

Lincoln Conservation Commission (LCC) - Public Meeting Minutes

June 22, 2022

Approved: July 13, 2022

Members Present: Ari Kurtz (Chair), Amber Carr, Susan Hall Mygatt, Becca Fasciano, Laura Regrut, and Kathleen Shepard, Richard Selden (arrived at 7:45 p.m.)

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. – Discussion Items

- Review Meeting Minutes from June 1, 2022; Motion by Ms. Fasciano to approve; seconded by Ms. Mygatt; roll call vote: each member responded Aye.
- The Conservation Commission expressed their support for mosquito education and outreach. The Conservation Director will send press releases to LincolnTalk and the Lincoln Squirrel.
- Re-signing of Certificate of Compliance (CoC) – Forester Road (DEP #203-118). Motion by Ms. Mygatt to re-sign the Certificate of Compliance originally issued on March 11, 1998; seconded by Ms. Shepard; roll call vote: each member responded Aye.

7:10 p.m. Bike and Pedestrian Advisory Committee (BPAC) Presentation; B. Wolf, G. Reiner –

Ms. Reiner and Mr. Wolf gave a presentation of behalf of the Bike and Pedestrian Advisory Committee (BPAC) of its proposal for bike and pedestrian transportation improvements in Lincoln. BPAC has identified 15 key trail segments of biking interest to accommodate appropriate connectivity throughout town (8 trail openings, and 7 trail build/improvements - a total of 5.8 miles). The Conservation Commission's current plan proposes the opening of 1.2 miles.

BPAC's proposed key trail connectors include (1) allow bikes on trail connector from Brooks Road to Sunnyside; (2) Mill Street to Bedford Rd via Ricci Fields (new trail); (3) Bypass Road to Brooks Road via connector trail (new trail); (3) connections to MMNHP - upgrade trail from Battle Road Farm to MMNHP; and upgrade trail along Bedford Lane to MMNHP; (4) allow bikes on trail connector from Todd Pond to Tower Road; (5) allow bikes and improve existing trail from Tower Road to Weston Road; (6) trail connection through Farrington Memorial Land (new trail - connect Mill Street to Page Road via Route 2 tunnel underpass); (7) allow bikes on trail easement connecting 117 to Birchwood Lane; (8) improve the connection b/w Mt. Misery and Lees Bridge. (9) allow bikes on the connection between Old Sudbury Road and Weston conservation land trails; (10) allow biking between Adams Woods and Old Concord Road; (11) allow bikes on trail between Goose Pond Road and DCR property; and (12) allow bikes on trail from Wood's End Road to Farm Meadow.

BPAC is working with different departments and committees to move their plan forward and to request grant money (Complete Streets, Mass Trails, Safe Routes to School). Ms. Regrut recommended that BPAC create a comprehensive map that includes existing approved bike trails on conservation land, roadside paths, and BPAC's proposed connector trails.

7:40 p.m. Cont. Notice of Intent: Minute Man National Historical Park (DEP #203-0947); M. Coffin-Brown

A Notice of Intent was filed for the replacement/reconstruction of several boardwalks along an existing public path. The first hearing occurred on 4/20/22, during which the Commission requested that additional information be provided. Some materials were provided to Conservation staff, however the project specifications section was

omitted from the revised submission. Ms. Coffin-Brown confirmed that any re-fueling would occur outside the 100-foot buffer zone, and stated that the generator would need to be placed within the work area in the wetland due to the length of the Elm Brook Boardwalk. Ms. Coffin-Brown indicated that the generator would be placed in a spill containment device. Tree protection was also added to the plans, and it does not appear that any trees are proposed to be removed. Ms. Coffin-Brown asked if the Commission had tree protection specifications. Ms. Grzenda suggested that the Applicant use the same specifications required by Concord. The proposed 100-foot extension onto the vernal pool overlook boardwalk has been removed from the revised plans (these revised plans have not been submitted to the LCC yet).

Ms. Grzenda recommended receiving written confirmation from the Applicant that:

