

Lincoln Conservation Commission (LCC) - Public Meeting Minutes

June 1, 2022

Approved: June 22, 2022

Members Present: Susan Hall Mygatt (Chair), Becca Fasciano, Ari Kurtz, Laura Regrut, Richard Selden (arrived at 9:00 p.m.) and Kathleen Shepard

Members Absent: Amber Carr

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

*This Public meeting was held virtually, pursuant to Senate Bill # 2475,
Suspending Certain Provisions of the Open Meeting Law*

7:00 p.m. Informal Discussion: Native Tree Plantings – 2 Beaver Pond Rd; G. Taylor

Gary Taylor, owner of 2 Beaver Pond Rd, requested permission to plant approximately 10 white pine trees at the back of his property to block his view of the Town Hall dumpster. Proposed plantings would likely be located approximately 50-60 feet from wetland edge. Motion by Mr. Kurtz to permit Mr. Taylor to plant white pines contingent on staff confirming they are at least 50 feet from the wetland edge and with staff review; seconded by Ms. Fasciano; roll call vote: each member responded Aye.

7:10 p.m. Informal Discussion: Re-Graveling of Existing Driveway – 29 Sandy Pond Rd; B. Stason

Bill Stason, owner of 29 Sandy Pond Rd, requested permission to re-gravel his driveway. The driveway has an intermittent stream immediately to the west and BVW immediately east. The driveway would need minor leveling in certain spots, and there is also a pipe under the road at one point that Mr. Stason eventually wants to replace, though he is not sure whether he'd like to replace it now or in the future. Otherwise, this project would simply involve adding more gravel on top. Staff requested Commission guidance on whether this work could be administratively approved or if it requires a wetland filing. The Lincoln Wetlands Bylaw contains an exemption for "exterior repair of existing buildings or structures if such repair presents no risk of alteration of land, waters or vegetation." Structures are defined as "anything built or constructed, such as, but not limited to...paved or unpaved road." The Wetlands Protection Act contains a similar exemption: "The following minor activities...are not otherwise subject to regulation...(q) the repair or replacement of an existing and lawfully located driveway servicing not more than two dwelling units provided that all work remains within the existing limits of the driveway and all surfaces are permanently stabilized within 14 days of final grade." Motion by Ms. Mygatt to authorize staff to review and grant administrative approval of the work discussed (including the possible repair of the gravel pipe under the driveway) on the condition that all work remain within the existing driveway footprint and that appropriate erosion controls are installed prior to work; seconded by Mr. Kurtz; roll call vote: each member responded Aye.

7:20 p.m. Informal Discussion: Re-paving of Existing Driveway – 20 Old Sudbury Rd; L. Bradshaw, P. Conrad

Libby Bradshaw and Peter Conrad, owners of 20 Old Sudbury Rd, requested permission to re-pave an existing driveway. There are wetlands immediately adjacent to most of the length of the driveway. This project would require the removal of the existing layer of pavement by excavation. Gravel would then be added and compacted as a base layer, and then the driveway would be paved and the edges hand tamped. Staff felt that this project could be handled similarly to the one above. Motion by Ms. Mygatt to authorize staff to review and grant administrative approval on the condition that all work remain on the existing driveway and that appropriate erosion controls are installed prior to work; seconded by Ms. Shepard; roll call vote: each member responded Aye. In addition, there are a couple of trees that are leaning in the direction of the driveway that are safety issues, and Mr. Conrad wishes to have them removed at this time. The Commission informed Mr. Conrad that these would fall under the Commission's Tree Removal Policy and therefore it is likely that staff could administratively approve the removal of those trees. Ms. Carter will work with the owners in codifying the work proposed.

7:37 p.m. Cont. Notice of Intent: Minute Man National Historical Park (DEP #203-0947); M. Coffin-Brown
The Applicant requested a continuance. Motion by Ms. Mygatt to continue the hearing until June 22, 2022 at 7:40 p.m., seconded by Ms. Regrut; roll call vote: each member responded Aye.

7:35 p.m. Cont. Notice of Intent: Battle Road Farm; J. Losanno, B. Corey, DGT Associates
At the May 11, 2022 hearing on this matter, the Commission requested additional information regarding the operation and maintenance of the stormwater infrastructure proposed as part of the repaving of the roadways around the Condominiums.

Mr. Losanno and Mr. Corey (DGT Associates) prepared a quick reference outline which describes the required annual maintenance of each stormwater feature described in the Operation and Maintenance Plan. In addition, they provided a plan depicting the location of each stormwater feature with a label that corresponds to the maintenance checklist. The project will result in great improvement to the adjacent wetland resource areas by correcting current sedimentation problems and clearly defining expectations for annual maintenance of the stormwater infrastructure.

