

Conservation Commission Public Meeting – April 20th 2017 Minutes

TIME: 7:28 PM

LOCATION: Police Headquarters

MEMBERS PRESENT: T. Ruskin, T. Bandrowicz, M. Andler, M. Tamborini

Absent: J. Simon-Lento, R. Salter

Chairman of the Commission T. Ruskin called the April 20th meeting of the Conservation Commission to order at 7:28 PM.

T. Ruskin read an opening statement to the audience present. The statement outlined the Conservation Commission's mission, and outlined the Commission's responsibilities regarding the Massachusetts Wetland Protection Act. T. Ruskin concluded the statement by explaining that there were four members of the Commission present, which constitutes a quorum. T. Ruskin also mentioned there was a sign-in sheet being passed around as well.

T. Ruskin stated to the audience that he understood there are many residents present at the meeting for the hearing on the Notice of Intent, which is asking for the allowance of beach fires on Fisherman's Beach. But, T. Ruskin explained that in the essence of time and efficiency the Commission would hear a presentation by a Swampscott Boy Scout first, and then move forward from there.

EAGLE SCOUT PRESENTATION

T. Ruskin calls forward the Scout, Duncan Page.

Mr. Page explained that he is proposing, as part of his steps to becoming an Eagle Scout, the re-blazing, clearing, and adding a trailhead kiosk at Harold King Forest. T. Ruskin asked Mr. Page to explain what "re-blazing" the trail means, Mr. Page explained it will entail using paint to make better markings for the trail and help with guidance. T. Ruskin asked what kind of paint Mr. Page the project would be using, Mr. Page responded that it would be outdoor paint that will last a long time. T. Ruskin asked how long the proposed project should take, Mr. Duncan explained that it should take a couple weekends. M. Adler asked Mr. Page who else would be helping him, Mr. Page mentioned friends and other scouts.

T. Bandrowicz mentioned that the Health Department had made a comment, that they wanted to advise them of the issue of ticks in the forest. T. Bandrowicz mentioned that the Health Department stated they would be happy to meet with Mr. Page and give him a run-down of the tick situation.

At this time, Town of Swampscott Recreation Director, Danielle Strauss introduced herself to the Commission. Ms. Strauss mentioned that she and Mr. Page have been working together on the project, and asked Mr. Page to explain where in Town the forest is. Both Ms. Strauss and Mr. Page explain the forest location, as bordering Salem, and at the back edge of Swampscott. Ms. Strauss explained that you can currently walk on the trail in the forest, but that clearing needs to be done, and that currently the trail is only blazed one way, and the project proposes to blaze the trail both ways. Ms. Strauss also explained that there is one section on the trail, a difficult outcropping of rocks, which Ms. Strauss

mentioned she had spoken with Richard Frankel about the possibility of a smaller secondary path, to be used to get around the rocks. Ms. Strauss mentioned that when the project is completed, the Boy Scouts wish to conduct a guided walk on the path through the forest, on the newly blazed trail. Ms. Strauss mentioned that there is really only one way to blaze the trail, and that is for people to walk it.

A person in the audience asked how long the trail is, the Scouts father, Chuck Page explained it is 1.4 miles long. Another audience member asked if the trail is out and back, to which Mr. Page (the Scout) mentioned it is a loop. T. Ruskin asked for more information on the rock outcropping. Ms. Strauss mentioned that there had been an idea to have a bridge, but that Richard Frankel, the original person who blazed the trail with boy scouts, had possibly figured out a smaller loop to help go around the rocks. Ms. Strauss mentioned that there are deer in the forest, and T. Ruskin mentioned it is a wonderful resource, Ms. Strauss mentioned the nature observable in the forest. T. Ruskin asked what this project does for Mr. Page as a Scout. Mr. Page responded that this project is part of him ranking up to an Eagle Scout, and for that he has to do a large project (which Mr. Page mentioned, this was it). T. Ruskin asked if this is the last piece in his steps, Mr. Page responded there were still some merit badges left for him to get.

An audience member asked about the possibility of incorporating trail etiquette into the project, such as educating users on fire prevention and “carry in, carry out” etiquette. Mr. Page mentioned that there will be a kiosk at the trail head and there could be maps and information posted in it. Another Audience member asked how many Boy Scouts and Eagle Scouts there were in Town. Mr. Page responded there is 25 scouts and 5 are working towards becoming an Eagle Scout.

T. Bandrowicz shows the audience a picture of what the proposed kiosk will look like. T. Ruskin asked if there were any more audience questions. Jim Olevetti, of the Open Space and Recreation Plan Committee, commended Mr. Page’s choice of project and stated the Town will benefit from it. Ms. Strauss mentioned that the project of getting more people up into the forest trails had been on her radar for years, and that she is very excited for Mr. Page’s project.

An audience member asked if there is parking up at the trail head, Ms. Strauss responded that it is in a cul de sac and that there are maybe 5 spaces available. T. Bandrowicz asked if the project includes making the parking lot more accessible. Ms. Strauss replied that she is working on putting down, possibly gravel, at the lot.

T. Bandrowicz mentioned that she had briefly researched reflective medallions to use for guidance on the trail, and wondered if the Commission would support spending money to buy the medallions. Ms. Strauss asked if this would be similar to what was done in Ewing Woods, T. Bandrowicz replied the Ewing Woods medallions are dictate it is Conservation Land, and that these medallions would be for the trail directions. T. Ruskin mentioned there could be hundreds, M. Tamborini asked if they are placed on trails, T. Bandrowicz stated they are. T. Ruskin mentioned that if Mr. Page wants, then the Commission could be amendable to purchasing the medallions.

