



LYNNFIELD CENTER WATER DISTRICT WARRANT
The Commonwealth of Massachusetts
Joint Board Meeting with Conservation Commission
7:00 pm October 30, 2023

Date, time, place: The joint meeting of the LCWD Board of Water Commissioners with Conservation Commission was held on Monday, October 30, 2023 at 7:00 PM.

In attendance:

Lynnfield Center Water District: Commissioners Joe Maney, Anders Youngren, Steven Walsh, Superintendent John Scenna, Treasurer Kevin Sullivan, and Clerk of the Board Christine Smallenberger

Conservation Commission: Don Gentile, Janice Solomon, Erin Hohman, Kirk Mansfield, and Emilie Cademartori

Absent: none

Others attending: see attached sign-in sheet

Additional attachments: Agenda, incorporated into the minutes hereto.

Next Regular Meeting: November 27, 2023

Adjourn: 8:05 PM

The meeting was called to order at 7:00 pm.

Chairman Maney made a motion to elect Don Gentile (Chair of the Conservation Commission) as the chair for this meeting and LCWD will take notes of the meeting.

The motion was seconded, and the motion was passed with Commissioner Youngren, Commissioner Maney and Commissioner Walsh saying aye by a unanimous vote.

Tonight's meeting is a joint meeting between the Lynnfield Conservation Commission, Lynnfield Center Water District, and the Open Space and Recreation Working Group.

The purpose of this meeting is to discuss an opportunity to open up over 600 acres of property to passive recreational use by residents who would enjoy hiking, bird watching and other educational opportunities. Years were spent on the rail trail aimed at a similar objective to give recreational and preservation and educational opportunities. Lynnfield values education and sustainability and recreational activities.

Mr. Gentile introduced members of the Conservation Commission: Erin Hohman, Janice Solomon, Kirk Mansfield, and Emilie Cademartori, the administrator. Also in attendance is the Open Space Working Group, a subcommittee of Conservation.

The Open Space Working Group was created as a result of Massachusetts legislation where each city/town, in order to get state grants, needs an open space plan. The open space plan is thorough and considers all open space in town, including public space. We need to figure out how to be good stewards of this land and sustain it and open opportunities for residents to access this land.

The Conservation Commission's overarching goal is for an open space plan. There are a number of speakers here tonight to speak on behalf of the plan. The Working group consists of Don Gentile, Amy MacNulty, Rich Kosian, Steve Fantone, Mary Lohan, and Matt Monkiewicz. The purpose of this joint meeting is for the Conservation Commission to obtain formal approval from the Lynnfield Center Water District (LCWD) board to allow access to Lynnfield Center Water District LCWD properties for passive recreation. Rich Kosian presented more details to the board on this effort. Mr. Kosian presented to the board a map overview that shows open space in Lynnfield to include conservation, golf courses, greenbelt, parks, playgrounds, other town land, owner unknown, future rail trail and water district land.

In terms of area, the pie chart represents about 1,800 acres or 20% of the town's land, not including Suntaug lake. The designated conservation areas comprise about 544 acres, roughly 30% of open space, 8% of town. The wedge includes significant areas, including Reedy Meadow, that are mostly not accessible for passive recreation. The accessible areas designated as conservation areas only amount to 12% of open space land or 3% of the town including Beaver Dam Brook.

LCWD owns over 600 acres of open land space, which is almost 10% of the town and almost 36% of the open space in the town. The LCWD property is adjacent to existing open space properties also known as Richardson Green, and Bennett Keenan Conservation area and Beaver Dam Brook reservation.

Access to LCWD properties will dramatically increase the amount of open space for passive recreation and establish connectivity between the towns open space areas. Surveys have been done in the town over the years where residents have expressed a strong desire for

more opportunities for passive recreation. In 1998, bike trails and hiking trails ranked highest importance with a goal for utility companies to allow for the use of their properties for conservation and recreational activities. In 2002 the master plan established a vision for a network of paths traversing the town and connecting many of its important locations for pedestrians and bicyclist. In 2010, it again identified walking trails, conservation, and bike trails as highly important. The 2017 survey echoed the preferences residents desired in survey results from the 2017 Open Space & Recreation Plan survey. In the 2020 open space and recreation plan the activity that received the most support was the desire for walking trails, bike trails, recreation center, more signage and trail markers on conservation trails and the goal to cooperate with neighboring towns on rail-to-trail conversion efforts including connections with regional trails networks. The 2023 vision plan, 70% of survey respondents said parks and trails were very important. Outdoor parks, biking and walking were identified in the plan for residents as increased opportunities.