Motion by Ms. Mygatt to close the hearing; seconded by Mr. Kurtz; roll call vote: each member responded Aye. Motion by Ms. Mygatt to issue an Order of Conditions approving the project as discussed; contingent upon Ms. Mygatt's review of the final Order of Conditions draft; seconded by Mr. Kurtz; roll call vote: each member responded Aye.

8:06 p.m. Conservation Land Use Regulations Discussion

The Commission has been receiving public comments about the proposed trail use changes as discussed at the May 18 Trail Use Public Forum. In light of the public comments received, Ms. Mygatt summarized four areas of the draft trail use regulations that the Commission may consider revising:

1. Some residents who live near Flints Pond commented against the proposed dog leashing requirements and are asking for data/evidence for why dogs should be leashed on these trails. They argue that many of the trails are far from the water. However, many of these trails are within Zone A for Flints Pond, Lincoln's Public Water Supply. The Lincoln Water Commission is in favor of leashing as there has been an increase in organic matter in the water supply.
2. Some residents expressed concern about the number of trails the Commission proposes to open at Mt. Misery for biking. They feel it will become a recreational destination for mountain biking. A number of residents have requested that some trails remain off-limits to biking so that they have some quiet areas to contemplate nature. It has been suggested that the section of trails in the northwest corner of Mt. Misery near the river be closed to bikes.
3. Some residents commented that the requirement to leash your dog when approaching another user is unrealistic and more likely to cause tensions between users. This rule was proposed to help prevent dogs from jumping on other trail users who may be uncomfortable or fearful around dogs. It has been suggested that "or at your side, leashed or under voice control" be added to this regulation to accomplish the goal of the regulation in a manner in which compliance is more likely.
4. Some comments expressed concern about the requirement that 5+ bikers need to get a group use permit, and whether that included families biking together. It was suggested that this be changed to unrelated family members, and that 5+ horse-riders also need to get a group use permit.

Ms. Mygatt opened the hearing for additional public comment. Many residents expressed the need for additional trail signage to focus on education and etiquette. The following additional comments were expressed:

Comments received about Mountain Biking and Horses

- Margaret Olson expressed interest in seeing more bike trail connectivity across town, and sees connectivity as the most important issue. She thinks that the revised bike trail map in Mt. Misery seems reasonable. She is disappointed that the number of bike trails is minimal. She'd like the Commission to work over time to open more trails to bicycles.
- John Mendelson thinks the majority of trails should be open to all users. As one of the coaches of the middle school mountain bike group, his goal is to ensure kids understand proper bike etiquette. Mr. Mendelson wonders why so many of the trails are open to horses but not bikers. He stated that horses can cause a lot of erosion on trails.
- Gordon Woodington wants to see more trail connectivity. He believes that there are still too many proposed bike trails in Mt. Misery. He would rather trade a NW trail or a walker only trail to Mt. Misery.
- Stephen Binder expressed two points: (1) the goal of connectivity is different than goals of recreation. He asked the Commission to consider prohibiting biking along the back pond at Mt. Misery as it can get pretty muddy there; and (2) the trail around Mt. Misery is narrow and Stephen is concerned that bikers and walkers with dogs will run into conflicts there.
- Tom DeNormandie is supportive of the proposed compromise to preserve certain Mt. Misery trails for walkers (and not bikes); also wants to see more connectivity for bikes throughout town and to connect Lincoln trails with Weston, Wayland, and Concord trails.
- Sara Mattes expressed interested in seeing more connectivity though town so that you can get from point A to point B. She is concerned about the connectivity being proposed for recreational use. Ms. Mattes feels that horses do not impact the trails like bike tires do, stating that hoof prints (deer, horses) create minimal impact on the soil vs. the impact bike ruts create.
- Briana Doo – when moving to Lincoln, the conservation land and trails was a huge draw. She would like to support the trail bikers. She feels the middle school mountain bike group is very respectful of the trail and other trail users. It's important to give kids a space to explore on bikes.
- Elizabeth Orgel expressed concern over the number of bikes, e-bikes, and hoverboards she sees using the trails. The trails at Mt. Misery are getting very eroded. She encourages finding ways where bikes can connect to other areas in town (off the busy roads).
- Jeannine Taylor stated that the trail off Granville Road, north to Sandy Pond, has many roots and is not suitable for bikes.

