

**APPROVED**



Mayor Joseph C. Sullivan

**Department of Planning and Community Development**

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**CONSERVATION COMMISSION  
MEETING MINUTES  
THURSDAY, SEPTEMBER 10, 2009 7PM**

**FLETCHER HALL – TOWN HALL**

**Request for Determination of Applicability**

366 Pearl Street/Judith Brown

Members Present: Patrick Flynn, Chair  
Gail Feldman  
Matthew Hobin  
Gus Murphy

Staff: Kelly Phelan

Staff explained Ms. Brown's proposal for an in-law addition to an existing single-family house at 366 Pearl St. The addition is proposed within the 100 foot buffer zone to wetlands and the proposal includes clearing trees up to 50 feet from the wetland to create lawn area. Staff recommended issuing a negative determination of applicability, with conditions to install erosion control/limit of work at the 50 foot buffer and to contact staff prior to the start of work. Staff also noted the issue of the tree policy

The applicant provided the Commission a copy of the site plan.

Ms. Feldman noted the issues raised in the staff report and asked how many trees would be removed. Ms. Brown said no more than 6 or 8 large trees, the rest of the wooded area is brush and shrubs. Discussion ensued on the tree policy. The policy allows for an exemption for single-family lots.

Motion by Mr. McMorrow to issue a negative determination of applicability with the conditions as recommended. Second by Mr. Murphy. Vote: 6-0.

**Request for Determination of Applicability**  
Off Middle Street/William Crispin

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

Staff: Kelly Phelan

Brian Donohue of Goldman Environmental was present representing William Crispin, the owner of the approximately twenty-seven acre parcel of land off Middle Street, formerly known as Arnold Meadow.

[\*Note: Mr. Weinberg arrived at this point and Mr. McMorrow shortly thereafter.]

The proposal is for preliminary small borings to establish if there is the potential for a new public water supply.

Ms. Feldman asked who the potential water supply was for. Mr. Donohue replied that Mr. Crispin had asked Goldman Environmental to look for potential uses for the property. They believe the property has a thick gravel aquifer. Mr. Flynn asked if they would be selling the water. Mr. Donohue replied that there was the potential for Braintree to buy it or for a Dalton (water company) type of use. At this point they are just trying to determine the thickness of the saturated zone.

Ms. Feldman noted that it is next to the Monatiquot River. Mr. Weinberg said he is very familiar with the property because the town had tried to acquire in the past. Mr. Flynn said he was familiar with the property because it came up during discussions on the recent river herring study. Mr. Donohue said that he had stocked the Monatiquot River with herring eggs from the Weymouth thirty years ago with a permit from DEP.

Mr. Donohue explained the methods they proposed to do the exploratory borings and wells. Access to the site would be from Route 3 North using a gravel turn out area. Flexible mats would be placed over the marsh for the equipment to travel across. The drill material will be taken for study.

Staff had recommended issuing a negative determination with conditions, including that mats be used for all travel through the wetland.

Motion by Mr. Murphy, second by Ms. Feldman, to issue a negative determination of applicability with conditions as recommended. Vote: 6-0.

## **Other Business**

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

Staff: Kelly Phelan

### **Land Acceptance – 165 Pond Street**

Staff gave the background of this matter. The Town purchased the property with Community Preservation funds in 2007 and divided it into two lots; the back lot on Sunset Lake for conservation purposes and the front lot with an existing house to be sold as affordable housing. In August the Town Council voted to transfer the back lot to the Conservation Commission for conservation purposes.

Mr. Flynn noted that some members of the Commission had visited the land and that he supported this acceptance.

Motion by Mr. Weinberg, second by Mr. Murphy, to accept Lot 2 at 165 Pond Street for conservation purposes under G.L. Ch. 40 Section 8C. Vote: 6-0.

### **Pond Meadow application for Smelt Brook**

Staff explained that the Commissioners of the Weymouth-Braintree Regional Recreation-Conservation District (aka Pond Meadow Park) are applying for technical assistance from the state Riverways Program. They are requesting design work for a bypass of a perched culvert in order to allow smelt to move upstream to additional spawning habitat. They requested a letter of support from the Conservation Commission for this application. Staff drafted a letter for the Chair to sign, basically stating that the Conservation Commission supported nomination of Smelt Brook as a priority site for technical assistance.

Motion by Mr. Murphy, second by Mr. Weinberg, to support Pond Meadow's application for Smelt Brook. Vote: 6-0.

### **Approval of Minutes**

Motion by Mr. Weinberg, second by Mr. Murphy, to approve the minutes of August 13, 2009. Vote: 6-0.

