



## TOWN OF BURLINGTON

*Conservation Commission*

### MINUTES OF February 14, 2019

*Approved February 28, 2018*

**Members Present:** Vice-Chair W. Boivin, J. O'Riorden, E. LoTurco, G. Lima

**Member Absent:** Chair L. Cohen, I. Deb

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

#### **1. Call to Order**

W. Boivin called the meeting to order at 7:00 pm.

#### **2. Citizens' Time**

No one spoke.

#### **3. Approval of Minutes – January 24, 2019**

A MOTION TO APPROVE THE MINUTES FROM THE JANUARY 24, 2019 CONSERVATION COMMISSION MEETING WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY J. O'RIORDEN AND APPROVED (3-0-1; W. BOIVIN ABSTAINED).

W. Boivin stated for the record that he watched the meeting of January 24, 2019 and is eligible to vote on tonight's matters.

#### **4. Ratify Emergency Certification – Mill Street at Sandy Brook – Town of Burlington DPW Water Department – Repair water main**

No one represented this application.

J. Keeley explained a water main broke near Saw Mill Brook on Mill Street. A resident alerted staff of this issue, and staff notified the DPW to repair it. J. Keeley requested the Conservation Commission ratify the emergency certification.

Conservation Commission had no comment.

No one in the audience spoke on this matter.

A MOTION TO RATIFY EMERGENCY CERTIFICATION FOR MILL STREET AT SANDY BROOK WAS MADE BY J. O'RIORDEN. THE MOTION WAS SECONDED BY G. LIMA AND APPROVED (4-0-0).

**5a. Request for Determination of Applicability – 14 Independence Drive – GRH Homes, LLC – Demolish single-family house & construct new single-family house**

Greg Hickox and Bob Richards of GRH Homes, LLC represented this application.

Mr. Hickox explained the request to tear down the existing home and build a new one. He noted the marked trees were examined by an arborist, and it was determined some need to come down. The trees at the front corner of the property need to come down because the driveway is going there. Mr. Hickox will replace the trees. This lot is currently non-conforming, because the home was built on the lot line.

E. Coleman noted the resource area is BVW. The building would be 80 feet from the flagged wetlands.

Conservation Commission commented:

- Removing trees could affect the root system
- Explore reconfiguring the driveway to save more trees
- Arborvitae are not a good replacement for the hard woods
- Roof top run off will be captured

No one in the audience spoke on this matter.

E. Coleman reviewed the findings and conditions

A MOTION TO ISSUE A CONDITIONAL NEGATIVE DETERMINATION OF APPLICABILITY FOR THE PROPOSED WORK AT 14 INDEPENDENCE DRIVE WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY J. O'RIORDEN AND APPROVED (4-0-0).

**5b. Request for Determination of Applicability – 1 Maryvale Road – James Tabor – Demolish single-family house & construct new single-family house**

Homeowners James Tabor and James Tabor, Jr. represented this application.

Mr. Tabor, Jr. explained the request to demolish the existing home and build a new one.

E. Coleman noted the resource areas as: not flagged wetlands off the property, and an unnamed regulatory stream (work would be in the outer riparian). The lot is flat, and there is a gas easement. The applicant is proposing to remove two structures near the wetlands.

Conservation Commission commented:

- No grading is proposed
- There is no underground storage
- Old fence is being removed and replaced
- Deck does not require a variance because it is an access point

- Driveway will be pitched toward a trench

Conservation Commission requested:

- Add the trenches and pitches to the plans

No one in the audience spoke on this matter.

E. Coleman reviewed the findings and conditions.

A MOTION TO ISSUE A CONDITIONAL NEGATIVE DETERMINATION OF APPLICABILITY FOR THE PROPOSED WORK AT 1 MARYVALE ROAD WAS MADE BY G. LIMA. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (4-0-0).

**5c. Request for Determination of Applicability – 17 University Avenue – Dylan James/Patriot Custom Homes – Reconstruct carport and construct new deck**

Wetlands scientist Mary Trudeau, and Dylan James of Patriot Custom Homes represented this application.

Ms. Trudeau noted there are wetlands to the east and south of the property, which connects to a stream. There is a drainage easement along the property line. The carport will be enclosed and built on existing pavement. The deck will be at least 50 feet from the flagged wetlands.

