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TOWN OF BURLINGTON

Conservation Commission Meeting Minutes

DEPT. /BOARD: Conservation Commission

DATE: January 26, 2023.

TIME: 6:30 PM

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

Member(s) in attendance: Larry Cohen, William Boivin, Ed LoTurco, Rob Sheahan (all in person)

Member(s) absent: Kent Moffatt, Indra Deb.

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 February 23, 2023 Conservation Commission meeting

1. Call Meeting to Order

Mr. Cohen called the meeting to order at 6:30 PM and read a statement about public participation and technology.

He and other members of the Commission took a moment to thank outgoing Commissioners Don Bernstein and Jennifer O'Riorden

There was no need for a roll call of attendance, because all participants were at the meeting in person.

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 12, 2023

MOTION- To approve the Minutes from the January 12 meeting of the Commission. Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Sheahan voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 4-0-0.

4. Request for Determination of Applicability

a. 5 Spring Valley Road – Michael Rossi – Construct residential addition

Mr. Rossi, the homeowner, was in attendance and spoke on behalf of the project, as was the general contractor. He briefly summarized the project as an addition to the rear of the home that will replace a screened in porch area.



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Ms. Coleman explained that the entire property is within a floodplain area which counts as bordering land subject to flooding. The applicant proposed to replace an existing approximately 30' X 9' 3" porch with a new 34' X 9' 6" addition and construct a 10' X 24" deck on five 12" sonotubes off the south side of the existing home.

MOTION- To Issue a Negative Conditional Determination for the project at 5 Spring Valley Road. Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Sheahan voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 4-0-0.

5. Request for Certificate of Compliance/Completion

a. Landlocked Forest – Greenway Corridor Committee – DEP #122-665.

Mr. Keith Ohmart, Chair of the Lexington Greenway Corridor Committee was present and had no comments nor concerns about the project, as it has already been constructed.

Ms. Coleman explained that part of the trail and a bridge over an existing stream were on the Burlington portion of the Landlocked Forest and showed completed photos of the project. She did not raise any concerns with the issuance of the Certificate of Compliance (COC).

MOTION- To issue a Certificate of Compliance for the Landlocked Forest – Greenway Corridor Committee – DEP #122-665. Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Sheahan voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 4-0-0.

6. Request for Extension to Order of Resource Area Delineation – Cambridge Street (parcel 35- 115-0) – DEP #122-616

Rich Kirby of LEC environmental consultants and Chris Fazendin from InSite Real Estate. An Order of Resource Area Delineation (ORAD) was issued in October 2018 for the location but InSite Real Estate would like to extend the ORAD for an additional 3 years.

Mr. Keeley explained that the Commission is not approving channel locations and the streams would have to be surveyed before any work would be done. He also mentioned there are potential contamination issues on the site.

No work is permitted to be done without the knowledge of the Commission.

MOTION- To extend the Order for Resource Area Delineation for the project at Cambridge Street (parcel 35- 115-0) – DEP #122-616. Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Sheahan voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 4-0-0.

7. Violations/Enforcement

a. 11 Marjorie Road – tree cutting



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The homeowner Mr. Ranjeet was present and briefly summarized the situation as an accidentally unauthorized tree removal on the property in an area within a wetland buffer zone.

Mr. Keeley stated that at this time he could not accurately measure the impacts to the wetland buffer zone without a proper wetland delineation. He urged the Commission to instruct the homeowner to cease work on the property and to continue the discussion in April when there is no longer snow on the property and the wetland boundary can be seen.

The Commissioners agreed and Mr. Cohen suggested that the project be revisited at the first meeting in April on Thursday April 13, 2023.

b. 58 Beaverbrook Road – tree cutting

The homeowners were present at the meeting and explained that they were unaware of the requirements the Town of Burlington has in regards to conservation of wetlands and had a tree company take down 6 trees on their property without contacting Conservation.

Mr. Keeley explained that the home on the property had been torn down and rebuilt in 2020 and there were a number of violations of the Order of Conditions issued at that time including the addition of a gate in the fence around the wetland area on site. This precipitated a rigorous discussion among the Commission about the responsibilities of homeowners when an Order of Conditions is in place.

The homeowners agreed to the Commission's recommendations to hire a wetland specialist and/or someone who has experience in wetland restoration to create a restoration plan.

8. Administration

There were no Planning Board comments.

There were no subcommittee & staff reports and updates.

c. Other business - There was one Certificate of Compliance for the Commission to sign due to the applicant's misplacement of the original Certificate. The applicant is Barnes and Noble. DEP #122-267.

Mr. Boivin would like to form a sub-committee to discuss how to improve public education regarding wetlands and requirements.

d. Upcoming meetings: February 9, 2023 | February 23, 2023

MOTION- To adjourn the meeting. Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Sheahan voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 4-0-0.

Respectfully submitted by Tom Prior, Recording Clerk