz; roll call vote: each member responded Aye; It is anticipated that the Commission will review the draft permit with conditions and issue a negative DOA at the next meeting.

#### 8:45 p.m. – Discussion Items, Cont.

1. Tree Removal Permit – Proposed Policy Discussion – Emma Coates drafted a proposed tree removal policy which would create an administrative approval process by which homeowners could request to remove a certain number of hazardous trees from jurisdictional areas and staff would have authority to administratively approve the request. The policy would create (1) a clear and consistent guideline for residents and department staff and (2) allow landowners to maintain safety and enjoyment for people and property in the face of hazard tree situations. It is typical of surrounding towns to have these policies in place. Staff researched other towns' policies (Weston, Concord, and Bedford) and incorporated language which felt appropriate to Lincoln. Discussion ensued. Larry

Buell requested to see some of the other towns' policies, and wondered how staff would assess "hazard tree situations" Ms. Coates will review various level of risk forms that she and other arborists have used and report back. In order for staff to administratively approve a removal, the tree should present a certain level of risk (i.e., near a structure or driveway). A note should be added to the proposed policy that (1) certain utility projects are exempt from the policy and (2) deadwood has positive qualities (i.e. deadwood is good wood). Richard Seldon agrees with codifying policies and he is interested in what other policies the Commission should be considering. Emma will re-send the proposed policy and look forward to LCC comments.

2. Review Meeting Minutes from December 30, 2020: Motion by Larry Buell to approve; seconded by Ari Kurtz; Roll call vote: each member responded Aye.
3. Review Meeting Minutes from January 20, 2021 – Motion by Susan Hall Mygatt to approve as amended; seconded by Richard Seldon. Roll call vote: each member responded Aye.
4. Sub-Committee & Liaison Reports
  - South Lincoln Planning Committee (Kathleen Shepard) An RFP was issued to assess septic system needs.
  - Agriculture Sub-committee – Stacy reported that Minuteman National Historic Park denied Mr. Hannan's (farmer) request to add signage and electricity to Ricci Conservation Field (along 2A – scenic highway). Mr. Hannan will continue to work with MMNHP to obtain better visibility to his farm. Ms. Carter completed all farm reviews and expects annual farm reports by March 1<sup>st</sup>.
  - Land management updates– large tree fell in Mt. Misery parking lot and was successfully removed by stewardship staff and Mr. Henderson.
  - Significant snowstorms resulted in frequent plowing of conservation land parking areas.

9:00 p.m. 237 Old Concord Road DEP File#203-0923 (Elizabeth and Rob Orgel)

Ms. Grzenda provided a brief overview of the unpermitted cutting that occurred in 2017; the after-the-fact Notice of Intent submitted by the Orgels outlining restoration activities, and an Order of Conditions (OOC) issued by the Commission on May 22, 2019. The OOC referenced the Orgels' April 2019 Restoration Plan, but required that it be revised to include an additional 3-6 trees and more detail (size and exact location) of vegetation proposed to be planted so as to recreate the forest canopy that existed prior to the unauthorized cutting. Ms. Orgel had email conversations with Mr. Gumbart in the fall of 2019 regarding She proposed planting 5 specific trees in what she called 'Phase 1', with shrubs to be planted in 'Phase 2'; Mr. Gumbart reviewed her request and said it was fine to plant in two phases; and the trees identified by Ms. Orgel were planted in the fall of 2019. Since then, partly due to COVID, no additional trees/shrubs have been planted. Mr. Gumbart also reminded Ms. Orgel that a revised planting plan and long-term maintenance plan were required to be filed (per the OOC). The Commission has still not received either.

The Applicant expressed concerns about the OOC condition requiring large boulders to be placed along the 100-foot buffer zone. The Orgels believe that the boulders pose a safety threat, as children enjoy sledding down the slope. Ms. Orgel stated that they had assumed the April 2019 plan from John's Landscape Service was the final plan and had not understood that a revised plan was needed. Ms. Orgel has asked that her landscaper provide additional information and a revised plan will be submitted by the next meeting. Ms. Orgel intends to plant an additional 6 larger maple, oak, and cedar trees. In addition, Ms. Orgel agreed she remained willing to plant the 60 native shrubs as shown on the 2019 plan by spring 2021.

