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TOWN OF BURLINGTON

Meeting Minutes

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BOARD: Conservation Commission

DATE: February 10, 2022

TIME: 7:00 PM

PLACE: WebEx Remote Meeting

MEMBERS IN ATTENDANCE: Chairman Larry Cohen, Vice Chair William Boivin, Gail Lima, Ed LoTurco, Donald Bernstein (Late Arrival) and Kent Moffat

MEMBER MISSING: Indra Deb and Jennifer O'Riorden

Conservation Administrator John Keeley and Assistant Conservation Administrator Eileen Coleman were also in attendance.

1. Call to Order

Pursuant to Governor Baker's June 15, 2021 lifting of the State of Emergency and following the passing of Chapter 20 of the Acts of 2021, which allows remote meetings of public bodies until April 1, 2022, this meeting of the Town of Burlington Conservation Commission is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to listen to or view this meeting while in progress may do so by tuning into the BCAT Government Cable Access Channel, the BCAT Government Meetings Facebook Live feed, or you can join the meeting over the phone @ 408-418-9388 Meeting #2339 05480 3469, the password if needed is uPpyy3p5uA7. To join the WebEx live video conference, click on the link on the Conservation Commission's meetings page or on the Town of Burlington Town calendar or go to Webex.com, join a meeting.

Mr. Cohen called the meeting to order at 7:02 PM. On a Roll Call, Mr. LoTurco voted Present, Ms. Lima voted Present, Mr. Moffat voted Present, and Mr. Boivin voted Present. Conservation Administrator John Keeley and Assistant Conservation Administrator Eileen Coleman were also present.

New public hearings opened tonight will not be closed, so as to allow comments from those who are unable to access or are uncomfortable with the technology. Comments or concerns regarding public hearings should be emailed to conservation@burlington.org before the next meeting on February 24, 2022.

The meeting is being recorded on BCAT as well as WebEx.

Mr. Cohen stated that the applicants for agenda item #5b and #9 are requesting a continuance.



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5b. 7 Wheeler Road – Wheeler Self Storage LLC – Bylaw Permit (DEP #122-604)

MOTION - Mr. Boivin made a motion to continue the Certificate of Compliance for 7 Wheeler Road, DEP #122-604 until February 24, 2022. The motion was seconded by Ms. Lima and unanimously voted 4-0-0. On a roll call vote: Mr. LoTurco voted Yes, Ms. Lima voted Yes, Mr. Boivin voted Yes and Mr. Cohen voted Yes.

9. Continued Public Hearing – Notice of Intent – 102R Winn Street – Sung Ok & In Ho Lee – Replace Culvert & Restore Wetlands/Stream Bank – DEP #122-666

MOTION - Mr. LoTurco made a motion to continue the public hearing for 102R Winn Street, DEP #122-666 until February 24, 2022. The motion was seconded by Ms. Lima and unanimously voted 4-0-0. On a roll call vote: Mr. LoTurco voted Yes, Ms. Lima voted Yes, Mr. Boivin voted Yes and Mr. Cohen voted Yes.

2. Citizens' Time

There were no citizen's coming forward.

3. Approval of Minutes – January 13, 2022 and January 27, 2022

MOTION - Ms. Lima made a motion to approve the Conservation Commission minutes of January 13, 2022 as amended by Ms. Lima. The motion was seconded by Mr. LoTurco and unanimously voted 4-0-0. On a roll call vote: Mr. LoTurco voted Yes, Ms. Lima voted Yes, Mr. Boivin voted Yes and Mr. Cohen voted Yes.

Ms. Coleman stated that the minutes for January 27, 2022 are not ready yet.

4. Request for Determination of Applicability

4a. 14 LedgeWood Drive – Adam Carter – Install Above Ground Pool

Jay Henshall from Ambassador Pools representing the owner appeared for the Request for Determination at 14 LedgeWood Drive. Mr. Henshall stated that the owners are proposing an above ground pool. The pool will be 38' from the closest wetlands flag. The area that the pool is going onto is about 16' x 24' of established lawn in the 100' buffer. The pool has a cartridge system so there will be no backwash.

Ms. Coleman stated that they have reviewed the plans and they have no issues.

The Conservation Commission discussed/questioned:

- Will any trees be cut?

The applicant/staff responded:

- No trees will be cut.

There were no questions from the audience.

