

Lincoln Conservation Commission (LCC) - Public Meeting Minutes

July 13, 2022

Approved: August 3, 2022

Members Present: Ari Kurtz (Chair), Amber Carr, Susan Hall Mygatt, Becca Fasciano, and Kathleen Shepard, Richard Selden

Members Absent Laura Regrut

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

- Approve Meeting Minutes from June 22, 2022 (Vote Expected); motion by Ms. Mygatt; seconded by Ms. Carr; roll call vote: each member responded Aye.
- Request for Cert. of Compliance (CoC) – 10 Blueberry Lane (DEP #203-770). Motion by Ms. Mygatt; seconded by Mr. Kurtz; roll call vote: each member responded Aye.

Unpermitted Work at 115 Tower Road

While conducting a site visit at the neighboring property (113 Tower Rd), staff noted what appeared to be recent alterations at 115 Tower Road within wetland buffer zone. Some trees have been removed, a number of plantings installed, and possibly some clearing of vegetation and woody debris. The work appeared to have taken place within 10-ft of a marsh and appears to have been done within the last two years. Staff sent a letter to the homeowner on June 27th requesting that we meet on the property to discuss the alterations and next steps, and were able to conduct a site visit with the owner on June 30th. The owner, Ms. Glynn, states that she removed a large amount of invasives (bittersweet, buckthorn, burning bush, etc) by hand and burned them. She had not been aware of the wetland's regulations. She wants to restore the area to native forest and continue removing invasives manually. Ms. Glynn is in the process of getting her wetlands flagged and staff will require a sketch be submitted showing the extent of vegetation alteration within the 100-foot wetland boundary.

Motion by Ms. Mygatt to authorize staff to issue an Enforcement Order; seconded by Dr. Selden; roll call vote: each member responded Aye.

7:10 p.m. – Abbreviated Notice of Resource Area Delineation: 0 Silver Hill Rd/0 Old Winter St; D. Burke, T. DeNormandie –

Dave Burke, wetlands resource specialist, has submitted an Abbreviated Notice of Resource Area Delineation (ANRAD) on behalf of Tom DeNormandie for 0 Silver Hill Rd/0 Old Winter St. This is a ten-acre property comprised of three separate parcels with frontage on both Silver Hill Rd and Old Winter St. The three parcels are in Chapter 61A – if the parcels were to be sold, the Town would have the right of first refusal. The purpose of the ANRAD is to confirm the wetland resource areas on-site for a three-year period – no construction or alterations to the property are proposed. This property has been delineated twice in the past, and the delineation was confirmed once by the Conservation Commission in 2013.

The plan presented shows wetland resource areas on the southern, eastern and northern sides of the property. A hand-dug channel that flows from the top of the property down the hill to the southern wetlands is also included as part of the delineation.

Staff walked the line with Dave Burke. Dave's delineation appears to be consistent with what had been delineated and confirmed by the Commission in 2013, though there were some locations on the 2022 plan where there seems to have been a slight expansion of the wetlands (wetlands change over time).

Chris Murphy, abutter, expressed concern that he reached out to the wetland scientist, requested a plan, and never received it. Mr. Burke stated he had sent Mr. Murphy the material via email. Mr. Murphy is concerned that the surveyed plan does not properly show that he is the owner of his lot (shows a prior property owner), and that a corner boundary post may be inaccurate.

Ms. Mattes, resident, requested the Commission continue the hearing so that the abutter can receive the information he requested, review said information and then understand the implications, if any. Kate McCarey, relative to the Applicant, requested the Commission approve the wetlands delineation tonight.

Motion by Ms. Carr to approve the ANRAD with the caveat that approval does not include a determination as to the accuracy of the property boundary; seconded by Dr. Selden; roll call vote; 5:0:1 in favor of issuing an Order of Resource Area Delineation.

8:37 p.m. Request for Determination of Applicability: Concord Rd and Tower Rd/Pierce Hill Rd Gas Main Replacements; Jeremy Degler, Tighe and Bond

Tighe & Bond has filed a Request for a Determination of Applicability on behalf of Boston Gas Company for the replacement of gas mains at two locations – Concord Road and Tower Road/Pierce Hill Road. Under the Wetlands Protection Act 310 CMR 10.02(2)(a)(2), utility maintenance is exempt. Therefore this RDA is being filed under the Lincoln Wetlands Protection Bylaw *only*.

Portions of the proposed work would occur within the 200-ft Riverfront Area of Stony Brook, the 100-ft Buffer Zone to BVW, and Bordering Land Subject to Flooding (BLSF). Resource areas were delineated by a Tighe & Bond wetland scientist on May 31st and June 7th, 2022. All proposed work would take place within the footprint of existing paved roadways.

3,163-feet of gas main replacement is proposed at Tower Road/Pierce Hill Road. This replacement would result in temporary impacts to 419 sq.ft. of BLSF, 1,544 sq.ft. of Riverfront Area and 1,639 sq.ft. of 100-foot Buffer Zone, all of which is on Pierce Hill Road. 2,552 linear feet of four-inch gas main would be replaced on Tower Road between the intersection of Lincoln Road and the intersection of Beaver Pond Road. 611 linear feet of four-inch gas main would be replaced on Pierce Hill Road between the intersections of Tower Road and Lincoln Road. At the intersection of Tower Road with Stony Brook, the replacement gas main would be installed above the existing culvert with no expected impact to this structure.

1,732 linear feet of gas main replacement is proposed at Concord Road. There is 100-ft Buffer Zone in close proximity to the site, but the main replacement does not appear to cross into it. Gas mains would be replaced between the intersections with Codman Road and Cedar Road.

