

## Lincoln Conservation Commission

Meeting Minutes – March 20, 2019

Start – 7:00 pm

End – 9:00 pm

**Commissioners Present:** Ron Chester, Peter von Mertens, Larry Buell, Ari Kurtz, Jim Henderson, Christine Dugan

**Staff Present:** Tom Gumbart, Jennifer Curtin

**Attendees:** Ayr Muir, Susan Mygatt

### WETLANDS

**7:30 p.m. - Notice of Intent: Muir. 1 Meadowbrook Road (172-25-0).** The project is for the demolition of an existing garage, construction of a new larger garage/ studio, and associated driveway alterations within the buffer zone resource area of an intermittent stream on the property.

Mr. Kurtz recused himself because of a business relationship with the applicant.

Mr. Muir presented the project as he filed the application himself. The original house was built in 1913 and the garage to be replaced was built around 1940-1950. The garage is in poor repair and is 3-4 ft from the intermittent stream that runs through the property. The proposed garage is larger (1025 sf vs 585 sf & 23 ft tall vs 15 ft tall) and will have a studio and bathroom upstairs and space to park four cars downstairs. The new garage will be moved to the north and further from the stream with a net increase of 357 sf in impervious area. Mr. Muir then showed three alternatives that were considered for placement of the garage that were ruled out.

Mr. von Mertens asked if it was possible to bring the garage forward even more to be further from the stream. Mr. Muir said that it would be difficult to meet setbacks from Meadowbrook Rd. Mr. Henderson suggested that the garage could be sited in from of the turnaround driveway which would provide screening from Route 117. Mr. Muir responded that they looked into that but they like the aesthetics of the current site of the garage. He also said that there is less space than it appears and it would also be difficult to meet setback requirements unless they get rid of the current turnaround driveway in front of the house. Mr. Chester suggested permeable pavement for the planned driveway expansion to mitigate impacts. Mr. Henderson said that that is a good idea, however it may be too shallow to groundwater with no opportunity to infiltrate. Mr. von Mertens said that bringing the garage forward more would allow for reduction of the additional impervious surface area. Mr. Buell mentioned that moving it forward may bring it closer to the stream. Mr. Gumbart said that the Zoning Board of Appeals would not allow it to get closer to Meadowbrook Rd.

Mr. Henderson said that they could move the garage closer to the house and closer to route 117. Mr. Muir said there is a considerable slope between the garage and the house which would require extensive grading and fill if the garage were to move closer to the home. It would also block the light and view from the house. Mr. von Mertens suggested realigning the structure at an angle to get further from stream. Mr. Muir asked what the Commission is trying to optimize here. Mr. Henderson responded that they are trying to minimize disturbance to and near the stream because the planned construction will require digging very close to the stream. He reiterated that bringing it

closer to Route 117 on the other side of the existing round driveway would be the best location to minimize disturbance to any wetlands. Mr. von Mertens said that the first responsibility of the Commission is to explore all alternatives to get the work as far out of the buffer zone as possible.

Mr. Muir asked if there was anything besides different locations that could mitigate impacts of the new construction. Mr. von Mertens said he is less worried about the roof runoff and more worried about the driveway runoff. Mr. Henderson asked if there were chickens in the coop. Mr. Muir said that they are and that they roam the yard. Mr. von Mertens said a concern is that the chicken droppings are concentrated and suggested moving them from that spot. Mr. Muir said that they planned to move them during construction anyway. Mr. von Mertens asked what the problem is with putting the garage on the right side of property. Mr. Muir said that it will change the feel of the house and wants to keep it where the old one currently is. He added that the studio is much closer to the road if they were to move the garage to the other side of the property and his wife would prefer to work near the stream. Mr. Gumbart said that he understands the aesthetics but one problem with the proposed plan is that the depth to groundwater could be very shallow which would require a lot from a construction perspective and could get very expensive and difficult to do in that location while avoiding damage to the stream bank. Mr. Henderson said that there will need to be more sketch plans of different places the garage could go and different considerations. Mr. Muir said that his architect has looked exhaustively at other options for about 4 months. He said that he is open to different considerations in terms of shifting the alignment with the current siting however he does not want to move closer to Route 117 and he does not want to put the garage in the middle of his backyard. Mr. Henderson said that he wishes it would be considered because he needs more to be comfortable that all alterations were properly considered that more the garage further from the stream. He also added that he does not suggest moving the garage to the middle of the backyard but another alternate is to move it back and in line with the back steps.

Mr. Muir asked if there could be anything they could do to not have to come to Conservation. Mr. Gumbart said that any construction will need wetlands permitting with that proximity to the stream. He added that, without a soil boring and understanding of the soil, it will be difficult to permit this new construction. Mr. von Mertens summarized that Mr. Muir will have to do three things for the Commission to consider moving forward; do a soil boring and determine soil data and depth to groundwater, get an official delineation of any wetland resource areas on the property, and consider different positioning and sites for the garage, preferably further from the stream.

