

Lincoln Conservation Commission (LCC) - Public Meeting Minutes

May 24, 2023

Approved: June 7, 2023

Members Present: Susan Hall Mygatt (Chair), Becca Fasciano, Laura Regrut, Kathleen Shepard

Members Absent: Ari Kurtz and Richard Selden

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

This meeting was held virtually, pursuant to H58 Chapter 2 of the Acts of 2023,  
Suspending Certain Provisions of the Open Meeting Law

7:00 p.m. – Discussion Items

- Approve Meeting Minutes from April 26, 2023 – Motion by Ms. Shepard to approve; seconded by Ms. Fasciano; roll call vote: each member responded Aye.
- Hannan Healthy Foods – Request to host Scout Troup and have a grill – Mr. Hannan, the licensed farmer for Umbrello Field, has requested permission to have a Canadian scout troop camp on Umbrello from August 5-8<sup>th</sup> to volunteer for the farm. The Conservation Land rules state that overnight camping is prohibited, except in cases where the Commission grants a special use permit (Section 8). Mr. Hannan is also requesting permission to have a propane or charcoal grill next to his farm stand. Commissioners asked about the availability of water (for showers and fire control) and sanitary facilities. Staff replied that water is available on site, and there is a porta-potty on site as well. Motion by Ms. Mygatt to grant permission for the grill and the overnight campers as requested; seconded by Ms. Shepard; roll call vote: each member responded Aye.

7:13 p.m. Request for Determination of Applicability: 0 Silver Hill Road (164-12-0); Lincoln Land Conservation Trust (LLCT); S. Lupkas (LLCT), R. Brown (Conservation Dept.)

Sara Lupkas, on behalf of LLCT, filed a Request for Determination of Applicability for the construction of bog bridges and the re-routing of a trail within the 100-ft Buffer Zone and Bordering Vegetated Wetland at 0 Silver Hill Road. Approximately 150-ft of the trail would be moved to higher ground east of the current trail. The old trail would be closed and left to revegetate. Additionally, approximately 168-ft of bog bridges would be constructed over existing trail that would connect to the newly established segment. This segment of trail cannot be re-routed out of the wetlands because of proximity to the neighboring property. Currently, the trail passes over an uneven patchwork of old planks and boardwalks. New bog bridges would be constructed using pressure-treated wood, and would consist of two 8-ft 2x8s strung together with three 2ft 4x4s footings on each segment of the bog bridge. The old planks and boardwalks would be removed from the property. Ms. Mygatt asked about the use of pressure-treated wood near wetland resource areas. Discussion ensued about the trade-offs between using pressure-treated wood or plastic lumber for the footings. Staff stated that concerns about pressure-treated wood typically arise when the wood is placed in inundated environments where chemicals are more likely to leach into the water, which is not the case with this project.

Motion by Ms. Shepard to issue a Negative 2 and a Negative 6 Determination of Applicability. A Negative 2 Determination means “the work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.”. A Negative 6 Determination means: “the area and/or work described in the Request is not subject to additional review and approval by the LCC.” The motion was seconded by Ms. Fasciano; roll call vote: each member responded Aye.

7:28 p.m. Request for Determination of Applicability: 20 Boyce Farm Road (178-9-0); T. Doucette – Ted Doucette of Doucette Engineering presented a Request for Determination of Applicability filed on behalf of Mark Goetemann for septic system replacement within the 100-ft Buffer Zone (BZ) at 20 Boyce Farm Road. The new leach field would be outside of the 100-ft Buffer Zone. On-site ledge limits where the system can be installed, so a mounded system with pump chamber is required. The mounding would require that some fill extends into the 100-ft Buffer Zone – the closest area of disturbance is 80-ft from the wetland edge. The disturbed area would then be filled and seeded. Stockpiling would occur outside of the 100-ft Buffer Zone. Cambridge Water Department did not express any concerns about this project. The Commission suggested conditioning that any stockpiling be outside of the Buffer Zone. Motion by Ms. Mygatt to issue a Negative 3 and a Negative 6 DOA; seconded by Ms. Fasciano; roll call vote: each member responded Aye. Special conditions will include a requirement that the erosion control barriers be installed as shown on the plan and that all stockpiles remain outside of the Buffer Zone.

**7:41 p.m. Meeting with Mr. McCaghren – 105 Lincoln Road**

Mr. McCaghren attended the meeting after receiving a letter from the Conservation Office about a lawn encroachment on Conservation Land. The letter included the following requirements: (1) cease mowing, leaf blowing, and maintaining the portion of lawn on conservation land and (2) mark the property boundary where the encroachments occurred with permanent bounds every 30 feet (i.e. stone bounds set at least 12” into the ground and leaving at least 4” visible above ground). Mr. McCaghren expressed his belief that stone bounds sticking out of the ground would create a safety concern and proposed to install some bushes or a type of demarcation that would be more flush to the ground. The Commission was amenable to either of those ideas and suggested Mr. McCaghren discuss what type of boundary demarcation he wishes to use with the conservation office by June 24<sup>th</sup> for review and approval. In addition, Mr. McCaghren agreed to cease maintaining the conservation land area.

Separately, Mr. McCaghren expressed his disappointment that the Commission intends to close a portion of the Snider Pond trail. Ms. Grzenda reviewed the reasons for the proposed trail closure, including that the existing trail is very eroded and unsafe, and that restoring the trail would impair the functions and values of the wetland. Additionally, there are two other nearby trails that walkers can use to get to the conservation land behind Snider Pond.

