

Lincoln Conservation Commission (LCC) - Public Meeting Minutes

March 3, 2021

Approved: ****

Members Present: Jim Henderson (Chair), Larry Buell, Susan Hall Mygatt, Ari Kurtz, Kathleen Shepard, and Richard Selden (left at 9:00 p.m.)

Conservation Staff: Michele Grzenda, Conservation Director; Stacy Carter, Land Manager

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. The Commission welcomed new Commission member, Laura Regrut.
2. Meeting Minutes from February 10, 2021 - Motion by Jim Henderson to approve as amended; seconded by Susan Hall Mygatt; roll call vote: each member responded Aye.
3. Review Decision for Determination of Applicability (RDA): 115 Trapelo Road - Motion by Jim Henderson to issue a Negative 3 Determination with the finding and conditions as reviewed and discussed; seconded by Richard Seldon; roll call vote: each member responded Aye.
4. 2020 Annual Report Review – Motion by Jim Henderson to approve the 2020 Annual Report as amended; seconded by Larry Buell; roll call vote: each member responded Aye.

7:15 p.m. – Continued Request for Determination of Applicability: Lincoln Land Conservation Trust. Old Winter Street (164-10-0)

This project is for a prescribed burn intended to promote native plant growth and ecological restoration within Buffer Zone Resource Areas. The Commission reviewed the draft determination. Motion by Jim Henderson to close the hearing; seconded by Susan Hall Mygatt; roll call vote: each member responded Aye. Motion by Susan Hall Mygatt to approve and issue a Negative 3 Determination of Applicability with the findings and conditions as discussed; seconded by Jim Henderson; roll call vote: 6:0:1.

7:20 p.m. Discussion of Future Site Visit Scheduling

The Commission confirmed that a site visit start time of 9am on the morning of the Con Com meeting works best.

7:22 p.m. Tree Removal Policy Update – Conservation Staff intend to provide the Commission with a revised draft before the next commission meeting. Susan Hall Mygatt suggested that we should discuss whether the policy should allow a tree to be removed if it poses danger to yard or other areas used by owner/guests.

7:25 p.m. – Abbreviated Notice of Resource Area Delineation: 0 Pine Ridge Road (177-70-0)

This project is for the confirmation of wetland resource areas delineated on the property. David Burke, Wetland Scientist stated that an Abbreviated Notice of Resource Area Delineation has been submitted for 0 Pine Ridge Road. An Order of Resource Area Delineation (ORAD) was issued for this property in 2015, but has since expired. Mr. Burke re-delineated the wetland resource areas in November 2020. The Commission reviewed the plan entitled “ANRAD Plan 0 Pine Ridge Road, Lincoln MA” prepared by Snelling and Hamel Associates, Inc., dated November 20, 2021. James DeNormandie, Land Vest (and relative of the owner), showed a plan which

overlaid the 2015 delineation on the 2020 delineation. Although this hearing is only to verify the wetland delineation, Mr. DeNormandie also showed a plan depicting the possible building footprint on the lot. The Conservation Director summarized her findings from the site visit. She had questions about a small depression adjacent to flag # 18. In addition, there is a potential vernal pool offsite to the north and the 100-foot upland buffer zone resource area from such a vernal pool would extend onto the lot. Ms. Grzenda intends to perform an additional site visit next week with Mr. Burke to investigate the small depression. She asked that the plan be revised to reflect any corrections made at that site visit. In addition, the buffer zone line of the potential vernal pool should be included on the revised plan. Alan Sliski, an abutter, was virtually present and provided comments.

Motion by Larry Buell to continue the hearing to 7:15 p.m. on March 24, 2021, seconded by Jim Henderson; roll call vote: each member responded Aye. The Director will draft the decision for the commission to review before the next hearing.

7:53 p.m. – Request for Determination of Applicability: 15 Sandy Pond Road (143-27-0)

Ms. Ory (the landowner) submitted an RDA for the construction of an accessory structure (yoga/meditation room). The Orys propose to replace an existing play structure with a slightly larger structure, which would be located 50.5ft from the wetland resource line. The wetland resource areas on this property were delineated on December 17th, 2020 by David Burke. An existing play structure with four posts which currently is situated in that location will be removed. The area is covered with a thin layer of pine needles and no ground cover vegetation exists. The existing pine trees located around the structure will remain. Mr. Murdough, architect, explained that the structure will be elevated on four corner posts, the holes for which will be hand dug. Soils will be stockpiled and backfilled within a week of construction. An erosion control barrier consisting of a 12-inch straw wattle is indicated on the site plan. The Director suggested modifying the erosion control line to allow an area for access. Mr. Kurtz reviewed the performance standards in the Bylaw Regulations, and it is his opinion that the structure will not create any new impervious area due to the elevated nature and the similarity of the proposed structure to the existing structure. Questions were asked about how the stormwater will be managed from the roof. It's Mr. Murdough's opinion that the pine needle floor will absorb much of any stormwater.

Motion by Kathleen Shepard to close the hearing and issue a negative determination of applicability, contingent upon Susan Hall Mygatt reviewing the decision and conditions; seconded by Jim Henderson; roll call vote: each member responded Aye.

8:15 p.m. – Notice of Violation: 61 S Great Road (159 16 0)

Conservation Staff issued a Notice of Violation letter on February 10, 2021, after receiving notification that a tree was cut near the edge of Farrar Pond without approval. The letter required that the owners contact the Conservation office as soon as possible to discuss the cutting. The owner, Peter Brumme, contacted staff and a site visit was conducted on February 25th. Mr. Brumme stated that a large oak tree split and when falling, destroyed a small pine in the 50' no-disturb upland buffer zone resource area. The Brummes hired a tree crew to remove the fallen wood and cut the remaining tree near ground level. Mr. Brumme apologized for not contacting and receiving permission prior to conducting the work.