Work in both locations would require the excavation of a five-foot wide trench along the entire length of the replacement area. The trench bottoms would be graded to support the new pipe about three feet below the road surface. The trenches would then be backfilled, and the road surface restored.

Staff recommended that the DOA require that the Applicant install straw wattles or silt socks along both sides of Pierce Hill Road within the 200-ft Riverfront Area where the gas main replacement crosses over Stony Brook.

The Commission also requested the Applicant to install straw wattles along Concord Road between the proposed gas replacement and the 100-ft Buffer Zone (intersection of Hillside Road and Concord Road). A minimum of 9” straw wattle shall be used.

Motion by Dr. Selden to issue a Negative 3 and 6 Determination of Applicability; seconded by Ms. Fasciano; roll call vote: each member responded Aye.

7:49 p.m. Cont. Notice of Intent: Minute Man National Historical Park (DEP #203-0947); M. Coffin-Brown
This was a continued Notice of Intent hearing for the replacement/reconstruction of several boardwalks along an existing public path. The proposed work will occur in wetland resource areas and buffer zones. Since the last hearing, the applicants submitted the specifications and a revised plan set to the commission. The Applicant has addressed the remaining questions with the exception that the Commission requires that 8” straw wattles be used and that diameter shall be added to a revised plan prior to work.

Motion by Ms. Mygatt to approve the issuance of an Order of Conditions with the conditions discussed; seconded by Mr. Kurtz; roll call vote: 5:0:1 in favor of issuing the Order.

9:05 p.m. Cont. Conservation Land Use Rules Discussion

The Conservation Commission and staff have been receiving public comments about the proposed trail use changes over the last 8 months. Ms. Mygatt reviewed the process the Commission went through, and factors considered when assessing possible trail use.

Ms. Mygatt reviewed the one suggested change to trail use regulation language from last meeting: “Dogs must be leashed (or held by the collar) when approaching other trail users (i.e., people, dogs, horses, bikers) unless the other user expressly gives permission to leave the dog off leash. Dog walkers should recognize that others might not be comfortable around dogs. Children, in particular, can become fearful of dogs even with one negative experience.”

Discussion ensued. Dr. Selden recommended that staff monitor the trails where uses are changing and assess any potential impacts on the trails. Michele Grzenda, Conservation Director, affirmed that staff are putting together a trail assessment monitoring program and will be collecting data and photos to share with the Commission.

Public comments

- Barbara Peskin – believes that the trails at Mt. Misery are narrow and that, because of the parking lot, it will attract bikers and will exacerbate the overuse of the property.
- Linda McMillan believes that dog waste does not impact water supplies and referenced the fact the City of Cambridge allows dogs off leash at Fresh Pond, their public water supply.
- Sara Mattes asked that money be set aside for maintenance, restoration, and clear signage to help educate the trail users about the types of trail uses allowed and the etiquette expected from trail users.
- Deborah Howe is concerned about incremental change in use and how the Town prioritizes nature vs. human use.
- Diana Beaudoin cautioned the Commission against making this decision without engaging the larger population of Lincoln. She advised the Commission to keep its policies as they are right now, and that education and public outreach are essential.
- John Mendelson applauded the Commission’s efforts, encouraged them to move to a vote.
- Sara Mattes stated that she had a point of clarification – for Lincoln to make a decision in 9 months is like speed dial.
- Kenny Mitchell stated that he is an avid trail user. He’s not a trail biker but supports more use of bikes; he congratulated the Commission on the process.

Ms. Mygatt moved to approve the long and short versions of the Regulations for the Use of Conservation Land in Lincoln, as revised through July 11, 2022 and presented and discussed tonight at the Conservation Commission hearing, with the exception of the proposed inclusion of trails in Adams Woods which would be specifically designated as trails open to bikes, as further discussed in her second motion below; provided that this approval of the Regulations described above would be contingent on approval of the same draft of the regulations by the Lincoln Land Conservation Trust; and granting to Conservation staff the right to make clerical corrections as needed to the Regulations.

Ms. Mygatt also moved to approve the proposed inclusion of biking trails in both the Lincoln and Concord portions of Adams Woods, such approval to be effective at such time as the Concord Natural Resources Commission or other authorized body in Concord has informed Lincoln Conservation Staff that they accept our inclusion of such trails on the Lincoln trail map which shows those trails which are specifically open to bikes.

The motion was seconded by Ms. Carr with the amendment that town and Land Trust resources be used to assess the trails during the one-year period and reevaluate any changes to the regulations as appropriate.

Discussion ensued.

Dr. Selden offered the following amendment to Ms. Mygatt's motion: "With the understanding that we will re-evaluate in one year. Based in part on assessment by the Conservation staff on conditions at the trails that have had use changes, including quarterly assessment reports and solicitation of user feedback, as best determined by staff." The motion was seconded by Mr. Kurtz; Roll call vote: each member responded Aye.

Ms. Mygatt repeated her original motion: "I move to approve the long and short versions of the Regulations for the Use of Conservation Land in Lincoln, as revised through July 11, 2022 and presented and discussed tonight at the Conservation Commission hearing, with the exception of the proposed inclusion of trails in Adams Woods which would be specifically designated as trails open to bikes, as further discussed in my second motion below; provided that this approval of the Regulations described above is contingent on approval of the same draft of the regulations by the Lincoln Land Conservation Trust; and granting to Conservation staff the right to make clerical corrections as needed to the Regulations.

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The motion was seconded by seconded by Mr. Kurtz; roll call vote: each member responded Aye.

Motion by Ms. Mygatt to adjourn at 10:47 p.m. seconded at Dr. Selden. Roll call vote: each member responded Aye