J. Keeley agreed with Ms. Trudeau that this is a minor project. The stream is likely intermittent so there is no riverfront area associated with this project. There is buffer zone to bank, which is jurisdictional, and the disturbance is minimal.

Conservation Commission had no requests.

No one in the audience spoke on this matter.

J. Keeley reviewed the findings and conditions

A MOTION TO ISSUE A CONDITIONAL NEGATIVE DETERMINATION OF APPLICABILITY FOR THE PROPOSED WORK AT 17 UNIVERSITY AVENUE WAS MADE BY G. LIMA. THE MOTION WAS SECONDED BY J. O'RIORDEN AND APPROVED (4-0-0).

**6. Continued Public Hearing – Notice of Intent – 24 Terry Avenue – BAPA Corporation – Construct addition to commercial building – DEP #122-621**

Wetlands scientist Mary Trudeau represented this application.

Ms. Trudeau requested closing the hearing.

J. Keeley commented the DEP file number is available. Staff has no issues.

Conservation Commission commented:

- Flags were not verified

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 24 TERRY AVENUE, DEP #122-621, WAS MADE BY J. O'RIORDEN. THE MOTION WAS SECONDED BY G. LIMA AND APPROVED (4-0-0).

A MOTION TO APPROVE THE FINDINGS FOR THE PROJECT AT 24 TERRY AVENUE, DEP #122-621, WAS MADE BY G. LIMA. THE MOTION WAS SECONDED BY J. O'RIORDEN AND APPROVED (4-0-0).

A MOTION TO ISSUE THE ORDER OF CONDITIONS FOR THE PROJECT AT 24 TERRY AVENUE, DEP #122-621, WAS MADE BY J. O'RIORDEN. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (4-0-0).

A MOTION TO REQUIRE A \$15,000 PERFORMANCE BOND FOR THE PROJECT AT 24 TERRY AVENUE, DEP #122-621, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY J. O'RIORDEN AND APPROVED (4-0-0).

**6. Public Hearing – Notice of Intent – 38 Sunset Drive – Robert & Lauren Ianacci – Construct residential addition – DEP #pending**

Homeowners Robert and Lauren Iancacci and Thomas Brady represented the application.

Mr. Brady explained the request for a 918 square foot addition. The work would be within the inner riparian, and buffer to bank and BVW. There will be no stock piling. The rooftop runoff will go to two recharge chambers and the applicant is proposing trees.

J. Keeley commented Long Meadow Brook is perennial; it has a floodplain but no elevation. He requested a surveyor confirm this is not within the floodplain.

Conservation Commission commented:

- Add some vegetation to the stone wall
- Currently there is no scouring on site

The Mass DEP # is not available.

No one in the audience spoke on this matter.

A MOTION TO CONTINUE THIS MATTER TO THE CONSERVATION COMMISSION MEETING OF FEBRUARY 28, 2019 WAS MADE BY J. O'RIORDEN. THE MOTION WAS SECONDED BY G. LIMA AND APPROVED (4-0-0).

**7. Administration**

- a. Planning Board comments: 24 Terry Avenue**
- b. Subcommittee & Staff Reports:**

John Ramsdell – Conservation Commission Member Applicant

Mr. Ramsdell works for Mitre, has been a resident of Burlington for six years, and is interested in joining the committee.

Community Preservation Act

W. Boivin noted this is moving forward, and a public informational meeting is set for Wednesday March 6, 2019.

Open Space and Recreation Plan

The draft plan was submitted to the state, and it is under review. This is close to being finalized.

**c. Upcoming meetings:** February 28, 2019 & March 14, 2019

**d. Other Business:**

Public Land Preservation Act

Draft letter to Senator Cindy Friedman asking her to support and move this bill along was distributed to the members. The act covers Article 97 lands and codifies the currently existing policies.

A MOTION TO SEND THE LETTER TO CINDY FRIEDMAN ENDORSING THE PUBLIC LAND PRESERVATION ACT WAS APPROVED (4-0-0).

A MOTION TO ADJOURN THE FEBRUARY 14, 2019 CONSERVATION COMMISSION MEETING WAS MADE BY G. LIMA AT 8:05 PM. THE MOTION WAS SECONDED BY J. O'RIORDEN AND APPROVED (4-0-0).

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