

APPROVED



Mayor Joseph C. Sullivan

**Department of Planning and Community Development**

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**CONSERVATION COMMISSION  
MEETING MINUTES  
THURSDAY, SEPTEMBER 24, 2009 7PM**

**FLETCHER HALL – TOWN HALL**

Members Present: Patrick Flynn, Chair  
Gail Feldman  
Matthew Hobin  
Gus Murphy  
Alan Weinberg  
Daniel McMorrow, Jr.

Staff: Kelly Phelan

**DEP File # 8-585  
Richardi Reservoir Dredging/Tri Town Board**

Staff noted that no further information has been provided on this application and suggested continuing the hearing to December 17, 2009.

Motion by Mr. Weinberg, second by Ms. Feldman, to continue to December 17, 2009. Vote: 6-0.

**DEP File # 8-593  
Bestick Road Area Flood Control Project/Robert Campbell**

Staff noted that Robert Campbell, Town Engineer, requested a continuance to October 22, 2009.

Motion by Mr. Murphy, second by Mr. Weinberg, to continue to October 22, 2009. Vote: 6-0.

**DEP File # 8-564 Amendment  
14 Columbus Ave./Schneider**

Mr. Schneider received an Order of Conditions three years ago for a single-family house at 14 Columbus Ave. The project included demolition of an existing house and construction of a new house in a different location on the lot.

Mr. Schneider explained that he didn't start construction at that time because of the road-opening moratorium and then the market decline. Now he is ready to start. The existing house is in the 25 foot no-disturb buffer zone. The house he will be constructing is out of that 25 foot zone however, it does not include a garage and he finds that potential buyers want a garage. Therefore, he requests an amendment to allow for a garage within the 25 foot no-disturb zone. Mr. Schneider presented the site plan as revised to include a garage.

Mr. Flynn stated that it was a wash between the house to be removed in the 25 foot zone and the proposed garage.

Staff agreed; in this case, there was pre-existing disturbance in the buffer.

Motion by Mr. Weinberg, second by Ms. Feldman, to accept the amended plan with the change reflected in an amended Order of Conditions to be recorded at the Registry of Deeds. Vote: 6-0.

Motion by Mr. Weinberg, second by Mr. Murphy, to close the public hearing. Vote: 6-0.

**Extension Permit Requests**

**8-539 Oregon Ave. Extension/McGrath**

Mr. McGrath requested a one-year extension on the subdivision roadway. Items to be completed are: installation of no-salt sign, landscaping and as-built plan. Construction of the homes on two lots remains (there is a separate Order of Conditions for the house construction). Staff recommended the Commission issue a one-year extension.

Motion by Mr. Murphy, second by Mr. McMorrow, to issue a one-year extension permit. Vote: 6-0.

**8-522 Greenbush Line/MBTA**

The MBTA requested a one-year extension to the permit for the Greenbush construction. The slope stabilization work on the Monatiquot just upstream of the Shaw St. bridge was recently completed and as-built plans need to be developed. Staff recommended the Commission issue a one-year extension.

Motion by Mr. Murphy, second by Mr. McMorrow, to issue a one-year extension permit. Vote: 6-0.

### **Pizzeria Uno – Tree Removal**

Staff explained that she received a call from the manager of Pizzeria Uno regarding possible vegetation removal from the area along the stream which flows through the South Shore Plaza. He said the vegetation restricts visibility of the store and wondered if the Commission would entertain proposals for some vegetation removal. He was not able to attend tonight's meeting. The Commission suggested that he come to a future meeting and bring pictures of the site.

### **Taber Court Appraisals**

Staff explained that both appraisals for the Taber Court parcel on the Monatiquot River had come back. One was for \$145,000 and the other \$180,000. Staff had gone ahead and filed an application on behalf of the Conservation Commission with the Community Preservation Committee because the filing deadline was passing. Staff asked if the Commission would like to proceed with this application. The Commission agreed that they would like to pursue this potential acquisition.

### **Lantern Lane Land**

Staff received a call from Rita Dirrane, owner of land on Lantern Lane. Ms. Dirrane inquired if there was interest on the part of the Commission for approximately 30,000 square feet to be acquired by the Town for conservation purposes.

Staff provided an aerial photo showing this land in relation to surrounding town-owned property. The Commission expressed interest and requested Ms. Dirrane attend a future meeting to discuss this.

### **Conservation Land Hunting Policy**

Mr. Flynn noted that this was the second meeting this year on the possible development of a hunting policy for land managed by the Conservation Commission. The Commission is aware that hunting has been occurring at the Cranberry Pond Conservation Area for several years and this is an effort to address it. The Commission voted to prohibit hunting but remain open-minded to discussing the development of a hunting policy. He went on to say that they are just listening at this point.

Bob Sacchetti of 40 Eutaw Ave. said he was at the meeting last year and was one of the few who didn't have a problem with hunting. But subsequent to that meeting he came across three sets of deer entrails on the trail. He said the deer biologist who made a presentation last year didn't make the case that there was an overpopulation problem. He has an extensively landscaped lawn and hasn't had any problems with deer eating the vegetation. He went on to say that there is no policing of anything at Cranberry Pond, people leave beer bottles and brandy bottles and deer entrails on the trails.

Mr. Murphy asked how the hunters are getting into the area. Mr. Sacchetti said he asked them to park somewhere else besides the Eutaw entrance and he has seen their vehicles in Holbrook by the powerline.

