

Department of Planning and Community Development

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Mayor Joseph C. Sullivan

Braintree Conservation Commission

Heather Charles Lis, Chair
Donald Murphy, Vice-Chair
Alan Weinberg, Clerk
Joyce Albrecht
Kevin Bears
Diane Francis
Gail Poliner-Feldman

Staff: Kelly Phelan

CONSERVATION COMMISSION MINUTES THURSDAY, APRIL 5, 2018, 7PM TOWN HALL- JOHNSON CHAMBERS

Present: Heather Charles Lis, Gail Feldman, Gus Murphy Alan Weinberg & Kelly Phelan, Staff

Absent: Joyce Albrecht, Diane Francis

Ms. Charles Lis opened the meeting and noted that Kevin Bears had resigned. She acknowledged Mr. Bears service and effort in leading walks and clean-ups.

Public Hearings

None

APPROVED

OTHER BUSINESS

Update on 205 Elm St. Planting Plan (DEP File #8-635)

Garrett Tunison, wetland scientist, was present with George Clements, the developer of the project. Mr. Tunison said he was working on the ecological restoration part of the project. They treated invasive species in the fall and modified the planting plan. The modified plan includes stabilizing two steep areas of the slope with jute mesh or coconut netting and seeding over it with a conservation seed mix. They will also revegetate the area with a total of 170 native species including lowbush blueberry, sweetpepper bush, arrowwood, nannyberry, spicebush, winterberry, silky dogwood and witch hazel. Tree species include black cherry, red maple, gray birch, red oak and white oak. They will hydroseed a seed mix for dry areas on the upper slope and a conservation mix on the lower slope. Weeding and monitoring for invasives is included.

Ms. Francis asked about public access. Staff said that as part of the permitting process Commission had encouraged but not required access. Mr. Clements said it would be dangerous because of the steep slope down to the river. Staff said there was an incentive built into the conditions; if the public access is provided, the Town would take over the long-term monitoring for invasive species.

Ms. Charles Lis said the invasive s issue would be challenging. Mr. Tunison said he has a good team of landscapers to work with. They did the treatment and will do the planting and follow-up weeding. Ms. Charles Lis suggested it should be planted soon. Mr. Tunison agreed.

Ms. Charles Lis said she remembered that parts were quite steep but an area to the right of the site was less steep and a gazebo had been proposed. She said she was disappointed to hear that access was not going to be provided since it had been represented during permitting that it was likely. She also said this restoration plan is a significant improvement to what was first proposed.

Discussion on Potential Hunting Policy

Ms. Charles Lis noted that this was not a public hearing but that people who wanted to speak could give comments before the Commission started their discussion.

Sergey Ginden said that liability is not an issue; many towns have allowed hunting. He said that bow-hunting is very safe. Bow-hunters shoot down 30 or 40 yards into soil if they miss.

Brian Shaben said there is a lot of misinformation being spread about this topic and he wanted to set it clear that it is only bow-hunting and not firearms. It is three areas the Commission is discussing, not Pond Meadow. Since a fee would not be charged there is not liability and that Hingham did a study and found no casualties from bow-hunting. He also wondered how many people walk trails in these areas. Lastly he said that he recently saw 12 deer at Eaton's Pond Area.

Paul Yovino said there may not be liability but a lawyer can still bring a suit which the Town would have to defend. He said neither speaker at the March 14th forum had data on population levels in Braintree and there needs to be further study on this. He said when Blue Hills allowed hunting they closed off Chickatawbut Rd. He said people and dogs walk the trails all the time. He said if a deer is injured and not killed there is no control where it goes.

Daniel Shaw said Chickatawbut Rd. was shut down because it is the road into the reservation. Also, they allowed shotguns, which isn't the case here. He said there are limited access points to the trails and signs can be posted. He contacted Fish and Wildlife about the liability issue and MGL Ch. 21 Section 17C protects landowners from liability if no fee is charged. He noted an Audubon guide says that deer wipe out many natural plants.

Eric Cohen said he has a dog which is the same color as deer. He would like the signage to be so idiot proof that no one could possibly walk the trails during hunting season without being aware that it is hunting season.

Ali Duveen said she recently hit a deer in her care and that this is evidence of too many. She said the ecosystem is out of balance and she supports hunting.

