



# TOWN OF BURLINGTON

## *Conservation Commission*

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### **MINUTES OF October 25, 2018**

*Approved November 8, 2018*

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

**Member Absent:** 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**

Jack Fernandez explained his plan to clean up Little Brook with 40 volunteers. This would occur Saturday November 3 from 9am to 11am. Conservation Commission supported the plan.

#### **3. Approval of Minutes – October 11, 2018**

A MOTION TO APPROVE THE MINUTES FROM THE OCTOBER 11, 2018 CONSERVATION COMMISSION MEETING WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY J. O’RIORDEN AND APPROVED (5-0-1; K. MELANSON ABSTAINED).

#### **4. Request for Determination of Applicability – 361 Cambridge Street – Barry N. Doherty – Clear trees/vegetation and extend lawn**

Homeowner Barry N. Doherty represented this application.

Mr. Doherty explained the request to cut trees, construct a shed, and create a lawn and garden. He would also construct a rock wall along the back of the property.

E. Coleman commented that work had begun, when a resident noticed and notified the conservation office. She has no concerns with the proposed work.

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Conservation Commission supported the construction of the rock wall in front of the approximate wetlands line. The applicant will not be taking down any more trees, but the conservation commission did note some dead trees that should be considered. Also, he will not fill in the yard, but would loam it.

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 361 CAMBRIDGE STREET WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY I. DEB AND APPROVED (6-0-0).

**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**

Johnathan Langone of Langone Development Group, Inc. represented this application.

Mr. Langone worked with staff to develop a planting plan for this site, and agreed to pick up the debris.

Conservation Commission staff noted the pipe on the property is a town storm water pipe.

Conservation Commission requested that the grading on the site not create run off towards the neighbors and reminded the applicant to submit weekly inspection reports.

No one spoke from the audience.

J. Keeley reviewed the findings and conditions.

A MOTION TO GRANT WAIVER FROM THE 40-FOOT NO-BUILD SET BACK FOR THE PROJECT AT 204 FOX HILL ROAD, DEP #122-617 IN EXCHANGE FOR REMOVING THE SHEDS AND DECK WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (6-0-0).

A MOTION TO GRANT WAIVER FROM THE 20-FOOT NO-DISTURB SET BACK FOR THE PROJECT AT 204 FOX HILL ROAD, DEP #122-617, IN EXCHANGE FOR A FENCE ALONG THE BACKYARD WAS MADE BY I. DEB. THE MOTION WAS SECONDED BY J. O'RIORDEN AND APPROVED (6-0-0).

A MOTION TO CLOSE THE HEARING FOR THE PROJECT AT 204 FOX HILL ROAD, DEP #122-617, WAS MADE BY K. MELANSON. THE MOTION WAS SECONDED BY I. DEB AND APPROVED (6-0-0).

A MOTION TO APPROVE THE FINDINGS FOR THE PROJECT AT 204 FOX HILL ROAD, DEP #122-617, WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY J. O'RIORDEN AND APPROVED (6-0-0).

A MOTION TO ISSUE THE ORDER OF CONDITIONS FOR THE PROJECT AT 204 FOX HILL ROAD, DEP #122-617, WAS MADE BY K. MELANSON. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (6-0-0).

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A MOTION TO REQUIRE A \$2500 PERFORMANCE BOND FOR THE PROJECT AT 204 FOX HILL ROAD, DEP #122-617, WAS MADE BY I. DEB. THE MOTION WAS SECONDED BY J. O'RIORDEN AND APPROVED (6-0-0).

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

Engineer Brian Dundan of RJ O'Connell & Associates, Inc. represented this application.

Mr. Dundan explained the changes since the last meeting:

- Slight modification to the exit lane of the drive thru, resulting in increased landscaping
- Topographical field work is complete, and the report is expected to be available Monday
- Discharge pipe from the building with the discolored water was inspected by Edens' plumber, and there are no issues, the theory is the iron content is coming from the broken pipe

Conservation Commission and staff 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 34 CAMBRIDGE STREET, DEP #122-615, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY J. O'RIORDEN AND APPROVED (5-0-1; K. MELANSON ABSTAINED).