T. Bandrowicz moved to research this more and discuss further with Mr. Page and Ms. Strauss on the possibility of using the medallions. T. Ruskin asked Mr. Page when he wished to start, Mr. Page stated before summer. T. Ruskin asked the timeline for when Mr. Page would need the medallions, Mr. Page mentioned that he did not know. T. Ruskin stated that this is an offer, and it would not be a requirement, and would be offered if Mr. Page is interested. Ms. Strauss stated to the Commission she

could pass along contact information. T. Ruskin asked for any more comments from the Commission, there was none.

MOTION : by T. Ruskin to approve the project and to appropriate the money if needed for medallions, seconded by T. Bandrowicz, the Commission approved.

MOTION : by T. Ruskin to informally look into the medallions, and to spend the money to purchase them, seconded by M. Adler, approved by the Commission.

Review & Vote – Harold King Forest Land Use & Management Plan

Next, T. Bandrowicz moved to the agenda item regarding a vote on the Harold King Management Plan. T. Bandrowicz explained that the Harold King Management plan was drafted by the Open Space Committee, and that it has gone through all the Town bodies and on public notice since April 14. T. Bandrowicz mentioned that the Open Space Committee received comments, many of which had to do with blazing the trail. T. Bandrowicz mentioned that she wants the Commission to approve this plan. T. Bandrowicz stated that she wishes to add a prohibition against trapping or hunting in the woods.

T. Ruskin asked if anyone had any comments. M. Tamborini mentioned that she liked the prohibition T. Bandrowicz is adding, T. Ruskin agreed. An audience member asked if hunting and trapping are currently allowed. T. Bandrowicz explained that there was a request made to hunt in Harold King, but T. Bandrowicz mentioned that based on the proximity and homes and the hiking trails hunting should not be allowed. T. Bandrowicz also mentioned that Harold King is small, safety reasons and that there is not a need to mitigate the deer population. An audience member mentioned that they second the idea of prohibiting hunting, and that she is passionate for the forest and species growing in them, specifically in Harold King. She mentioned certain species of fungi, and that princess pines grow there while not in other areas. The audience member also mentioned that trail etiquette is important, and that Harold King is a Town gem, and that herbalists from all over love the forest. The audience member mentioned that allowing hunting as well as dogs off leashes could lead to many plant species being walked on. Another audience member asked if areas with the special kinds of plant species are near where is being blazed, the other audience member replied that they would be. An audience member asked if the blazing of the trail could include signs stating do not cross certain areas. Another audience member replied that people destroy this areas by accident. An audience member stated that the plan looks very good, and mentioned the friends of the forest group in Town. T. Bandrowicz seconded that idea, and mentioned that the Open Space committee wants to start a “Friends of Swampscott Conservation Land” which T. Bandrowicz mentioned she hoped might be started this upcoming summer, with the goal of preserving natural areas in Town. An audience member mentioned that there could be, possibly something in the kiosk at the trail head that shows the endangered species, to inform people. An Audience member asked if the 40 acres are owned by Swampscott, T. Ruskin and T. Bandrowicz agreed that it is. T. Bandrowicz explained where the forest is in Town. T. Bandrowicz asked the audience to look at the Open Space plan for more information.

MOTION : by T. Bandrowicz to approve the Harold King management plan, with a hunting and trapping prohibition, seconded by T. Ruskin, unanimously approved.

Discussion regarding funding and fabrication of new signs at Harold King Forest and Ewing Woods

T. Bandrowicz then moved onto another item on the agenda regarding the Harold King Forest as well as the Ewing Woods. T. Bandrowicz explained that the signs at these areas are deteriorating and that she had spoken with Director of Public Works, Gino Cresta, who mentioned that the department would be able to create signs for these designated areas. T. Bandrowicz then showed the Commission and audience example photos of signs in Marblehead. There were no comments from the public.

MOTION : by T. Bandrowicz for the Commission to appropriate money for G. Cresta (Director of Public Works) to buy supplies and a router to construct the signs, seconded by M. Tamborini, unanimously approved.

PHILLIPS BEACH (MASS DEP FILE 71-308) – NOTICE OF INTENT

T. Ruskin then called forth the representatives for 71-308, a Notice of Intent (NOI) filed on behalf of the Town of Swampscott Board of Selectmen to allow beach fires on Phillips Beach. T. Ruskin opens the floor to Selectman Patrick Jones.

Mr. Jones states that this NOI was filed on behalf of the many requests the Town has received to allow beach fires at Phillips Beach. Mr. Jones stated that the Notice lays out the plan to only allow four cooking fires at a time in designated areas along the beach.

