

Lincoln Conservation Commission (LCC) - Public Meeting Minutes

September 8, 2021

Approved: September 29, 2021

Members Present: Susan Hall Mygatt (Chair), Amber Carr, Ari Kurtz, Kathleen Shepard, and Richard Selden
Members Absent: Laura Regrut
Conservation Staff: Michele Grzenda, Conservation Director; Stacy Carter, Conservation Planner

This meeting was held virtually Pursuant to Senate Bill # 2475, Suspending Certain Provisions of the Open Meeting Law.

7:00 p.m. Farm Licensing and Umbrello Field License Agreement

Stacy Carter, Conservation Planner, provided a brief summary of the Farm Licensing program that occurs on Lincoln Conservation Land. In August, the Conservation Department put out a Request for Proposals seeking a new farm operation for the vacant Umbrello Field in southeast Lincoln (off Rt. 117). Mohammed Hannan of Hannan Agro Farms, who currently licenses Ricci Field and the front of Umbrello for his farm stand, applied and was granted the middle section of Umbrello for his expanding operation. The Commission reviewed the License Agreement. The Commission asked that language be added that this license supersedes the former Ricci field License Agreement issued March 2021. When asked what the Commission could provide to improve the agricultural use of the land, Mr. Hannan indicated that lack of irrigation and infrastructure (i.e. sheds, wells, greenhouses, high-tunnel, and walk-in coolers) creates financial and operational challenges. Dr. Selden requested that the Agricultural Commission come up with a list of improvements the Commission could provide or try to fund for various fields. Mr. Kurtz indicated that the Agricultural Subcommittee has been looking into providing some sort of grant or cost match for farmers to make improvements on conservation land. Motion by Dr. Selden to issue the Agricultural License to Mr. Hannan contingent upon Susan Hall Mygatt reviewing the final document; seconded by Mr. Kurtz; roll call vote: each member responded Aye.

7:33 p.m. Cont. Request for Determination of Applicability (RDA): 10 Deerhaven Road, D. Harpell

Matt Marro, environmental consultant, presented a Request for Determination of Applicability for the upgrade of a septic system adjacent to the 100-foot buffer zone. The leaching field, trenches, tank, and distribution box will not be within the buffer zone. However, the sewer line coming from the single-family home will be approximately 85 feet from the wetland resource area. Erosion controls in the form of entrenched siltation and straw wattle were proposed. Discussion about chemical use on the lawn ensued. Dr. Selden requested that a condition be placed prohibiting the use of herbicides and pesticides without prior review and approval by the LCC. 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 to include; No use of pesticides or herbicides without prior review and approval by the LCC; and any stockpiling shall occur outside the 100-foot buffer zone.

7:47 p.m. Cont. Notice of Intent (NOI): 15 Stratford Way, E. Henry (DEP #203-940) – This is a Continued Hearing to discuss the NOI filed for the construction of a swimming pool, retaining wall and patio at 15 Stratford Way. Hearings were held for this project at the June 16th and July 26th Conservation Commission meetings. At the July 26th meeting, the Commission requested that the pool and patio should be fully eliminated from the 50 No-disturb (NDZ) and that the lawn within the 50 NDZ be replaced with low growing native plants. The Commission was amenable to stepping stones in the 50 NDZ to aid in walking around the pool. A revised plan and narrative were received on August 25, 2021. In the revised submission, the pool and patio have been removed from the 50 NDZ entirely. The pool has been reduced from 20x40' to 16x40'. The applicant is now proposing stepping stones around the northwest corner of the pool within the 50 NDZ. A larger vegetative buffer is proposed on the current lawn, with 2,190 sqft in the 50 NDZ and 1,595 sq. ft. in the 50-100 foot buffer, an increase from the previously proposed 1,300 sqft vegetative buffer strip. The restoration areas would be monitored for two growing seasons.

To meet safety code around swimming pools, a new stretch of fence was proposed to connect with an existing fence. This portion of fence will come within 5ft of the wetland resource area in order to connect to the existing fence. No vegetation will be removed. The fence would be installed by hand with a 6" gap at the bottom to allow for wildlife movement. In addition, the applicant agreed to remove and restore the area where dumping was observed below the boulder retaining wall, adjacent to the wetland. Although a portion of existing lawn would remain in the 50' NDZ, the owners are now

aware of the 2010 perpetual condition prohibiting herbicides and pesticides and they have alerted the lawn maintenance company, which will not be using chemicals in the future.

It was the Commission's opinion that the revisions made to the proposed plan satisfied the Commission's concerns. The Applicant has moved the patio and pool entirely outside of the 50 NDZ and has proposed a large vegetative buffer strip across existing lawn. Motion by Dr. Selden to close the hearing and issue an Order of Conditions approving the project with conditions; seconded by Ms. Shepard; roll call vote: each member responded Aye [with Ms. Carr abstaining, since she was not yet a commissioner as of the previous hearings]. Special Conditions to include (1) no herbicide or pesticide shall be used within the buffer zone without prior review and approval by the Commission; (2) a statement from the landscaper describing their maintenance plan shall be submitted to the Conservation Department prior to the issuance of a building permit; (3) restoration areas shall be monitored for 2 growing seasons and shall achieve the 75% native vegetative coverage.