A MOTION TO APPROVE THE FINDINGS FOR THE PROJECT AT 34 CAMBRIDGE STREET, DEP #122-615, WAS MADE BY I. DEB. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (5-0-1; K. MELANSON ABSTAINED).

A MOTION TO ISSUE THE ORDER OF CONDITIONS FOR THE PROJECT AT 34 CAMBRIDGE STREET, DEP #122-615, WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY J. O'RIORDEN AND APPROVED (5-0-1; K. MELANSON ABSTAINED).

A MOTION TO REQUIRE A \$5,000 PERFORMANCE BOND FOR THE PROJECT AT 34 CAMBRIDGE STREET, DEP #122-615, WAS MADE BY I. DEB. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (5-0-1; K. MELANSON ABSTAINED).

**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 Jonathan Shuster of Oxbow Associates represented this application.

Mr. Shuster noted that a portion of the channel is a stream, but most of it is not. The site is within the 100-foot buffer, which would be under the jurisdiction of the Conservation Commission. Also the value of the channel is lacking, and if this were a stream, would what feeds it be considered as stream as well?

J. Keeley conceded to identifying certain areas of the channel historic stream, such as points I/H to J and B to the unidentified point. He noted that both the Conservation Commission and applicant agree that point J to the wetlands is a stream. The Conservation Commission is not

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determining the value of the stream, only if this channel is a stream.

It was the opinion of the Conservation Commission that the entire channel is a regulated stream under the local bylaw.

- E. Loturco – discussed the hydrology of point K
- I. Deb – explained the water enters the site from a point and ends at the wetlands
- W. Boivin – noted the precedent that when water is under a culvert it is not regulated and when it daylight it is regulated, and that a similar comparison could be made at the points of the stream when the water fans out
- L. Cohen – explained the history/intent behind the bylaw, and that the stream has a lot of value such as removing TSS.

No one in the audience spoke on this matter.

J. Keeley reviewed the findings and conditions.

L. Cohen requested adding language about the bank, and the applicant requested adding historical stream areas to the decision.

A MOTION TO CLOSE THE HEARING FOR ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION (RESOURCE AREA BOUNDARY CONFIRMATION) AT CAMBRIDGE STREET (PARCEL 35-115-0), WAS MADE BY K. MELANSON. THE MOTION WAS SECONDED BY J. O'RIORDEN AND APPROVED (4-0-2; J. O'RIORDEN AND K. MELANSON ABSTAINED).

A MOTION TO ISSUE A DETERMINATION ON THE ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION (RESOURCE AREA BOUNDARY CONFIRMATION) AT CAMBRIDGE STREET (PARCEL 35-115-0), WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (4-0-2; J. O'RIORDEN AND K. MELANSON ABSTAINED).

### **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.

A MOTION TO CONTINUE THIS MATTER TO THE CONSERVATION COMMISSION MEETING OF NOVEMBER 8, 2018 WAS MADE BY K. MELANSON. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (6-0-0).

### **9. Administration**

**a. Planning Board comments:** None

**b. Subcommittee & Staff Reports:**

2018 Natural Burlington Photography Contest Update

J. O'Riorden noted the contest is closed, and about 80 adult/30 youth submissions were made. There will be a Conservation Commission choice award, and she is working with sponsors to provide food and prizes. The photos will be displayed November 6 at 7:30pm at the Natural Burlington Photo Exhibit & Awards at Grandview Farm.

Community Preservation Act

L. Cohen noted the presentations to the various boards/commissions are completed, and the next step in the process is to figure out a strategy to get funds for promotions. J. O’Riorden agreed to solicit on the Conservation Commission CPA Facebook page, which is @BurlingtonCPA

**c. Upcoming meetings:** November 8, 2018 & December 13, 2018

**d. Other Business:** None

A MOTION TO ADJOURN THE OCTOBER 25, 2018 CONSERVATION COMMISSION MEETING WAS MADE BY I. DEB AT 9:00 PM. THE MOTION WAS SECONDED BY J. O’RIORDEN AND APPROVED (6-0-0).

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