

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
Diane Francis
Gail Poliner-Feldman
Christopher Hayward

Staff: Kelly Phelan

CONSERVATION COMMISSION MINUTES THURSDAY, MAY 3, 2018, 7PM TOWN HALL- JOHNSON CHAMBERS

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

Absent: Diane Francis

APPROVED

Ms. Charles Lis opened the meeting and welcomed new member Christopher Hayward. She noted that Mr. Hayward has extensive background in conservation as well as experience with historic preservation and is also a MA certified arborist.

Public Hearings

Notice of Intent DEP File # 8- 664 2 Garden Park/2 Garden Park Realty Trust

Ms. Charles Lis noted that the applicant had requested a continuation to the June meeting. She said the NOI was filed as part of enforcement order and that a continuation did not have to be granted; however, the continuation was requested to address comments in the staff report which is appropriate.

Motion by Ms. Feldman to continue the hearing to the June 7th meeting. Second by Mr. Weinberg. Vote: 6-0-0.

Notice of Intent DEP File # 8 - 661 144 Allen St. /Bogan Property Management

This hearing was not opened due to the public notice not running in the Patriot Ledger. It will be opened at the June 7th meeting.

OTHER BUSINESS

Discussion on Hunting Policy

Ms. Charles Lis noted that the Commission voted at the last meeting to develop a policy for hunting. The specifics such as which areas, how many hunters, time frame, etc. will be worked out by the Commission.

Ms. Charles Lis said she had not asked staff for comment at the previous meeting but intended to. She asked staff for comment at this time. Ms. Phelan said there is evidence of overpopulation with the vegetation monitoring and observations by the US Forest Service botanist. Maple-leaf viburnum within at Cranberry Pond Area has been browsed back from 8 inches to 4 inches in six years. Oak, red maple and hemlock are not regenerating at South St. She said these impacts are concerning. She said she supports taking the recommendation of the MA Division of Fisheries and Wildlife to allow hunting.

Ms. Charles Lis also asked Ms. Albrecht, who was not present at the last meeting, for comment. Ms. Albrecht said she takes the science into account and there is evidence of overpopulation. She supports allowing hunting.

Ms. Charles Lis said she wanted to address safety and the visitor experience. She said she would not have voted to allow bow hunting if she thought it wasn't safe, and has walked with her children at conservation areas in other communities which allow hunting and you would never know.

Ms. Feldman said that she had suggested in an email to staff a study that she felt was necessary for a basis of a policy. Ms. Feldman said she had contacted DCR and others concerning policies on hunting. Ms. Feldman said that staff had responded to only some of her concerns and questions on the outline offered at this meeting. Ms. Feldman said that no policy is possible without looking at the land, all set backs, not just for hunting but for dressing the deer and safety for people who use the trails. Without actual acreage, one cannot know number of hunters. She noted that we already have hunting in Braintree on 77 acres of Blue Hills land. Regarding vegetation she noted that Blue Hill has to rely on its 4 days of gun killing to effect herd size. She said the Blue Hills 11 days of archery hunting only killed 10 deer. Ms. Feldman said that with our small land size and limited number of hunters allowed, it is ridiculous to believe that we will be effecting the vegetation.

Mr. Murphy suggested each member draft a policy and then work to combine them. Mr. Weinberg and Ms. Feldman agreed.

Mr. Weinberg said he agreed with Mr. Murphy that each member write up a policy. He said the science is there. He has walked these areas for 30 years and has seen the changes in the forest.

Ms. Charles Lis and Ms. Albrecht said they did not have time to draft a policy at home and preferred to discuss this issue at the meeting with all of the members. Staff said they have the building blocks for a policy. They know how many acres are in the setback areas. The Division of Fisheries and Wildlife recommends 1 hunter per 15-20 acres. They have

examples of policies from four towns as a starting point. She noted that Hingham is the only town of the four that requires a setback from trails.

Ms. Feldman said that other setbacks are needed. All towns require entrails to be buried more than 100 feet from a trail. She also spoke to digging up areas around wetlands, 25 feet set back from wetlands. She also asked rhetorically if hunters will find the small areas after these setbacks and restriction worth the time of setting up ladders and taking them down.