Town Administrator, Rob Dolan, spoke on behalf of the select board, Fire Chief Davis, and Police Chief Secatore who fully supports this project as well as believing in the idea in terms of public safety and conservation is in the best interest of the town. Increasing the use of trails increases public safety and cleanliness. As people walk these trails, they tend to take care of them and have a sense of ownership. Administrator Dolan envisions a similar group to Middlesex Falls where they maintain, advocate for, and make the town and LCWD aware of any possible safety concerns. This is a regional approach involving other communities to create a set of trails with the hopes to build a rail trail. For a small town like Lynnfield this is a great draw to have all these amenities, which adds to the number of reasons to live in Lynnfield.

Superintendent Scenna of LCWD applauds Director Emilie Cademartori and the Conservation group for continuing pushing forward with the number of hours, planning and layouts and walking of these paths. This isn't just an idea but a lot of conceptual planning behind it. As the superintendent, he was originally open to this, and was trying to figure out why the gates had been closed. Water infrastructure is of the highest importance of this community and to protect it from a safety perspective. We have discovered people do get in and there are some locations where you can go online that show access to our land. We are here tonight to listen. The board plans to vote on November 27th on this regard. We see this as a potential improvement. In the world of cybersecurity our system is at risk. We always have to keep the safety of the system at the forefront and if done correctly it could strengthen our security system. We are a utility and consider ourselves an integral part of both town government and the community. If we can use the 600+ acres in a different manner, we are definitely open to considering.

Commissioner Youngren: The trails are proposed to be partly on Town Land, partly on Conservation property and partly on LCWD land. Can you explain to us how the liability will work in this arrangement in the event of an injury or incident?

Administrator Dolan: Emily has a formal opinion by Town Counsel, Tom Mullen. When public land is open to the public, unless there is a purposeful act of violence, the town is not liable. It is a "enter at your own risk".

Commissioner Youngren: As a follow up to that, would the Town consider an intermunicipal agreement between all parties or a Memorandum of Understanding or documentation of some sort that explains this joint venture and some of the conditions discussed tonight.

Mr. Dolan: LCWD and the town have done more together in the last few years and will continue to do anything to partner with LCWD to expand the use of this land for the public as well as intermunicipal agreements with other communities that are looking to get involved.

Chris Lapointe, Vice President of Conservation Operations from the Essex County Greenbelt Association spoke on the long history Greenbelt has in working with towns and water suppliers on conserving land for water supply purposes. Greenbelt is very comfortable with the primary purpose of ensuring there is water quality and quantity for your ratepayers. Greenbelt also works with water suppliers to allow public access, with a good track record with more eyes in the woods. Greenbelt worked to protect Richardson Green property and is working to have a parking area this fall as an access point to Willis Woods. They will work on closing trails that should not be there. Greenbelt was also involved in discussions with the Sagamore development which resulted in netting the water district more land and Mr. Lapointe was an integral part of those discussions.

Commissioner Maney asked what would you envision the cost to LCWD be during construction and as an ongoing maintenance issue.

Ms. Cademartori: We have some ideas where the trails can be, parking, and access points. We don't want to move forward in the process without a formal vote of the board. They haven't gotten so far as to what things will cost. They have engaged a consultant that created a 10-year plan if all is approved. For Willis Woods, we anticipate we would be applying for grants. It is an extensive area, and the miles of trails could be created, it's not something eagle scouts can do with a hacksaw. There is significant ATV damage that will take money and time. As for day-to-day costs, they don't have a number. The existing trails are maintained through volunteers, neighbors, and scouts. With more trails, they hope to have more supporters. We don't see an ongoing significant cost for maintenance. The town may ask the DPW to remove trees, which they already do at Patridge Island.

Commissioner Maney: LCWD is about to take on construction and needs some lean years and would feel comfortable supporting this if we have a plan. If there is anything resembling a plan or commitment of money from the board, it would be useful to know. Ms. Cademartori doesn't anticipate asking for any money from us.

Ms. Cademartori: we will be investing in signage to appropriately sign the property. The environmental police can't enforce no motorized vehicles without signage. The immediate expense is for signage.

