

**RECEIVED**

By Town Clerk at 9:22 am, Jun 29, 2018



**TOWN OF BURLINGTON**  
*Conservation Commission*

**MINUTES OF June 14, 2018**

*Approved June 28, 2018*

**Members Present:** Chair L. Cohen, Vice-Chair W. Boivin, J. O’Riorden, E. LoTurco, K. Melanson, I. Deb, G. Lima

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

**1. Call to Order**

L. Cohen called the meeting to order at 7:00 pm.

**2. Citizens’ Time**

Fox Hill Nature Trail – Elliot Parsons

Elliot Parsons, 30 Wheatland Street, 8 years old, explained that he picks up trash around the Fox Hill area, and requested the Conservation Commission’s endorsement for the construction of a bike trail in that 4-acre parcel. He will do a trail plan with the New England Mountain Biking Association and forward it Robert Cunha, Director of Finance and Operations for the Burlington Public Schools, for approval. Mr. Parsons will recruit his friends and family to assist with the construction, and hopes to have it completed by the end of the summer. The Conservation Commission and staff supported Mr. Parsons’ plans.

**3a. Approval of Minutes – May 10, 2018**

A MOTION TO APPROVE THE MINUTES FROM THE MAY 10, 2018 CONSERVATION COMMISSION MEETING WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY J. O’RIORDEN AND APPROVED (5-0-2; K. MELANSON AND W. BOIVIN ABSTAINED).

**3b. Approval of Minutes – May 24, 2018**

A MOTION TO APPROVE THE MINUTES FROM THE MAY 24, 2018 CONSERVATION COMMISSION MEETING WAS MADE BY I. DEB. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (5-0-2; K. MELANSON AND G. LIMA ABSTAINED).

June 14, 2018

**4. Request for Minor Engineering Change – 38 Grant Avenue – Burlington Department of Public Works – DEP #122-587**

Town Engineer Thomas Hayes of the Town of Burlington represented this application.

He explained there is excess fill from the project and requested to grade out into the existing topography. The benefits are creating an additional buffer for the residents, and it will discourage dumping.

J. Keeley noted this will not extend the limit of work and staff had no issues.

Conservation Commission had no comment.

No one in the audience spoke on this matter.

A MOTION TO APPROVE THE MINOR ENGINEERING CHANGE FOR 38 GRANT AVENUE, DEP #122-587, WAS MADE BY G. LIMA. THE MOTION WAS SECONDED BY I. DEB AND APPROVED (7-0-0).

**5a. Request for Certificate of Compliance/Certificate of Completion/Release of Surety – 186 Middlesex Turnpike – LTF Real Estate Company – DEP #122-574**

No testimony was taken on this matter.

*This matter was continued to the June 28, 2018 Conservation Commission meeting.*

**5b. Request for Certificate of Compliance/Certificate of Completion/Release of Surety – 4 Willow Way – Scott Mitchell – DEP #122-586**

Homeowner Scott Mitchell of 4 Willow Way represented this application.

Conservation Commission staff had no issues.

Conservation Commission had no comments.

No one in the audience spoke on this matter.

A MOTION TO ISSUE THE CERTIFICATE OF COMPLIANCE FOR PROJECT AT 4 WILLOW WAY, DEP #122-586, WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (7-0-0)

A MOTION TO RELEASE \$5,000, THE FULL AMOUNT OF THE PERFORMANCE BOND, FOR THE PROJECT AT 4 WILLOW WAY, DEP #122-586, WAS MADE BY K. MELANSON. THE MOTION WAS SECONDED BY I. DEB AND APPROVED (7-0-0).

**5c. Request for Certificate of Compliance/Certificate of Completion/Release of Surety – 34 Cambridge Street – Burlington Crossroads (E&A), LLC – DEP #122-495 (surety release only)**

Project Coordinator Hannah Foley and Senior Project Manager Jim Talbert with Development Management Associates representing Edens, the property owners.

J. Keeley noted this is a request for the release of the surety because the Conservation

June 14, 2018

Commission issued the Certificate of Compliance four years ago. At the time the applicant did not do the trimming of the trees along the stream and planting of shrubs so the surety was not released at that time. The trees appear to have been trimmed recently, but the plantings are not done. The trimming condition was to trim the trees by 10 feet; it is unclear if that was followed.

The Conservation Commission noted fallen trees are blocking the stream, and there is trash/shopping carts in the brook. There is not much left of the trees, and there is no shading of the brook. It does not appear the order was followed, and the resource area is not receiving the protection it needs. Trash in the brook is not acceptable.

The Conservation Commission requested staff work with the applicant to rectify the issues.

No one in the audience spoke on this matter.

*This matter was continued to the June 28, 2018 Conservation Commission meeting.*

**5d. Request for Certificate of Compliance/Certificate of Completion/Release of Surety – 20 Sandy Brook Road – Kirit Shah – DEP #122-584**

Homeowner Samir and Kirit Shah of 20 Sandy Brook Road represented the application.

