

Lincoln Conservation Commission (LCC) - Public Meeting Minutes

October 20, 2021

Approved: November 10, 2021

Members Present: Susan Hall Mygatt (Chair), Ari Kurtz, Amber Carr, Kathleen Shepard, Laura Regrut and  
Members Absent: Richard Selden  
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. – Discussion Items

- Review Meeting Minutes from September 29, 2021. Motion by Ms. Mygatt to approve; seconded by Mr. Kurtz; roll call vote: each member responded Aye.
- Wetland permitting Filing Fees discussion: Under the MA Wetlands Protection Act, filing fees are required for NOIs and ANRADs only (not RDAs). The fee payment is based on the type of work proposed and falls under 6 categories. Under the Lincoln Wetlands Bylaw, applicants pay an additional fee according to the fee regulations. Staff want clarity on interpreting the bylaw fee calculations. We will continue this discussion at the next meeting.
- Reports, Correspondence & Announcements -
  - Save the Date – Trail Use Public Forum November 17, 2021 (7-8:30 p.m.) Zoom

7:10 p.m. Discussion 104 Codman Road – Landscaping Proposal; S. Horowitz and C. Angiolillo;

Staff were contacted by the new homeowners who are seeking guidance on the appropriate permitting steps for a small hardscaping/landscaping project. The owners are interested in constructing a small walking path off the back of their driveway. The land currently drops sharply down a grassy slope, and their children have a hard time walking into the backyard due to the slope. The project would require some grading because of the steep slope at that location. Work would be at least 50-feet away from the wetland edge and the staff inquired whether a survey would be required by the Commission. It was the Commission's opinion that since this is a minor landscaping project adjacent to the house, on lawn, and more than 50' from the wetland edge, that a wetland sketch on a landscaping plan should be sufficient with an RDA submission.

7:25 p.m. Cont. Hearing, Notice of Intent (NOI): 22 Lincoln Road; Y. Liu (owner); R. Kirby, LEC Environmental Consultants

This was a continued NOI public hearing for the proposed construction of an addition and wooden deck to an existing single-family dwelling, resurfacing of an existing driveway and former tennis court, replacement of a septic system and removal of numerous trees. Rich Kirby reviewed the original proposed activities along with new proposed activities. The original proposed activities (which are still part of this project) include (1) Construction of an addition (624 s.f. within buffer zone) on the northern side of the house (more than 70' from wetland edge) and a deck (319 s.f. within buffer zone) on the northern side of the house (more than 70' from wetland edge). This aggregate amount of additional square feet of building would be less than 1% of the total lot area. The proposed addition and deck would be located >75 feet from the BVW boundary at the closest point; (2) Rehabilitation of the detached garage with no increase in footprint (approx. 40 feet from wetland edge); (3) Removal of 25 trees (24 within the 50-100ft buffer, 1 within the 0-50ft); (4) Installation of new septic tank and pump northeast of house (within 50-100ft buffer), with pipe leading to leaching field west of house (the leaching field would be outside of buffer, but a portion of the pipe would be within the 50-100ft buffer); and (5) Repaving the existing paved driveway (mostly outside buffer, some within 50-100ft) and expanding a portion of driveway with porous pavement east of the house (50-100ft buffer).

Changes made to the updated plans included: (1) More detail added to the restoration plan (8,093 s.f. of lawn to be converted to natural buffer zone and wetland. This would include the installation of 30 native trees and 43 native shrubs, and a demarcation line of boulders spaced every 30ft that would be placed along the restoration areas 50-feet from the wetland boundary; (2) Shifting the location of the former tennis court 6 feet toward the house and away from the row of white pine trees – this would involve the resurfacing of the existing tennis court area and replacement of the surrounding fence (within 0-50ft buffer). Mr. Kirby stated that resurfacing would involve removal of roughly 12 inches of the existing surface and replacement with a new surface; (3) re-surfacing the driveway “spur” which would be changed to porous pavement on the western half and gravel on the eastern half; (4) Clean out and stabilization of the existing culvert that extends beneath the town-owned portion of the driveway. Details were provided on the submitted plan. A wetland scientist would supervise the work; (5) Removal of two brush piles within the buffer zone; and (6) Moving the erosion control line as close as possible to the actual work area.