Mr. Jones explained to the Commission that he and his family had moved to Swampscott in 2003 to enjoy the ocean, schools, and the Town's natural resources. Mr. Jones explained that in talking with residents who have lived longer in Town, they stated that in the past there has been a permit process for having fires on the beach. Mr. Jones stated the intent of this application is to allow cooking fires on Phillips Beach and to regulate them. Mr. Jones explained that in the past he has witnessed as many as 8 to 9 fires at the same time on the beach, which he believed to be too many. Mr. Jones stated that the Board of Selectmen had sat and spoke with the Fire Department, Department of Public Works (DPW), and the Recreation Department. Mr. Jones explained that they sat with the Fire Department to go over concerns and comments on how to regulate the fires, and that they were able to come up with the proposal to only allow cooking fires, during certain times. Mr. Jones mentioned he expected these fires to be used for cooking hamburgers and hot dogs. Mr. Jones explained that you would have to acquire a permit first from the Fire Department during normal business hours, (8AM – 7PM), and the Fire Department must be notified 3 hours before lighting the fire. A \$50 deposit will be given when requesting a permit, this is being proposed, as Mr. Jones explained, to add an incentive to appropriately cleaning up when the fire is done. Mr. Jones explained that the calling 3 hours prior to lighting the fire, is to make sure the Fire Department agrees that the conditions are appropriate for a fire. Mr. Jones stated the intent is to have 4 areas on the beach where fires would be allowed, and using a map, showed the Commission members these areas. Mr. Jones explained that the four areas can fluctuate between tides and that they will all be 100-feet from the wetlands, which he further mentioned is a changed number from the 50-feet that was originally proposed. Mr. Jones stated that the regulations would ask people to extinguish the fires with water and that they take the debris out when finished. Mr. Jones mentioned that there were many problems with trash last year, he explained that DPW will walk the beach in the morning to check the beach, to make sure fires are cleaned up appropriately. Mr. Jones stated that

there will be a full log, of people's names and contact information (from when they file for the permit), that will make it easier to identify whose fire was inappropriately put out, and at jeopardy of losing their \$50 deposit. Mr. Jones stated that there are current fines that go up \$500 with current regulations, and that any un-permitted fires the Fire Department and Police would have the opportunity to give a fine. Mr. Jones then went through the process of obtaining a fire permit. Mr. Jones stated that questions would be answered by the Fire Department regarding fires, and that the Fire Department will be the ones who "basically" have the responsibility for giving out a permit. Mr. Jones mentioned that there were questions raised on how the fires will be put out, and there was an idea proposed that when you are given a physical placard by the Fire Department you could show Town officials walking the beach that you are allowed to have a fire. In regards to the question about, how to put out the fires, Mr. Jones stated that when the placard is handed out, a bucket would also be given to the resident. In the bucket would be two stakes attached by a 100-feet of rope, that would be used to show that you are 100-feet from the wetland. Mr. Jones mentioned that this would be one way to give indication that the fire is 100-feet from the wetland, rather than markers, which could be moved.

Mr. Jones mentioned to the Commission that the reason the Board of Selectmen are bringing this NOI forward is because of the multiple residents who asked for the ability to have fires on Phillips Beach.

T. Bandrowicz asked how this proposal is different from the one filed last year. Mr. Jones stated that the proposal last year call for structures to be used. T. Bandrowicz mentioned that after the structures were removed from the proposal, the Board of Selectmen came to the commission with another proposal. T. Bandrowicz stated that the Commission stated that due to the resource area, a permit should not be granted, T. Bandrowicz then asked what has changed this time. Mr. Jones mentioned that he was unaware of any differences, T. Bandrowicz mentioned that it could possibly be the four designated areas and the 100-foot buffer. Mr. Jones mentioned that, possibly it could be, but that the four areas were proposed previously.

T. Bandrowicz mentioned that she wondered if the notice is still the same, as last year's decision by the Commission was not a denial, and that the Commission stated that the Board of Selectmen file the NOI. T. Bandrowicz then explained the details of the previous NOI that was filed and the issues that were raised.

Chief of the Fire Department, Kevin Breen mentioned that it was his recollection that a determination was made. T. Bandrowicz then explained what happened with the last proposal, and mentioned that there may not be any changes but that there is now an official NOI filed. Chief Breen mentioned the NOI filed is "essentially" the same as the proposal filed last year, but that the Board of Selectmen went before the Commission with a Request for Determination of Applicability, but that the Commission stated to them that they needed to file an NOI. The Board of Selectmen, did not, because of lack of time (in terms of the season). T. Ruskin mentioned that they were in the middle of the season at the time, and they did something to help give permits out immediately.

T. Bandrowicz mentioned that the Commission has the same concerns as previously, and T. Ruskin mentioned that he was unsure how the proposal has changed. T. Bandrowicz mentioned that currently, even though there is a total prohibition of fires, fires still happen, but that now there is a call for regulations, T. Bandrowicz asked if the Town cannot stop illegal fires, how will it regulate them with only four permits. Mr. Jones stated that the intent it, there is a program where someone would walk and check the fires to make sure they were permitted. Chief Breen mentioned that currently, when fire is

seen, they department has to go and put it out. T. Ruskin mentioned, that is because there are no fires allowed, but posed the question regarding how will the fire department know, from visual inspection which are legal and which are not. Chief Breen stated that the placards and permitted areas will be visible from the road. Chief Breen continued to stated that the portion that is owned by the Town, lends itself to enforcement from the Police Department and Fire Department. Chief Breen stated that it is hard to interdict a fire a quarter mile down the beach due to the distance. Chief Breen mentioned that the effort is being made to relieve pressure on Police and Fire. Chief Breen explained system provides relief by designating areas as well as regulating and restricting the fires. Chief Breen mentioned that he hopes it works, and is hoping to make it easier for the Police and Fire Departments.