J. Keeley explained the addition was built on tubes because it was within Riverfront Area and Bordering Land Subject to Flooding. The project was more complicated than expected because the applicant encountered a septic system, hence more excavation was done close to the wetlands. The site appears mostly stable. A condition of the approval was to allow a portion of the lawn that is within wetlands to re-vegetate and create a demarcation line with shrubs or a fence. There is a wire fence on site, but it is in the wrong location; additionally it appears there was mowing beyond that fence in the wetlands. This site is not in compliance.

Conservation Commission requested staff use the scaled plans to determine the correct location for the demarcation and guide the applicant. And they requested a more permanent demarcation line.

No one in the audience spoke on this matter.

*This matter was continued to the June 28, 2018 Conservation Commission meeting.*

**5e. Request for Certificate of Compliance/Certificate of Completion/Release of Surety – 7 Anna Road – Edward Barkley – DEP #122-568**

Homeowner Edward Barkley of 7 Anna Road represented this application.

J. Keeley noted that the addition is within the buffer area, and some previously mowed area is being restored. The requirement for a PE to submit reports was waived and the homeowner submitted all the reports. Conservation Commission staff had no issues.

Conservation Commission had no comments.

No one in the audience spoke on this matter.

A MOTION TO ISSUE THE CERTIFICATE OF COMPLIANCE FOR PROJECT AT 7 ANNA ROAD, DEP #122-568, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (7-0-0)

A MOTION TO RELEASE \$5,000, THE FULL AMOUNT OF THE PERFORMANCE BOND, FOR THE PROJECT AT 7 ANNA ROAD, DEP #122-568, WAS MADE BY I. DEB. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (7-0-0).

**6a. Request of Determination of Applicability – 2 Stanwood Street – Devprasad R. Dutta – Construct patio**

Homeowner Devprasad Dutta of 2 Stanwood Street represented the application.

Mr. Dutta requested building a patio with pavers and crushed stone. The Conservation Commission staff approved the wattles around the limit of work, and the contractor is entering from the opposite side of the home to protect the resource area.

E. Coleman noted the applicant had the work scheduled, so staff approved the wattles. Conservation Commission staff had no issues.

Conservation Commission had no comments.

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 2 STANWOOD STREET WAS MADE BY G. LIMA. THE MOTION WAS SECONDED BY J. O'RIORDEN AND APPROVED (7-0-0).

**6b. Request of Determination of Applicability – 126 Lexington Street – Abu S. Some – Cut down 10-12 trees and build small addition (continued)**

Homeowner Abu S. Some of 126 Lexington Street represented the application.

Mr. Some requested cutting some trees and building an addition.

J. Keeley noted the Conservation Commission did a site visit. There were a few issues such as the construction of the bump-out to access the cellar has begun, and the materials from that construction were dumped near the wetlands, if not in the wetlands. Also, the trees need to be evaluated by an arborist prior to approving any cutting. He suggested the Conservation Commission do a site visit with the applicant present.

The Conservation Commission requested demarcating the wetlands, marking the trees to be removed, and the arborist evaluation.

No one in the audience spoke on this matter.

*This matter was continued to the June 28, 2018 Conservation Commission meeting.*

June 14, 2018

**6c. Request of Determination of Applicability – 4 Tami Lane – Tom & Tammy Atwood – Construct residential addition**

Homeowner Tom and Tammy Atwood of 4 Tami Lane and their contractor represented the application.

Mr. Atwood explained the request to do an addition.

E. Coleman explained the addition is within the outer riparian to an unknown stream. Staff had no issues.

Conservation Commission had no comments.

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 4 TAMI LANE WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (7-0-0).

**7. Public Hearing – Request for Amendment to Order of Conditions/Wetland Bylaw Permit – 114 Terrace Hall Avenue – Town of Burlington – Amend stormwater plan – DEP #122-596**

Engineer Rick Latini with Howard Stein and Hudson and architect Chris Logan of Context Architecture represented the application.

Mr. Latini explained the request to change the drainage system from an infiltration system to a detention system, because during excavation it was discovered that the seasonally high ground water was higher than expected. To create the detention system a liner will be added to the infiltration system. The change to impervious area is approx. 540 square feet at the driveway entrance to allow the fire trucks to back in on site and not in the roadway.

J. Keeley explained rather than doing a minor engineering change, he recommended the applicant submit an amendment because there are no other options to explore at this time, except off-site mitigation.

The Conservation Commission clarified that the hearing was closed prior to getting test pit results.

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 114 TERRACE HALL AVENUE, DEP #122-596, WAS MADE BY K. MELANSON. THE MOTION WAS SECONDED BY I. DEB AND APPROVED (7-0-0).