**8:06 p.m. Enforcement Order: 5 Mary’s Way (111-7-0); J. Durkin**

At the last meeting, the Commission authorized issuance of an Enforcement Order for unpermitted clearing and vegetation. The Order required the following:

- Erosion controls to be installed immediately along the edge of disturbed area to prevent erosion into wetland (completed)
- Removal of fill to expose native ground, removal of woodchips. (completed)
- By May 15, Mr. Durkin to submit a restoration plan with a sketch of the size of the area, a native planting plan, timelines for installation, means and methods for installation. (completed)
- Mr. Durkin to attend the May 24 Commission meeting to discuss the proposed restoration plan.

At the meeting, Mr. Durkin agreed to the required restoration actions. His restoration plan complies with Lincoln’s Buffer Zone Restoration Guidelines and he intends to plant 10 saplings, 18 shrubs, and revegetate the ground with a native seed mix. Staff recommended that the proposed trees be better spaced within the restoration area. The Commission was comfortable with the restoration plan and advised Mr. Durkin to work with staff on timing, means and methods. Due to the dry weather and the town’s watering restrictions, Mr. Durkin may need to wait until after the summer to complete some of the plantings. Mr. Durkin will check in with the Water Dept. on watering restrictions and reach out to the Conservation Office. Ms. Grzenda indicated that the plantings will need to survive 2 growing seasons before the Commission can close out the Enforcement Order.

**8:20 p.m. Valley Pond Request for Extension on Existing Order of Conditions (DEP #203-0922)**

Ms. Mygatt and Ms. Regrut indicated that they are both shareholders in the Valley Pond Corporation (but not members) but feel they can act objectively on this matter. Ms. Fasciano indicated she is a shareholder and a member, but also can act objectively on this matter.

Valley Pond Corporation requested an extension on an existing Order of Conditions for swim pond algae management. The swim pond has been treated annually since the 1990's to reduce algae and increase underwater visibility for swimming safety. Alex Appleby, David Trant and Tanya Crowley of the Valley Pond Corporation have submitted a revised Valley Pond Management Plan as requested by the Commission. Treatment methodology and pond management are described in detail in Appendix III of the Plan. Valley Pond Corporation reviewed the literature and were not able to find any new research papers about the chemicals being used beyond those submitted with the Plan.

Ms. Mygatt asked that Valley Pond submit a revised plan (or addendum or revised cover page) that identifies the author of the plan. The Commission also requested that more information describing the effectiveness of treatments be included in the annual reports. Ms. Mygatt also requested that Appendix III of the management plan describe dosage, treatment dates, and other treatment information for PhosClear and SeClear when the next wetlands permit or extension request is filed.

The Commission requested the following additional items be requested from Valley Pond via memo: (1) valves between the swim pond and frog pond shall be closed prior to treatment; (2) treatment amounts be included in the end of year reporting. Motion by Ms. Mygatt to issue an extension for 3 years. The motion was seconded by Ms. Fasciano; roll call vote: each member responded Aye. The Conservation office offered to send pond outreach materials to the abutters of the wetland that surrounds Valley Pond.

**8:59 p.m. 263 Old Concord Road: Request for Minor Plan Change; M. Curley (DEP #203-0943) –**

The Applicant, Fairhaven Bay Lincoln LLC, filed Orders of Conditions in 2021 and 2022 for house and landscaping work. The proposed work was reviewed by the Commission, which issued two Orders of Conditions (#203-0941 and #203-0943). Mark Curley, representative for the Applicant, and Annie Griffenberg, Landscape Architect, presented the changes requested to the approved plans.

- Reduction in size of the patio area by 201 sq.ft. and shift of 11' back from resource area.
- Revised mitigation plantings for more diversity and evenly placed shrubs and trees.
- Construction of an additional 9 sq.ft. retaining wall near house.
- Construction of an additional 25 sq.ft. of drip edge on south side of house and 53 sq.ft. of drip edge on north side of house.

The Commission reviewed this change request and it was their opinion that the changes proposed are minor. Motion by Ms. Mygatt to approve changes shown on the plan; seconded by Ms. Shepard; roll call vote: each member responded Aye.

**9:17 p.m. Land Acknowledgement Discussion** - Ms. Fasciano provided the following revised draft of a land acknowledgement: *The LCC gratefully acknowledges that we are meeting on the unceded land of Indigenous People including the Agawam, Massaadchu-es-et (Massachusetts), and Pawtucket. We acknowledge the truth of violence, displacement, and forced migration perpetuated on these people. We are working to build practices and opportunities that will honor and support the continued struggle for equality, justice and liberation of Indigenous*

*Peoples in and around our community. We also strive to preserve and protect these lands which are currently under our care.*

Discussion ensued. The Commission would like to wait until all commissioners are present at a meeting to review and adopt an acknowledgement. Ms. Mygatt raised questions about the purpose of the acknowledgement (who benefits, what difference is being made). Ms. Shepard wondered if the acknowledgement should be shorter, like the Agricultural Commission's land acknowledgement, or if there should be a long and short version for different events (such as trail walks). The Commission will continue the discussion at the next meeting, and also consider how, when and where to use the land acknowledgement.