While performing the site visit, staff observed that a swath of saplings and shrubs in the 25-100' upland buffer were also cut to ~3ft in height. When asked about this activity, Mr. Brumme stated that the shrubs and saplings were badly damaged when his landscapers were hand pulling and cutting the bittersweet from this area late last year. The saplings/shrubs were covered with the bittersweet, were badly damaged from the strangling vines, and therefore, his landscapers cut them to 3' high. Stacy Carter, Land Manager suggested that in the future, the owner should cut the bittersweet near the ground and let the stems die rather than pulling it off the saplings.

Mr. Brumme is concerned about future trees falling and causing a safety issue. He also requested permission to cut the existing stump flush with the ground. The Commission is ok with the stump being cut flush. Mr. Henderson suggested that Mr. Brumme simply monitor the trees and work with an arborist for proper monitoring. If an arborist deems a tree a threat, Mr. Brumme should contact the Conservation Department. Mr. Seldon reminded the owner of the Commission's policy to prohibit the use of herbicides for invasive species control as there are other methods for control which are safer and effective.

It was the Commission's opinion that the recent disturbance will restore itself. The Agent will memorialize this discussion in a follow-up memo to include the following reminders/conditions: (1) any work/cutting in the buffer zone resource area requires review and approval by the Conservation Commission or Staff; (2) Although invasive plant control is allowable as a perpetual condition on the property, future control methods shall not utilize herbicides or impact the native plants. In addition, Conservation Staff are available for future invasive management guidance; and (3) the owner may cut the one oak stump flush (as discussed).

8:45 p.m. – Ongoing Discussions - 237 Old Concord Road (DEP File #203-0923)

This was a continued meeting with the owners to discuss the restoration requirements of the Upland Buffer Zone Resource Area. At the last meeting, the Commission required the following:

1. Revised planting plan to include additional trees and 60 native shrubs by Spring 2021.
2. Long-term management plan to include irrigation methods.
3. 100-ft buffer zone demarcation – 4" square posts flush to ground with rebar at 50' intervals.

Ms. Orgel submitted a maintenance plan and revised planting plan. The revised plan includes a list of native plants and sizes, and she would like to plant as soon as possible. Some of the plants may move slightly from the location shown. Ms. Orgel reviewed the monuments recommended by Jim Henderson- either a 4x4 concrete bound; the other is an industrial metal stake installed flush with the ground with a pvc pipe encircling it.

Ms. Mygatt asked for clarification on how many trees will be planted. The original planting plan (April 2019) showed 60 shrubs and 17 trees. Condition #23 stated "A finalized planting list with species, sizes (heights, volumes, or diameters), and numbers that includes 3-6 large trees (such as native pine, oak, or maple species) to recreate the forest canopy that existed prior to cutting will be provided to the Commission prior to planting." The revised planting plan shows: 31 shrubs and 16 trees. During the meeting it was discovered that two revised plans were submitted to the Conservation Dept. in the last week and the staff had only reviewed the first revised plan. The second revised plan included 57 shrubs and 17 trees; still short of the required number. Discussion ensued. Ms. Orgel agreed to add 3 shrubs and 3 trees. In addition, the plan showed only trees being planted in the 0-50 foot Upland Buffer Zone and only shrubs being planted in the 50-100 foot Upland Buffer Zone. Ms. Grzenda and Commission members remarked that they would like to see some intermingling of the shrubs and trees for better vegetative cover of the area. Ms. Orgel agreed to re-arrange the planting plan to have more of a diversity of shrubs and trees in both zones.

Next, Ms. Orgel reviewed the proposed maintenance plan which included a discussion on planting timing, irrigation detail, invasive species control, 5-year monitoring requirements, and the need to ensure 80% survival of trees/shrubs. Discussion ensued. Mr. Henderson asked for a more robust description of the watering plan. Ms. Orgel was amenable to Mr. Henderson's suggestions. Condition #30 required a survival rate of 80% of large trees and 90% of shrubs in the first three years. Ms. Orgel will revise the maintenance to reflect that. Ms. Grzenda offered to work with Ms. Orgel on her revisions. The revised planting plan and maintenance plan will be sent to the Commission at least a week in advance of their next meeting on 3/24/21.

9:48 p.m. Discussion Matters, cont.

5. Sub-Committee & Liaison Reports

- SuAsCo Grants – Larry Buell reported back about the last SuAsCo Steering Committee meeting – the Committee identified three funding areas for the following categories: 15K set aside for interpretive signs; 20K for hiring river stewards; 5K for purposes of watershed study (misc. projects).
- Agriculture –
 - Mr. Henderson, Mr. Kurtz and staff will meet virtually with Mohammed on Friday to review his farm plan at Ricci Field.
 - There is interest in using funds collected from farm fees for appropriate infrastructure improvements to farmed land. Staff will work on drafting a policy by which Lincoln Conservation Land farmers can apply for an infrastructure grant to help cover the cost of land infrastructure improvements (i.e. well installation, access road improvement, fence installation) that would also benefit farmers of the future.

6. Correspondence-Updates

- 2/22/21 Algonquin Gas Transmission Skid Anode Bed Cathodic Protection Installation – Proposed Work; exempt from wetlands filings.
- Staff prepared a Con Com member resources Google Folder which includes WPA, bylaw, and other Con Com information. MACC sent new commission member orientation info to Kathleen Shepard, Susan Hall Mygatt, and Laura Regrut.

7. Next meeting will be March 24, 2021

8. Meeting adjourned at 10:09pm