

Lincoln Conservation Commission (LCC) - Public Meeting Minutes  
June 28, 2023  
Approved: July 19, 2023

Members Present: Ari Kurtz (Chair), Becca Fasciano, Laura Regrut, Mark Masterson, and Kathleen Shepard

Absent Susan Hall Mygatt, 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

The meeting opened with Ms. Shepard reading the Commission's Land Acknowledgement:

*The Lincoln Conservation Commission gratefully acknowledges that we are meeting on the unceded land of Indigenous Peoples 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.*

7:00 p.m. – Review Meeting Minutes from June 7, 2023

Mr. Kurtz suggested a revision to add his request for additional mitigation plantings to 7 Todd Pond Road. Motion by Mr. Masterson to accept the minutes as revised; seconded by Ms. Fasciano; roll call vote: each member responded Aye.

7:05 p.m. Cont. Notice of Intent: 7 Todd Pond Road (DEP # pending); N. Iluri

Nora Iluri, owner of 7 Todd Pond Rd, filed a Notice of Intent for landscaping within the 100-ft Buffer Zone. This project would involve constructing pervious walkways, patios, stone walls and planting beds within existing lawn area on the property, as well as conversion of a lawn area to native plantings. This project is being proposed in part to provide a paved path to the new accessory apartment entrance in the backyard. At the June 7 hearing, the Commission requested (1) more information about how topography will change (existing and proposed spot grades) (2) operation and maintenance information on the patio in order to keep it pervious, (3) the Applicant to consider alternatives and see if the patio can be brought closer to the house and away from the wetland, and (4) additional mitigation plantings to improve the ecological functions of the previously altered buffer zone.

In addition, the Applicant submitted an article about the advantages of using permeable paving, as well as best management practices for the operation and maintenance of permeable pavements.

Ms. Iluri looked into alternative layouts. Due to the topographical challenges of the site and goal to not have the patio located in front of the accessory apartment main window, it was determined that the original proposal was preferred. In addition, Ms. Iluri wishes to replace a 3x8-foot woodshed with a 6x8-foot shed in approximately the same location.

Discussion ensued. Commission members had different opinions about allowing pervious patios and walkways in the 0-50-foot buffer zone. However, given the existing conditions and current erosion issues, the majority of the Commission felt that the new proposal with additional mitigation is permissible.

Motion by Mr. Masterson to close the hearing and issue an Order of Conditions approving the project contingent upon receiving a file number; seconded by Ms. Fasciano; roll call vote: each member responded Aye. Special

conditions to include; (1) Prior to start of work, the Applicant shall submit a plan for the meadow restoration for review and approval by staff; (2) During construction plywood or similar material shall be placed on the ground where equipment will be driving in the backyard to lessen soil compaction; (3) Restoration area shall be monitored for two growing seasons; (4) Applicant shall maintain the patio in accordance with the “Stormwater BMP” for permeable pavements.

7:30 p.m. Notice of Intent: Walden Pond (DEP #203-0955); C. Nielson, TRC; Lisa Lyons (DCR)  
TRC Companies filed a Notice of Intent on behalf of the Department of Conservation and Recreation (DCR) for boat access improvements at Walden Pond. The Walden Pond boat launch access road has been eroding into the pond, and stormwater from Concord Road and the parking areas runs down the boat access road, creating gullies in the road and sedimentation in the pond. All of the work in Lincoln would take place in Buffer Zone.

The degraded existing boat access road, parking area and earthen boat ramp are causing sedimentation into Walden Pond, and no feasible alternatives exist. The proposed porous pavement and drainage swale would improve stormwater conditions on site and reduce the amount of sediment entering the pond. Staff requested that DCR/TRC provide more information about how the project meets DEP’s Stormwater Standards. (i.e., stormwater management checklist and more information about whether the project qualifies as a redevelopment project). The Applicant did not supply the requested information. Ms. Grzenda suggested that the Commission vote to continue the hearing until the requested material is received and reviewed. In addition, the project may require a stormwater permit under Lincoln’s local Stormwater Bylaw. Staff will discuss this project with the Planning Department, which administers Lincoln’s Stormwater Bylaw.

NHESP review – The Applicant confirmed that the project was submitted to NHESP since the property contains estimated habitat for rare wildlife.

Waiver Request - DCR formally requested a fee waiver during the hearing. The Bylaw fee regulations state that “The Commission may waive the filing fee, consultant fee, and costs and expenses for a permit or other application or Request for Determination of Applicability filed by a government agency.” Motion by Mr. Masterson to waive the Bylaw fee; seconded by Ms. Shepard; roll call vote: each member responded Aye.

Ms. Grzenda requested information as to whether any de-icing chemicals would be used at the project site. Overall, the Commission expressed support for the project as it will have an improvement over existing conditions. Special conditions to be discussed at the next meeting include (1) requirement that the porous asphalt and stormwater features be property inspected and maintained in perpetuity.

Motion by Mr. Masterson to continue to 7:15pm on July 19<sup>th</sup>; second by Ms. Shepard; roll call vote: each member responded Aye.

8:05 p.m. Notice of Intent: Drumlin Farm (DEP #pending); S. McCue, F. Sutti

Ms. Fasciano and Mr. Kurtz disclosed that they were both former employees of Drumlin Farm but felt that they could act objectively on this matter.

Mass Audubon filed a Notice of Intent for management of invasive species around Drumlin Farm. The proposed invasive plant control would take place within Bordering Vegetated Wetland, Bordering Land Subject to Flooding, and Buffer Zone. Mass Audubon requested a five-year Order of Conditions for manual, mechanical and chemical control of invasives on the property.