MOTION - Mr. Boivin made a motion to issue a negative determination from the Burlington Wetland Bylaw, Article 14 for 14 LedgeWood Drive to install an above ground pool. The motion was seconded by Ms. Lima and unanimously voted 4-0-0. On a roll call vote: Mr. LoTurco voted Yes, Ms. Lima voted Yes, Mr. Boivin voted Yes and Mr. Cohen voted Yes.





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4b. 24 Woodhill Road – 59 Mott Street LLC/Rakesh Goel – Demolish Single Family Dwelling and Construct a New Single Family Dwelling

Mr. Bernstein joined the meeting at 7:20 PM.

Maureen Herald from Norse Environmental appeared for the Request for Determination at 24 Woodhill Road. Ms. Herald stated that they are planning on demolishing the existing house and constructing a new house. The deck will be within the 100' buffer zone. They are proposing wattles at the 20' no-disturb zone and no structures will be within the 40' no-structure zone.

Ms. Coleman stated that there is a channel about 150' away. Ms. Coleman asked how storm water is being handled and what are the grading plans? Ms. Herald stated that the grades on the plan are existing grades and she is not sure if any retaining walls are being proposed. Ms. Coleman stated that they can add a condition to address this.

The Conservation Commission discussed/questioned:

- Need information on the roof run off and will it drain to the back.
- Are any trees being cut down? If so, 6 native trees about 4' to 5' in height should be planted.
- Will a fence be added along the 20' no disturb line?

The applicant/staff responded:

- The storm water will go to the back of the property.
- A few trees have already been cut.
- Boulders are already there to protect the wetlands.

There were no questions from the audience.

MOTION - Mr. Bernstein made a motion to issue a negative determination from the Burlington Wetland Bylaw, Article 14 and the State Wetlands Protection Act for 24 Woodhill Road to demolish the existing single family and construct a new single family dwelling as amended. The motion was seconded by Mr. LoTurco and unanimously voted 5-0-0. On a roll call vote: Mr. LoTurco voted Yes, Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. Bernstein voted Yes and Mr. Cohen voted Yes.

5. Request for Certificate of Compliance

5a. 3 Lexington Street (Murphy Court Roadway) – Lexington Trust – DEP #122-597

Mr. Keeley stated that the project is complete and this is the final lot and they have no issues. Phyllis Etsell appeared and stated that the Homeowners' Association has been recorded.

There were no questions from the Commission or the audience.

MOTION - Mr. Boivin made a motion to issue the Certificate of Compliance for 3 Lexington Street (Murphy Court Roadway), DEP #122-597. The motion was seconded Mr. LoTurco and unanimously voted 5-0-0. On a





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roll call vote: Mr. LoTurco voted Yes, Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. Bernstein voted Yes and Mr. Cohen voted Yes.

MOTION - Mr. Bernstein made a motion to release the \$5,000 bond for DEP #122-597. The motion was seconded by Mr. LoTurco and unanimously voted 5-0-0. On a roll call vote: Mr. LoTurco voted Yes, Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. Bernstein voted Yes and Mr. Cohen voted Yes.

6. Public Hearing – Stormwater/Erosion & Sedimentation Control Bylaw Application – 22 Sears Street (Burlington Public Library) – Town of Burlington – Reconstruct Parking Lot

Tom Hayes and Tim Mazzone from the Burlington DPW appeared for the Stormwater/Erosion & Sedimentation Control Permit application for 22 Sears Street. Mr. Hayes stated that they are proposing to resurface the parking lot at the library and do some drainage improvements. Mr. Mazzone stated that they are proposing reclaiming and repaving the parking lot. They will upgrade the three existing drainage structures and add a new catch basin in the rear and a new catch basin on Briarwood Lane.

Ms. Coleman stated that they reviewed the plan and asked if a rain garden could be added for storm water improvements. The project is an improvement of what is there now but any additional improvement would be appreciated. Mr. Mazzone stated that this is a very tight site and they can't lose any parking.

The Conservation Commission discussed/questioned:

- Investigate an opportunity to use LID features.
- Could a water quality unit be added in the lower left before going to stormwater system?
- Will there be any additional parking spaces

The applicant/staff responded:

- They will look at the water quality unit.
- No additional parking spaces will be added.

There were no questions from the audience.