Ms. Charles Lis said she agreed that entrails should be buried at least 100 feet from trails or wetlands. She noted the difference between burying entrails and actually hunting – no towns restrict hunting in the buffer zone to wetlands; only burying entrails there. She asked staff to create maps that show the 100 foot setback from trails.

Robert Keddy, a hunter who was present in the audience, said that hunters shoot 60 feet on average up to 90 feet maximum. He said there is minimal footprint from hunting with hang-up type stands attached with ratchet strap steps.

Ms. Charles Lis asked members their opinion on a setback from trails. Mr. Murphy, Mr. Weinberg, Ms. Albrecht and Ms. Lis said 100 feet was reasonable.

Mr. Murphy noted permission can be granted by a property owner to allow someone to hunt in the setback area. Ms. Feldman said that would be between a hunter and property owner.

Ms. Feldman said she spoke to DCR about the Blue Hills Hunt. She was told that very few deer are killed with one shot and they run away and it takes several hours to track them. She said tracking along trails or private property is a problem as people should not have to see a wounded deer. She asked a hunter in attendance how one tracks deer after a shot.

Brian Shaban, a hunter in the audience, said that a wounded deer will find cover and lay down, rather than wandering around. He waits an hour to four hours (depending on the indicators he sees) for the deer to die and then recovers it. If the deer has not died the hunter will put it down with a knife

Ms. Charles Lis asked what he does if he can't find the deer. Mr. Shaban said he calls the Environmental Police. Ms. Charles Lis noted that DCR regulations state that the Environmental Police should be called. Mr. Shaban said it is required by state hunting law. Ms. Feldman noted that we have no rangers or way to enforce this.

Mr. Shaban also said he doesn't bury the entrails and they are gone within a few hours as other animals eat them. Ms. Charles Lis noted that Burlington just required covering them.

Ms. Charles Lis noted the requirement for bow-hunting certification. Mr. Keddy said that is a requirement of state law, except for those who were grandfathered in when the requirement was added. Ms. Charles Lis said the Commission could require it, regardless.

Ms. Feldman said we don't know how many hunters our land could support. Mr. Murphy said the rule of thumb from the state is 1 hunter per 15-20 acres. It is not a requirement but a guideline. Ms.

Feldman without the actual land size we can not determine how many hunters. Once again we are putting the cart before the horse. How can you determine how many hunters if you don't know land area?

Ms. Feldman said that number won't effectively reduce the deer population.

Ms. Charles Lis noted that some towns require a proficiency test. It is administered by a volunteer hunter who is known to the Commission and trusted. Mr. Keddy volunteered to do that. He said Dover also requires it; the test is hitting a pie plate sized target from 20 yards. The Commission agreed that a proficiency test would be beneficial.

Ms. Charles Lis asked if the permits should be limited to Braintree residents. Mr. Murphy said they should and estimated there are only 15 or 20 people that want to hunt. Ms. Feldman said that the discussion on permits for out of town residents is ridiculous as number of permitted hunters will be very small because of the land size already noted and more setbacks to be made. Ms. Charles Lis noted that archery may not significantly reduce the herd but Fisheries and Wildlife recommends it to stabilize the population.

Ms. Charles Lis asked the other members whether they thought the policy should limit the number of days or be open for the whole hunting season. She also suggested excluding another day of the week in addition to Sundays. Mr. Weinberg, Ms. Albrecht, Mr. Murphy, Mr. Hayward said it should be open for the whole season. Ms. Feldman noted that even at Blue Hills they limit bow and arrow hunting to a total of 11 days. Ms. Feldman asked how long the state season is (3 months). She expressed concern about the whole season and trail walkers. She noted that she had attended the meeting on open space and residents had wanted more trails for quality of life.

Mr. Shaban said they could ask for more doe permits. He said the antlerless deer permits are awarded by lottery and you can get more if they are not all allocated.

Ms. Feldman asked who would administer the hunting policy in Braintree. Mr. Murphy said he would.

Mr. Hayward said the policy could be revisited in the future and adjusted based on the results.

Several other policy elements were discussed.

Some towns require a tree stand ID tag and some also require the permit number on the dashboard of the hunter's car. Mr. Murphy said the dashboard tag was too much. Ms. Feldman said parking is an issue at our conservation areas and it could be helpful.