T. Bandrowicz asked if there is any enforcement a quarter mile down the beach, Chief Breen said that there is, and that if they have to go, they go, but that it is not easy. M. Tamborini asked if there have been any issues with fires in the past. Chief Breen mentioned that there have been problems with outdoor fires, but never due to beach fires. Chief Breen mentioned that he is not aware of any fire issues when the fires were permitted previously. Chief Breen explained the past history with beach fires and the permitting process. Chief Breen mentioned that 3 years ago, beach fires began to get out of hand, that there were lots of permits being issued, and that the largest problem seen, was debris being left behind. Chief Breen explained that people broke rules, and that when the Fire Department was asked to stop fires they did, with the help of the Police Department as well. Chief Breen reiterated the past process of getting permits, then mentioned that as soon as the Fire Department would ask beach users to put out fires, they would start back up as soon as the firefighters left, and that the Fire Department would have to go back and put them out again. Chief Breen stated that it is difficult to enforce unless the Town was to put a detail at the Beach, but that the effort is there for some control.

Chief Breen mentioned that in regards to vegetation, the concern is over youths going into the dunes to try and keep the fires secret and out of site. Chief Bree mentioned that the feeling is, that as more people see fire permits, it makes it clear that the Town is asking residents to work with them to help mitigate people going in the dunes, and hopes residents will let Fire and Police know. Chief Breen mentioned that fires in the dunes are a bigger concern then fires on the beach. Chief Breen explained that he wants to let the public know this is an educational moment and wants the public to work with the Town departments to use the placard system and help clean up appropriately afterwards.

T. Bandrowicz mentioned the key is to make sure there is enforcement, but was curious how the system would ensure more enforcement. A Town Police Officer present at the meeting, outlined the current enforcement. He mentioned that the Department usually checked once a night, but that it is very time consuming, he mentioned when available the officers walk the beach. He mentioned that currently youths having fires in the dunes are concerning, but that the people on the beach having fires are not aware usually they are not allowed, and that it is difficult to enforce the fines. The Officer mentioned that with the system, as residents begin to understand the process, others will begin to as well, and then residents will help to police illegal and un-permitted fires, which will help supplement the Police Department.

T. Ruskin mentioned that at last year's meeting when the Commission stated no fires, he asked if there were calls. Chief Breen stated that some fires were reported, to which T. Ruskin asked the Police Officer as well, he mentioned too, that the Police received calls. T. Ruskin clarified, that when they got calls was it at the end of summer. Chief Breen said that beginning the summer placard permit plan at Fishermans

beach and none at Phillips, they were asked to put some fires out at Phillips. T. Ruskin asked if the Fire Department saw them from the road, or if they were calls. Chief Breen mentioned he was unsure on how many calls they received, and mentioned there were more calls about backyard fires. The Police Officer mentioned that the Police received some calls, maybe a handful, but that most evenings there was nothing, and said that the real time when the fires start going is after midnight. The Officer explained that more often than not, it was the Police Department finding the fires.

T. Bandrowicz asked what the time limit is in the NOI, Mr. Jones explained from 6 PM to 11 PM. T. Bandrowicz asked about bonfires, Mr. Jones stated they would be prohibited. T. Bandrowicz asked how high-tide affects the 100' buffer, Mr. Jones stated that the 100' buffer is relative to where the high tide is. Mr. Jones mentioned the closes point is at the Ocean Ave entrance, and that there is a line of vegetation cuts further back, and there is a little hump that slopes back, and that even with the slight bump, it still seems like plenty of room. T. Bandrowicz asked how the 100' buffer was derived. Mr. Jones explained that for backyard fires there is a 75-foot buffer for burning permits, and that the Board of Selectmen wanted to extend it further for the beach fires. T. Ruskin asked if it is 100-feet from the closest vegetation or dune visible, to which Mr. Jones stated yes, closest vegetation you can see.

Chief Breen mentioned that most people try to establish fires somewhere between the high-water mark and the vegetation. Chief Breen mentioned that when the permitted structures were discussed they were believed to help mitigate debris, but they were but in the wrong spots, and that the state said they could not be there, so they were removed.

T. Ruskin then opened the NOI up to comments from the audience.

An audience member said that last time, it was mentioned that if the beach could not be monitored for 24-hours, those in the neighborhoods abutting the beach smelled fires. The beach abutter mentioned that there will still be illegal fires even with the permit system, and mentioned her concern over the fires being done at 11 PM. The beach abutter also mentioned that there were many bonfires over the last year, but mentioned that the Board of Selectmen are doing a great job to help try and control it, but that issues still persist. The abutter mentioned that she is against the allowance of fires because it is hard to deter with only rules, because abutters cannot call the Fire or Police department anymore if there are certain fires that are allowed.

T. Ruskin recalled what the Commission had previously said, and then stated that when there was 100% prohibition, that when you smell smoke, you can call the Police and they have to stop the fire. T. Ruskin said that the permit system will make it hard to determine if the fire is allowed or not, and mentioned some issues with the permit, and that his concern is how will residents and the Fire and Police Departments know which ones to put out. Mr. Jones said that the times that the fires need to be extinguished by would correlate with the times in which the police would walk through the beach, and mentioned the possibility of police beginning to walk the beach at 10:45 PM. Mr. Jones mentioned there was some discussion on the times that the fires would be allowed. The Town Police officer present mentioned that it is hard to commit an officer to walk through specifically at 10:45PM and mentioned some issues that arise with committing to specific times. Mr. Jones explained that he likens the system to being similar to the allowance of dogs on the beach. Mr. Jones mentioned that only certain times of the year are fogs allowed, and that residents and dog-owners help police the allowance to help keep it going, and help mitigate problems for all. Mr. Jones mentioned that if people see that fires are allowed

through certain processes, the permitted people will help police un-permitted fires, and more people will help do their due diligence to help keep the fires controlled.