June 14, 2018

A MOTION TO ISSUE AN AMENDED ORDER OF CONDITIONS FOR THE PROJECT AT 114 TERRACE HALL AVENUE, DEP #122-596, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (7-0-0).

**8. Continued Public Hearing – Notice of Intent – 4 Paige Road – VC Detailed Properties, LLC – Construct residential addition – DEP #122-609**

Wetlands scientist Bill Manual of Wetlands Land Management, and contractor/property owner Joe Ferrera represented the application.

Mr. Manual explained the changes to the plans: driveway will shed water to the lawn, added foundation drain with an outlet, drip trench at the back of the addition, siltation fence with hay bales for erosion controls, added two no-disturb signs and 6 shrubs to the wetlands area.

E. Coleman had no further issues.

Conservation Commission had no comment.

No one in the audience spoke on this matter.

E. Coleman reviewed the findings and conditions.

A MOTION TO CLOSE THE HEARING FOR THE PROJECT AT 4 PAIGE ROAD, DEP #122-609, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY G. LIMA AND APPROVED (7-0-0).

A MOTION TO APPROVE THE FINDINGS FOR THE PROJECT AT 4 PAIGE ROAD, DEP #122-609, WAS MADE BY I. DEB. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (7-0-0).

A MOTION TO ISSUE THE ORDER OF CONDITIONS FOR THE PROJECT AT 4 PAIGE ROAD, DEP #122-609, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY I. DEB AND APPROVED (7-0-0).

A MOTION TO REQUIRE A \$3,500 PERFORMANCE BOND FOR THE PROJECT AT 4 PAIGE ROAD, DEP #122-609, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY I. DEB AND APPROVED (7-0-0).

**9. Continued Public Hearing – Notice of Intent – 5 Burlington Mall Road – Burlington S&S, LLC – Demolish Sears Auto Center & construct multitenant retail/restaurant building – DEP# 122-607**

No testimony was taken on this matter.

*This matter was continued to the June 28, 2018 Conservation Commission meeting.*

**10. Continued Public Hearing – Erosion & Sedimentation Control Permit – 5 Burlington Mall Road – Burlington S&S, LLC – Demolish Sears Garden Center, construct pocket park & make parking lot & sidewalk improvements**

No testimony was taken on this matter.

*This matter was continued to the June 28, 2018 Conservation Commission meeting.*

June 14, 2018

**11. Public Hearing – Notice of Intent – 7 Eastern Avenue – Mohammad Hossain – Construct residential addition – DEP #pending**

Homeowner Mohammad Hossain of 7 Eastern Avenue, his engineer, and Robert Murphy the wetlands scientist represented the application.

The engineer explained the request to build a two-car garage on an existing driveway near the wetlands. To mitigate the impact: the driveway will be pulled away from the wetlands, shrubs will be added, the shed will be moved away from the wetlands area, and the rooftop will be infiltrated. Overall the site will have a reduction in impervious area.

J. Keeley commented the wetland flags have not been checked. The stream beside the site is on the local streams maps, but not regulated under the wetlands protection act. Under the local bylaw this project is within Riverfront Area. The applicant is requesting a waiver from the no-disturb and no-build setbacks. This does not meet the bylaw regulations.

Conservation Commission commented:

- Tree roots by the garage may be compromised during construction
- Suggested putting the garage on the other side of the home
- The area between the garage and stream for planting is very narrow; would shrubs be affected if maintenance needs to be done to the garage?
- Bylaws were created for a reason, and should be followed
- Goal is to protect the bank
- Driveway slopes toward to the street

Conservation Commission requested:

- Enhance alternatives analysis
- Site visit to evaluate the trees
- Stake the garage
- Explore additional enhancements to the area such as removing debris, and adding more plantings
- Write up for digging up the foundation and how the vegetation/bank will be protected

No one in the audience spoke on this matter.

*This matter was continued to the June 28, 2018 Conservation Commission meeting.*

**12. Administration**

**a. Planning Board comments:** None

**b. Subcommittee & Staff Reports:** None

**c. Upcoming meetings:** June 28, 2018 & July 12, 2018 & August 9, 2018

**e. Other Business:**

Community Outreach by way of Social Media

J. O’Riorden suggested the Conservation Commission have more of an online presence through social media platforms such as Twitter. She agreed to work with staff to create a Twitter account and establish a set of usage regulations. This will enable the Conservation Commission to reach

more residences.

Jumbo Capital Management - Off Wheeler Road (Map 52 Parcels 4 & 6) - Appeal

J. Keeley noted an abutter is appealing this decision, because of the results of the test pits.

A MOTION TO ADJOURN THE JUNE 14, 2018 CONSERVATION COMMISSION MEETING WAS MADE BY G. LIMA AT 9:29 PM. THE MOTION WAS SECONDED BY I. DEB AND APPROVED (7-0-0).

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