

Lincoln Conservation Commission
Meeting Minutes - July 10, 2019

Start – 7:00 pm
End – 9:30 pm

Commissioners Present: Ari Kurtz, Susan Hall Mygatt, Jim Henderson, Larry Buell, Peter von Mertens

Staff Present: Jennifer Curtin, Tom Gumbart

CONSERVATION DIRECTOR’S REPORT

A lot of field work is taking place. Mr. Gumbart helped with mowing and brush clearing at the Van Leer Conservation land licensed to Raja Farm. The field crew will work on repairing the parking lots at Mount Misery and the Canoe Landing. Mr. Gumbart said the Department is looking to do stormwater improvements in these areas as well. Mr. Henderson recommended a catchment system with some sort of a geotextile treatment to stabilize the parking lot.

The Wang property has been surveyed and the de-registration process for the land is now complete. Invoices from this work will be paid from the Conservation Fund.

Mr. von Mertens said that Tim Higgins plans to start the Solar group back up again later this year to reexamine the potential to install solar arrays at the capped landfill site. The Commission would like to continue to explore this.

The litigation surrounding the Determination of Applicability at 21 Sunnyside is continuing. Mr. Gumbart responded to a public records request from Timothy Angley, the lawyer for the complainant, requesting records on manure management. The Trust at 11 Brooks Hill Road conducted their own wetlands delineation at 25 Sunnyside Lane but we have not yet received the results.

A new large format plotter and scanner was delivered to the Conservation Department.

The Lincoln Land Conservation Trust did some new plantings at the Pollinator Meadow with assistance from the Conservation field crew.

Mr. Gumbart will be giving a presentation at the Council on Aging on July 29 at Bemis Hall.

Residents from the Todd Pond Condo Association will meet with Mr. Gumbart regarding the status of their **pond** and potential management options.

Roy MacDowell met with Mr. von Mertens and Tom Gumbart to discuss his plans for a piece of land he plans to purchase to determine if building a new house there would be possible.

7:30 – Notice of Intent: Hill. 19 Warbler Springs Road (186-13-0) – This project is for the construction of a garage with a grass paver drive-up and drip edge infiltration drainage in the buffer zone. Continued from June 12, 2019.

Attendees: Nick Maynard, Bob Hill, Dave Burke

Mr. Maynard presented the project. In response to feedback at the last hearing, they rotated the proposed structure and moved it further from the wetland boundary. The closest point of the structure to the wetland is now 70 feet, where it was previously planned to be 58 feet. The southeast corner is now outside of the buffer zone resource area but still inside of the outer riverfront resource area. The permeable paver driveway will sit on lawn that is located on previously disturbed soils. The southwest corner is still on the slope but there will be 2 fewer trees removed. Mr. Burke said that, because the home predates the Rivers Protection Act (RPA), the proposed construction is allowed. The law states that for existing residential properties, prior to the passing of the RPA, homeowners have a right to alter riverfront area if the new impervious area created is under 10% of entire riverfront area on the property or 5,000 square feet, whichever is greater. The proposed structure is less than 1,000 square feet.

Mr. von Mertens said that he would like for them to achieve that excavation without accessing the wetlands side. He added that his greatest concern is stabilization of the slope and sedimentation potentially making its way to the bordering vegetated wetland. Mr. Burke said that the area between the proposed structure and the wetland is thick with vegetation and there will also be adequate erosion control so no runoff should make it to the wetland resource area. Mr. Henderson suggested moving the building 3 feet closer to the house to give plenty of room for the roots of the trees remain intact after being cut to help maintain the integrity of the slope.

Ms. Mygatt gave an overview of the bylaw and said that the role of the Commission is to protect the interests of the resource areas. Mr. Burke said that the Commission looks at the protection of the wetlands themselves and stated that the work area is almost entirely previously disturbed. Mr. Burke said that we can be assured that the wetland themselves are being protected. Most of the interests of the act are wildlife values and water-related (stormwater, groundwater, pollution prevention, etc.). He said that the water-related interests are addressed by the applicant's plans and proposed erosion controls. In this case, there will also be a gravel dripline so that the water that drips off the roof will be infiltrated which will reduce potential erosion.

