

Lincoln Conservation Commission (LCC) - Public Meeting Minutes

February 22, 2023

Approved: March 15, 2023

Members Present: Susan Hall Mygatt (Chair), Amber Carr, Becca Fasciano, Ari Kurtz, Laura Regrut (arrived at 7:06), and Kathleen Shepard

Members Absent: Richard Selden

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

This meeting was held virtually, pursuant to Senate Bill #2985, Suspending Certain Provisions of the Open Meeting Law

7:00 p.m. – Discussion Items

- Review Meeting Minutes from February 1, 2023; motion by Mr. Kurtz to approve; seconded by Ms. Fasciano; roll call vote: each member responded Aye.
- Request for Certificate of Compliance: 8 Sandy Pond Road (#203-949)– Stephen Dyer, the owner of 8 Sandy Pond Road, filed a Request for Certificate of Compliance to close out an Order of Conditions issued last year for a septic project. Staff reviewed the as-built plan and certification letter submitted with this request and also performed a site visit. The area is stabilized with grass and the work appears to have been completed as proposed, and staff therefore recommended that the Commission vote to issue a Certificate of Compliance. Motion by Mr. Kurtz to issue a Certificate of Compliance; seconded by Ms. Shepard; roll call vote: each member responded Aye.
- Inclusion, Diversity, Equity & Anti-Racism (IDEA) Committee Liaison – Jennifer Glass asked if any Conservation Commission members would like to act as liaison to the IDEA Committee. Ms. Fasciano offered to be the Commission’s liaison.

7:15 p.m. Cont. Notice of Intent: Hanscom Drive (DEP #203-0954); J&J Contractors Inc. (Applicant), Hanscom Air Force Base (Property Owner)

Kenneth Woods, David Perham, Jonathan Braley (J & J Construction, Inc.)
Bob Hartzel and Elisha Musgraves (CEI Environmental Consultants)
Jeff Santacruce, Mel Higgins, Elena Compter (Weston & Sampson)
Tony Maressa (Army Corps of Engineers)

The Applicant has continued to work closely with Conservation staff and CEI Environmental Consultants (LCC’s outside consultant) to finalize details surrounding the proposed wetland replication and the stormwater management design. As a result of CEI’s review and some questions and comments raised, Weston & Sampson (W&S) made some modifications and submitted additional information (“Peer Review Comment Response – NOI and Wetland Replication Plans” dated 2/15/23, “Peer Review Comment Response – Stormwater Report” dated 2/17/23, and revised Plan Set entitled “Vandenberg Gate Complex Town of Lincoln, Massachusetts”, dated 2/16/23).

Regarding the stormwater management design, W&S provided additional information and data demonstrating that it was their opinion that the project has been designed to meet the stormwater standards to the maximum extent practicable. W&S provided additional information about an existing stormwater treatment swale on the west side

and found that it will provide additional stormwater management treatment not accounted for originally (revised calculations were submitted). Additional notes were added to the plan to ensure that any minor work (grading or vegetation pruning) conducted in or near this swale will not impact the adjacent wetland resource area.

Modifications were also made to the proposed wetland replication design and specifications. In particular, modifications to the grading, microtopography and the planting plan were made, and the design elevations for the replication were lowered by 12 inches. Mr. Hartzel from CEI reiterated that post wetland replication construction monitoring is essential to ensure hydric soils develop as intended. Pit and mound topography, woody debris and large rocks were added to the design plan to create a more naturalized-looking wetland.

In addition to the above, a snow removal plan was submitted, which details the location of the storage of ice control chemicals. The Applicant also submitted copies of the Stormwater Pollution Prevention Plan (SWPPP) and the EPA Construction General Permit.

Ms. Mygatt asked whether DOT and/or Hanscom could consider pollinator friendly species in the areas where seeding was indicated on the plans. There are some no mow grass seed mixes available. The Applicant stated that they are willing to ask DOT whether this can be implemented on the site.

It is CEI's opinion that the project is in compliance with DEP's stormwater management standards for redevelopment, and that the proposed replication area has been designed to the extent practicable to restore most of the wetland resource interests which will be lost as a result of the proposed BVW and Bank alterations.

