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TOWN OF BURLINGTON
Conservation Commission

MINUTES OF October 11, 2018
Approved October 25, 2018

Members Present: Chair L. Cohen, Vice-Chair W. Boivin, E. LoTurco, I. Deb

Member Absent: J. O’Riorden, K. Melanson, 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

No one spoke.

3. Approval of Minutes – September 27, 2018

A MOTION TO APPROVE THE MINUTES FROM THE SEPTEMBER 27, 2018 CONSERVATION COMMISSION MEETING WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (3-0-1; I. DEB ABSTAINED).

4. Request for Determination of Applicability – 26 Chestnut Street – Michael Pendleton – Clear trees/vegetation and extend lawn

Landscaper Michael Pendleton of S&M Landscaping and homeowner Daniel Florey represented this application.

Mr. Pendleton explained the plan to install a patio area and extend the lawn 24 feet. They stopped worked when they were informed of the BVW. The plan is to loam and seed that 24 feet and install a fence.

J. Keeley commented this was filed in response to an enforcement issue. The office received a couple of calls regarding the activity. The builder of this home intentionally stayed outside the 100-foot buffer zone, so he wouldn’t need to file. Staff met with the applicant, had them install erosion controls and file an application. They then authorized him to continue work because the

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site was stabilized and the sooner the work was done the less time the site would be susceptible to erosion. Some landscaping still needs to be done. It is roughly 60 feet from the wetlands now. Staff has no concerns.

Conservation Commission had no comment.

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 26 CHESTNUT STREET WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY I. DEB AND APPROVED (4-0-0).

5. Public Hearing – Notice of Intent – 204 Fox Hill Road – Langone Development Group, Inc. – Demolish existing single-family dwelling and construct new single-family dwelling – DEP #122-617

Maureen Harold of Norse Environmental Engineering, and Johnathan Langone of Langone Development Group, Inc. represented this application.

Ms. Harold explained the request to demolish the existing the home and construct a new home with a deck. The deck would be 35 feet and the dwelling 40 feet from the BVW. Two sheds and a deck in the rear would be removed. Erosion controls are marked on the plans. An infiltration trench is proposed around the dwelling and driveway to capture run off.

J. Keeley commented this is a redevelopment project. The existing conditions do not meet the current regulation setbacks; typically, the commission looks for some improvements to that. There is no 20-foot no-disturb and the yard is mowed up to the edge of the wetlands, possibly into the wetlands. The proposal is to increase that area, with fence 8-15 feet from the BVW. The no-build set back is not being met with the proposed deck, the applicant argues that they are improving the site by removing the sheds. The applicant is requesting a waiver of the 40-foot no-build.

Conservation Commission commented:

- Two trees are proposed to be removed
- There is an increase to impervious area

Conservation Commission requested:

- Add some planting to the wetlands area
- Explore the source of the pipe marked on the plans
- Remove debris in the wetlands

Emanuel and Rose Marie Tucker, 202 Fox Hill Road, commented that he and wife have resided in their home for 46 years, and they have never had water in their basement. He wants to ensure that his basement continues to stay dry.

This matter was continued to the October 25, 2018 Conservation Commission meeting.

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

Wetlands scientist Tom Whitty from Lucas Environmental, and Engineer Brian Dundan of RJ O’Connell & Associates, Inc. represented this application.

I. Deb stated that he watched the video of the Conservation Commission meeting of September 27, 2018 and is qualified to vote on this matter.

Mr. Dundan reviewed the changes since the last meeting:

- Submitted written alternative analysis
- Identified the broken discharge line, which will be repaired
- Changed bituminous curbs to sloped granite curbing
- Install rip rap at the outlet points
- Submitted details regarding the dumpster enclosure
- Using straw wattles instead of haybales for erosion controls

Mr. Dundan requested a continuance on this matter in case the Planning Board requests significant changes to the plans.

J. Keeley would need to review whether straw wattles would be enough or if haybales would be needed in certain areas. He clarified that his concerns raised last week regarding the discharge pipe wasn’t about the water discharging across the parking lot or that the pipe was broken, it was why is it so discolored?

E. Coleman met with Edens regarding the flooding on Ray Avenue.

Conservation Commission commented:

- Update on the concerns raised by 9-11 Ray Avenue owner Phyllis Etsell of Murray Hills
 - Edens will do a topographic survey, and unclog a pipe

Conservation Commission requested:

- Date for the topographic survey availability

No one in the audience spoke on this matter.

This matter was continued to the October 25, 2018 Conservation Commission meeting.

7. Continued Public Hearing – Abbreviated Notice of Resource Area Delineation – Cambridge Street (Parcel 35-115-0) – Pondfield Solo 401(k) Trust – Resource area boundary confirmation – DEP #122-616

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

I. Deb stated that he watched the video of the Conservation Commission meeting of September 27, 2018 and is qualified to vote on this matter.

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Mr. Shuster noted some flags were added/changed in the field because of the discussions from last week. Most of the conversations last week were regarding the drainage characteristics of the site as it relates to the local bylaw. He argued the channelized flow down hill is broken up with areas of sheet flow which doesn't make this of regulatory significance.

Burlington Bylaw:

Stream means a body of running water, including brooks and creeks, which moves in a definite channel in the ground due to a hydraulic gradient, and which flows within, into or out of an Area Subject to Protection. A portion of a stream may flow through a culvert or beneath a bridge. Such a body of running water may or may not flow throughout the year.

J. Keeley commented the applicant and staff agree as to BVW delineations, and that the stream channels are non-jurisdiction under the Wetlands Protection Act. The local bylaw, on the other hand, addresses specifically streams that are up gradient to BVW. It notes the stream could flow into or out of a resource area. It is up to the commission to interpret the bylaw and determine whether the water is flowing into/out of the wetlands from this channel. He recommended the commission do another site walk.

Conservation Commission opinions:

- I. Deb - the water is going to the resource area
- W. Boivin - this is a functioning stream
- E. Loturco - due to the force of the stream it causes fanning
- L. Cohen - the stream nourishes the wetlands

Conservation Commission commented:

- Add to agenda a discussion about moving the stream

Jim McNiff, 59 Villagewood Drive, got clarification on stream vs. channel, amount of water that feeds the wetlands, and implications of moving the stream. The commission invited him to join them for the site walk.

This matter was continued to the October 25, 2018 Conservation Commission meeting.

8. 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 25, 2018 Conservation Commission meeting.

9. Administration

a. Planning Board comments: 34 Cambridge Street – TMC New England LLC (CVS)

b. Subcommittee & Staff Reports:

Community Preservation Act

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

c. Upcoming meetings: October 25, 2018 & November 8, 2018

A MOTION TO CANCEL THE CONSERVATION COMMISSION MEETINGS OF NOVEMBER 22, 2018 AND DECEMBER 27, 2018 WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY I. DEB AND APPROVED (4-0-0).

d. Other Business:

2018 Natural Burlington Photography Contest Update

Approximately 30 entries have been made so far, and the deadline is October 23, 2018. The photos will be displayed on November 6 at 7:30pm at the Natural Burlington Photo Exhibit & Awards at Grandview Farm.

A MOTION TO ADJOURN THE OCTOBER 11, 2018 CONSERVATION COMMISSION MEETING WAS MADE BY E. LOTURCO AT 8:28 PM. THE MOTION WAS SECONDED BY I. DEB AND APPROVED (4-0-0).

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