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TOWN OF BURLINGTON

Conservation Commission Meeting Minutes

DEPT. /BOARD: Conservation Commission

DATE: 2/23/2023

TIME: 6:30 PM

PLACE: 29 Center Street – Town Hall – 2nd Floor Main Hearing Room

Member(s) in attendance: Ed LoTurco, Bill Boivin, Kent Moffatt, Larry Cohen, Rob Sheahan, all in person and Indra Deb online

Member(s) absent:

Conservation Administrator John Keeley and Assistant Conservation Administrator Eileen Coleman were also present.

THE MEETING WAS BROADCAST LIVE ON THE BCAT GOVERNMENT CHANNEL

Approved at the March 23, 2023 Conservation Commission meeting

1. Call Meeting to Order – Roll call of attendance

Mr. Cohen called the meeting to order at 6:30 PM and read a statement about public participation and technology. He proceeded to take an attendance roll call. Ed LoTurco, Bill Boivin, Kent Moffatt, Indra Deb, Larry Cohen, Rob Sheahan all indicated they were present.

2. Public Participation (for items not on the agenda)

There were no comments from the audience regarding items not on the agenda.

3. Approval of Minutes – January 26, 2023 | February 9, 2023

MOTION- To approve the Minutes from the January 26, 2023 meeting of the Commission. Mr. Sheahan voted Yes, Mr. LoTurco voted Yes, Mr. Boivin voted Yes, Mr. Moffatt voted Abstain, Mr. Deb voted Abstain. The Motion was approved by a vote of 4-0-2.

MOTION- To approve the Minutes from the February 9, 2023 meeting of the Commission. Mr. Sheahan voted Yes, Mr. LoTurco voted Yes, Mr. Boivin voted Yes, Mr. Moffatt voted Yes, Mr. Deb voted Yes. The Motion was approved by a vote of 6-0-0.

4. Request for Determination of Applicability

a. 6 Maud Graham Circle – Michael McLean – Remove trees.

Mr. Michael McLean was present and proposed the removal of three red maples and four white pines behind the existing house and between the house and 4 Maud Graham Circle, the property directly north.



TOWN OF BURLINGTON

Conservation Commission Meeting Minutes

The Commission made a site visit and concurred with the certified arborist on site that the removal of the trees in question is justified due to the potential danger they pose to the property.

The Commission questioned whether the homeowner would be willing to revegetate the area and plant beneficial species in place of the soon to be removed trees. The homeowner readily agreed with the proposal and will meet with the Commission staff to discuss the issue further.

Ms. Coleman read the draft Negative Conditional Determination. The work was located within the 100 foot buffer zone to Bordering Vegetated Wetlands (BVW) and within the Riverfront Area to a tributary of Sandy Brook. The wetlands were flagged on the parcel and spot elevations were marked for a previous project at this location. The Commission had previously reviewed and approved the location of these resource area boundaries as shown on the approved plans provided in an addendum to the application. Elevation showed that the trees would be at or outside (above) the 100 year floodplain. The closest tree to be removed was approximately 2 feet from the stream bank.

MOTION- To Continue the Negative Conditional Determination for the proposed tree removal at 6 Maud Graham Circle under Burlington Bylaw Article XIV and the state Wetlands Protection Act. Mr. Sheahan voted Yes, Mr. LoTurco voted Yes, Mr. Boivin voted Yes, Mr. Moffatt voted Yes, Mr. Deb voted Yes. The Motion was approved by a vote of 6-0-0.

b. 1 County Road – Dineshchandra Patel – Construct residential addition

Mr. and Mrs. Patel were present and spoke on behalf of the project, which is the construction of a two room addition to an existing home that happens to be near a wetland resource area.

Ms. Coleman explained that a wetland scientist was hired and the wetland area has been flagged, and the wetland is approximately 62' from where the addition would be located and that the wetland area appears to have been used as a yard dumping site. She had no concerns about the project proceeding as planned.

The Commissioners discussed whether the homeowners should cease mowing within the 20' No-Disturb Zone near the wetland adjacent to their property. Given the fact that lawns runs almost right up to the wetland, it was agreed that a 5-10-foot strip would be reclaimed as a no-disturb zone.