**The Commission voted 6-0 to Continue this NOI hearing to April 10 at 9:00 p.m.**

### **CONSERVATION DIRECTOR'S REPORT**

Stacy Carter has been promoted to Land Manager. The department is now advertising for the Land Steward position until April 8. Earth Day Cleanup Day in the works for education on stormwater issues in compliance with the MS4 Permit. The Board of Selectmen has approved Salamander Migration road closures. It will be warm and rainy late tomorrow night so there may be some movement but it will not require traffic to be rerouted. A draft MBTA agreement for Food Project leased Town land is in the works by Town Counsel. A request for an Amended Order of Conditions for Minuteman Tech is expected to come in for the next meeting. A Request for Determination of Applicability is expected to be filed to continue lawn maintenance potentially into the 100 ft buffer zone resource area at 31 Old Concord Road. Commuter Lot improvements at Lincoln Station are being looked at by South Lincoln Planning Implementation Committee (SLPIC) and stormwater management will be a part of this effort. Part of that lot is MBTA property which would require their approval for any work. Municipal Vulnerability Preparedness (MVP) grant application process final stages are taking place. There will be a public listening session

as a part of this on April 1 in the Donaldson Room. A Mill Street home's security camera recently caught a bear on camera. There will be a Ricci Field site visit for MassDOT wetland replication/mitigation on April 5 at 9:30 a.m. Codman Estate septic work is happening now.

## **DISCUSSION ITEMS**

### **Conservation Department Staff Update**

Have received a number of applications for Land Steward position. Will start interviewing after the April 8 deadline.

### **Update on Order of Conditions Compliance for 233 Old Concord Road**

Homeowner had a number of trees in the wetland and riverfront resource areas topped. Originally was required by the OOC to install two osprey/eagle nesting platforms. Only one has been installed and the homeowner, Adam Sodowick, said that it was too expensive to install another. He is also frustrated by the fact that no osprey or eagle have nested there and feels that erecting another platform would not be for the best for conservation interests. Mr. Gumbart and Mr. von Mertens met with the homeowner to discuss compliance. The next step was considering other places that this could be done or funding a different local project with environmental benefits. Since there is nowhere that makes sense to plant additional mitigation plantings on his property and there are no current projects for habitat in town, they came to a potential dollar amount for funding the Conservation Department to be used for conservation efforts. Mr. Chester said that his reaction is that this is a step down and a mistake to back off from having him put up the second platform. Mr. Kurtz said that it would be better if there was a definitive project to benefit from the. Mr. von Mertens added that there is a need for closure in this situation and this money could go to some good work in town. The Commissioners agreed that looking into more projects that could be done for that money would be better. Mr. Gumbart suggested that he could draw up an estimate for seasonal crew work on removing invasives, especially water chestnut, from Fairhaven Bay. This would keep the work in the same area as Mr. Sodowick's property and the money would go directly to those efforts. Mr. Sodowick also agreed to a system of regular recording with written summary of what happens and photographs of site of the existing nesting platform. Mr. Gumbart will help Mr. Sodowick place markers in mid-April.

## **Sub-Committee & Liaison Reports**

### **Leaf blower Study Group – Discussion on Proposed Bylaw text**

Mr. Buell presented the changes which included more pragmatic concessions in response to comments made by the Selectmen, the open meeting with the public which took place in February, and local contractors who have reached out to voice their opinions. It is Mr. Buell's belief that this version seems more likely to pass at town meeting. He also clarified some questions the Commission had.

## **THE COMMISSION VOTED 6-0 TO APPROVE THIS DRAFT TO GO TO TOWN MEETING**

### **School Building Committee**

Christine Dugan gave a brief update on the School Building Committee. There will be a site planning meeting this Friday. Wetlands permitting with take place in two parts to expedite process. The will be one

Request for Determination of Applicability for the modular classrooms and the other will be a full Notice of Intent for the rest of the school building project.

### **DeCordova**

Mr. Chester gave a brief update of the DeCordova Subcommittee. A public meeting took place. The presentation will need to be shortened for Town Meeting. Those in attendance seemed in favor of the merger.

### **Agricultural Subcommittee**

Will need to meet soon with Land Steward, Stacy Carter. Land transitions are happening at Ricci Field. Brian Turnbaugh of Good Roots Farm will be relinquishing his license. Further cleanup will need to be done at Umbrello Field with potential for another burn soon before the season is over. Wildflower and cover cropping will happen after cleanup. Mr. Henderson rebuilt pump to allow water flow which will make putting out fire easier. Will go another year before licensing. A burn will need to happen at the Police Pasture as well.

### **ACTION ITEMS**

- Final text of proposed Leaf Blower Bylaw approved 6-0
- The Commission voted 6-0 to continue the hearing on 1 Meadowbrook Road to April 10 at 9:00 p.m.
- Meeting minutes from February 27<sup>th</sup> approved
- Bills paid and Payroll Signed

Respectfully Submitted,

Jennifer Curtin  
Conservation Assistant