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**TOWN OF BURLINGTON**  
*Conservation Commission*

**MINUTES OF December 13, 2018**

*Approved January 10, 2018*

**Members Present:** Chair L. Cohen, Vice-Chair W. Boivin, K. Melanson, G. Lima

**Member Absent:** J. O'Riorden, E. LoTurco, I. Deb

**Also Present:** Conservation Administrator J. Keeley, Assistant Conservation Administrator E. Coleman

**1. Call to Order**

L. Cohen called the meeting to order at 7:01 pm.

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K. Melanson announced her retirement from the Conservation Commission after 25 years of service.

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**2. Citizens' Time**

No one spoke.

**3. Approval of Minutes – November 8, 2018**

A MOTION TO APPROVE THE MINUTES FROM THE NOVEMBER 8, 2018 CONSERVATION COMMISSION MEETING WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY G. LIMA AND APPROVED (3-0-1; G. LIMA ABSTAINED).

**4a. Request for Determination of Applicability – 28 Arlington Road – John Kelley – Replace & enclose deck**

Homeowner John Kelley of 28 Arlington Road represented this application.

Mr. Kelley explained the deck collapsed, and the plan is to replace the original 12x13 square foot deck with a 12x25 square foot deck.

E. Coleman noted there is BVW buffer on site, and the applicant does not plan to remove any

trees.

Conservation Commission commented:

- No dumping of debris is allowed in the wetlands
- Deck would be on footings
- If any vegetation is removed on site, the Conservation office must be notified

No one spoke from the audience.

E. Coleman reviewed the findings and conditions

A MOTION TO ISSUE A CONDITIONAL NEGATIVE DETERMINATION OF APPLICABILITY FOR THE PROPOSED WORK AT 28 ARLINGTON ROAD WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY K. MELANSON AND APPROVED (4-0-0).

**4b. Request for Determination of Applicability – 5 Corbett Drive – Silvia Chirtic – Cut trees**

Homeowner Silvia Chirtic of 5 Corbett Drive represented this application.

Ms. Chirtic explained the trees on her property are too big. She is requesting some be removed and replaced with smaller trees.

J. Keeley noted the trees under review are red maples approximately 80 feet tall. Three are in the wetlands and two are just outside the wetlands. It is difficult to determine the health of the trees given the time of year it is, but an arborist would be able to make that determination. The vegetation in the wetlands is not dense, so removing five trees would have a significant impact.

Conservation Commission requested:

- Marking the trees in field, and having the trees evaluated by an arborist

No one spoke from the audience.

*This matter was continued to the January 10, 2019 Conservation Commission meeting.*

**5a. Request for Extension to Order of Conditions & Burlington Wetland Bylaw Permit – 2 McSweeney Way – Somerset Realty Trust – DEP #122-550**

No one represented this application.

J. Keeley explained this is a single-family house lot, no construction has taken place, the lot is cleared, and the plan is to begin construction in the spring. Staff has no issue with granting the extension.

Conservation Commission had no comments.

No one spoke from the audience.

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A MOTION TO GRANT A THREE-YEAR EXTENSION OF TIME TO THE ORDER OF CONDITIONS AND BURLINGTON WETLAND BYLAW PERMIT FOR 2 MCSWEENEY WAY, DEP #122-550, WAS MADE BY G. LIMA. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (4-0-0).

**5b. Request for Extension to Order of Conditions & Burlington Wetland Bylaw Permit – 60 Blanchard Road – JAM Holdings Inc. – DEP #122-565**

Engineer Frank DiPietro of BSC Group, and attorney Mark Vaughan of Riemer & Braunstein, LLP represented this application.

Mr. Vaughan explained the redevelopment has not begun because a number of government defense contracts were granted to DataCon, which prevented them from moving to a new building.

J. Keeley had no issue with granting the extension.

Conservation Commission had no comment.

No one spoke from the audience.

A MOTION TO GRANT AN EXTENSION OF TIME TO THE ORDER OF CONDITIONS AND BURLINGTON WETLAND BYLAW PERMIT FOR 2 MCSWEENEY WAY, DEP #122-550, WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY K. MELANSON AND APPROVED (4-0-0).

**6. Public Hearing – Notice of Intent – 34 Sunset Drive – Hiren Patel – Demolish single-family dwelling & construct new single-family dwelling – DEP #pending**

Owner Hiren Patel of 34 Sunset Drive, and wetlands scientist Mary Trudeau represented this application.

Ms. Trudeau explained the site. There is a stream along the rear lot line that is locally regulated, and the 200-foot buffer is on the plans. Also, there is BVW and area subject to flooding. The proposal maintains the 40-foot set back, and there would be 35% more impervious area. Mitigation includes infiltration. Calculations were submitted, and little vegetation would be impacted by this project. Two oriental pear trees will be removed as result of construction.

E. Coleman had no issue with the flagging. J. Keeley suggested removing the bitter sweet on the property.

Conservation Commission commented:

- Inner riparian and outer riparian – improvement over existing conditions
- No drainage exists on site currently

Conservation Commission requested:

- Debris in the wetlands removed
- Asphalt on the grass removed
- Fence along the 20 foot no disturb
- Note the driveway slope on the plans

No one in the audience spoke on this matter.