Ms. Coleman read the draft Conditions. They included standard Conditions such as no grading will be done on site, and any debris will not be dumped in the Vegetated Wetland.

MOTION- To Issue a Negative Conditional Determination for the project at 1 County Road under Burlington Bylaw Article XIV and the state Wetlands Protection Act. Mr. Sheahan voted Yes, Mr. LoTurco voted Yes, Mr. Boivin voted Yes, Mr. Moffatt voted Yes, Mr. Deb voted Yes. The Motion was approved by a vote of 6-0-0.



TOWN OF BURLINGTON

Conservation Commission Meeting Minutes

5. Public Hearing – Notice of Intent – 78 Mountain Road – Kenneth Gillis – Construct new residential dwelling – DEP #122-pending

The project is for a new single family dwelling on a currently undeveloped parcel of land. The site in question is within the 200' riverfront area, and the landowner has already removed dozens of trees on the property prior to speaking to the Commission.

A neighbor was concerned about the visibility of power lines from her home, she expressed concern about the integrity of the property and a wetland area. The homeowner assured her a landscape plan will be drafted to mitigate negative impacts on the parcel.

MOTION- To continue the hearing until the next meeting of the Commission on March 9, 2023. Mr. Sheahan voted Yes, Mr. LoTurco voted Yes, Mr. Boivin voted Yes, Mr. Moffatt voted Yes, Mr. Deb voted Yes. The Motion was approved by a vote of 6-0-0.

6. Discuss & vote: Updated Stormwater Bylaw fees and surety

Mr. Keeley explained that the Stormwater Bylaw fee schedule be updated to have a flat fee for projects using the abbreviated permit. He suggested that the abbreviated permit have a \$150 fee, up from the current \$100 and the regular permit fee would be \$300, plus \$10 per 100 square feet.

He also proposed a standard surety amount be implemented, for projects using the abbreviated permit, the surety would be \$1,000. For the standard permit it would range from \$1,000 - \$10,000 depending on the complexity and impact of the project.

MOTION- To adopt the proposed Burlington Stormwater bylaw fees and schedule updates. Mr. Sheahan voted Yes, Mr. LoTurco voted Yes, Mr. Boivin voted Yes, Mr. Moffatt voted Yes, Mr. Deb voted Yes. The Motion was approved by a vote of 6-0-0.

The new fee schedule will begin on March 1, 2023.

7. Discussion: Improving education & enforcement regarding trees

Mr. Boivin began the discussion by bringing attention to the issue of tree cutting and land filling occurring without Conservation staff or Commissioners being notified. Some residents simply do not know the proper protocols or are unaware that an area is classified as a wetland and is protected by law.

He also mentioned that tree companies sometimes ignore the fact that trees are in a wetland area and cut them down without notifying the town. Sometimes home sellers and the town itself do not explicitly notify the homebuyer that the town needs to be notified when tree work is being done in a sensitive area. He suggested a database be created to list all of the properties in sensitive areas that would be required to contact Conservation before any tree work is started.



TOWN OF BURLINGTON

Conservation Commission Meeting Minutes

Ms. Coleman shared a spreadsheet with information on projects that required a Notice of Intent, Request for Determination of Applicability or Stormwater Permit application before work began. A discussion was held on how to best notify homeowners, tree companies, and real estate agents that certain properties require approval from the Commission for tree work in sensitive areas. Mr. Boivin suggested that all parties involved have access to the database. Mr. Cohen suggested that effort be put into outreach which can include pamphlets and literature explaining the bylaw and highlighting the benefits of having trees on a property, and direct communication with tree companies that operate in Burlington.

8. Administration

- a. There were no Planning Board comments.
- b. There were no subcommittee & staff reports and updates.
- c. Other business to be discussed at this meeting.
- d. Upcoming meetings: March 9, 2023 | March 23, 2023

9. Adjournment

MOTION- To adjourn the meeting. Mr. Sheahan voted Yes, Mr. LoTurco voted Yes, Mr. Boivin voted Yes, Mr. Moffatt voted Yes, Mr. Deb voted Yes. The Motion was approved by a vote of 6-0-0.