

Lincoln Conservation Commission (LCC) - Public Meeting Minutes

June 16, 2021

Approved: July 7, 2021

Members Present: Ari Kurtz (Chair), Jim Henderson, Larry Buell (remote), Susan Hall Mygatt, Laura Regrut, and Kathleen Shepard

Members Absent: Richard Selden

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

This Meeting was held in Person; with options for people to participate remotely.

7:00 p.m. – Request for Certificate of Compliance – 4 Twin Pond Land (DEP#203-208)

Motion by Mr. Henderson to issue a Certificate of Compliance; seconded by Ms. Shepard; roll call vote: each member responded Aye.

7:12 p.m. Review of Meeting Minutes from May 26, 2021

Motion by Ms. Shepard to approve as amended; seconded by Mr. Henderson; roll call vote: each member responded Aye.

7:15 p.m. Request for Determination of Applicability (RDA): 100 Lincoln Road; M. DiModica (representative).
Laura Sander, T. Sander (owners)

The owner, Thomas Sander, filed this Request for Determination of Applicability for the replacement of an existing failed Soil Absorption System (SAS) with a new Title V compliant system. There is no proposed increase of the design flow or use of the dwelling. The new SAS consists of a 1,500 gallon two-compartment septic tank, 1,000-gallon pump chamber and a new leach bed (40ft x 15ft). A portion of the work will occur within the 100-foot Buffer Zone of Bordering Vegetated Wetland (BVW) under the Wetlands Protection and Act and the Upland Buffer Zone Resource Area under the Lincoln Wetlands Protection Bylaw. The closest point of work to the resource area would be grading of the side slopes of the proposed leaching field – 35ft from the resource area.

The location of this septic system is limited by proximity to the resource area in the rear, offset from the side lot lines, and underground utilities in the front and other side of the parcel. Currently about 50% of the proposed leaching field location is covered in brush (native and invasive vegetation). In order to ensure this area is not converted to lawn, the Commission required that at least 5 native shrubs be installed to help re-vegetate this area and to create a visual vegetated demarcation. Due to the extensive grading occurring near the downgradient limit of work, the Commission required that both entrenched siltation fence and straw wattle be used on the downgradient side.

Section 7.4 of the Lincoln Wetland Regulations allows the Commission to permit temporary disturbance in a naturally vegetated buffer strip in cases where the applicant has proven to the Commission's satisfaction that no harm is likely to result to the Upland Buffer Zone Resource Areas as a result of the temporary disturbance. The Commission members opined that this standard would be met by the proposed activity. Once the activity is completed, the Applicant agreed to return the site to its prior condition, and to remove the erosion control barriers after stabilization and the planting of the native shrubs is complete. Motion by Mr. Henderson to issue a negative 3 Determination of Applicability; seconded by Ms. Mygatt; roll call vote: each member responded Aye.

7:44 p.m. Cont. Abbreviated Notice of Resource Area Delineation (ANRAD): 263 Old Concord Road; M. Curley;
Fairhaven Bay LLC

This ANRAD has been formally withdrawn by the applicant.

7:50 p.m. Ricci Field Screening Proposal

The Ricci Field farmer, Mohammed Hannan, submitted a grant proposal to the USDA for two greenhouses and a shallow well earlier this year. The proposal triggered review through Section 106 of the National Historic Preservation Act (36 CFR 800.5) by Minute Man National Historical Park. Minute Man's review found that the greenhouses may have adverse impacts to their viewshed corridor from Route 2A and requested mitigation efforts by the Town in response. Conservation

staff met with Minute Man staff on May 26th to review the site, and we have agreed to plant 10-20 evergreen trees along our shared boundary line to screen future greenhouses from Route 2A. Staff agreed to this plan not only to help Mr. Hannan, but to help prevent any similar issues for future farmers at Ricci. Minute Man will likewise plant evergreen trees on their side of the property. The Commission agreed with this approach.

7:58 p.m. Diversity, equity, and inclusion on Conservation Land

Stacy Carter, Conservation Planner, and Emma Coates, Land Manager, attended three Community Anti-Racist trainings by the WIDE (Welcome, Inclusion, Diversity, Equity) Board. These trainings focused on how to make our efforts as a town department more inclusive and welcoming, and to identify places where we can do better. Our staff partnered with LLCT staff and board members during these trainings, and the group developed a rough draft action plan outlining three major goals of 1. Making Lincoln open space and trails more inviting, 2. Increasing racial and socioeconomic diversity of our boards, and 3. Acknowledging the history of indigenous peoples/POC on the Lincoln landscape. The LLCT Board is also currently reviewing the draft action plan. Commissioners commented on the importance of accurately representing the history of indigenous people in Lincoln. The staff is interested in organizing a joint forum with all environmental organizations in Lincoln this fall/winter to discuss their approaches and potential partnerships. The Conservation Commission agreed that integrating inclusion and equity into the department's work is very important, and approved the LLCT/Conservation Department group to go forward with the draft action plan.