Four work areas were specified for 2023:

- Picnic Area – control of Japanese Knotweed by cutting and foliar chemical spray. Most of the colony is located outside of the Buffer Zone, but a small portion is within the 100-ft Buffer Zone.

- Near Vernal Pond – management of woody invasives by mechanical removal (small specimens) and cut/paint with herbicide (large specimens).
- Near Deer Pen Pond – management of garlic mustard by mechanical removal and of woody invasives by mechanical removal (small specimens) and cut/paint with herbicide (large specimens).
- Near Bath tub Pond – hand pulling of garlic mustard and hand pulling or cut/paint and chemical injection of woody invasives.

Due to the complex and ever-changing landscape of invasive plants at Drumlin Farms, Mass Audubon requested permission to conduct more general invasive species control including (1) permission to manage new invasive species growths using the same species-specific techniques identified in “Invasive plant management on Mass Audubon properties” (this includes mechanical and chemical methods); (2) permission to manage any plant species that has been designated as “invasive” or “likely invasive” by MIPAG (Massachusetts Invasive Plant Advisory Group) using the methods identified in Table 2 in the NOI; and (3) permission to re-vegetate areas where invasive species management has occurred (spreading an appropriate seed mixture or planting appropriate natives). In addition, Mass Audubon would seek additional approvals from the Commission in the case that a new invasive species has been identified at the site that has not yet been designated as “invasive” or “likely invasive” by MIPAG, or if they seek to control an invasive using a technique not outlined in Table 2. Mass Audubon proposed preparing an annual letter report by December 31 of each year that would summarize the result of each year’s management and monitoring within the control areas.

When considering any proposed activity (in this case - allowing chemical or manual cutting of non-native plants) in a resource area or Buffer Zone, it is the Applicant’s responsibility to demonstrate that the project as proposed will not “destroy or otherwise impair” the wetland resource area(s). Mass Audubon supplied a detailed narrative which describes each resource area where plant management will take place and how the WPA and Bylaw interests are protected. Mass Audubon also supplied a Lincoln Bylaw form and associated Appendix C to describe how the project will not harm the resource area.

Discussion ensued. Since Mass Audubon is located in the watershed boundary for Cambridge Drinking Water Supply, staff discussed the proposal with the Cambridge Water Department. The Cambridge Water Dept. feels comfortable with targeted use of herbicides.

Waiver Request - Mass Audubon requested a Bylaw fee waiver for this project. According to the Bylaw fee regulations, “The Commission shall have the discretion to waive all or part of the fee in the case of a landscaping project that improves wetland values, for example a project to control exotic invasive species and restore native species.” Motion by Mr. Masterson to waive the bylaw fee; seconded by Mr. Kurtz; roll call vote: each member responded Aye.

Craig Furman, 244 Lincoln Road, expressed his support for Mass Audubon’s invasive species management plan. Louise Bergeron, also of 244 Lincoln Road, expressed her support for Mass Audubon’s plan by letter.

Motion by Mr. Masterson to authorize Mass Audubon to perform the 4 targeted invasive species management projects for 2023 and authorize much of the general invasive species’ control methods as described in the NOI, with the following conditions (1) Require Mass Audubon to notify staff for review and approval when any chemical use is proposed in a wetland or the 0-50-foot Buffer Zone and/or resource areas and (2) If foliar spray application is contemplated in a wetland or the 0-50-foot Buffer Zone and/or resource area, or an invasive tree species is proposed to be chemically controlled within a wetland or the 0-50 Buffer Zone and/or resource area, Mass Audubon shall inform the ConCom for prior review and request approval. The motion was seconded by Mr. Kurtz; roll call vote: each member responded Aye. Special conditions to include (1) the Order will be valid for 5 years; (2) Mass Audubon shall submit an annual report of their invasive species management, control methods used, and what results were observed.

9:20 p.m. 40 Page Road – Request for Certificate of Compliance

The owner of 40 Page Road, Tony Howland, filed a Request for Certificate of Compliance to close an Order of Conditions (DEP #203-157) issued in 1991 for the construction of a house, driveway and associated grading and landscaping (Lot 1), as well as driveway access and approved building envelopes on two parcels of land for future building projects (Lots 2 and 3). A partial Certificate of Compliance was issued in 1992 confirming that the work on Lot 1 was completed to the Commission's satisfaction, but none of the work related to development of the other lots was commenced. The homeowner requested a Certificate of Compliance to confirm that the Order of Conditions has lapsed and is no longer valid, and the remaining work regulated by it was never started. Staff visited the site to confirm that no work occurred on Lots 2 and 3 – Lot 3 is now conservation land owned by LLCT, and Lot 2 has never been developed. Motion by Mr. Masterson to issue a Certificate of Compliance for Order of Conditions #203-157 confirming that the work did not occur; seconded by Ms. Fasciano; roll call vote: each member responded Aye.

9:26 p.m. Review of Mural at Umbrello Field Conservation Land

Commission reviewed the final mural design for Hannan Healthy Foods Farm at Umbrello Field (270 South Great Road). Rather than painting the mural on the farmstand, it will be painted on a muslin cloth and stapled onto the farm stand. Motion by Mr. Masterson to approve the mural design as proposed, seconded by Ms. Shepard; roll call vote: each member responded Aye.

Meeting adjourned at 9:45 p.m.