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TOWN OF BURLINGTON

Meeting Minutes

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DEPT./BOARD: Conservation Commission
DATE: March 12, 2020
TIME: 7:00 PM
PLACE: Town Hall Main Hearing Room

MEMBERS IN ATTENDANCE: Vice Chair William Boivin, John Ramsdell, Jennifer O'Riorden and Gail Lima

Conservation Administrator John Keeley was also present.

1. Call to Order

Mr. Boivin called the meeting to order at 7:00 PM.

Mr. Boivin stated that this is Mr. Ramsdell's last meeting and thanked him for his service. There were 3 applications to replace him. Donald Bernstein was selected as the new member and Kent Moffat was selected as an Associate non-voting member.

2. Citizens' Time

No one came forward to speak.

3. Approval of Minutes – February 13, 2020

MOTION - Ms. O'Riorden made a motion to approve the Conservation Commission minutes of February 13, 2020 as submitted. The motion was seconded by Mr. Ramsdell and voted 4-0-0.

4. Request for Determination of Applicability (RDA)

4a. 1 Marjorie Road – John Zermani – Demolish Pool, Fence & Shed – Repair Deck

John Zermani stated that he bought the property and is planning on renovating the property and selling it. There is an old built in pool that he wants to fill in, as well as a couple of rundown sheds and fence. He would also like to renovate the deck with the same size deck. All debris past the fence will be cleaned up by hand, not machine.

Mr. Keeley stated that there is a channelized stream and erosion controls are installed. They are within 100' of the stream bank but there is not much wetland. He agreed that debris and fencing should be cleaned up and removed.



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The Conservation Commission discussed/questioned:

- Where will the machine be to access for the cleanup?
- The wattles should be extended along Jackson Road.
- Will there be tree removal or any work done on the front porch or driveway?

The applicant offered the following responses:

- The access will be from Jackson Road. They are willing to keep a section of fence where the silt fence is and they will never go beyond the fence with the machine.
- There will be no tree removal. They may resurface the driveway but not make it any larger.

There were no questions from the audience.

MOTION - Ms. Lima made a motion to issue a negative conditional determination of applicability under the Burlington Bylaw Article 14 and the State Wetlands Protection Act for 1 Marjorie Road. The motion was seconded by Mr. Ramsdell and unanimously voted 4-0-0.

4b. 70 Mill Street/Patriot Road (Rahanis Park) – Brendan Egan, Burlington Parks & Recreation Department – Remove Block Building & Install Shed on Existing Pad

Mr. Keeley stated that there is no one here tonight for this item. A site visit was conducted and they would like to replace the old block building and install a new wood shed on the existing slab. All debris will be removed. This shed will store the tennis equipment for the recreation. The existing pad is about 80' from the brook.

The Conservation Commission discussed/questioned:

- Will there be any problem accessing this site with a truck? It was requested that a condition be added that they must park the truck on the paved road.

Mr. Keeley offered the following responses:

- There is a paved road right next door.

There were no questions from the audience.

MOTION - Ms. Lima made a motion to issue a negative conditional determination of applicability under the Burlington Bylaw Article 14 and the State Wetlands Protection Act for 70 Mill Street/Patriot Road with the additional condition that the truck that delivers the shed must use the paved roadway. The motion was seconded by Mr. Ramsdell and unanimously voted 4-0-0.

5. Public Hearing – Notice of Intent – 7 Winn Street & 9 Randall Drive – Church of the Open Bible – Reconstruct Parking Lots – DEP #Pending

Maureen Herald from Norse Environmental and Wayne Root appeared for the Notice of Intent at 7 Winn Street & 9 Randall Drive. Ms. Herald stated that they are proposing repaving the parking lots close to the Randall



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Drive entrance, adding 2 drainage swales and removing the a parking island. They are improving the existing conditions and will not expand the impervious surface.

Mr. Keeley stated that in the corner near the isolated wetlands there is an existing catch basin and curb so he questions how will the drainage get to the swale? He suggested once the repaving is completed not to put the curbing back. In the other parking lot, the island acts as a dam and water flows to the west and suggested that breaks be added in that curb also.