Commissioner Youngren: do we anticipate the zoning board to be involved in site review and if so, will we notify abutters and hearings along those lines.

Ms. Cademartori: parking would never trigger site review as parking would not be paved. The majority of Willis Woods is in the municipal district and wouldn't be subject to site planning review. We don't anticipate construction for site review. If it is LCWD's desire, the town would notify abutters.

David Loutzenheiser, Transportation Planner, from the Metropolitan Area Planning Council (MAPC): When he first became aware of this site, he noticed damage to the trails from ATV use and unregulated use. This project will codify this and provide eyes and ears and safety for the watershed and the land as well. MAPC has been in partnership with MWRA with regards to the aqueduct trail network (a total of 67 miles). MAPC has been working with MWRA and each of the towns to open up public access to the watershed resource lands through a permit process, which has been a very successful program to allow public access for trails. Just like this parcel of land, the public is already using the land on an informal use basis. This will make it a formal process to provide public access to the aqueduct and also allows the public to spend money on any improvements that help the trail experience. To provide a direct correlation, anything that benefits the public for the trail experience is not at the expense of the water district as is the case with the MWRA Aqueduct trail network.

Superintendent Scenna: We reached out to Lynn Water Sewer Commission and Newburyport and will share their comments of their experience which for the most part seems positive, with LCWD board prior to the November 27th meeting. Signage is a big plus right out of the gate.

Erin Casey, Resiliency Program Director with the Ipswich River Watershed is supportive of this project and echoes valuing open space for recreational opportunities. Ipswich River is interested in open spaces that provide connectivity along the river and connects all the communities along the river to allow public access to our water resources from source to sea. The Town of Lynnfield and LCWD are existing members of Greenscapes coalition. Greenscapes helps with public education around water conservation and how to protect

water resources and encourages us to use Greenscapes as a resource to educate the public to protect our water resources.

Representatives from Lynnfield Cub Scouts, Brian Charville, Finn Charville, Owen Moreira, Ethan Block and Mike Block: The cub scouts are already hiking on LCWD land from Beaver Dam Brook and past LCWD wells. The scouts want to hike in a safer way and away from the wells. Opening the land is appealing to them. The cub scouts go to different towns and states and would like to have a place to hike in town.

Commissioner Walsh: Can you please explain the proposed timeline. There are 2 distinct parcels. Is there a thought process on how to structure the work.

Ms. Cademartori: The working group has a Beaver Dam Brook master plan in place for LCWD's blessing. This will be ready when there are volunteers to work on the trails. The town engaged a consultant with a 10-year buildout, assuming it will be funded. They don't expect to build it all in 10 years. They have prioritized the biggest bang for the buck, one of which is fire access for the fire department. They recognize the need for better access for rail beds and can't do that until they have LCWD permission. The Town has permission from Bostik. The first thing is to create safe fire access through Bostik and provide fire access and immediate public use to a greater part of the property along the river. After that, the plan is in 3 phases, anywhere from 1 to 10 years dependent on funding and availability for volunteers and is still in draft form. The biggest item separate from fire access is signage. The Town will work with environmental police on ATV policing and illegal hunting. They hope to start the healing process for ATV damage which has been extensive. The sooner we can stop them from being on our property, the sooner we can work on the habitat restoration.

Commissioner Walsh: LCWD board is elected by the ratepayers and is charged with protecting the water, with no impact to the ratepayer and no liability to the district. Is there a phased opportunity to allow for some access with checks and balances or is all access needed.

Ms. Cademartori: the points we already have access to (Ipswich River to North Reading) would be early on. New access points, if we were to create, is probably 5 years away. We would work to establish and improve the ones that are already being used before we create anything new.

Commissioner Walsh: Should the board come back with an affirmative vote on November 27th, when is the first opportunity to walk legally on LCWD property.

Ms. Cademartori: If they use the legal access sites, they can access LCWD property the day after the vote. The 2 only technical legal access is the bridge over Ipswich River and Lynnfield wood lot, everything else is trespassing. Beaverdam Brook is just as important as

Willis Woods and gets more use because of their location. We want to route them away from where LCWD does not want them.