An audience member mentioned that there is an issue with fires in the dunes regardless of the permit system, and asked what could be done to stop that, and if there was a way to issue higher fines, T. Bandrowicz asked if there are fines currently. Chief Breen and the Police Officer present both stated it is much more an educational moment, to which the audience member asked if there are signs posted, the Police Officer and Mr. Jones said they did not believe so. D. Strauss (Director of Recreation) stated that there were signs posted last summer, stating no fires on the beach. Audience asked if there was a sign near the wetlands, and if the fines apply there as well. The Police Officer responded that usually when stopping fires in the dunes, the Police have other things that they are enforcing then just an illegal fire. An audience member mentioned that she has heard it is hard to fight fires in wetlands, and mentioned that not everyone puts fires out properly, and that once the door is opened, lots of illegal fires will happen, and asked how the permit process is working on Fisherman Beach. Chief Breen mentioned that he is not aware of any issues, but said that still neighbors still don't want burnings, but that the complaints are not specific to one fire or event. M. Andler asked if at Fisherman's, placards are required. Chief Breen stated they are, and M. Adler asked the numbers for how many permits given out, Chief Breen mentioned there were one to two who repeated a lot. M. Andler then asked if most fires were permitted, Chief Breen stated yes, T. Ruskin asked if non-residents can get a permit, Mr. Jones stated they cannot. An audience member stated it was usually out-of-towners who made fires.

An audience member said that she thought this would be an interesting experiment, but that there is a problem near Palmer Pond with illegal fires, and doesn't think signs will help, but also doesn't think denying people the ability to get fire permits also helps. The audience member mentioned the old process, and the seriousness in which she took the permit process, but was curious if other people also thought the permit was privilege, and wondered if others felt the accountability of getting a permit. She mentioned that this privilege and accountability might help people watch out for others more, and mentioned an idea of maybe only allowing two fires at a time. She concluded that there is clearly a problem with the fires. Mr. Jones stated that, there would be signage posted outlining the regulations at the entrance and mentioned its language and what it could be. Mr. Jones stated that he thinks it to be an education process, and that it will be a privilege to use the permit, and that the deposit could possibly be higher.

Jim Olivetti, a member of the Open Space and Recreation Committee asked if fires could be allowed on a trial basis, T. Ruskin mentioned his thoughts on the trial basis idea. Mr. Jones added that carry-in and carry-out need to be stressed.

An audience member brought up the issue on who gets the fine, Mr. Jones stated that there is a designation of areas that the fine will go to. Audience member asked how do they know if the fire was made by someone after you. Mr. Jones said that this was discussed, and the idea is to have residents take photos of their clean-up when they are done. T. Ruskin stated that he understands the comments and concerns of the same audience members that kept making comments, and asked for any other audience members questions. There was none.

T. Bandrowicz said the document attached to the NOI had the regulations that deal with Fisherman's Beach, Chief Breen said the regulations are the same as last year. T. Bandrowicz asked where the 100-foot buffer is shown in the NOI, Chief Breen stated that the NOI would have to be edited with conditions

or edits added. Mr. Jones stated that they could come back with amendments or conditions and asked for comments.

T. Ruskin explained the past opinion made by the commission regarding beach fires. T. Ruskin explained that Commission is in a position where they have to try and be fair and to keep in mind the pros and cons of the situation. T. Ruskin mentioned that in the past 10 years the Commission has been extremely liberal compared to other towns, in their ability to let people enjoy the Town. T. Ruskin stated that the Commission is always faced with decision of benefit verse the environment.

T. Ruskin mentioned that the last time the Commission heard this proposal, the Commission felt that it would love to let Town residents have beach fires, but that they would compromise, and only allow fires on Fisherman's Beach because there was no threat to the vegetation. But, T. Ruskin mentioned that this lead to debris on the beach and ocean, as well as pollution from the wood in the ocean. T. Ruskin mentioned these were the issues the Town faced with the beach fires. T. Ruskin mentioned, that the Board of Selectmen are asking now for a proposal that threatens the gem of Palmer Pond. T. Ruskin mentioned it is not like (the earlier mentioned analogy) dog waste, but that if Palmer Pond burns down then that is it. T. Ruskin stated that the Commission will not experiment with Palmer Pond, and that they must protect the pond. T. Ruskin mentioned that there is still a problem with illegal and legal fires, and that most people will follow the rules and be respectful but, when some fires are allowed, how will fire department or police know which fires are illegal and could potentially start a wildfire. T. Ruskin reiterated the issue of not being able to differentiate between allowed fires and unpermitted fires when smoke is smelled. An audience member mentioned that fires still happens anyway, to which T. Ruskin replied that currently fires (at Phillips Beach) are illegal, so when smoke is smelled or seen the fires must be shut down. T. Ruskin reiterated that this decision is very difficult, and mentioned his thoughts on what way the Commission could possibly be leaning on this topic. An audience member stated that they had heard that there has never been a fire in the Palmer Pond area. T. Ruskin asked Chief Breen if a wildfire could be possible in that area, Chief Breen responded yes, to which T. Ruskin stated we have been lucky in the past. Audience member asked about the permit system, T. Ruskin mentioned that it is hard to tell which fires are allowed and which ones are not, and that these fires would be near vegetation. Another audience member mentioned structures that other towns use, T. Ruskin replied his thoughts.

