

Lincoln Conservation Commission (LCC) - Public Meeting Minutes

April 14, 2021

Approved: ****

Members Present: Ari Kurtz (Chair), Larry Buell, Susan Hall Mygatt, Laura Regrut
Members Absent: Richard Selden, Jim Henderson, Kathleen Shepard
Conservation Staff: Michele Grzenda, Conservation Director; Stacy Carter, Conservation Planner; Emma Coates, 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

- Michele Grzenda, Conservation Director, updated the Commission on staffing changes. The Town received several applications for both the full-time Land Steward Position and the seasonal assistant position. Interviews have begun for the seasonal position and interviews will soon begin for the Land Steward Position.
- Review of meeting minutes from March 24, 2021; Motion by Susan Hall Mygatt to approve as amended; seconded by Ari Kurtz; roll call vote: each member responded Aye.
- Larry Buell, Conservation Commission member, will be finishing his term and will not be seeking re-appointment for July 1st. The Commission will be looking for new Conservation Commission applicants.

7:15 p.m. — Mt. Misery Pond Leveler Replacement: Mt. Misery beaver dam

Stacy Carter summarized the proposal to repair one of the Mt. Misery water flow devices, which is located just off trail north of intersection MM6. Michael Callahan, Beaver Solutions, indicated that the water flow device was originally installed in 2005 in order to maintain the water level of the upstream wetland system. However, the device has fallen into disrepair and no longer functions properly. The higher water level threatens Lindentree Farm's electric pump and well. Mike Callahan of Beaver Solutions was asked to look at the situation and has submitted a quote for replacement and maintenance of the pond levelers. Other water level devices that are being maintained by Beaver Solutions include devices in Adams Woods, one on the east side of Rt 126 across from Old Concord Road, and one funded by the City of Cambridge in Stony Brook Reservation. Three additional water level devices at Mt. Misery have been abandoned. Motion by Larry Buell to expend the funds for a pond leveler; seconded by Laura Regrut; roll call vote: 3:0:1 with Ari Kurtz recusing himself from voting.

7:30 p.m. – 28 Lincoln Road Informational Discussion

The owner, Lis Herbert, contacted the Conservation office wondering about the likelihood of receiving permission to conduct two activities at her property. Before hiring a consultant to assist with a formal design, she would like the Commission's opinion to advise whether these activities could be permissible or not. The first project involves the conversion of a section of grass to a surface where her children could dribble a basketball (Decomposed granite or pervious concrete). This area is within the 50-foot No Disturb Zone. It was the Commission's opinion that no work may be permitted in the 50-foot No Disturb Zone. The second project involves the connection of an existing pea gravel area to a basement door, which currently opens to uneven grass (this area is just beyond the 50-foot No Disturb Zone). It was several Commission members' opinion that

if the owner can demonstrate a pea gravel patio would be equivalent to the perviousness of the grass, and the owner is willing to provide native plant mitigation closer to the pond, that the project may be permissible. The owner would need to hire a wetland scientist, prepare a sketch, and file an RDA for formal review.

7:45 p.m. – 98 Codman Road: Request to cut three trees in Buffer Zone; D. Onigman

The owner contacted the Conservation office about his desire to removal several dying/unsafe trees around his yard. Three of the trees appear to be in the 100-foot buffer zone and therefore need Conservation Commission approval. All tree equipment would remain on paved surfaces and no ground disturbance is proposed. It was the Conservation Staff opinion that these trees pose a potential safety threat to the driveway and the removal of the trees does not appear to impact the functions and values of the nearby wetland. Motion by Susan Hall Mygatt to authorize the Conservation Commission staff to determine whether it is appropriate for these trees to be removed and to impose whatever conditions they think are reasonable and appropriate; seconded by Larry Buell; Roll Call Vote: All Commission members voted Aye.

