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## TOWN OF BURLINGTON

*Conservation Commission*

### MINUTES OF September 27, 2018

*Approved October 11, 2018*

**Members Present:** Chair L. Cohen, Vice-Chair W. Boivin, E. LoTurco, G. Lima

**Member Absent:** J. O’Riorden, K. Melanson, 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 7:02 pm.

#### 2. Citizens’ Time

No one spoke.

#### 3. Approval of Minutes – September 13, 2018

A MOTION TO APPROVE THE MINUTES FROM THE SEPTEMBER 13, 2018 CONSERVATION COMMISSION MEETING WAS MADE BY G. LIMA. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (4-0-0).

*Item 11 was taken out of order.*

#### 11. Administration

**a. Planning Board comments:** None.

**b. Subcommittee & Staff Reports:**

Open Space and Recreation Plan

A workshop was held Tuesday, September 25 at 6pm in the MSMS library. Mentioned at the meeting was the creation of biking trails, and walking paths.

Mildred Nash, 39 Sunset Drive, TMM precinct 3, explained she is a former member of the Bicycle Path Committee and they created plans (Phase 1-3) for bike paths around the 3<sup>rd</sup> Avenue

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area. L. Cohen requested a copy of those maps and added that he would submit the river walk proposal maps prepared by The District to Ms. Nash.

The Open Space and Conservation survey is still available at:

<https://www.surveymonkey.com/r/BurlingtonOSRP>

#### 2018 Natural Burlington Photography Contest

The deadline to submit is October 23, and the photos will be displayed on November 6 at 7:30pm at the Natural Burlington Photo Exhibit & Awards at Grandview Farm. E. Coleman noted that entries are coming in.

For details visit:

<http://burlington.photos/documents/2018%20NBPC%20Information%20and%20Rules.pdf>

*Item 11 was tabled.*

#### **4. Public Hearing – Abbreviated Notice of Resource Area Delineation – Cambridge Street (Parcel 35-115-0) – Pondfield Solo 401 (k) Trust – Resource area boundary confirmation – DEP #pending**

Wetlands Scientist Jonathan Shuster and President Brian Butler of Oxbow Associates represented this application.

Mr. Shuster explained the request for confirmation of resource bounds. The wetlands are identified with 41 flags. Site has a storm water outfall that was installed around 1957. Most of the water comes from Corporate Drive. Ditches have formed from scouring through upland soils. Several flags were reviewed at the request of staff, which was done, and resulted in some flags being changed. He cited the definition of the stream channel, and argued that the ditches are not stream channels.

J. Keeley commented that staff have not reviewed the flag changes. The applicant is requesting approval of the BVW boundary and a determination on jurisdiction of the streams. He explained that under the Bylaw a stream is regulated if it flows in a definite channel either into a resource area or out of a resource area, under the Wetlands Protection Act a stream would have to flow out of a resource area. J. Keeley suggested getting the monitoring well reports from the site, continuing the delineation to the property line, and flagging the banks/adding them to the plans.

Conservation Commission commented:

- 8 flags were reviewed, and 4 of those were moved
- W. Boivin and L. Cohen opinion is these ditches are regulated locally as streams
- One drain pipe is clogged, and that if it is unclogged, what is the amount of additional water that would be added to the site
- Installing a pipe, rather than using the stream, would not slow down, and clean (through infiltrating and settling) the water
- Source of the wetlands hydrology

Public Comment:

James McNiff, 59 Villagewood Drive, spoke about the possible future of this site, and his concerns about the amount of encroachment into the wetlands in Burlington.

Sue Mayo, 30 Arlington Road, noted she lives in a raised ranch, but the back of her property does flood.

Edward Barkley, 7 Anna Road, noted the water runs through his backyard.

Mildred Nash, 39 Sunset Drive, TMM precinct 3, noted the run off from the hill goes through the high school parking lot, to the swamp, and that developing this site will exacerbate the water issue in that area.

*This matter was continued to the October 11, 2018 Conservation Commission meeting.*

**5. Public Hearing – Notice of Intent – 34 Cambridge Street – TMC New England LLC – Construct various minor site modifications – DEP #122-615**

Attorney Mark Vaughan of Riemer & Braunstein, LLP, Engineer Brian Dundan of RJ O’Connell & Associates, Inc. and property manager Kenneth Darling of Edens &Avant, Inc. represented this application.