Ms. Orgel expressed concern about planting shrubs along the slope since the area is covered in a thick layer of woodchips left behind from the cutting. The Orgels understand that it is the Commission's expectation that the shrubs will be planted this spring. Several of the Commissioners suggested that the landscaper could create individual 'wells' amongst the woodchips for the individual shrubs to be planted. The wells can be augmented with high-nutrient soil to improve the survivorship of the planted shrubs. In addition, the Orgels wish to plant the entire slope with a low-maintenance native grass. Mr. Henderson suggested planting in phases so as to not expose the entire slope, in order to reduce the potential for erosion. Mr. Kurtz suggested to not remove all the woodchips as that will create an erodible slope.

Ms. Orgel indicated that the five-year management plan will include invasive species removal by hand. Mr. Kurtz suggested that drip irrigation (temporary driplines, such as orchard tubing) be temporarily installed until the plants are established. Seeding the slope may have to be delayed until the mulch decomposes. Mr. Henderson suggested that seeding of the flat area down gradient of the slope could be accomplished this spring. Ms. Orgel indicated she has already planted that area with a conservation seed mix. Mr. Henderson also suggested jute netting could be used as a slope stabilization. Ms. Grzenda agreed to send a sample management plan and indicated that the Orgels' plan should include irrigation methods and deterrence of deer. Ms. Grzenda will also send a new list of native plants suitable for dry sites, since some of the proposed plants on the planting plan are more suitable for moist soils. This will ensure better success of survival, since the OOC requires 90% survival success. Larry Buell asked that the revised planting plan include the number, species, size, and distribution (location) of the proposed plants. Ms. Orgel mentioned the 2019 plan had approximate locations indicated.

Regarding 100-foot buffer zone demarcation – Mr. Henderson suggested that the Orgels can use a 4” square post, flush with the ground and a piece of rebar next to it (just below the surface) so it can be found with a metal detector. The Orgels believe this is a good solution. Mr. Henderson will send a detail of the bounds the Commission would allow. It is important that a surveyor accurately mark the 100-foot buffer zone line so that the bounds can be installed accurately. The bounds shall be placed at 50-foot intervals, starting at the tree line. The Commission will continue discussions with the Orgels and look forward to reviewing the revised planting plan and maintenance plan on March 3<sup>rd</sup>. Ms. Grzenda will check in with the Orgels next Wednesday regarding the anticipated filing of the revised planting plan and maintenance plan.

9:35p.m. Sub-Committee & Liaison Reports, cont.

Larry Buell reported an update on the SuAsCo Stewardship Council (River Stewardship Council) – SuAsCo has a \$200,000 fund and issues annual grants to municipalities and non-profits which will improve water quality, increase water access, and provide education/outreach. Grants can be used to enhance watershed values, which could include trailhead improvements, signage, or anything that promotes cultural and historical aspects. Grants range in from \$2-10K. Jim Henderson suggested that a couple LCC members and staff meet via phone or zoom to brainstorm possible grant opportunities (i.e., water chestnut harvest training, signage, etc.) SuAsCo's next meeting is 2/23/21. Ari Kurtz wonders if a grant could be used to improve the trail that connects the Mt. Misery parking lot and the canoe landing parking lot. Mr. Henderson wonders if the funding could pay for a design study. Stacy Carter indicated that the last Lincoln grant request (parking lot improvements at the canoe landing) was denied. Discussions ensued. Jim Henderson and Larry Buell are interested in considering requesting funds for a feasibility study and to construct a small prototype for trail improvements. Ms. Carter will set up a Zoom meeting for Mr. Henderson, Mr. Buell, Ms. Carter and Ms. Coates to decide whether or not to apply for a grant.

Motion by Larry Buell to adjourn the meeting at 8:52 p.m.; seconded by Susan Hall Mygatt; Roll call vote: each member responded Aye.