Ms. Mygatt said that she assumes that chemicals will be stored in the building in the future. She asked how the Commission weighs the protection of the resource area versus the protection of the lawn. She added that conditions could be added to the Order of Conditions stipulating what could be stored in the building. Mr. Gumbart said that such a condition would not be in keeping with what the Commission has done in the past and believes that the Commission cannot mandate what can or cannot be stored in an approved structure. Ms. Mygatt said that in the regulations it says that for new impervious surfaces over 400 square feet, projects must demonstrate clear and convincing evidence that the project will not negatively impact the resource area. Mr. Burke said that the Commission can overcome the presumptions of significance, because in this case the land is previously disturbed and highly vegetated. He said that there is not a significant impact on wildlife. The next concern is stormwater runoff, and through using pervious pavers and attenuated runoff from the new building this should not be an issue.

Mr. Gumbart said that the original (and current) bylaw stated that there is a presumption of adverse impact within 50 feet of the resource area but that is not a no-disturb zone since there are often cases where work is permitted in that area. What they were seeing in the past were applicants constructing their foundations at 50 feet. The bylaw was revised and new buffer zone regulations were implemented to keep property owners from subdividing their land in a way that requires work in the buffer zone resource area. In addition, the regulations were clarified that to maintain a 50-foot protected buffer to wetlands, it is best to have infrastructure located at least 70 feet from wetlands.

Mr. von Mertens asked if they could move the building 2-3 feet toward the existing home. Mr. Maynard said that moving it makes turning radius an issue but they could move it to save more roots for slope stabilization. Mr. Henderson said that his main concern now is the construction being too close to the tree roots. He agreed that moving 2 feet would be sufficient to give the roots enough space.

Discussed conditions include:

- Adequate erosion control and silt socks at limit of work in keeping with the plan
- Stake silt socks on downhill side, not through the socks themselves
- The Commission reserves the right to require additional erosion control
- Stumps should be flush cut and roots left in place
- The applicant shall submit a final plan with the building moved at least 2 additional feet to the north towards the existing house.
- Attenuate runoff with gravel infiltration strip
- Excavation spoils will go on lawn/planned driveway area and whatever will not be used shall be trucked offsite

The Commission voted 5-0 to close the hearing and approve the project. The Order of Conditions will be issued at the next meeting on July 24, 2019.

DISCUSSION ITEMS

Meeting Schedule 2020

The Commissioners went over the proposed meeting schedule and approved it with the exception of the December 30, 2020 meeting being tentatively moved to January 6, 2021 unless a meeting becomes necessary.

SUBCOMITTEES & LIAISONS

Agriculture

Jim Henderson and Tom Gumbart met with Pete Lowy of Codman Community Farms and discussed the future plans for their licensed conservation agricultural land.

Leafblowers

Mr. Buell asked if the Attorney General has made a decision on the bylaw. Mr. Gumbart said that he has not heard anything but that the Town Clerks should have that information. Mr. Buell said that he will find out the status and report back to the Commission.

School Building Committee

The project is looking to figure out stockpiling of loam. Mr. Gumbart has attended a number of meetings on the matter. The route cannot go through the existing path to the Pollinator Meadow since it is tight with specimen trees on either side and it is also partially on private land. Instead the route will go between the path and the baseball diamond. The project plans to remove dead ash trees and invasives. The land has been surveyed and the project team met with Mr. Tylko who owns the abutting land. The soil pile will go into the northeast corner of the Conservation meadow which will have the pile go slightly more into the buffer zone resource area than originally planned however this plan will preserve more field and nesting bird habitat. The pile will also be a few feet higher instead of wider to preserve more of the field.

Ms. Mygatt asked for clarification on the process the Commission uses. The Commissioners gave an overview of their process and described how the laws and regulations shape their decisions.

Action Items:

- Meeting Minutes from May 1 approved
- Bills paid and payroll signed
- Determination of Applicability for 219 Concord Road (173-57-0) issued

Respectfully Submitted,

Jennifer Curtin
Conservation Assistant