Mr. Vaughan explained the request for CVS to move into the former Busa Liquors building. The minor changes include moving the entrance, and adding a drive thru to the building. No pavement will be added.

Mr. Dundan noted the jurisdictional areas are BVW and riverfront. A wetlands consultant marked the buffer zones on the plans. As a result of the engineering changes, there will be a slight increase to the building footprint, sidewalk enhancements, the dumpster will be relocated, parking lot will be restriped, ADA enhancements will be applied, and a 1200 square foot increase to impervious areas (in the form of small islands) will occur. Also, new bituminous curbing will be installed

J. Keeley commented staff has not reviewed the delineation. He requested improvements to the riverfront, and an alternatives analysis. He noted the dumpsters are proposed right up against the curb that is very close the wetlands. This site has historically had issues with trash getting into the wetlands, and there is a sump pump discharge pipe that has so much iron there is staining on the side of the building and pavement. Currently there are pieces of curbing that were left behind from the last curbing repair.

Conservation Commission commented:

- Catch basins are cleaned out quarterly

Conservation Commission requested (applicant):

- Granite curbing instead of bituminous curbing
- Ensure the protection around the dumpster keeps the trash in the dumpster (detailed plan) and in the maintenance plan, daily trash pick up

- Down spouts that come from the building, under the parking lot, and outlet into the stream – the outlets should have crushed stone
- Explore removing iron from the from the sump pump discharge pipe

Conservation Commissioner requested (property manager):

- Pick up curbing behind Michaels
- Clean up stream
- Ensure the three curbing breaks are operating as intended, and explore installing catch basins instead

Public Comment:

Planner Phyllis Etsell of Murray Hills Inc. spoke in opposition of the project noting the down stream flooding that is occurring on 9-11 Ray Avenue from the Crossroads site. She requested the Conservation Commission hold the permit until the applicant provides the topographical information.

Mr. Darling agreed to have the site surveyed again to determine if Crossroads is responsible for the flooding. He also agreed to unclog a discharge pipe between the properties, and to work with staff to develop a plan.

*This matter was continued to the October 11, 2018 Conservation Commission meeting.*

**6. Continued Public Hearing – Notice of Intent – 20 Wall Street – The Gutierrez Company – Parking lot full depth reconstruction – DEP #122-614**

Developer Isreal Lopez of the Gutierrez Company and engineer Will Park of Symmes Maini & McKee Associates represented this application.

Mr. Park summarized the action items since the last meeting:

- Site visit
- Confirmed sump depths for the catch basins that are remaining are slightly under four feet
- Sump depth for the one being replaced is 1.5 feet, and is being replaced with a pretreatment unit
- Conditions of the existing structure are good
- Submitted O & M plan, annual check list, and draft storm water and pollution plan
- Submitted updated TSS calculations

E. Coleman had no additional comments, and has no issues. J. Keeley noted the vegetated strip between the parking lot and stream is dense so there is not space for additional plantings, and he suggested the applicant apply to cut the dead trees and plant new trees in a separate filing.

Conservation Commission had no comments.

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 20 WALL STREET, DEP #122-614, WAS MADE BY G. LIMA. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (4-0-0).

A MOTION TO APPROVE THE FINDINGS FOR THE PROJECT AT 20 WALL STREET, DEP #122-614, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (4-0-0).

A MOTION TO ISSUE THE ORDER OF CONDITIONS FOR THE PROJECT AT 20 WALL STREET, DEP #122-614, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY G. LIMA AND APPROVED (4-0-0).

A MOTION TO REQUIRE A \$10,000 PERFORMANCE BOND FOR THE PROJECT AT 20 WALL STREET, DEP #122-614, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY G. LIMA AND APPROVED (4-0-0).

**7. Continued Public Hearing – Notice of Intent – South Bedford Street (Parcel 54-13-0) – Town of Burlington – Install new 8-inch water main – DEP #122-613**

Town Engineer Thomas Hayes of the Town of Burlington, and Engineer William Maher of Nitsch Engineering represented this application.