Mr. Flynn asked how many different hunters he has seen and if he has seen them consistently over the years. Mr. Sacchetti said he has seen hunters entering the area sporadically over the years but that he sees the blinds all the time.

Ms. Feldman said that the Commission will only allow hunting if there is overpopulation and that the Commission wants to manage and police the area.

Mr. Flynn said that the Commission voted to prohibit hunting and that still stands. He also said that the Commission knows there are issues which require policing and that they intend to put a seasonal ranger on weekends/evenings. The question is: should there be any hunting (whether it's one day a year or five days a year).

Mr. Sacchetti said that there should not be any hunting where hikers and walkers go and that no one has proven any overpopulation problem.

Mr. Flynn said he wonders if the hunting that has occurred has kept the population in check and if we will see an increase in numbers with it prohibited.

Staff recapped her walk with the biologist from the Fisheries and Wildlife last year. The biologist said that she did not see evidence of overbrowse or overpopulation but made the point that the hunting which has been occurring has probably been keeping the population in check. She also made the point that the Commission should proactive rather than wait until there is a problem.

Mr. Murphy said that as a police officer in 2001 he filed a report with Fish and Wildlife on roadkilled deer in Braintree and there were only seven. In 2008 there were twenty-one. He obtained the 2008 information from the animal control officer who is the one who removes the carcasses from the roads.

Mr. Sacchetti said if there is a need to control the deer population it should be open for hunting for one day and not occur through the whole season. He said it should be something like the goose hunt in which the restriction against firearm use is lifted for a day or two. He said Cranberry Pond Area is a very small park which the neighbors police.

Jean Guglielmi of 77 Braemore Road asked how a Special Use Permit would work and said that there should be more public notification of the Commission's discussions.

Mr. Flynn said that if the Commission decides to go ahead with issuing permits they would have to construct a process for that and decide whether to limit it to certain days or hours.

Mr. Murphy said he would suggest limiting it to six or seven people. He also said people should call the environmental police if they witness game violations.

Ms. Feldman said she would be opposed to opening the area for the whole hunting season since people use the area to walk.

Mr. Sacchetti said it would be more efficient to close the area for 3 or 4 days and allow guns to cull the herd.

Mr. McMorrow said he gets the impression people are talking about two different things. There needs to be additional enforcement because people are already breaking the rules. He also said the Cranberry Pond land is contiguous to a larger area and that hunting on it might have an effect on the larger system.

Ms. Guglielmi said she wants every possible option for managing deer populations explored and professionally trained, non-biased opinions on deer levels. She would like the whole town informed and the Commission to get the opinion of the whole town.

Ms. Feldman said she wants people to be able to continue to use Cranberry Pond area as a park and that the Commission is trying to gain control of their land.

Kevin Cocoran of 366 Plain St. said he is a bow-hunter and that bows go only 30-35 yards at most. He said he is aware of a large herd of deer behind the Plain Street cemetery, at least 20. And another 15 or so deer behind the dump. Mr. Flynn asked Mr. Cocoran if he has observed an increase in the number of deer in town. Mr. Cocoran said he has seen an incredible increase. He also mentioned turkey hunting. Ms. Feldman asked about if turkey were hunted from tree stands. Mr. Cocoran said most people don't use tree stands for turkey because they aren't necessary. Ms. Feldman said it was her understanding that one must be in a tree stand to shoot a bow and arrow so that the arrow goes into the ground.

Renee Sacchetti of 40 Eutaw Road said they live in Braintree next to a walking area and are not comfortable with having hunters there. She said it is unrealistic to think the Commission can limit it.

Ms. Feldman said the area first has to be patrolled before they can give out permits. She asked staff to call Framingham and other towns to see how they police their conservation land.

Ms. Sacchetti asked for clarification as to whether people are allowed to hunt on conservation land. The Commission replied no, people are not currently allowed to hunt on conservation land.

Ms. Guglielmi said the property lines between the Commission land, Devon Woods land and Holbrook are not evident on the ground and that it is important for the public to hear about this issue.

Ms. Sacchetti asked about the plans for a ranger. Mr. Flynn replied that the Commission had approved funding for a summer ranger the timing did not work out but they still plan to pursue this.

Ms. Guglielmi said that somebody has placed fill at the beginning of the trail, near the entrance and that someone has dug a trench by the trail to drain the large puddle on the trail toward the bog.

Mr. Flynn said he would like to continue the discussion to the next meeting and invite town officials : Parks, DPW, Police, Councilors, Dog Officer, and the Pond Meadow Rangers.

Mr. Flynn said that there is an enforcement/policing problem which needs to be addressed and suggested asking for a police detail to patrol the area on foot occasionally.

Staff asked for clarification from the Commission as to posting the regulations. She is going to enlarge the Rules and Regulations, laminate them and nail them to trees (until we have message boards) at the entrances to the large conservation areas and where the trails enter our land. She suggested also buying some of the black and orange "no hunting" signs and posting those. The Commission felt that the Rules and Regulations were sufficient.

### **Approval of Minutes**

Motion by Mr. McMorrow, second by Mr. Hobin, to approve the minutes of September 10, 2009.  
Vote: 6-0.

### **Motion to Adjourn**

Motion by Mr. Murphy, second by Mr. Weinberg, to adjourn the meeting at 9:08. Vote: 6-0.