8:00 p.m. Notice of Intent (NOI): 15 Stratford Way; B. Ringwall (representative), E. Henry, LLC (applicant, not present) and J. and J. Zimmerman (property owner, not present)

Bruce Ringwall of Goldsmith, Prest & Ringwall, Inc (GPR) presented this Notice of Intent on behalf of the applicant, EA Henry, LLC (the Applicant) and the property owner, Joel D. and Joanne V. Zimmerman (the Property Owner), for the proposed construction of an inground pool and surrounding deck at 15 Stratford Way (150-18-0). The subject property contains a single-family residence, yard, and a Bordering Vegetated Wetland (BVW). The home's construction began in 1998. It was Mr. Ringwall's assumption that since there is no indication of wetland permitting for the original house construction at 15 Stratford Way, and since the septic system and piping for 17 Stratford Way traverses behind this lot, that the wetland, historically, was at least 100 feet west of these two properties.

Almost all the proposed work would occur within the 100-foot Buffer Zone of BVW under the Wetlands Protection and Act and the Upland Buffer Zone Resource Area under the Lincoln Wetlands Protection Bylaw. The property is also located within an outstanding resource water area (Zone C). Mr. Ringwall indicated that the pool deck would be a stone based blue stone patio with loose joints. Though the proposed work area would be almost entirely within existing (mostly flat) lawn, 622 square feet of new impervious surface is being proposed within the 0-50 ft (No-Disturb) zone and 1,732 sq feet of new impervious surface is being proposed within the 50-100 ft buffer zone to BVW. The total amount of permanent and temporary buffer zone impact proposed would amount to 6,297 s.f.

Mr. Ringwall stated that although there would be an increase of impervious surface in the Upland Buffer Zone Resource Area, the existing and proposed grading would maintain a flat backyard and no tree clearing is proposed. Stormwater runoff generated from the proposed pool and patio would infiltrate within the existing yard area. It was Mr. Ringwall's opinion that the proposed project would not have a negative impact on the adjacent wetlands since the proposed project would allow the recharge of stormwater runoff into the nearby lawn area and there would be no disturbance to the existing vegetative buffer. In addition, the pool to be installed would be a saltwater pool. Mr. Ringwall reported that saltwater pools have several advantages over traditional pools, in that they have less of an impact on the environment (i.e., chlorine chemicals are not added to the water and saltwater pools do not need to be backflushed).

As mitigation, Mr. Ringwall proposes that an area of lawn would be converted to a native planting bed southeast of the pool location. The Commission requested information as to the size of the proposed mitigation area, and the size and quantity of the species to be planted.

Mr. Ringwall believes the pool and patio would have less impact to the wetlands than a turf lawn which utilizes fertilizers and chemicals. The Commission noted that a perpetual condition of the 2010 permit stated that "no fertilizers or

pesticides be used in the 100-foot buffer zone”. Based on the manicured nature of the lawn, it appears likely that the lawn has been maintained with fertilizers and/or chemicals.

Section 7 of the Lincoln Wetlands Protection Bylaw states that where adverse effects are found, “the Commission shall not permit such activity unless the applicant demonstrates by a preponderance of the credible evidence that there is no practicable alternative to the proposed activity that would have materially less adverse effect on the values of all resource areas protected by this bylaw.” Mr. Ringwall stated that he did not think that the proposed pool could be located anywhere else without having significant grading or aesthetic consequences.

Discussion ensued. Staff noted some dumping behind the existing retaining wall, in close proximity to the wetland edge. Mr. Ringwall stated that the Applicant and/or Property Owner would be amenable to removing the dumped material. Questions were raised regarding the close proximity of the proposed new fence to the wetland since the fence would be installed approximately 8 feet from the wetland edge. Mr. Ringwall suggested that it would be acceptable to create a 6” gap at the bottom of the fence to allow for wildlife movement. Mr. Buell would like to see a robust mitigation plan. He had questions about the amount of disruption occurring in close proximity to the retaining wall which exists along the wetland edge. Mr. Ringwall stated that the Applicant and/or Property Owner would be amenable to a larger vegetation buffer strip.

The Commission requested that the Applicant and Property Owner consider alternatives to the shape, size, and location of the pool/patio and assess whether all impervious surfaces can be relocated outside the 50-foot Upland Buffer Zone Resource Area.

In summary, the Commission requested the following: (1) revised plan that utilizes a better coloring scheme and corrects the terms used to describe the surface of the driveway and the type of retaining wall; (2) additional information clearly demonstrating how the project, in the Applicant and Owners opinion, would not have a significant adverse effect on each of the interests described in the Bylaw; (3) documentation which describes the current maintenance of the lawn and written statements from the property landscapers as to the fertilizers, chemicals and/or other products that are being used on the lawn, together with a copy of any contracts with such landscapers with respect to the property; (4) revised plans showing the extent to which the pool and patio could be moved outside the 50-foot zone; (5) proposals for additional mitigation (more buffer plantings, conversion of existing impervious surfaces to pervious surfaces, etc.); and (6) details regarding how the illegal dumping areas will be cleaned up and how the area will be restored.

Motion by Mr. Henderson to continue the hearing until July 28, 2021, at 7:30 p.m. seconded by Ms. Regrut; roll call vote: each member responded Aye.

9:35 p.m. Conservation Commission Vacancy and Applicants Update

Mr. Henderson has submitted a letter of resignation, effective June 25, 2021. The Commission acknowledged Mr. Henderson’s significant contributions over the last 20 years.

The Commission met with Amber Carr, who applied for one of the Commission member vacancies.

9:50 p.m. Conservation Commission Co-chair Discussion

Ms. Mygatt has offered to be co-chair with Mr. Kurtz. The Commission will take this up at a future meeting.

Meeting adjourned at 9:56 p.m.