

Lincoln Conservation Commission (LCC) - Public Meeting Minutes

August 24, 2022

Approved: September 14, 2022

Members Present: Susan Hall Mygatt (Chair), Amber Carr, Ari Kurtz, Laura Regrut (arrived at 7:30 p.m.) and Richard Selden

Members Absent: Becca Fasciano and Kathleen Shepard

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

*This Public meeting was held virtually, pursuant to Senate Bill # 2985,
Suspending Certain Provisions of the Open Meeting Law*

7:00 p.m. – Discussion Items

- Approve Meeting Minutes from August 3, 2022; motion by Mr. Kurtz to approve; seconded by Ms. Carr; roll call vote: each member responded Aye.
- 86 Conant Rd – Request for Certificate of Compliance (DEP #203-744); motion by Dr. Selden to issue the Certificate of Compliance; seconded by Mr. Kurtz; roll call vote: each member responded Aye.

7:10 p.m. Request for Determination of Applicability: 338 South Great Rd; P. Kanj

This Request for Determination of Applicability (RDA) has been filed for the removal of 15 dead ash trees at 338 South Great Rd. There are two groups of trees located on or near the edge of the maintained lawn – one group appears to be within the 0-50-ft Buffer Zone in dense invasive vegetation and the other is within the 50-100-ft Buffer Zone. The homeowners are concerned about their children playing in the yard near these trees and the trees are dropping limbs.

After filing the RDA, Ms. Kanj called the office on August 8th because one of these trees had fallen across their yard during a severe thunderstorm the previous day. She requested emergency authorization to contact an arborist for the tree removals, which staff granted. The owner also requested permission to do some clearing to allow the tree company to remove the trees. Discussion ensued. The Commission will allow the clearing to the extent necessary so that the tree company can access the trees. Ms. Kanj expressed her interest in replanting some native vegetation after the tree removals.

In addition to the tree removal work, the owner expressed interest in treating the remaining live ash trees for emerald ash borers. It was the owners' understanding that some type of insecticide gets injected into the tree. The Commission reminded the owners that even injecting a systemic chemical into the tree within the 100-foot Buffer Zone requires review and approval by the Commission.

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

The following special conditions were discussed: (1) prior to work, Conservation Staff will mark the trees allowed to be cut and mark the best location for the tree company to access the brushy area (where the most invasive species are present); (2) should the owners wish to chemically treat the ash trees within the 100-foot Buffer Zone, the owners shall submit additional information for the Commission to review and determine whether the Commission can permit said treatment under the existing RDA or whether a new filing will be required.

7:38 p.m. Informational Meeting: Hanscom Drive Roadway Redesign; Jeff Santacruce, Weston and Sampson (Engineering Firm); Jonathan Braley, J & J Construction (general contractor); Tony Maressa (Army Corp of Engineers); Craig Wood (Weston & Sampson); Jim Conway (Army Corps of Engineers); Scott Sheehan

(Hanscom AFB Natural Resource Manager); Matt Mroczka (USACE); Jim Maravelias (Hanscom AFB); and Dan Robbins (Hanscom AFB Biologist)

Jeff Santacrucce from Weston and Sampson presented an overview of the project, for which they intend to make a formal submission this fall. Hanscom Airforce Base (HAFB) is required to make security improvements to the AFB access road. This will entail a full redesign of the roadways from the intersection of 2A to Old Bedford Road. The work area exists on HAFB land and on Massachusetts Department of Transportation land.

The proposed project will involve wetland resource area alterations and, due to several area constraints, the applicant will have difficulty in meeting some of the performance standards for work in wetland resource areas. However, the project likely falls within the Wetland Protection Act's Limited Project provision which allows the Commission to issue an Order of Conditions and impose such conditions as will contribute to the WPA's interests.

The project will also involve the creation of a new bike lane, additional sidewalks, and improved bus stop locations. The project will include the installation of lighting deemed necessary for safety reasons along some of the roadways and cul-de-sac.

More urgently, the project team would like to move forward with Phase I of the project which is almost entirely outside the Commission's jurisdiction, with the exception of some temporary alteration of approximately 300 s.f. of buffer zone. Ms. Grzenda and Ms. Mygatt suggested the applicant file an RDA so that the Commission can properly review the proposed work at their next meeting. The Applicant agreed to do so.

8:30 p.m. MDAR Discussion RE: Review of Chemicals Allowed in Massachusetts

Commission member Dr. Selden recently had a conversation with a representative of the Massachusetts Department of Agricultural Resources (MDAR) regarding MDAR's review process for chemicals that are allowed for aquatic or terrestrial vegetation management. On July 15th, Dr. Selden spoke with Dr. Hotze Wijnja and asked him who is responsible for regulating herbicides in the state. Dr. Wijnja confirmed that MDAR is primarily responsible but that they do some joint review with DEP. The last herbicide MDAR approved for use in MA was ProcellaCOR. When asked if any chemicals have not been approved by MDAR in the past, Dr. Wijnja did not know of any.

Dr. Selden inquired about the chemical glyphosate. In 2021 the state approved funding to allow for an extensive literature review of glyphosate to be conducted. MDAR rarely conducts their own literature review, due to lack of funding. EPA does a review of all approved herbicides every 15 years (during the re-registration process). At the federal level, many chemicals were approved a long time ago based on data paid for and conducted by the applicable chemical company. When asked if companies are responsible for reporting any incidents or issues which arise from using the chemical, Dr. Wijnja stated that the only time this information is provided to EPA is during the 15-year re-registration process. Dr. Wijnja confirmed that glyphosate is registered by the EPA and therefore MDAR allows its use. Human health is a factor considered in MDAR registration. MDAR only conducts very limited groundwater monitoring within a few select waterbodies in MA. MDAR is planning on doing assessments of glyphosate levels in several waterbodies in MA and that work will begin this year.

In summary, Dr. Selden concluded that the state does not actively review the scientific or medical literature on approved herbicides in MA. EPA reviews are only done every 15 years for each chemical.

There does not appear to be a mechanism in Massachusetts which would require that a Commission receive notification of new chemical use information when gathered. MDAR believes that SOLitude has PhD toxicologists on staff that do this research (although when the Lincoln Conservation Commission inquired with SOLitude about providing monthly literature review and updates to the Commission on ProcellaCOR, SOLitude indicated that the Commission would need to pay for this service). Dr. Selden believes the Commission can

require applicants to conduct routine literature review. The LCC could create a webpage with the information received so that future applicants can learn more about the chemicals.

Ms. Mygatt would be inclined to ask applicants to conduct a literature review prior to extending wetland permits. Dr. Selden offered to create a checklist of requirements that applicants must submit to the Commission in order to permit or extend a pond management Order of Conditions. Much of this is already contained in the LCC's Pond Management Policy and includes (1) extensive research on any scientific or medical research conducted on the chemical (using Google, MEDLINE, and other websites. (i.e., National Institute of Environmental Health Sciences); (2) Annual summary of vegetation treatment (with chemical dosage used, date of application(s), and effectiveness.

Debra Daugherty, resident, asked: "Are there any terrestrial herbicides that have met the Commission's literature criteria?" Dr. Selden stated that in 2018, the Commission paid Boston University \$1,500 to review 6 aquatic herbicides. The study did not reveal anything concerning about 2 of the 6 (Copper Sulfate and Endothall).

Ms. Mygatt offered to assist Dr. Selden in reviewing any revised criteria the Commission develops.

Meeting adjourned at 9:38 p.m.