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Burlington Conservation Commission

DRAFT

MINUTES OF FEBRUARY 10, 2011 BURLINGTON CONSERVATION COMMISSION

Members Present: Gretchen Carey, Larry Cohen, Nedim Celik, Indra Deb, Gail Lima,
Ann McNamara, Kerry Melanson

Members Absent: None

Also Present: John Keeley, Conservation Administrator
Jodie Wennemer, Conservation Assistant

The meeting was called to order at 7:00PM by L. Cohen.

1. Citizens' Time

No one was present for Citizens' Time.

2. Minutes – January 27, 2011

A MOTION TO APPROVE THE MINUTES OF JANUARY 27, 2011 WAS MADE BY N. CELIK. THE MOTION WAS SECONDED BY A. MCNAMARA AND APPROVED 5-0-2 (L. COHEN AND G. CAREY ABSTAINED).

(TAKEN OUT OF ORDER)

7c. Other

G. Carey gave an update on the status of the Open Space & Recreation Plan, a draft of which will be posted to the Conservation Commission website. Public comments on the draft are welcome and encouraged. There will be an email link on the site through which comments can be submitted.

3. Continued Public Hearing – Notice of Intent

**Drainage construction: Francis Wyman & Wing Terrace Intersection
Town of Burlington DPW – Engineering
DEP File No. 122-Pending**

This hearing has been continued until the February 24, 2011 Conservation Commission meeting.

4. Continued Public Hearing – Notice of Intent

**New building, parking, and drainage: 3 McGinnis Drive
Mount Hope Christian School
DEP File No. 122-472**

L. Cohen and G. Carey were absent from the last meeting, when this hearing was opened, but have reviewed the video and will be voting on this matter.

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Greg Picariello from Mount Hope Christian School, Will Jackson from Jackson Associates, and Katie Enright from Hancock Associates were present. K. Enright described the changes to the plan that have occurred since the last meeting. The proposed tree line has changed and there is much less proposed to be cut.

K. Enright summarized the discussion regarding the pipe, which runs north-south through the property and is thought to connect the two wetlands north and south of the proposed construction. They are proposing to reroute the pipe so that it goes around the building.

L. Cohen stated a detailed plan is required showing how the current hydrology will remain and how the slope at either end of the pipe is to be restored.

K. Enright explained that the infiltration area toward the south of the property does not meet septic system requirements, but these are not typically treated as such. While during the 100 year storm event the system is likely to fill to capacity and overflow down slope, the system is designed to infiltrate the stormwater in place. That said, they are now proposing to ensure at minimum 1 foot of fill above the system.

L. Cohen clarified that the applicants are proposing to lower the infiltration system and asked if K. Enright thought there would be a benefit to introducing a less-permeable soil to the site. L. Cohen also asked if lowering the infiltration system will alter the location of the outlet pipe.

K. Enright stated that lowering the system will require that the outlet be a bit closer to the wetland, though it remains outside of the 20 foot no-disturb area. The rip-rap will also extend a bit further to address L. Cohen's other concern over the stability of the bank.

N. Celik asked for clarification on the location of the proposed tree line which is to be closer to the building than initially proposed.

I. Deb asked about the slope calculation for the infiltration system, which does not meet the requirements for septic systems, but is not required to.

G. Lima asked about the arrangements regarding maintenance on site. K. Enright stated that the Town will take care of the catch basins and the school will take care of the infiltration systems. K. Melanson asked about the Town's experience maintaining water quality units. The applicants were again reminded to call the Town when maintenance is required.

J. Keeley went through the draft findings and decision for this project. The plan references will be updated to reflect the revisions.

G. Lima asked if they should require "no salt" signs at this site and about the snow removal plan. J. Keeley recommended the Commission leave it up to the applicants to work with the Town on the parking lot maintenance and snow removal plan.

L. Cohen and J. Keeley discussed if any of the conditions require the submittal of a detailed plan regarding the pipe once more information has been determined. No condition currently requires that, but a condition will be added as well as one requiring a plan for restoration of the slopes at the north and south wetlands where the pipe currently lies.

N. Celik again expressed concern over where snow storage will happen at this site. K. Enright stated that the Town currently plows the parking lot and most snow goes to either side of the parking lot, not to the end where the building is proposed. L. Cohen asked what areas should not have snow piles. J. Keeley stated that both wetlands should be protected. L. Cohen suggests that the applicants install a sign requesting no snow piling along the southern wetland. G. Lima asked if the applicants would rather put a guard rail or small fence

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along the southern parking lot boundary. K. Enright indicated that the mature vegetation would essentially prohibit the dumping of snow in the wetland.