T. Bandrowicz explained that from what she has heard, it seems that the issue is, that fires still go on and enforcement of the fire ban is the issue. T. Bandrowicz continued that there is an issue on the ability to stop fires, especially if there is no way to guarantee strong enforcement of the placard system and rules. T. Bandrowicz mentioned there needs to be strong enforcement that makes sure fires are dealt with promptly, as long as the starting times. T. Bandrowicz mentioned that there should be signs, and mentioned that she believes 11pm to be late, but then reiterated that the key is to get strong enforcement. T. Bandrowicz mentioned tjis could be the vehicle used to get better enforcement.

T. Ruskin mentioned that if someone was to be stationed at the beach during the hours that fires are allowed, then that would change the game, Chief Breen mentioned that this would be a budgetary thing. T. Ruskin mentioned a person stationed at the beach would allow total enforcement of the legality of fires. T. Bandrowicz mentioned that if fines were given out for illegal fires, then word would get out. Chief Breen explained there are statutory limits on fines, and that the Fire Department fines are not criminal. Chief Breen mentioned that the non-criminal fines are a penalty vehicle that both the Fire

Department and Police like to use because they are less onerous to utilize, but that there are limits to the fines. Chief Breen mentioned the fines go up per time being caught. T. Ruskin reiterated the key is to have someone present, and mentioned a police officer walking the beach would majorly help. T. Ruskin mentioned that possibly on Friday's and Saturday's the Town would allow permits for fires, and have detail there at certain times, and if the detail sees fires on off days, then they know they are illegal and will shut them down. T. Ruskin mentioned that his concern is for the vegetation, and not about the trash or burned woods. T. Ruskin stated that he wants to protect the vegetation.

T. Bandrowicz asked if there are any restricted days on the Board of Selectmen proposal, Mr. Jones replied the permits would be available daily.

Mr. Jones asked the Commission for a continuation to work on amendments and the conditions being discussed. T. Ruskin and Mr. Jones then discussed possible solutions to add to the proposal. T. Bandrowicz mentioned that days of the week and time should be amended. T. Ruskin, M. Andler, and M. Tamborini all mentioned that they agree with the idea to have a detail present. M. Tamborini mentioned that she would like the continuance to be granted as well. She then went on to explain that people still have fires on the beach, and mentioned concerns of her, especially that this could cause Swampscott residents to not be able to enjoy the beach due to some. But, M. Tamborini also mentioned that anything that causes the vegetation to burn would be illegal under any circumstance. The police officer present at the meeting then explained the current method of enforcement, and the issues that come with it. Some of these issues is choosing the right culprit to fine, and explained it's difficult to pin point who is responsible for a fire if you do not witness who started it. The police officer mentioned that these are the same issues run into in the past, and that is why most of the time officers educate rather than fine, and that it is an issue to tailor the enforcement, if the officer does not know who lit the fire. T. Bandrowicz mentioned the police officers could ask for people's names, which the officer replied brings up many issues that can arise.

T. Ruskin mentioned that from the Commission's point of view, people who have the permits follow the rules. T. Ruskin then explained that the possible layout and process of having a detail at beach. T. Ruskin mentioned that if fires are observed after the allotted times, then it would be known they are illegal and Police or Fire Department can go and put them out, similar to the process now, where if fire is seen and reported, they have to put it out. T. Ruskin reiterated that a detail would be good, if possible.

T. Bandrowicz asked if the fines are in the Bylaw, the police officer present mentioned they did not know, and Chief Breen mentioned the Fire Department utilized Chapter 48 fines, and not aware, currently, what the police have the ability to enforce. T. Bandrowicz asked if enforcement is similar to dogs off of leashes. The police officer stated that is under the Board of Health. T. Bandrowicz mentioned some of the issues being outlined; time, usage, signage, and days allowed. T. Ruskin reiterated the signs and stated that a detail can help mitigate all of these issues. An audience member stated that a detail would help protect against bonfires. Another audience member mentioned that the concern is about vegetation, and mentioned that there is currently, when fires are happening on the beach, if they smell smoke, they call the authorities to have it put out, but with permits, the abutters will close their windows and not be able to tell which fires are allowed, and which ones are not. They continued to mention that many of the people from out of town use the beach for bonfires, and that the abutter believes that when fires are allowed, they are harder to enforce.

Mr. Jones asked for clarification on the type of detail wanted, and asked if it would be a Town employee. T. Ruskin mentioned that it should be someone that would help enforce the rules, possibly a High School student who calls the police to report illegal fires, T. Ruskin stated that it would need to be a person they can trust to enforce the rules. T. Ruskin mentioned he is not stuck on having the detail be a police one, and mentioned lifeguards do a good job. T. Ruskin explained this detail would be the eyes of the Town, and must be trusted to enforce the rules. T. Bandrowicz mentioned that the person must measure the 100-foot buffer to make sure people maintain it, M. Tamborini mentioned they also need to monitor the fire sizes. T. Bandrowicz mentioned her thoughts on the fires, an audience member mentioned that they would be against the proposal if they allow fires other than cooking, Chief Breen agreed. T. Ruskin mentioned that without the detail nothing new will change. M. Tamborini asked if this proposal will cause more fires. An audience member stated that if they smell smoke now, they immediately call the police, but mentioned they like the idea of a responsible person monitoring the beach. The audience member also mentioned that the time allowed currently in the proposal (5 hours) is too long. T. Ruskin outlined the steps taken to get a permit, and mentioned the Fire Department is allowed a certain discretion when issuing permits. T. Ruskin reiterated that his worry is about when no one is watching the beach. An audience member mentioned that this would be the experiment part, and said that the people with permits would be almost deputized, and that these people have given their names and money, so they could help mitigate the illegal activity and that the community would be the advocates on the beach for responsible fires. T. Ruskin mentioned that he would like the detail to be the deputy and that there is an education piece to this as well, and that the community can help in ways to mitigate illegal fires. T. Bandrowicz mentioned that it might be better to be on a trial, T. Ruskin mentioned they could ask the Board of Selectmen to renew it as time goes on.