*This matter was continued to the January 10, 2019 Conservation Commission meeting.*

**7. Continued Public Hearing – Notice of Intent – 22 Town Line Road – Blake Development LLC – Demolish single-family dwelling & construct new single-family dwelling – DEP #122-618**

Owner Joe Blake of Blake Development, LLC, and project manager Mark Changelian represented this application.

Mr. Blake noted the changes since the last meeting:

- Revision log submitted
- Pitch of the driveway, stone trenches, contours, drip edge, and riverfront area on the plans
- Revised impervious area calculations
- Changed erosion and sedimentation control location
- De-watering hole on site
- Planting half dozen arborvitae at the rear of the lot
- Submitted alternatives analysis

J. Keeley commented that the limit of work was pulled away from the North, the retaining wall is inside the trees, and only one tree is being removed (white pine). The home is pulled away from the abutting lot by reducing the size. Improvements to the wetlands and river front area are the additional plantings, and removal of impervious area.

Conservation Commission commented:

- House is closer to the BVW/river front area than the existing house, not by much, but the shed is being removed
  - A waiver is not necessary
- Retaining wall is less than four feet
- Fencing around construction zone will make it safe for the daycare

No one in the audience spoke on this matter.

J. Keeley reviewed the findings and conditions.

A MOTION TO CLOSE THE HEARING FOR THE PROJECT AT 22 TOWN LINE ROAD, DEP #122-618, WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY K. MELANSON AND APPROVED (4-0-0).

A MOTION TO APPROVE THE FINDINGS FOR THE PROJECT AT 22 TOWN LINE ROAD, DEP #122-618, WAS MADE BY G. LIMA. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (4-0-0).

A MOTION TO ISSUE THE ORDER OF CONDITIONS FOR THE PROJECT AT 22 TOWN LINE ROAD, DEP #122-618, WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY K. MELANSON AND APPROVED (4-0-0).

A MOTION TO REQUIRE A \$3,500 PERFORMANCE BOND FOR THE PROJECT AT 22 TOWN LINE ROAD, DEP #122-618, WAS MADE BY G. LIMA. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (4-0-0).

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**8. Request for Certificate of Compliance – 64 Cambridge Street - Herb Chambers Cambridge Street LLC – DEP #122-544**

Engineer Chris Sparages of Williams & Sparages represented this application.

Mr. Sparages explained there is a request to construct a building on the car-storage lot, but first the order of conditions for the storage lot must be closed. All the conditions were met, except the operation and maintenance logs.

J. Keeley explained the order of conditions was for the construction of a storage lot/retaining wall and the renovation of a building, which was torn down. Closing out this order is a book-keeping item, and even though they did not completely adhere to the order, everything will be replaced with their next proposal to construct a building. The Conservation Commission should have stronger conditions for on-going maintenance with the next proposal to ensure regular compliance.

Conservation Commission commented:

- Disappointed in the lack of maintenance logs
- Consider a penalty for not submitting reports
  - The paper bond for \$20,000 expired in 2016
  - Mr. Sparages agreed to try again to find reports

J. Keeley noted the perpetual conditions would be on the next proposal, and hence not included on this certificate of compliance.

No one in the audience spoke on this matter.

*This matter was continued to the January 10, 2019 Conservation Commission meeting.*

**9. Public Hearing – Notice of Intent – 64 Cambridge Street – Herb Chambers Cambridge Street LLC – Grading, parking lot construction & other site improvements associated with the construction of a new automobile dealership building – DEP #pending**

Engineer Chris Sparages of Williams & Sparages represented this application.

Mr. Sparages explained the request to construct a building on a car storage lot. He noted this property is partially within a BVW buffer, and in a critical Zone 2. The applicant is considering this site new construction, not redevelopment. The site currently has a slope to it, and the proposal is to level it out. The drainage system is being redesigned, the cultechs currently on site will be reused, and a PE will inspect them. Test pits were performed, and there will be two infiltration systems.

J. Keeley explained storm water is the primary concern. The pretreatment exceeds the requirement, and peak rates are unchanged from existing. Staff has no issues.

Conservation Commission commented:

- Isolator row is not necessary
- Broken chain-link fence at the rear of the property along the off ramp might belong to Mass DOT, should be fixed, and there is trash in that area

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- o Mr. Sparages agreed to explore it

DEP number is not available at this time and comments will be provided to the Planning Board.

No one in the audience spoke on this matter.

*This matter was continued to the January 10, 2019 Conservation Commission meeting.*

## **10. Administration**

**a. Planning Board comments:** Herb Chambers, 64 Cambridge Street

**b. Subcommittee & Staff Reports:**

Open Space and Recreation Plan

L. Cohen noted the action plan was sent for comments, and he requested leaving it open past January 1, 2019, rather than closing it before the holidays. Staff agreed to discuss it with the consultant.

**c. Upcoming meetings:** January 10, 2018 & January 24, 2019

**d. Other Business:**

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L. Cohen noted there is an abandoned car (car with no license plate) on site, and he requested staff explore the issue.

A MOTION TO ADJOURN THE DECEMBER 13, 2018 CONSERVATION COMMISSION MEETING WAS MADE BY W. BOIVIN AT 9:42 PM. THE MOTION WAS SECONDED BY K. MELANSON AND APPROVED (4-0-0).

*Minutes respectfully submitted by:  
Noelle Judd, Recording Clerk*