The Conservation Commission discussed/questioned:

- What is the extent of the pavement opposite of the church? There is a piece that jets out.
- Why was there clearing done on the northwest corner? It should be left alone to return to its natural state.
- What is the depth of the resurface?
- The downspouts on the church should be looked at. Some go into dry wells and others have pipes that should be shortened so they go into the dirt. Crushed stone should be added.
- Are the swales going to be grass?
- The drainage swale encroaches within the 20' no disturb zone.

The applicant offered the following responses:

- They are going to keep the pavement as it is now.
- They cleaned the trash that comes from the Dunkin Donuts and cut down the vegetation.
- On the main parking lot, they are going to take up the entire current pavement and replace with new. The parking lot across the street will be overlaid with 1½" of new pavement.
- The swales will be grass and will be mowed.
- The drainage swale will be shortened so it will be out of the twenty foot no-disturb setback.

Mr. Boivin recapped the outstanding issues: no curbing to allow water to reach the swales; cut the curbing around the island to allow water to flow; adjust the downspouts; and shorten the swale. Ms. Herald stated that they have DEP number. It is DEP #122-640.

There were no questions from the audience.

Mr. Keeley stated that this hearing will be continued until April 9, 2020 Conservation Meeting.

6. Continued Public Hearing – Notice of Intent – New Lot Subdivided from 108 Muller Road – Mark A. Petro – Construct New Single Family Residence – DEP #122-638

Mr. Keeley stated that the applicant has requested that this meeting continued to the April 23 meeting.



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7. Discussion – Violation – 130 Lexington Street

Soulat Ghani appeared for a violation at the Burlington Islamic Center at 130 Lexington Street. Mr. Ghani stated that they cleared the area north of the basketball court because they saw snakes and it was hard to retrieve the balls that went in there.

Mr. Keeley stated that a site visit was conducted. Work appears to have been done within the buffer zone to wetlands. It doesn't appear to be in the floodplain but it could be within the wetlands. He suggested that the wetlands be flagged to determine the wetlands line. Mr. Keeley questioned the amount of fill that was brought in. Mr. Halid replied they were about 37 trucks of fill to level the area. Mr. Keeley stated that the Conservation Commission needs to decide what restoration will be required. The violation order was issued and no additional work can be done until this is resolved.

The Conservation Commission discussed/questioned:

- This is an important resource area and the wetlands line needs to be flagged. The fill will need to be removed and the area around the basketball court should be returned to its natural state. The shed appears to also be in the buffer and the gravel needs to be looked at around the shed.
- The removal of trees will only make the flooding worse. The wetlands should be flagged and trees should be planted to replace the trees that were removed. A NOI should be filed.
- The wetlands and buffer areas should remain in their natural state as they provide a defense against climate change.
- Wattles should be added to protect the wetlands from the additional fill that was brought in.

The applicant offered the following responses:

- The flooding in the parking lot is coming from the area opposite of where they were working. There is so much debris blocking the drainage under Lexington Street as well as a possible beaver dam.

Mr. Boivin recapped the required action: demarcate the boundary wetlands; a Notice of Intent (NOI) needs to be filed, sediment controls need to be added to buffer the piles of fill; no additional work can be done on the site.

8. Administration

8a. Wetlands Regulations – Change Filing Submission Requirements in Appendix B

Mr. Keeley stated that Appendix B is being changed to address submission requirements including removing the requirement for making address labels and the number of paper copies of applications and plans that required to be submitted. These are administrative changes.

MOTION - Ms. O'Riorden made a motion to approve the changes as requested in Appendix B. The motion was seconded by Ms. Lima and unanimously voted 4-0-0.



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8b. **Planning Board Comments** - None

8c. **Subcommittee, Staff Reports and Updates** - None

8d. **Upcoming Meetings – March 26, 2020 and April 9, 2020**

Mr. Boivin stated that the March 26, 2020 meeting may be cancelled due to the ongoing COVID-19 issue.

8e. **Other Business** - None

9. **Adjournment**

MOTION - Ms. Lima made a motion to adjourn the March 12, 2020 Conservation Commission meeting at 7:50 PM. The motion was seconded by Ms. O’Riorden and unanimously voted 4-0-0.

*Respectfully Submitted by Dawn Cathcart,
Recording Clerk*