- Bid specs shall require that the contractor comply with the Order of Conditions (OOC).
- Only light-weight swamp maps (e.g. plywood) would be used and will not require machinery to install. Additional plywood would be laid perpendicular to the boardwalk footprint during the installation of the footings. The matting would be removed immediately upon completion of the work within the area.
- With the exception of the generator, only handheld equipment and people will enter the wetland (for the removal of the boardwalk and installation of the new footings/boardwalk).
- A hydraulic air hammer would be used to install the footings. Only hand-held equipment would enter the resource area.
- In the event that any existing plastic footings cannot be pulled out of the ground by hand, the contractor may need to cut the posts flush with the ground. The Commission expressed concerns about the potential for plastic fragments to be left in the wetland. The Applicant indicated that government entities cannot address means and methods in the bid specifications and must allow for the contractor to have some flexibility. Ms. Coffin-Brown feels it would be the responsibility of the Applicant (Park Service) to make every effort to ensure the contractor uses all reasonable methods to reduce any plastic that might enter the wetlands (if cutting is required). Ms. Grzenda recommended that a special condition be added requiring that at the preconstruction meeting, the contractor discuss means and methods for ensuring no plastic fragments are left in the wetland should post cutting occur. The Commission suggested that a battery powered shop-vac and tarp be placed on the ground around any footings to be cut.
- Timing of work - (1) Elm Brook boardwalk replacement shall only be conducted during summer months; (2) work within the vernal pools shall wait until at least August 15th.

The Commission requested that the Applicant submit the revised plans to the Commission for review and responses to the above comments. Motion by Ms. Mygatt to continue to 7:45 p.m. on July 13th; seconded by Dr. Selden; roll call vote: each member responded Aye.

8:20 p.m. Informal Discussion: Driveway Improvements at 75 Tower Rd; A. Vander Meulen; E. Gorman
Mr. Vander Meulen, Chair of the Lincoln Housing Commission, proposed driveway and landscaping improvements at 75 Tower Rd, an affordable housing property owned by the Town. A Notice of Intent was filed for this property in 2013 to construct a new septic system in the buffer zone. The entire property is located within Buffer Zone and Riverfront Area. The project was permitted, but several landscaping requirements were required, such as curbing around the driveway to prevent vehicles from driving onto the front lawn. Work was completed, but a Certificate of Compliance was never issued.

Mr. Vander Meulen stated that the required curbing has been a challenge for property maintenance. Snowplows are unable to get around the curve of the driveway because they hit the curbs. The curbs are also directing stormwater into one location instead of allowing sheet flow of water into the lawn. Mr. Vander Meulen proposed removing the curbs and replacing them with large boulders to prevent vehicles from driving on the lawn, removing the top of the driveway loop and converting this area to lawn, and laying down 8" riprap stone along the property edge where it meets the road to help slow down stormwater flow.

The Commissioners expressed their view that the conceptual changes proposed appear to be appropriate given the challenges on the site, and that these changes would improve existing conditions by reducing the erosion problems. Commissioners were also comfortable with the Housing Commission using the 2013 wetlands delineation and site plan in their eventual filing since the work would involve the removal of impervious surface and other improvements for the buffer zone. Staff will advise the Housing Commission on next steps from here.

8:15 p.m. Cont. Conservation Land Use Rules Discussion –

This was a continued hearing about the proposed Conservation Land use regulations. Ms. Mygatt took over chairing the meeting. Ms. Mygatt indicated that the trails on conservation land cross over town-owned conservation land, Land Trust land, and private land. Promulgating trail regulations therefore require consensus among the various property owners. Ms. Fasciano expressed the appreciation for all the public comments received and stated that she has read all the comments. The draft trail use rules prompted additional comments at the June 1 hearing that revolved around four key issues.

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 and under voice control” be added to this rule to be somewhat less onerous. Discussion ensued. Mr. Kurtz suggested a rule change – “dogs shall be leashed or held by the collar when approaching all other trail users and if the oncoming trail user gives permission for your dog to be off leash, you may do so.” Several Commission members agreed with Mr. Kurtz. Michelle Barnes, member of the Water Commission and the Lincoln Land Trust Board, stated that the Land Trust Board believes that the onus should be on the dog walker to make sure the other trail user is feeling safe with what you are doing.

In previous meetings, some residents who live near Flints Pond commented against the proposed leashing requirements, but several Commission members endorsed the need to protect the water supply and supported the Water Commission’s recommendation (to require dogs be leashed around Flint’s Pond).

Ms. Mygatt opened the hearing for additional public comment. The following additional comments were expressed:

Margaret Olson, resident, has walked a number of trails recently and looked at the trails in terms of whether any of them looked overused. Her observation is that trail users are being funneled to a few segments of trails (Mt. Misery being the most notable one).

Barbara Peskin, resident, has concerns about requiring dogs on leash when encountering all trail users. Ms. Peskin request revisiting the trail rules in 6 months. Ms. Peskin hopes that the Commission will strongly consider walkers’ needs.

Diana Beaudoin, resident, recommends that the Commission pause on making a decision until we hear more public comments. She requests the Commission look more closely at maps and work on the goal of connectivity. She is concerned that the proposed rules could be quite damaging to the environment. Identifying the trails that could be linked and discussing that would be helpful.