8:00 p.m. Notice of Violation: 79 Lincoln Road; C. Jones (owner)

This is a continued discussion regarding the unpermitted cutting of trees and other vegetation within Riverfront Area and Buffer Zones at 79 Lincoln Road. At the August 18, 2021 meeting, the LCC issued an Enforcement Order requiring the following: (1) a restoration plan with a robust planting plan consisting of at least the recommended quantity and species of native trees, shrubs and groundcover plants described in Lincoln's Buffer Zone Restoration Guidelines. Included in this plan shall be at least the same number trees equal or greater to what was removed. The plan shall include some larger tree saplings to be planted since some very large trees were removed in the Riverfront Area; (2) timelines for installation (most plants shall be installed Fall 2021 unless a particular plant is not available); (3) means and methods for installation and (4) a notation that a restoration specialist will monitor the area for two growing seasons.

Mr. Jones submitted a draft sketch and restoration outline which he created as he had difficulty engaging a landscape architect on short notice. Mr. Jones proposes to plant 40 trees, 41 shrubs, and appropriate ground cover. Six of these trees will be 10 feet or larger. The first round of planting will be done by the end of October. Any remaining plant that could not be obtained this fall will be installed in the Spring of 2022. Mr. Jones agreed to monitor the restoration areas for two growing seasons and to ensure that the area achieves 75% native vegetative cover. Mr. Jones originally requested permission to conduct additional clearing along the property boundary with 81 Lincoln Road (Area 9B on sketch). It was the staff's opinion that this area was mostly native groundcover and that any additional clearing work shall be limited to cutting or hand-pulling the bittersweet. The Commission concurred and stated that if the owner wishes to conduct additional removal work in that area, that the owner shall contact LCC staff for review and approval.

Staff believe that Mr. Jones has met the restoration requirements of proposing one sapling for every 150 s.f. disturbed; one shrub for every 80 s.f. disturbed, and one groundcover plant (or native seed mix) for every 25 s.f. of disturbed ground. Staff have been working with the owner to modify the plant list and restoration details. Although Mr. Jones has not identified which plant species will be planted, Staff are comfortable moving forward with the plan with the following conditions: (1) prior to planting, the owner shall contact the Conservation Dept. and arrange a meeting between LCC staff and the landscape architect to meet on site to discuss restoration methods and proposed species to be planted; (2) the landscape architect shall submit a revised sketch showing the plant species and sizes to be planted at each impacted area for review and approval by LCC staff; (3) prior to planting, the owner shall arrange a site visit with LCC staff and the contractors doing the installation for a pre-restoration meeting. At this meeting, the contractor shall review the proposed restoration work, methods of plant installation, timing for installation, and confirmation of what plants are to be planted; (4) LCC staff may conduct occasional site visits during the restoration planting; (5) after planting, the owner shall contact Staff by October 30, 2021 to conduct a post planting site visit; and (6) if some of the plants are not planted by October 30, 2021, the owner shall submit a letter identifying the plants that were installed, which plants weren't installed, and a timing for the final plantings to be installed in spring of 2022.

The Commission agreed that the scope is adequate and asked staff to work out the details with the homeowner. Any additional invasive plant removal proposed by Mr. Jones shall be reviewed and approved by staff.

8:30 p.m. Informal Discussion: Proposed Tree Removal at 181 Bedford Road; B. Shiller (owner)

Mr. Shiller reached out to staff last week inquiring about the possible removal of four trees within 10-20ft of his back deck. He had a solar evaluation done recently and was told that his roof is blocked by four trees in the back yard that are likely within the 50' Upland Buffer Zone Resource Area. The four trees are very close to the house and are in decline. The height and proximity to the house of these trees is concerning, particularly because two are declining ash trees. Staff feel that, provided all equipment remains on existing lawn and there is no ground disturbance (no stump removal), the removal of these four trees will not impact the wetlands. However, since the reason for tree removal is not about hazard trees but is instead for solar efficiency, staff and the homeowner are looking for guidance on how to proceed with either permitting or administrative approval. It was the Commission's opinion that staff could approve this tree cutting under the tree removal policy. The Commission expressed their approval for the staff to utilize this policy if someone requests removal of trees within the jurisdiction of the Commission, the number and size of the trees fit within the tree removal policy, and the trees appear to be in decline and could hit a structure.

8:54 p.m. – Discussion Items

- Motion by Dr. Selden to approve Meeting Minutes from August 18, 2021; seconded by Mr. Kurtz; roll call vote: each member responded Aye.
- The staff reviewed the Conservation Department Quarterly updates.
- Conservation Department Trails walks have been advertised for five Tuesdays between Sept. 21st and October 26th.
- Dr. Selden agreed to sit on the Capital Planning Committee contingent up the meeting being virtual.
- Ms. Shepard agreed to sit on the Community Preservation Committee.

Meeting adjourned at 9:38 p.m.