MOTION : by T. Ruskin to continue MassDEP# 71-308 to the May meeting, T. Bandrowicz seconded, unanimously approved.

M. Tamborini mentioned that allowed ways to extinguish the fire should be added in the proposal, such as no fire extinguished. M. Andler asked if there were any more questions or comments, there were none.

Vote on support of the Rail Trail Town Meeting Warrant Article

T. Bandrowicz mentioned that she would like to make a motion, after discussion with the public, that the Commission send a letter of support, regarding the Town meeting warrant article for the proposed rail trail. T. Bandrowicz mentioned that the Open Space Committee had already sent one, and would like the Conservation Commission to send one as well. T. Bandrowicz mentioned that objective number one of the Open Space Committee is the creation of a green corridor that connects various green spaces, and that the rail-trail would be the connection to the spaces.

An audience member asked if the rail-trail proponents had filed a Notice of Intent yet, T. Bandrowicz mentioned they had not, but that they are also not at that stage yet. Another audience member stated that it would be premature for the Commission to give support if they do not know what is going on with the conservation land. T. Bandrowicz mentioned this is not support of construction, but of the trail. T. Ruskin outlined what the vote would be saying, and mentioned it would be done to support the Town to research. T. Bandrowicz mentioned that there may be some sections that affect resources, and some

that don't. An audience member stated that the Town has been at this for 14 years, and asked if they already know what the wetland issues are. Multiple audience members asked the Commission if they have walked the trail this year. T. Ruskin mentioned that he had.

An audience member mentioned that there are wetlands in the proposed area that the state categorized as so, and mentioned the places he believed them to be located, such as towards the end of Nason Road. The audience member continued to state the whole trail bed is a vernal pool.

T. Bandrowicz stated that the Town would need to come before the Commission before any work was to begin, and that the Commission would determine the orders of conditions and if the work is allowed, and this can ensure safeguards in the permit. T. Bandrowicz mentioned that the Commission can review the plans, until the plans are designed.

An audience member mentioned that in the back of the ball fields there is a block wall which was built and that this causes problems on Nason Road, and mentioned that they filled in the back and put a block wall up which pushes water down Nason. T. Bandrowicz asked who did this, the audience member mentioned the Town of Swampscott. M. Tamborini asked for clarification on where the wall was put, the audience member clarified. T. Ruskin mentioned that he was unsure if he knew about this wall, and mentioned that the Commission can find out certain things from residents telling them. T. Ruskin mentioned that he would like to see the wall. An audience member stated that it is upsetting the wetland was ruined, and then mentioned that Board of Selectmen Peter Spellios and Director of Community Development Peter Kane both mentioned they are going to fill in the area. T. Ruskin asked if the area is actually classified as a wetland. The audience member brought forth pictures and another audience member brought forth a map to show their understanding of the location of the wetlands.

An audience member brought up, what they called critical issues, that the Town mentioned they wouldn't seek municipal funding but that they are. T. Bandrowicz stated that this is not of the Commission's concern, the audience member mentioned this shows how outdated the plans are. Another audience member showed pictures on their phone of flooding on Nason road from 2011.

T. Bandrowicz asked for the connection between the flooding and the trail, the audience member mentioned the Town is doing what they want and worried the Town is going to take the \$850,000 and do the rail trail.

T. Ruskin asked for clarification on where the wall is. Audience member mentioned that they think the wall may have affected the wetland.

T. Bandrowicz mentioned that the plans the warrant article will provide will have to come before the Commission. An audience member stated that Town has already been warranted to build the trail. T. Ruskin asked for clarity on the concerns of the audience.

An audience member recommended to the Commission that they go to the Board of Selectmen, and find out the costs for an engineering scientist to look at Nason and tag the property, and have a surveyor show what is wetlands. T. Bandrowicz reiterated that they have to go before the Commission before they build the trail. The audience stated that they didn't in regards to the ball fields.

Sheila Lang, from the audience, mentioned that her concern is that there is no wildlife study that has been done. Ms. Lang mentioned that when the proponents were asked specific questions, the

proponents were not familiar with the land. Ms. Lang mentioned there are vernal pools on the proposed area, and she asked the Commission to get more info on the trails proposed location from P. Kane and Selectman Spellios before the Commission votes on the letter. Ms. Lang mentioned that the trail has changed significantly in the past years, specifically in regards to wildlife, and mentioned her concern is the area has become a natural byway for animals, and that if it is torn up, they could choke the animals into other spaces. Ms. Lang also mentioned that her son discovered possible Japanese knotweed, and that when this was brought up, the proponents had no idea. Ms. Lang mentioned that the landscaping is being proposed by volunteer landscapers, and mentioned there is issues with this proposal.

