

Lincoln Conservation Commission (LCC) - Public Meeting Minutes

January 26, 2022

Approved: ****

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

Members Absent: Becca Fasciano

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

7:00 p.m. Approve Meeting Minutes from January 12, 2022

Motion by Mr. Kurtz to approve the minutes; seconded by Ms. Carr; roll call vote: each member responded Aye.

7:10 p.m. Invasive Species Bill Discussion

The Invasive Species Bill would create a state-wide invasive species coordinator position and grant funding for invasive species management. The bill is currently being considered by the Joint Committee on Environment, Natural Resources and Agriculture, which has until next Wednesday, February 2, to report the bill out favorably. Staff drafted a letter of support for the Commission to review. Ms. Mygatt and Dr. Selden provided comments/edits on the letter which will be incorporated in the letter. Motion by Ms. Mygatt to approve the issuance of the letter with the changes as discussed and to authorize staff to attach the Commissioners' e-signatures; seconded by Ms. Shepard; roll call vote: each member responded Aye.

7:15 p.m. Notice of Intent: 141 South Great Road; M. and A. Werminghausen (DEP #203-944)

The owners, Martin and Almut Werminghausen, have filed a Notice of Intent to add a new segment of driveway to connect to an accessory apartment they hope to construct. Their property is constrained by both wetland buffer zone and Riverfront Area that were delineated by David Burke in June 2021. The Applicants approached Conservation staff earlier last year with an initial plan to build an accessory apartment on an existing garage slab. However, this slab is within the 200-ft Riverfront Area and 50-ft No-Disturb Zone and would need significant repair for construction of a new building on top of it.

Conservation staff encouraged the Applicants to explore an alternate location for their project, and the Applicants submitted a new proposal after several discussions with Conservation staff. Their proposed new accessory apartment would be fully outside of Riverfront Area and 100-ft Buffer Zone on a high grassy area behind the main house, but a segment of new driveway would need to be constructed within the 100-ft Buffer Zone. No vegetation would be removed, as there is already an existing wide path through this area.

The new driveway segment would be 10-feet wide and constructed out of crushed gravel (impervious) with a raised crown for drainage. Specifically, 200 s.f. of the new driveway segment would be within the 0-50-ft Buffer Zone and 500 s.f. of the driveway would be within the 50-100-ft Buffer Zone. The Applicant proposed to install 4-ft wide swales on either side of the driveway to assist with drainage. Some Commission members expressed concern that the swales would direct stormwater directly toward the wetland. The Applicant was amenable to modifying the stormwater management to a series of small swales or basins perpendicular to the proposed driveway in order to dissipate stormwater flow into the existing lawn area. The Commission was amenable to that idea.

Because 200 s.f. of work is proposed in the 0-50' Upland buffer zone resource area, it was Dr. Selden's opinion that mitigation shall be required by the Commission as part of any approval. According to Section 7.8 of the Bylaw: *"Where there is already an existing structure within a Wetland Resource Area or Upland Buffer Zone Resource Area, the Commission, in order to avoid hardship to the property owner, may permit structures or additions to structures within the Upland Buffer Zone Resource Area. In such cases, the Commission may require mitigation in the form of plantings to enhance an existing vegetated buffer or to create additional vegetated buffer before allowing any further alteration."* Discussion ensued. Motion by Ms. Mygatt to close the hearing, approve

the project, and issue an Order of Conditions with special conditions requiring that, prior to work, the Applicant submit a revised plan showing (1) revised design for management of stormwater runoff as discussed and (2) additional plantings to be installed for mitigation of alteration of the Upland Buffer Zone resource area. Such plan must be approved by staff before work may commence. The motion was seconded by Mr. Kurtz; roll call vote: each member responded Aye