Signage at entrances with dates of hunting season should be required. Mr. Weinberg suggested the possibility of a "robocall" from the Mayor's office.

State hunting regulations permit hunting a half hour before sunrise and half hour after sunset. Our conservation land regulations limit access to between dawn and dusk; this should be amended to

allow access two hours before sunrise and one hour after sunset to allow hunters to get to their stands.

DCR does not wildlife cameras allow at the Blue Hills. H. Charles Lis said she would prefer to restrict camera use. Mr. Murphy said they should be allowed as they help hunters be more effective, and other Commissioners did not object. If allowed, tags should be on the cameras.

Ms. Charles Lis said she had spoken against hunting at Eaton's because the vegetation impacts are less there. Ms. Feldman noted again that the amount of land and additional setbacks not yet made make Eaton's Pond and hunting an unlikely situation. Besides there is little to no impact on vegetation according to the expert. To consider Eaton's Pond is ridiculous as there is no space no environmental impact confirmed.

Ms. Charles Lis noted the setback acreage of the three areas. There are no marked trails at South St.

Ms. Albrecht said they should look further at the setbacks. It is tougher to manage because of the trails.

Mr. Weinberg suggested moving on the rest of the agenda.

Carole Mahoney who lives near Eaton's Pond Area said she had been waiting for an opportunity to speak. She said there are a lot of wetlands there and only three deer left; probably because of coyotes. She said she never would have sold any land to the Town if she knew they would allow hunting. She said there should not be hunting at Eaton's Pond Area.

Steve Carlson, who lives near the South St. land, said he runs in that area and at Cranberry Pond and is concerned with the feasibility and effectiveness. He said the areas are quite small and deer will learn to stay out of the hunted areas.

Summary of discussion:

GIS mapping of 100 foot setback from trails is needed and will be completed by staff.

Components to be included in the draft policy are:

1. 100 foot hunting setback from trails.
2. Environmental Police and Town staff notified of wounded deer.
3. Entrails covered if they may be visible and not left within 100 feet of trails or wetlands.
4. No hunting setback from wetlands but encourage to use caution in sensitive areas.
5. Braintree residents will have first priority on permits.
6. Number of permits to be determined.
7. Wildlife cameras are allowed and must be tagged.
8. Mr. Murphy and staff will administer the policy.
9. Extended hours to allow access two hours before sunrise and one hour after sunset
10. Tree stands and ladders must be tagged and may not be affixed to trees, but must be removed each day after hunting.
11. Require bow hunting certification and proficiency test.

12. Hunting to be allowed during the state hunting season.
13. Hunters must report deer taken to Town staff.

Ms. Charles Lis noted that several public hearings for development projects will be on the next agenda and that there may not be time to continue this discussion until a subsequent meeting.

Open Space and Recreation Plan Update

Staff noted that the state Executive Office of Energy and Environmental Affairs responded with comments and requested some additional information. Staff will compile that. She said it is a last chance to include anything that was not included which should have been. She said she planned to include the need for funding for additional ranger hours to help address the homeless camps at Eaton's Pond. This has been an ongoing problem and is off to a bad start this spring with several camps set up. She also plans to add the need to begin consideration for Watson adaptation to climate change impacts such as sea level rise.

Eaton's Pond Area

See above

Fore River Estuary

See above

Community Preservation Committee Update

Ms. Charles Lis said that she had agreed temporarily to be the Commission's appointee to the Community Preservation Committee but is not able to accommodate another night meeting at this time. All of the other members said they are not able to commit either.

Ms. Charles Lis noted that the land acquisition on the CPC's April agenda was approved and it will go before the Town Council.

Approval of Minutes – April 5, 2018 and correction to December 7, 2017

Motion by Mr. Murphy to approve the April 5, 2018 minutes. Second by Mr. Weinberg. Vote: 5-0-1 with Mr. Hayward abstaining.

Motion by Mr. Murphy to approve the corrected December 7, 2017 minutes. Second by Mr. Weinberg. Vote: 5-0-1 with Mr. Hayward abstaining.

Other

None

Adjourn

Motion by Mr. Weinberg to adjourn the meeting at 8:53 PM. Second by Mr. Murphy. Vote: 6-0-0.