T. Ruskin asked for more comments and mentioned that he hears the concerns.

An audience member said the concern is that where the corridor is, there are wetlands, which will be in the way of the path. They continued to stated that more studies need to be done to see if trial is feasible before a design is done, and someone mentioned the trail would be within a buffer zone. T. Bandrowicz stated that you can have something within the 100-foot buffer zone, but that there must be safeguards put in place. An audience member mentioned her concern is the wetland behind her house, and that currently a national grid pole behind her home sits in water. This audience member then mentioned that she was told the water area would be filled in. T. Bandrowicz stated that P. Kane knows wetlands cannot be filled in. An audience member stated that the area is a wetland, but that the Town says it is not. T. Ruskin tried to clarify this for the audience, the audience mentioned a state map that shows more wetlands. An audience member mentioned that they walked the trail and mentioned a majority of the path, after, possibly 25 Nason, is all water, and is possibly a vernal pool. The audience asked for the Commission to walk the trail.

T. Bandrowicz then reiterated the request of the warrant article, and T. Ruskin asked the audience what their concern and opposition is for. An audience member stated there concern is with the \$250,000 for design and \$640,000 for eminent domain, and mentioned there are 3 parties that own the land (she explained National Grid, homeowners, and old railroad rights). The audience member mentioned the Commission support, to Town meeting members, can be misconstrued that the Commission supports the Rail Trail.

T. Bandrowicz asked if the letter was to be changed to make clear that the rail-trail come before the commission to make sure everything is good with the wetlands, but still support moving forward and investigating the trail. The audience reiterated their request for an engineering scientist to research the trail.

An audience member asked if the Commission supports the trail. T. Bandrowicz the letter is to support the warrant article, and mentioned she supports the trail. An audience member mentioned that the Town is not spending money to see if the areas are wetlands, and hypothesized what the Town could do. An audience member mentioned that they had been at the capital improvement meeting and that a vote was brought up, but that a member mentioned they did not know what they were voting on. The audience member mentioned that they wish the Commission to wait to have more information before voting. An audience member mentioned they are giving the Town rights to take eminent domain for wetlands.

T. Ruskin asked if the audience would like the Commission to have a meeting with both sides before voting on support. Audience mentioned that the Commission should not support warrant, but to have a scientist review the area. T. Ruskin, again asked if the Commission should have a meeting with both sides. An audience member mentioned they want the Commission to learn more before endorsing, another audience member reiterated this, and then mentioned that an endorsement will make it easy to move forward with something, they said is not well thought out, and then mentioned that it can't be good for the environment.

T. Ruskin mentioned that the Commission can either approve the letter as is, or ask the Town Rail-Trail Committee to come before the Commission before they send the letter. An audience member asked why the Commission should even send the letter. T. Bandrowicz mentioned the green corridor preciously mentioned, and the open space which is good for the Town. An audience member mentioned some issues she had, which M. Andler stated to her had nothing to do with the Commissions realm of jurisdiction.

T. Ruskin reiterated his question to the Commission, and the members discussed the next moves. T. Ruskin asked if the Commission would want to have a meeting first with a presentation. T. Bandrowicz mentioned that was fine.

MOTION : by T. Ruskin to have a meeting before the Town Meeting, and to invite the rail trail committee to come before the Commission and explain what they are doing, so that the commission can prepare a letter of Town Support for the warrant article, that makes the Commission feel comfortable, seconded by T. Bandrowicz, all in favor.

An audience member asked what the judgement threshold would be, to which T. Ruskin replied the Commission will have to be satisfied. T. Bandrowicz stated that the bottom line is, the Town can move forward with design, but will have to come before the Commission for any Commission related issues, and then they will be bound by Commission decisions. T. Ruskin mentioned some potential language that the letter could include, but mentioned that it depends on the presentation, audience members agreed. An audience member asked the Commission to take a walk along the proposed trail area, T. Ruskin invited the audience to the next Commission meeting.

APPROVAL OF THE DECEMBER 20th MEETING MINUTES

The minutes of the previous meeting (January 19, 2017) were reviewed.

MOTION : by T. Ruskin, seconded by M. Tamborini, the minutes were unanimously approved.

Other business that may properly come before the Commission

Next Commission meeting dates were discussed, and May 10th was decided on.

T. Bandrowicz mentioned to the Commission a possible amendment for Orders Of Conditions given to 51 Lincoln House previously, and mentioned the applicants may need to submit an amendment in their Notice of Intent for what they are doing.

The Commission was introduced to a perspective new member for the Commission, and T. Bandrowicz was asked to speak with the Board of Selectmen to vote the new member in before the meeting on the 10th.

The Commission briefly discussed a letter by Keolis outlining their vegetation plan, they had previously sent to the Commission.

MOTION : by T. Ruskin to adjourn, seconded by M. Tamborini, all in favor, meeting adjourned at 9:36 PM.

Andrew Levin

Assistant Town Planner

TOWN OF SWAMPSCOTT
 CONSERVATION COMMISSION

Public Hearing

Date: April 20, 2017

Name	Address	Telephone	E-mail	Affiliation
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Gayla Cawley	110 MURDOCK ST LYNN	781-543-7700 x1238	gcawley@ qheminc.com	Duply Item
Julie Annette	79 Fuson Road			
Paul Aug	25 NE Harborwood Rd.			
Kim Nasser	27 Morton			
Christine Tierney	93 Nason			
Mike Nasser	10 Fenney Rd			
Maura Carroll	33 Morton Rd			

TOWN OF SWAMPSCOTT
 CONSERVATION COMMISSION
 Public Hearing
 Date: April 20, 2017

Name	Address	Telephone	E-mail	Affiliation
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Dustin Page	20 Station			Boy Scouts
CHUCK PAGE	20 STETSON AVE			BOY SCOUTS TROOP 53
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