Mr. Maher explained the changes to the plan:

- Submitted a construction plan and narrative from the contractor
- Widened the limit of work

E. Coleman had concerns about restoring the bank grades. J. Keeley had no issues.

E. Lo Turco inquired about the granite wall. Mr. Maher expects the water line to go under it, but test pits will be done to determine how that will be done.

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 SOUTH BEDFORD STREET (PARCEL 54-13-0) – TOWN OF BURLINGTON, DEP #122-613, WAS MADE BY G. LIMA. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (4-0-0).

A MOTION TO APPROVE THE FINDINGS FOR THE PROJECT AT SOUTH BEDFORD STREET (PARCEL 54-13-0) – TOWN OF BURLINGTON, DEP #122-613, WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (4-0-0).

A MOTION TO ISSUE THE ORDER OF CONDITIONS FOR THE PROJECT AT SOUTH BEDFORD STREET (PARCEL 54-13-0) – TOWN OF BURLINGTON, DEP #122-613, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (4-0-0).

No bond issued.

**8. Continued Public Hearing – Notice of Intent – 5 Murphy Lane – Lexington Trust – Construct new single-family dwelling – DEP #122-612**

Planner Phyllis Etsell of Murray Hills Inc. represented this application.

Ms. Etsell had no comment.

E. Coleman had no issue with the project.

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 5 MURPHY LANE, DEP #122-612, WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY G. LIMA AND APPROVED (4-0-0).

A MOTION TO APPROVE THE FINDINGS FOR THE PROJECT AT 5 MURPHY LANE, DEP #122-612, 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 5 MURPHY LANE, DEP #122-612, WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY G. LIMA AND APPROVED (4-0-0).

A MOTION TO REQUIRE A \$5,000 PERFORMANCE BOND FOR THE PROJECT AT 5 MURPHY LANE, DEP #122-612, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY G. LIMA AND APPROVED (4-0-0).

**9. Continued Public Hearing – Erosion & Sedimentation Control Permit – 121 Lexington Street – 121 Lexington St. Realty Trust – Demolish existing 3-unit house and construct a new 3-unit residential building**

No testimony was taken on this matter.

*This matter was continued to the October 11, 2018 Conservation Commission meeting.*

**10. Continued Public Hearing – Erosion & Sedimentation Control Permit – 98-108 Middlesex Turnpike – Yard House USA, Inc. – Demolish existing restaurant building and construct new restaurant building with associated site improvements**

Attorney Bill Proia of Riemer & Braunstein, LLP, and engineer Randy Miron of Bohler Engineering represented the application.

Mr. Miron explained the changes:

- Contractor will clean out the deep sump basins along Middlesex Turnpike
- Two curb breaks to one curb
- Rooftop will be captured in an infiltrator and the parking lot will go to swales and treated

J. Keeley had no issues.

Conservation Commission had no comment.

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 98-108 MIDDLESEX TURNPIKE WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (4-0-0).

A MOTION TO ISSUE THE SEDIMENTATION AND EROSION CONTROL PERMIT FOR THE PROJECT AT 98-108 MIDDLESEX TURNPIKE WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (4-0-0).

A MOTION TO REQUIRE A \$10,000 PERFORMANCE BOND FOR THE PROJECT AT 98-108 MIDDLESEX TURNPIKE, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (4-0-0).

*Item 11 was taken off the table.*

## **11. Administration**

### **b. Subcommittee & Staff Reports:**

Presentation on Fertilizers and Lawns by the Recreation Department

E. Coleman said it had good attendance, and went well.

Community Preservation Act

The next presentation is October 17 at 7pm to the Historical Commission at Grandview Farms

**d. Upcoming meetings:** October 11, 2018 & October 25, 2018

### **e. Other Business:**

Prohibition on Plastic Bags in Burlington

This did not pass Town Meeting, because they need more information.

A MOTION TO ADJOURN THE SEPTEMBER 27, 2018 CONSERVATION COMMISSION MEETING WAS MADE BY G. LIMA AT 9:38 PM. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (4-0-0).

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