## **Conservation Land Message Boards**

Mr. Murphy said that he spoke with the leader of Troop 138 and there is someone who is interested in constructing message boards for his eagle scout project. Mr. Murphy said he will work with the scout to construct several message boards for conservation land entrances.

There are four major areas of conservation land: Cranberry Pond Area, South Street Area, Eaton's Pond Area, and the Cedar Swamp. Staff recommended only the first three need boards because there aren't trails or feasible access to Cedar Swamp. Mr. Weinberg recommended that a message board be put at the Devon Woods entrance to Cranberry Pond and suggested one be made for the Town Forest as well. Staff noted that Councilor Clifford had applied for Community Preservation funds for a message board at the Town Forest entrance.

Motion by Mr. Weinberg, second by Mr. Murphy, to spend up to \$1000 on construction materials for conservation land message boards as part of an eagle scout project. Vote: 6-0.

## **Conservation Land- Development of a Hunting Policy**

Mr. Flynn noted that the Commission had passed regulations at their June 11, 2009 meeting to prohibit hunting on land managed by the Conservation Commission. As it stands, hunting is prohibited. However, the Commission promised last year during the hunting discussion to stay open minded and consider management through a limited and highly-controlled hunting program. Therefore, the Commission is opening up the conversation again to consider hunting for the natural resource benefits, understanding that it is controversial and in a highly-populated town.

Jean Guglielmi of 77 Braemore Road read a letter outlining her views on the hunting discussion. In summary, she is strongly opposed to allowing hunting for a variety of reasons including safety, notification process and because it would prevent people from using the ACEC area for the purposes for which it was established. Ms. Guglielmi provided a copy of the letter to the Commission and sent it to the Councilors, Police Chief and Mayor.

Ms. Feldman said that the Commission would not do anything unless they know of an overpopulation problem. She referred to Framingham's hunting policy which was adopted because of such problems and noted that it was an effort to control the situation.

Mr. Murphy said that hunting with a firearm is not allowed in Braintree and that if anyone sees that they should call the police. He also said that, in his experience as a Braintree police officer, the Town has a problem with deer. He has personally taken up to 7 deer a year from the roads.

Ms. Guglielmi said that at the Commission's meeting last fall the police officers who attended said there were very few deer road kill. Mr. Murphy said that they only get logged if the vehicle which hits it is still there. The carcasses which are removed from the road don't get logged.

Mr. Weinberg said that he is not a hunter but that he respects hunting as a management tool. He said based on the information from Division of Fisheries and Wildlife, there is a problem with deer overpopulation and ticks. He said the Commission has good intentions.

Marie Manning of 37 Aspinwall Road said that she was happy to see the June 11 regulations which prohibit hunting and that she is in agreement with Jean for the same reasons. She said that the person who was here from Division of Fisheries and Wildlife last year suggested waiting until there was a problem with overpopulation.

Mr. Flynn said he was the superintendent of the Blue Hills reservation for several years. When he first started in the late 1980s there were no deer. The first deer arrived in 1992-93 and by the time he left in 2003 there was a very large population and problems with them eating all of the understory vegetation and deer ticks. He also said that auto collisions with deer becomes the population control and feels that is a stupid way to manage population. He asked Ms. Manning what she has noticed in terms of the deer population around her neighborhood.

Ms. Manning said that she has been in her house for 17 years and that there are definitely more deer now than when she moved in but that it is not a problem. She added that she hit a deer on Liberty Street about 7 years ago. She said she is very happy with the no hunting rule as it stands.

Ms. Guglielmi said she heard the Commission's discussion on message boards and asked if the regulations would be posted on them? Mr. Flynn replied that the regulations would be posted on the message boards and that the Commission is committed to a part-time, seasonal ranger for rules education and general presence in the woodlands. He went on to say that if the Commission entertains hunting it will be highly restricted and well publicized.

Ms. Guglielmi said it would be impossible to notify everyone who might walk in the woods about hunting because people enter from different areas, different towns and some from their backyards.

Mr. McMorrow said that what he heard from the Division of Fisheries and Wildlife at the meeting last year was that there is an overpopulation problem. He said if the Commission decides to move forward on a hunting policy it would be highly regulated and include notification procedures.

Mr. Flynn said that if the Commission gets to the point of developing a hunting policy, the notification will be much more intense. He said that comments could be sent to staff and that the discussion would continue at the next meeting.

### **Motion to Adjourn**

Motion by Mr. Murphy, second by Mr. Weinberg, to adjourn the meeting at 8:40PM. Vote: 6-0.