8:15 p.m. –51 Sandy Pond Road: DeCordova Landscaping Plan; J. Hasenfus, Decordova Museum

Per Zone A Water Resource Special Condition #10 in the Determination of Applicability issued on January 22, 2021, DeCordova Museum submitted a Flint's Pond Watershed landscaping plan for review and approval dated January 20, 2021. Mr. Hasenfus reviewed the submitted plan (the landscaping on the upper parking lot is shown on the submitted landscaping plan, but the parking lot landscaping is a separate project that will be reviewed later this season). Mr. Hasenfus reviewed where the different meadow mix areas and shrub installations would occur. All work would be outside the 100-foot buffer zone; however, the work would be within the Zone A Watershed. As such, the submission was reviewed by the Water Commission on April 12, 2021. The Water Commission liaison, Michelle Barnes, offered input on the plan and Mr. Hasenfus revised the plan to reflect Ms. Barnes' concerns. Ari Kurtz suggested the proposed fence provide a 6" gap at the ground to allow for wildlife movement. It is the Conservation Staff's opinion that the plan has met all the shared Conservation Commission and Water Commission goals for this slope. Motion by Susan Hall Mygatt to authorize the Conservation Commission staff to finalize their review and impose whatever conditions they think are reasonable and appropriate; seconded by Ari Kurtz; roll call vote: All Commission members voted Aye.

8:45 p.m. – Request for Opinion - 69 Page Road (DEP #203-932); N. Nallicheri, Owner, T. White, Architect

The applicant would like to modify the limit of work and access to the previously approved construction area (Inground Pool). Specifically, the applicant wishes to utilize the old woods road/old driveway for construction access. The "old driveway" is located approximately 15 feet from a wetland at its closest point and has re-naturalized over the years. The reasoning for the applicant to consider this is because it will dramatically reduce the carbon footprint of the demolition/site work component. The approved access involved utilizing the paved driveway which has sensitive infrastructure under it. Additionally, there is a retaining wall at the end of the driveway that would need to be demolished for pool construction and re-built after the construction. This would mean that 80,000 lbs of old concrete would be taken to a landfill, along with the associated fossil fuels produced by trucking the material. Ari Kurtz believed there may be an alternate route slightly further away from the wetland and if the disturbed area was restored after with native plants, Mr. Kurtz would be willing to consider this tradeoff. Susan Hall Mygatt stated that under Section 7.4 of the Bylaw, temporary disturbance in the No Disturb Zone may be allowed if mitigation was proposed. If the owner wishes to request approval for this modification, he should file a Request to Amend the OOC with the Commission and the following details would be needed: (1) exact footprint of access route; (2) type of improvements needed; (3) What alterations in the terrain would be made to get the trucks to the construction site; (4) identification of the trees/shrubs would be impacted; and (5) a plan showing all of these details. In addition, a restoration plan would need to be prepared with a 3-year monitoring plan. If the Commission were to approve such a request for modification of the existing OOC, it would require the applicant to prove to the Commission's satisfaction that no harm is likely to

result to the Upland Buffer Zone Resource Area as a result of the temporary disturbance (per Section 7.4 of the Bylaw).

9:19 pm Proposed Town-wide Mosquito prevention outreach and mailing

Members of the Agricultural Commission, Conservation Commission, and Lincoln Land Conservation Trust have worked on producing a town-wide mosquito bite prevention mailing. The goal is to educate residents on (1) how rare Eastern Equine Encephalitis is in Lincoln (2) concerns over mosquitos spraying – particularly from companies hired by Lincoln residents; and (3) the importance of personal protection in preventing mosquito bites. Discussion ensued and some minor edits were made. Motion by Larry Buell to endorse this draft town-wide mailing; seconded by Susan Hall Mygatt; roll call vote: each member responded Aye.

Public Lands Preservation Act Update and endorsement of support letter

The Public Lands Preservation Act (PLPA), which LCC voted to support in 2007 and 2018, passed the House in the final hours of the last session, unfortunately too late to get through the Senate. With the same Speaker and Chair of Ways and Means in place, conservation groups are optimistic that the PLPA will pass this year. Last week, several Commission members sent personal letters to Lincoln’s Senator, Michael Barrett, and he has recently signed on to co-sponsor the bill. Motion by Susan Hall Mygatt to authorize Ari Kurtz to sign a PLPA Letter of Support on behalf of the Commission; seconded by Larry Buell; roll call vote: each member responded Aye.

Sub-Committee & Liaison Reports

- Ari Kurtz reported that Jim Henderson has been working at Umbrello to rehabilitate an old chicken coop as a future farm stand.
- Stacy Carter reported that The American Chestnut Foundation has been granted a license by the Conservation Department to establish an American chestnut orchard on 2 acres of the Flints Fields off Lexington Road. The land was formerly a vineyard for Turtle Creek Winery.