Ms. Mygatt reviewed the limited project provisions under the MA Wetlands Protection Act (WPA) 310 CMR 10.53(3)(f), which allows "*maintenance and improvement of existing public roadways, but limited to widening less than a single lane, adding shoulders, correcting substandard intersections, and improving inadequate drainage systems*".

Ms. Grzenda reviewed the draft Findings of Fact and Special Conditions with the Commission. The Commission has considered the magnitude of the alteration and the significance of the project site to the wetland resource interests, the availability of reasonable alternatives to the proposed activity, the extent to which adverse impacts are minimized, and the extent to which mitigation measures, including replication or mitigation, have been considered.

Motion by Ms. Mygatt to close the hearing and issue an Order of Conditions that is substantially in accordance with the draft order which was reviewed tonight, with such changes as are appropriate based on information submitted and any comments that come from the Applicant that the staff is willing to consider; seconded by Ms. Shepard. Roll call vote; each member responded Aye.

8:28 p.m. – Request for Minor Plan Change - 69 Page Road

The Commission received a request for a minor plan change to add an outdoor kitchen on top of an existing cement patio, as well as a sink waste line from the new kitchen to the septic tank outside of the 100-ft Buffer Zone. The outdoor kitchen would not disturb any soils, but the waste line would need to be dug through the outer edge of the Buffer Zone. The proposed work would be less disturbance than what was originally approved, and would still be within the approved Limit of Work. This property currently has an active Order of Conditions permitting work in the 100-ft Buffer Zone, and the Commission authorized staff to issue a memo approving the minor plan change. The Commission requested that staff discuss construction access, erosion controls and the type of equipment needed, and that erosion controls be required between the work area and wetland.

8:33 p.m. – Executive session pursuant to G.L. c. 30A, § 21(a)(3)

Motion by Ms. Mygatt to go into executive session pursuant to G.L. c. 30A, § 21(a)(3) - To discuss strategy with respect to litigation, where an open meeting may have a detrimental effect on the litigating position of the

Commission, relative to the matter of Oak Ridge Realty Trust IX v. Lincoln Conservation Commission et al. Middlesex Superior Ct. C.A. No. 1881CV00423. The Commission intends to return to regular session after this discussion is over. The motion was seconded by Kathleen Shepard; roll call vote: each member responded Aye.

9:25 P.M. The Commission returned to regular session.

9:25 p.m. – Land Acknowledgement Discussion

Ms. Fasciano shared with the Commission that, in thinking about the history of conservation land, it's important for her to reflect upon the history and legacy of its stewardship. Ms. Fasciano is trying to pay attention to the voices that aren't in the room and not always listened to. Indigenous people have been marginalized, and by working on a Land Acknowledgement, this is a small way to say that we recognize the worth and value of indigenous people to this community. Ms. Mygatt remembers seeing a land acknowledgement on the LLCT website and asked if we could share with the Commission what that acknowledgment is. Ms. Mygatt reflected on the fact that there are many voices that are not being heard; what is the best way to honor all these voices?

As stewards of the land, it's important to recognize the contributions of the ones before us and that we honor them for the stewardship that we can learn from. Ms. Fasciano is interested in drafting a land acknowledgment. Discussions will continue at a future meeting.

9:45 p.m. Administrative Matters, Cont.

- Amber Carr shared that she is stepping down from the Commission and this will be her last night. Commission members expressed their gratitude for her service and tremendous environmental knowledge.
- Path at end of Old Concord Road - some Commission members felt that the path at the end of Old Concord Road that allows local access to the Route 126 bridge is important for connectivity. DOT is proposing to replace the Route 126 bridge and are at the 25% design phase. Some believe it's important to submit a letter to DOT requesting that they preserve and improve this connection. Staff and the Co-chairs will speak to a couple board members at LLCT and see if there is interest in submitting a comment letter to DOT. In addition, Mr Kurtz would like to investigate the opportunity for improving access across the Route 126 bridge to allow pedestrians to connect to The Food Project parking lot.

Meeting adjourned at 10:05 p.m.