

APPROVED



Department of Planning and Community Development

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Christine Stickney, Director
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Mayor Joseph C. Sullivan

**CONSERVATION COMMISSION
MEETING MINUTES
THURSDAY, JUNE 11, 2009 7PM**

FLETCHER HALL – TOWN HALL

Members Present: Patrick Flynn, Chair
Gail Feldman
Matthew Hobin
Alan Weinberg

Staff: Kelly Phelan

Notice of Intent 8-589

Applicant: Algonquin Gas, LLC

Location: Segment 1 and Segment 2

Mr. Flynn noted the receipt of a letter from Algonquin stating they withdraw their application for the new pipeline project.

Motion by Mr. Weinberg, second by Mr. Hobin, to accept the withdrawal of the application and send a letter stating the acceptance without prejudice. Vote: 4-0.

Notice of Intent 8-593

Applicant: Town of Braintree

Location: Bestick Road Area (flood control project)

Staff noted that the Town Engineer requested a continuance to the next meeting. Motion by Mr. Weinberg, second by Mr. Hobin, to continue the public hearing to June 25th. Vote: 4-0.

Mr. Hang Choi from 37 Bestick Road was present to hear more about the project. Mr. Flynn suggested he contact the Town Engineer in the meantime. Ms. Feldman suggested he come back to the June 25th meeting.

Bylaw Filing Fee Schedule

Staff proposed increasing the filing fee paid under the Braintree Wetland Bylaw. Currently it is a flat \$75 fee for every project, regardless of its size or complexity. Staff proposed a graduated fee schedule in which larger scale projects pay more, similar to the fee schedule under the state Wetland Protection Act. The Braintree Wetland Bylaw gives the Commission the authority to set filing fees.

Mr. Flynn stated that the large projects require town resources in their review and permitting and that they should pay a larger fee. Ms. Feldman asked for clarification that it is a filing fee and does not involve billing.

Staff explained that the local filing fee goes into the town's general fund but that the town's share of the state filing fee goes into a dedicated account for the administration and enforcement of the Wetland Protection Act. Mr. Weinberg suggested staff ask the Town Solicitor if the local fee can go into a dedicated Commission account.

Motion by Ms. Feldman, second by Mr. Weinberg, to accept the proposed filing fee schedule. Vote: 4-0.

Conservation Land Rules and Regulations

Staff had prepared a set of draft rules and regulations for the Commission's consideration in April. At that time, the Commission decided to move ahead with a public hearing on the proposed rules and regulations. Staff placed a legal ad on tonight's public hearing in the Patriot Ledger newspaper.

Mr. Flynn noted that there is a need to have the rules on the books but that more information on the hunting issue is needed. He proposed additional language for discussion on #7 regarding hunting, specifically regarding the development of hunting policies that may be adopted by the Conservation Commission. He stated that the meeting the Commission held in the fall to hear from the state Division of Fisheries and Wildlife as well as the residents and hunters was productive but that further discussion was needed.

Mr. Flynn suggested that fishing was not an activity would require Commission permission. Ms. Feldman noted that there are limits on herring catch. Mr. Flynn said those were state regulations and right now, no herring at all may be caught. Mr. Weinberg suggested there need to be limits on

the amount of fish caught so that fisheries aren't depleted. Ms. Feldman said the town has a responsibility to make the state laws known. Mr. Weinberg said regulations will only apply to the land that the Commission manages. Mr. Flynn suggested posting the state regulations next to our own regulations.

The Commission went through each of the seven draft regulations. No changes were made to 1, 2, 3, or 5.

Regulation number 4 was amended to eliminate "please pack out your trash" and will read as follows. *"Depositing or leaving rubbish, litter, demolition or yard debris, garbage, excavated fill or any other waste is prohibited."*

Regulation number 6 was amended to include animals and will read as follows. *"Plants and animals may not be removed other than for scientific purposes as specifically authorized by the Conservation Commission, or for the control of invasive species or for trail maintenance or improvement as carried out by the Conservation Commission or its designees."*

Regulation number 7 was amended to read as follows. *"Hunting and trapping are prohibited without the express written consent of the Conservation Commission. The Conservation Commission reserves the right to allow limited bow hunting pursuant to hunting policies that may be adopted by the Conservation Commission at a posted public hearing. In the event that the Conservation Commission issues a Special Use Permit to individual hunters, all applicable state hunting laws shall apply and notice of hunting shall be posted at the entrance to the conservation area. [Note: in all cases, Braintree General Bylaw Section 9.16 prohibits the discharge of any firearm.]"*

The language on fines recommended in the Town Solicitor's 6/10/09 email will be incorporated as will the office phone number and note to report violations to the police.