7:50 p.m. Discussion: Tree Removal Policy vs. Water View Maintenance Policy

Staff had a recent question from an arborist regarding some minor pruning of tree limbs in the 100-ft Upland Buffer Zone Resource Area in order to improve a pond view. While removal of hazardous limbs is allowed by the Tree Removal Policy, the Water View Maintenance Policy prohibits the clearing of vegetation for “proposed view-shed management” unless an applicant files a Notice of Intent. Both of the above policies were adopted pursuant to Lincoln’s Wetlands Bylaw. Staff requested clarity from the Commission as to whether minor *pruning* to improve the view of the water might qualify for an exemption/waiver from the requirement in the Water View Maintenance Policy for an RDA or NOI. Staff were seeking authorization to allow minor pruning projects (i.e., 5 trees in the 50-100 feet and when pruning will not have a negative impact on the tree’s health) to be subject to administrative approval by staff. Staff noted that pruning of trees which are located at least 50-feet from the wetland edge is considered a minor activity under the Wetlands Protection Act, 310CMR 10.02(2)(b)(1)(c), and does not require the filing of a wetlands permit. Discussion ensued. It was the Commission’s opinion that more information is needed before they advise staff on this matter. Staff will invite the arborist who had requested permission to prune some trees at 61 South Great Road to the next meeting to review the specific details of this request. Additionally, at a future meeting, staff will draft proposed language to modify the Water View Maintenance Policy to allow for administrative approval of certain minor projects.

8:45 p.m. Request to Install Fencing at Conservation Land on Old Sudbury Road

Karen Seo is a sheep farmer who licenses conservation land known as Breton Meadow Farm on Old Sudbury Road. She requested permission to replace her current inner electric fencing with semi-permanent physical fencing. The conservation land field which Ms. Seo licenses has a permanent physical wooden and wire fence around it with an electrical wire running along the top. The fencing within the field is “electronet” and can be moved around. Ms. Seo would like to replace this electric fence because regular mowing underneath is required to prevent it from shorting out (grass brushes up against it and triggers the electricity). Staff feel that the appearance of the area would not change significantly if Ms. Seo were to use physical inner fencing instead of electric. This field, Ellen Raja’s field and Codman’s field are in a row at this location, with many layers of different kinds of fencing. None of the Old Sudbury Road fields are accessible to the public at any time of year except where the trail runs between Breton Meadow and Codman’s fields. Motion by Dr. Selden to allow Ms. Seo to replace her current inner electric fence with a semi-permanent physical fence; seconded by Mr. Kurtz; roll call vote: each member responded Aye.

8:50 Hannan Agro License – Requesting a Name Change

Mohammed Hannan contacted staff today and is changing the name of his farm from “Hannan Agro Farms” to “Hannan Healthy Foods Farm LLC”. Staff sought permission from ConCom to reissue the license under the new farm name. Motion by Ms. Mygatt authorize the assignment of Hannan Agro Farm license to Hannan Healthy Foods Farm LLC; seconded by Dr. Selden; roll call vote: each member responded Aye.

8: 53 p.m. Reports, Correspondence & Announcements

- Several Commissioners suggested edits to the Annual Report
- The Conservation Director organized two virtual meet-and-greet events – one for Lincoln’s environmental organizations on January 11th and another for Lincoln’s neighboring town conservation departments and land trusts on Jan 18th. Both were well received with great feedback and discussion about trails and trail use. These groups hope to meet every 6 months.

- SuAsCo Climate Resiliency Coalition Membership – this Coalition was formed in the summer of 2021 in the hopes of identifying climate resilient resources and projects specific to the 14 communities in the MAGIC subregion of MAPC. Ms. Grzenda has been participating in the Coalition’s networking meetings, and Conservation staff have been providing Lincoln specific data and resources as needed. The Coalition is at a point where it is requesting that Lincoln (and the other MAGIC towns) make a formal commitment to be a member of the Coalition. This will enable the Coalition to put its weight behind proposals being developed while we continue to work on community outreach. The commitment would entail participating in Coalition meetings and joint funding proposals, if applicable. The Commission agreed that this is a good opportunity. Ms. Grzenda will request the Select Board to agree to become a formal member. The Commission suggested Ms. Grzenda contact the Green Energy Committee to keep them abreast of the situation.
- Trail Use Discussion Updates – it is anticipated that the Commission will have a public discussion about proposed trail use rules sometime in March.

Meeting adjourned at 9:30 p.m.