Commissioner Walsh: Is there a construction phase. In order to make it accessible, open and safe, is there a period of time will there be a conditional use for Conservation and then open to the public at a later date, where at that date there may be access points that will still be dangerous where we don't create a legal opportunity for someone to "fall into that six foot hole" without really looking into the property to make sure it is as safe as it can be.

Ms. Cademartori: It is hard to give you an opening date as it is technically physically already open. When the town does a trail and works with a scout, the town tends to do a press release, publish a map, and put it on the town website. The town can't stop people from going in but can't put out the red carpet until we do the right things.

Superintendent Scenna: to answer Commissioner Walsh's concern, a lot of it is in how we motion the use on November 27th. Rather than say, it is open to everyone, we could restrict or condition the motion to protect what you are saying and to address the original liability question and how we approve it.

Commissioner Walsh: I don't want to create an attractive nuisance. We all want to get to a yes, that is the goal. The reality is if we open something on that day and it's unsafe and we have now sanctioned its use, it could create a problem for the town and the district should something happen. We should open the use for the conservation commission on that day and whatever time later for the public to ensure there is an opportunity to address anything that would need to be addressed.

Commissioner Youngren: can we assume we post this for no hunting.

Ms. Cademartori: as landowner you make the decision. We hope to work with you. A hunter counted 15 deer stands on LCWD property and only started looking today. Conservation hopes for a balance. If you are open to hunting, it warrants a discussion, if hunting should be allowed and when and where it should be allowed. Until we do that, we post no hunting signs. We don't want to invite the public into a property where hunting is active. Hunting should be prohibited until we develop rules. It would only be bow hunting and with written permission from the property owner to individual hunters.

Commissioner Walsh: What is the motion to allow access but to protect against this. We now admitted, in an open meeting, that there are hunters on our property and if we now open access to the property tonight, and someone is injured by a hunter tomorrow, who is responsible for that. We are. We have acknowledged the danger exists and invited people to use it.

Ms. Cademartori: You have invited a passive walker; hunting is still not a posted allowable use. Ms. Cademartori believes LCWD would be protected under the liability statute but does not know the answer 100%.

Superintendent Scenna asked Mr. Lapointe if he could forward examples of how other communities and water districts do this so we can move forward. Greenbelt allows hunting by written permission and has only granted between 60 and 80 permissions annually across 7,000 acres of land they own. They found by doing this they know who is in the woods and know there isn't illegal hunting. Greenbelt posts signs on their app and trailheads to remind people of hunting season. The times of day they are hunting are not the times folks are otherwise using the properties and have not had any issues or concerns over 50+ public properties. They are strongly in the camp of written permission knowing who is hunting as opposed to a free-for-all. There is a good body of experience around these questions and Mr. Lapointe will be happy to make these connections. Superintendent Scenna will make those connections for town counsel and LCWD counsel to draft something by November 27th that makes sense.

Chairman Maney asked Commissioner Walsh if he wants to make a motion tonight. Commissioner Walsh wants to make sure we take the time to get the motion and the language right. We don't want people to leave tonight's meeting feeling that the board does not support this project in the affirmative.

Lynnfield resident, Joe Marine spoke on behalf of his wife and children and thanked the board and the town for this opportunity. Mr. Marine had used trails in his home state of New Hampshire, and it wasn't invasive to the neighbors. As far as signage, it was easy to use and just enough to see along the path and had online maps to practice navigation skills.

Lynnfield resident, Patrick Curley: As an assistant scout troop master, this gives the eagle scouts another opportunity to give back in service and gives them another opportunity to perform service. It hits on all cylinders of what scouting stands for: exploration, education, adventure, service, and conservation, leave no trace. For those who might be parents, anything the town and LCWD can do to take kids off screens and into nature is a good thing. It is good for exercise, mental health, and connections. This can bring Lynnfield together.

Lynnfield resident Mike Block grew up in a town filled with rail trails and recreation trails. Mr. Block is excited to have this in our community. This is important for our children to get outside and for their mental health. On their hike on Sunday, it was amazing to see the lack of litter on the trails, and how well they were maintained. It would be nice to go further and do more. It will be great to have families connect with nature and enjoy our surroundings.

Mr. Gentile thanked the LCWD commissioners, town administrator, members of the working group, conservation commission, and Emilie Cademartori as a champion for this project who has dedicated a lot of time towards this project.

A motion was made to adjourn the meeting at 8:05 pm.

Respectfully submitted,