Motion by Mr. Weinberg, second by Mr. Hobin, to adopt the rules and regulations as amended.
Vote: 4-0.

Staff said she would work on getting bulletin boards or other sign boards at the conservation land entrances.

Conservation Intern/Ranger

Staff provided the Commission a job description and comments from the Town Solicitor on the process for hiring a seasonal intern.

Ms. Feldman stated her interest in having the intern provide education and plant identification.

Mr. Flynn proposed in addition to monitoring conservation land the following responsibilities:
develop and present interpretive programs for the general public;
document rare and endangered plant and animal species and habitats;
provide an end-of-season report to the Conservation Commission.

The Commission agreed that staff should move forward with getting the revised description reviewed by the Town Solicitor and Human Resource Director and posting and advertising the position as soon as possible.

165 Pond Street

This rear two-thirds acre of this parcel (which fronts on Sunset Lake) was recently acquired by the Town for conservation purposes. Staff asked the Commission if they are interested in encouraging public access to it by creating a gravel parking space and putting out a bench. Mr. Flynn suggested a site visit. Staff will coordinate the time.

42 Harding Ave.

Staff received a call from the owner of the house at 42 Harding Ave., who asked if the Commission would remove overhanging branches. The Commission oversees the parcel adjacent to #42. Trees growing on the Commission's land overhang the yard at #42 and drop leaves and seed pods into their pool. Mr. Flynn suggested the owners be given permission to prune the overhanging limbs at their own expense, as the Commission has limited funds for tree maintenance activities.

Taber Court

Staff contacted the owner of an undeveloped lot on Taber Court to see if he would be interested in selling the property to the Town. The lot is used as a contractor's yard and currently is being used as a staging area for a road project. The owner expressed interest in selling. Staff suggested the Commission consider getting the property appraised and applying to the Community Preservation Committee for funding. Mr. Weinberg suggested that the appraisal could be used as the basis for a tax deduction for the property owner, should he wish to donate the land. Mr. Flynn and Ms. Feldman noted that it would be a step toward the restoration of the Monaquot River. The Commission will visit this site.

153 Edgehill Road

Last summer, staff learned that the resident was clearing and filling the town-owned property to the rear of his own. Because the area is within Commission jurisdiction (the 200' riverfront area of the Fore River) staff had him stop clearing and remove the fill. Recently he loamed and seeded this area and appears to use it as an extension of his own yard. The property is under the management of the Park Dept. However, the maintenance of park land now falls within the DPW. Staff asked for guidance from the DPW and former Parks Department Director as to how they would like to address this encroachment. Mr. Weinberg noted that the Tolland trail, which connects Smith Beach to Watson Park, passes through this area. Mr. Flynn suggested the owner attend the next meeting and the Commission visit the site.

Union Street Repaving

The Town Engineer requested (via staff) clarification from the Commission that the proposed resurfacing of Union Street is considered a maintenance activity. A wetland area is within 100' of the resurfacing. The plan provided by the Town Engineer shows haybales to protect the wetland from any potential impacts.

Motion by Mr. Weinberg, second by Mr. Hobin, to consider the resurfacing of Union Street a maintenance activity and not require an application. Vote: 4-0.

Tree Planting

Staff noted that the trees which recently received the aeration treatment from Bartlett Tree has responded well and are doing much better. Staff would like to have Bartlett provide this treatment to three other areas of plantings – the Bradford pears in the tree pits in the squares, Dyer Park and Lincoln Park. The total for these three areas (approximately 30 trees) would be about \$1800. Staff requested the Commission fund this from their tree account. Mr. Weinberg suggested quotes from other tree companies be obtained.

Approval of Minutes

Mr. Weinberg noted a correction needed to the May 28th minutes. He left the room during the vote on 57 Jersey Ave. and did not vote on that matter.

Motion by Ms. Feldman, second by Mr. Weinberg, to accept the minutes of May 28 as amended above. Vote: 4-0.

Motion to Adjourn

Motion by Mr. Weinberg at 9:07 PM, second by Mr. Hobin, to adjourn the meeting. Vote: 4-0.