A MOTION TO CLOSE THE HEARING FOR THE PROJECT AT 3 MCGINNIS DRIVE WAS MADE BY G. CAREY. THE MOTION WAS SECONDED BY N. CELIK AND APPROVED 7-0-0.

A MOTION TO ADOPT THE FINDINGS FOR THE PROJECT AT 3 MCGINNIS DRIVE WAS MADE BY K. MELANSON. THE MOTION WAS SECONDED BY A. MCNAMARA AND APPROVED 7-0-0.

A MOTION TO ISSUE THE ORDER OF CONDITIONS FOR THE PROJECT AT 3 MCGINNIS DRIVE WAS MADE BY G. CAREY. THE MOTION WAS SECONDED BY N. CELIK AND APPROVED 7-0-0.

The Commission discussed whether to require a performance bond for this work or not. It was determined that the Order of Conditions would be amended to state that a \$5000 bond would be required only in the event that the pipe connecting the north and south wetlands needs to be replaced.

A MOTION TO AMEND THE ORDER OF CONDITIONS AND APPROVE THE AMENDED ORDER OF CONDITIONS WAS MADE BY G. LIMA. THE MOTION WAS SECONDED BY I. DEB AND APPROVED 7-0-0.

5. Continued Public Hearing – Notice of Intent

**Commercial addition and drainage improvements: 55 Middlesex Turnpike
McDonald's USA
DEP File No. 122-471**

J. Keeley summarized the outstanding issues for this project, which included the revision of the stormwater management system. J. Keeley stated that snow was observed dumped into Vine Brook at this site during the last site visit, which is a fineable offense.

G. Lima recommended that there be signs installed indicating where they are not allowed to store snow on site. K. Melanson asked if a new snow plan should be required, and J. Keeley stated he would include that in the conditions.

No one was present for public comment for this hearing.

J. Keeley went through the findings and conditions for the project. L. Cohen recommended adding a finding about the snow dumped into the resource area and also that the Commission is therefore requiring a new snow management plan be submitted.

A MOTION TO CLOSE THE HEARING FOR THE PROJECT AT 55 MIDDLESEX TURNPIKE WAS MADE BY G. LIMA. THE MOTION WAS SECONDED BY G. CAREY AND APPROVED 6-0-1 (I. DEB ABSTAINED).

A MOTION TO ADOPT THE FINDINGS FOR THE PROJECT AT 55 MIDDLESEX TURNPIKE WAS MADE BY K. MELANSON. THE MOTION WAS SECONDED BY A. MCNAMARA AND APPROVED 6-0-1 (I. DEB ABSTAINED).

A MOTION TO ISSUE THE ORDER OF CONDITIONS FOR THE PROJECT AT 55 MIDDLESEX TURNPIKE WAS MADE BY G. CAREY. THE MOTION WAS SECONDED BY A. MCNAMARA AND APPROVED 6-0-1 (I. DEB ABSTAINED).

A MOTION TO REQUIRE A \$5000 PERFORMANCE BOND FOR THE PROJECT AT 55 MIDDLESEX TURNPIKE WAS MADE BY K. MELANSON. THE MOTION WAS SECONDED BY G. CAREY AND APPROVED 6-0-1 (I. DEB ABSTAINED).

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The Commission held a discussion regarding the violation. L. Cohen stated that the dumping of snow in a resource area is significant considering the pollutants likely in the snow. Moreover, the snow was dumped directly into the Town's drinking water supply.

G. Lima asked if this was also a Board of Health violation. The Conservation Department will inform the Board of Health of the violation.

N. Celik stated that he recommends a fine to the commercial operator.

A MOTION TO ISSUE A FINE OF \$300 FOR THE VIOLATION AT 55 MIDDLESEX TURNPIKE WAS MADE BY N. CELIK. THE MOTION WAS SECONDED BY G. LIMA AND APPROVED 7-0-0.

6. Planning Board Comments – There are no comments at this time.

7. Administration

a. Upcoming Meeting Schedule

February 24, 2011 – I. Deb may be absent from this meeting.

March 10, 2011 – no expected absences

b. Other

NEON is getting close to reaching an agreement with the Town for the ecological survey work to be done at the Sawmill Brook Conservation Area. NEON will be surveying the property boundaries at the Sawmill Brook Conservation Area prior to commencing ecological assessment to ensure that all work remains on the Conservation parcels. G. Lima asked if they might improve the parking area and J. Keeley indicated that the Commission will need to discuss what they would like to see happen at the property. NEON will be before the Commission again for the construction of the temporary structures needed for their work.

A MOTION TO ADJOURN THE MEETING WAS MADE BY I. DEB AT 8:17. THE MOTION WAS SECONDED BY G. CAREY AND APPROVED 7-0-0.

Minutes respectfully submitted by,

Jodie Wennemer
Conservation Assistant