Linda McMillan, resident, asked that the Commission reconsider the leashing requirements around Flints Pond and consider allowing some off-leash areas.

Sara Mattes, resident, requested the Commission step back and look at the big picture. She cautioned the Commission about the difficulty of reversing rules once approved. She reminded the Commission that the role of the Commission is to be stewards of the land and the water. She requested the Commission consider the quiet walkers and their needs.

John Mendelson, resident, advocated the expanded uses of the trails. As a parent of two children, he would like to find safe places for his kids to bike and cares about the health of our open space.

David Cuetos, resident, wondered if it would be more useful to identify which trails were not open to biking and explain why. Ms. Grzenda reviewed the general trail use assessment and factors assessed when determining appropriate trail uses. Establishing better connectivity across town was difficult to do in this first round because of the diverse set of landowners and the prevalence of wetlands.

Gordon Woodington, resident near Mt. Misery, suggested that the Commission needs to look more closely at the Mt. Misery trails. There is no path from the parking lot on 117 to Lindentree Farm that is reserved for walking only. He requests the Commission reconsider the proposed bike trails.

Stephen Binder, resident, stated that the Mt. Misery ponds are fragile and some of the trails get quite muddy. He asked if the Commission has done a micro-analysis on the trails to determine the appropriateness of the trail treadway for bikes.

Chris Murphy, resident, looked at the map in detail and tried to understand the impact. He has looked at public data sources (Strava Heat Maps) – all of the trails that the Commission proposes to open to bikes are currently used by bikers according to these apps, as are many of the trails in Lincoln in general.

John Mendelson – Lincoln has an 80+ mile network open to horseback riding and walking; only 10 percent is currently open to biking and another 10% is proposed to be opened.

The Commission will review these comments and discuss the proposed regulations at our next meeting. Motion by Ms. Shepard to continue the hearing to July 13th; seconded by Ms. Fasciano; roll call vote: each member responded Aye.

9:45 p.m. Response from SOLitude RE: Monthly Literature Reviews

Dr. Selden believes that SOLitude did not respond adequately to the Commission's letter but indicated that the Commission should take their response seriously nonetheless. In particular, SOLitude wrote that they believe that the State is already tracking and reacting to government approvals and academic findings regarding ProcCellaCOR treatment. Dr. Selden suggested that, as a first step, he would contact DEP and the chemical manufacturers to determine what kind of routine tracking is done. Ms. Carr indicated that it is the Mass Dept. of Agricultural Resources that regulates pesticides and herbicides. Dr. Selden and Ms. Carter will reach out to MDAR staffer Hotze Wijnja, Chemist, Crop and Pest Services as suggested by Ms. Carr. Dr. Selden wants to know how often the state reviews chemical scientific literature, and if MDAR relies on the EPA for routine health and safety risk updates.

Dr. Selden stated his opinion that toxic chemicals and climate change are the two most critical environmental issues we face—and the Conservation Commission has an obligation to review herbicide applications thoroughly. Discussion ensued regarding whether the WPA and/or the Lincoln Wetlands Bylaw allow the Commission to regulate herbicides with respect to human or wildlife health. The wetland laws regulate activities in or near wetlands. As it relates to chemical applications, it is Ms. Grzenda's opinion that it is not within the WPA or Bylaw jurisdiction to consider human health effects of chemical used in or near wetlands. According to the Final Generic Impact Report prepared for MA as it relates to herbicide use, the Commission should require that the Applicant provide potential impacts, either beneficial or detrimental, on the eight specified interests of the WPA. Regarding the eight interests however, the laws do not protect wildlife itself but rather wildlife habitat. Fisheries are a protected interest but that mostly relates to ensuring that fish spawning and dissolved oxygen is not impaired. Aquatic herbicides must be registered by the EPA and the Massachusetts Department of Agricultural Resources for legal use in Massachusetts.

Dr. Selden indicated that the protection of wildlife habitat includes the regulation of chemicals that would be harmful to wildlife and that the Commission clearly had jurisdiction in this area. He said that protecting wildlife habitat is meaningless unless that jurisdiction includes protecting the wildlife that live in that habitat. He suggested that the Commission review the eight interests of the WPA to ensure that the Commission as a whole understands its jurisdiction with regard to herbicide application. He also noted that the State of Massachusetts does not perform herbicide testing and relies on guidance from EPA. His opinion is that EPA has relied heavily on studies performed by herbicide manufacturers, many of which were conducted decades ago. He reiterated his belief that the Commission is within its rights to establish requirements that extend beyond those of the WPA. He noted that the Commission issued an approval for ProcellaCor and was merely requesting routine health and safety information updates on this herbicide.

Meeting adjourned at 10:35 p.m.