Demi Kapolis asked why Pond Meadow was not under consideration for hunting. Ms. Charles Lis said that the Commission does not manage that land. It is managed by another group with representatives of both Braintree and Weymouth.

Ms. Charles Lis turned to the discussion by the Commission. Ms. Feldman said the issue was one of land use; between setbacks from houses and roads and wetlands and trails it is not clear that we have enough land area. She said that Hingham required 150 foot setback from trails and our trails are within the only areas available for hunting due to the other setbacks. She said bow-hunting alone is not enough to cull the herd anyway. She said it is also an administrative problem; we don't have the resources to manage it.

Mr. Murphy said the setback can be changed with landowner permission. He said the Commission needs to develop a policy for the three areas under discussion. He said he was prepared to make a motion to that effect.

Mr. Weinberg said there was a population problem and a policy would give the Town the ability to regulate hunting.

Ms. Charles Lis said she could support hunting at South St. and Cranberry Pond but she was not comfortable with Eaton's Pond. She noted that she had read all of the comments, emails and information received. She said there is an ecological imbalance and overpopulation. She said there has been vegetation monitoring at each area and the findings were of moderate, but significant, impacts at South St. and moderate to high at Cranberry Pond. Eaton's Pond also had a moderate impact but was overall the least impacted area. She negative impacts to forest regeneration were something to take seriously. She also commented on deer-vehicle collisions, Lyme disease impacts, and safety of hunting.

Ms. Feldman said everyone knows there is a problem but our land has tiny areas and you can't cull the herd with a few hunters.

Ms. Charles Lis said it has been suggested that they bring in sharpshooters to hunt over bait; the Commission is taking a middle road by allowing bow-hunting. She said immunocontraceptives are effective in closed environments but extremely expensive. She said the recreational statute does limit liability and it is a well-tested statute.

Motion by Mr. Murphy to develop a policy to allow hunting and have it in place before the next bow-hunting season. Second by Mr. Weinberg.

Discussion

Ms. Feldman said we haven't done the work to look at the land.

Ms. Charles Lis read the options could be included in a policy such as limiting the number of hunters, limiting the number of days, marking out areas, permitting at certain conservation areas, allowing as a pilot program, etc.

Roll Call Vote: Mr. Weinberg in favor, Mr. Murphy in favor, Ms. Charles Lis in favor and Ms. Feldman opposed. Vote: 3-1-0.

Ms. Charles Lis said that it is preferred to have a majority of members rather than just a majority of a quorum but this is acceptable to for the motion to pass. She noted that she had spoken to Ms. Albrecht who was unable to attend the meeting but indicated that she was in favor of developing a policy to allow hunting.

Community Preservation Committee Update

Ms. Charles Lis noted that since Mr. Bears resigned and he was the Commission's appointee to the Community Preservation Committee (CPC) a new appointee to that committee would be needed. All of the members present expressed that they would not be able to make a commitment to attending the committee's meetings. Ms. Charles Lis noted that she had asked Ms. Albrecht if she would be interested and she is not able to make the commitment. Ms. Charles Lis suggested Ms. Francis may be willing to consider it. Staff noted that there is a land acquisition project on the CPC's upcoming agenda (4/9/18) and it is important to have Conservation Commission representation at the meeting. Ms. Charles Lis agreed to temporarily be the appointee if Ms. Francis is not interested.

Motion by Ms. Feldman to appoint Ms. Charles Lis to the Community Preservation Committee but if Ms. Francis is available for Monday evening's meeting, that she be the appointee. Second by Mr. Murphy. Vote: 4-0-0.

Open Space and Recreation Plan Update

Staff noted that the plan has been sent to the state Executive Office of Energy and Environmental Affairs for the required review as well as to the Metropolitan Area Planning Council for their required review.

Approval of Minutes – March 1, 2018 and correction to December 7, 2017

Motion by Mr. Murphy to approve the March 1, 2018 minutes. Second by Mr. Weinberg. Vote: 4-0-0.

Ms. Feldman said she was not represented accurately in the correction to the December minutes. She will review with staff for the next meeting.

Other

None

Adjourn

Motion by Mr. Murphy to adjourn the meeting at 8:45 PM. Second by Mr. Weinberg. Vote: 4-0-0.