It was Mr. Kirby’s opinion that the project complies with the Bylaw Regulation 7.2. Mr. Kirby acknowledged that the proposed additions would amount to greater than 400 s.f., however, the additions would be more than 70-feet from the wetland edge and the proposed work area is currently existing lawn, which Mr. Kirby stated does little to protect the Resource Area values protected under the Bylaw.

Mr. Kirby believes the project complies with the Bylaw Regulation 7.8 in that (1) the revised tennis court location is 6 feet closer to the dwelling and therefore 6 feet further from the pine trees to avoid interfering with several large pine trees; and (2) roughly 8,093sqft of existing lawn would be removed and replaced by native plants. It is Mr. Kirby’s opinion that the mitigation package (cleaning a culvert on town land, removing brush piles in the buffer zone; substantial buffer zone and wetland planting) would significantly improve upon existing conditions. Mr. Kirby argued that there will be no adverse effects on resource areas and that proposed conditions with restoration would be an improvement. In addition, the Applicant is proposing to move the existing tennis court slightly further from the wetland edge.

It appears that the tennis court has been abandoned since 2015. Several members expressed concern about the proximity of the former tennis court to the wetland. Due to its state of disrepair, the Commission is not in favor of allowing so much work to proceed in the 50’ Upland Buffer Zone Resource Area. Mr. Kurtz suggested that at some point an abandoned structure becomes so dilapidated that it is no longer considered an existing structure.

Mr. Kirby offered to convert an additional 1,000 s.f. lawn to native vegetation in the 50-foot buffer zone near the tennis court and driveway spur.

Concerns were raised at the site visit about the need for erosion controls along the entire driveway (including the portion of the driveway which exists on town land). The Applicant agreed to show this on a revised plan.

Mr. Kirby requested that he be allowed to have some time to consult with his client and report back to the commission later in the evening. The Commission continued the hearing until 8:30 p.m. later in night.

#### 8:19 p.m. Discussion –Flint’s Pond Watershed Resident Outreach, Lincoln Water Commission

Ruth Ann Hendrickson, on behalf of the Lincoln Water Commission (LWC), is developing an informational document on caring for property that lies within protected drinking water districts. The LWC hopes to mail the document to every resident who resides in Zone A and Zone III of Flints Pond and Tower Road Wellhead. In addition, new residents who move into a protected water district would also receive the letter. Maintenance of septic systems is vital for keeping the groundwater and water quality of Flints Pond and the Tower Road Well healthy. Since septic systems can also pollute wetlands, Ms. Hendrickson is looking for feedback from the LCC and asked whether the LCC would like to co-sponsor. Ms. Mygatt is interested in seeing the LCC endorse it but suggested that the LWC be the main sponsor.

8:33 p.m. Cont. Notice of Intent (NOI): 22 Lincoln Road; Y. Liu

The Applicant requested additional time to consider the Commission's concerns and therefore requested a continuance until 11/10/21. Motion by Ms. Carr to continue until 9:00 p.m. on 11/10/21; seconded by Ms. Shepard; roll call vote: each member responded Aye.

8:38 p.m. Other matters, Cont.

- The Conservation Staff were recently made aware of a conservation land encroachment at 134 Sandy Pond Road. This will be discussed more detail at the next meeting
- Ms. Mygatt expressed the importance of Commission members conducting site visits. She strongly urged that Commission members conduct site visits, especially when a project is complex or when the Commission continues a hearing to an additional night of review.
- Mr. Kurtz suggested Commission members participate in subcommittees and would like to review sub-committee roles at a future meeting.

Meeting adjourned at 8:50 p.m.