Comments received about leashing dogs at Flints Pond Conservation Area

- Several people who are used to walking their dog off leash around Flints Pond wish to continue doing so. Attendees asked - what is the science that shows that dogs create a water quality issue? Michelle Barnes, member of the Water Commission, requested that dogs be leashed around Flints Pond, as dog waste carries disease and increases the nutrients and total organic carbons in the water. The presence of dog waste in and around Flints Pond harms water quality. In some studies she cited from other parts of the country, 20% of surface water contamination can be attributed to dogs. EPA and other studies suggested that the impacts from dog waste far outweigh the impact from wildlife waste. Many water supply organizations prohibit any public access within 400 feet of water supply areas, while others require dogs be leashed. Ms. Barnes concluded by stating that leashing dogs is a reasonable compromise.

- Linda McMillian asked whether there is dog waste entering Flints Pond that we know of. Michelle Barnes replied that there was an E.coli outbreak years ago and DEP urged the town to close off access to trails to around the Pond. Ms. Barnes stated that the Water Commission has not studied the DNA and exact pollutants in Flint's Pond, and stated further that dog waste carries numerous pathogens that can impact the water supply.
- Commission member Dr. Selden shared his knowledge about the impacts that dog waste can have on the water supply.
- Ruth-Ann Hendrickson would like to see the use of drones to help enforce the water supply rules.
- John Mendelson feels Lincoln should do everything it can to protect our water supply. Requiring that dogs be on leash seems reasonable.

Comments received about the proposed requirement to leash your dog when approaching another trail user.

- Gordon Woodington suggests that if you see a person that your dog is going towards, please have the dog under voice control to bring it back or put it on a leash.
- Carl Angiolillo has encountered dogs as a runner or when walking with his kids. His child has been knocked down by a dog; some owners don't realize that not everyone is comfortable around dogs. Education/outreach is very important and figuring out ways to make that clear would be helpful.

Misc. comments received

- Briana Doo had a question about whether she, her 3 kids and their 3 friends would need a group use permit to go biking, or whether the proposed family exception would apply.
- Stephen Binder feels that a group use permit should never be issued to more than 5 bikers.
- Sara Mattes feels that bike groups should never be allowed in Lincoln and suggests crafting an exemption for Lincoln families who would like to go biking as a family.
- Melody Elliott – feels 4 people on bikes is a good number; 5 bikers is too much.
- Jeannine Taylor agrees with the previous speakers – families should be able to use the trails but not large groups.
- Margaret Olson wants clarification on e-bikes – e-bikes allow people with mobility issues to enjoy trail biking. She stated that a very low speed limit on them would serve just fine.
- Patricia Birkaur Moore wants the main focus to be on preserving the earth, encouraging people to walk on trails without injuring the plants, and discouraging different uses that will conflict. She feels that signage is not a solution – we tend to disregard and disrespect one another.
- Deborah Howe believes biking should not be considered passive recreation: a bicycle has wheels and should be considered a vehicle; and bikes on trails create erosion. She finds there seems to be a lack of institutional memory, since she believes that in the early 90's, the town determined most trails were unsuitable for biking.

- Chris Murphy – has an e-bike and rides on trails in town (usually without the assist that is available). An e-bike allows him to commute so that he does not have to battle cars on the road. He stated that allowing bikes on trails for community and connectivity is important for climate change, and E-bikes open the trails up to an older generation. He stated further that it's reasonable to limit speed; class one e-bikes only provide assistance and you still have to pedal.
- Keith Bodnar has seen swimmers, paddle boarders and fishermen in Flints Pond. He wants to know what the Town is doing to prevent these detrimental activities, and suggests there should be more signs, and drones and other surveillance.
- Linda McMillian questioned why the rules require a maximum of an 8-foot leash be carried when walking a dog. She enjoys using a retractable leash.
- Kate Wolf is concerned that the Commission is looking to open a lot of trails to mountain bikers at Adams Woods – this area is used frequently by horseback riders.
- Melody Elliott is in favor of allowing retractable leashes.

Motion by Ms. Mygatt to continue the discussion on proposed trail use regulations to 8pm on June 22nd, seconded by Mr. Kurtz; roll call vote: each member responded Aye.

9:50 p.m. – Discussion Items

- Review meeting minutes from May 11, 2022; Motion by Mr. Kurtz to approve the minutes; seconded by Ms. Mygatt; roll call vote. 5:0:1 approved.
- Ratify Emergency Certification for 216 Concord Rd; Motion by Mr. Kurtz to ratify; seconded by Ms. Shepard; roll call vote: each member responded Aye.
- Request for Commission representation to the Community Building Committee – if any Commission member is interested, they will notify staff.

Meeting adjourned at 10:00 p.m.