MOTION - Mr. Boivin made a motion to continue the public hearing for 22 Sears Street to February 24, 2022. The motion was seconded by Mr. Bernstein and unanimously voted 5-0-0. On a roll call vote: Mr. LoTurco voted Yes, Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. Bernstein voted Yes and Mr. Cohen voted Yes.

7. Public Hearing – Notice of Intent – 25 Blanchard Road (Mary Cummings Park) – Trustees of Reservations, Inc. – Install Flow Device in Beaver Dam – DEP #122-Pending

Jeremy Dick from the Trustees appeared for the Notice of Intent at 25 Blanchard Road. Mr. Dick stated that there is an existing stream and a beaver dam is causing flooding. They are proposing installing a flow device instead of removing the beavers.

Mr. Keeley suggested a site walk and agrees that the flow device is an excellent solution.





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The Conservation Commission discussed/questioned:

- Does the pipe go through the dam itself?
- Is the device sized for the size of the dam?
- What happens if water is still a problem even with the drain

The applicant/staff responded:

- The pipe does go through the dam.
- The flow device will go 3' behind the dam.
- This is a progressive solution and they will monitor it.

Deborah Baer of 27 Eugene Road – Ms. Baer stated that there has been an increase of several feet of water that has damaged trees. She has been told that families with children would not want her house because of the water. How will this system be maintained? Mr. Dick stated that annual maintenance will be conducted. It is good for 10+ years and the staff of the trustees will monitor the device monthly.

Dave Webb of 23 Eugene Road – Mr. Webb stated that the water has become a safety issue because it is now a mosquito breeding ground and the trees are now unstable as well as posing a risk of drowning for a small child. He believes that the dam should be removed.

Mark Woods of 12 Eugene Road – Mr. Woods stated that the water has come up to the back yards of his neighbors. The water should be flowing. If this doesn't work, then the dam should be removed.

Mr. Keeley stated that a site visit should be conducted to look at the water levels and asked for permission of the abutters here. Permission was given.

Mr. Dick provided the Commission with an update on Mary Cummings Park projects.

MOTION - Ms. Lima made a motion to continue the Notice of Intent for 25 Blanchard Road until February 24, 2022. The motion was seconded by Mr. LoTurco and unanimously voted 5-0-0. On a roll call vote: Mr. LoTurco voted Yes, Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. Bernstein voted Yes and Mr. Cohen voted Yes.

8. Public Hearing – Notice of Intent – 34 Cambridge Street – EDENS – Install Walk-In Freezer at Rear of Store – DEP #122-Pending

Steve Martorano from Bohler Engineering, Katie Drenga of Mom's Organic Market and Ben Davis from EDENS appeared for the Notice of Intent for 34 Cambridge Street. Mr. Martorano stated that a new tenant, Mom's Organic Market is proposing to go into the empty space at 34 Cambridge Street. They need a freezer so they are proposing an 11' x 18' addition out the back. The walk-in freezer will only be accessible from the inside. They are also proposing a 10' x 10' concrete pad for the trash dumpster and compactor. The area of the proposed additions is pavement now and there will be a nominal decrease in runoff.





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Mr. Keeley stated that there is a stream behind the building so the Notice of Intent was required. There are minimal impacts and the enclosed dumpster is an improvement on the existing conditions. Erosion controls will need to be installed and some pavement will be removed. Due to the snow, they couldn't see much trash but we can require them to pick up trash if any and add some plantings.

The Conservation Commission discussed/questioned:

- The owner of the plaza should require that all dumpsters be enclosed along the riverfront.
- No salt should be used behind the building.
- There should be improvements along the riverfront.

The applicant/staff responded:

- They would agree to all requests.

Ms. Drenga stated that we sell organic and sustainable products including crickets. We only use native species in landscaping. They are very happy to come to Burlington and they have a committed to making Burlington better.

There were no questions from the audience.

MOTION - Mr. Bernstein made a motion to continue the Notice of Intent for 34 Cambridge Street until February 24, 2022. The motion was seconded by Ms. Lima and unanimously voted 5-0-0. On a roll call vote: Mr. LoTurco voted Yes, Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. Bernstein voted Yes and Mr. Cohen voted Yes.

10. Continued Public Hearing – Notice of Intent – 130 Lexington Street – Islamic Center of Burlington – Remove Fill and Restore Buffer Zone – DEP #122-663

Mary Trudeau appeared for the Notice of Intent for 130 Lexington Street. Ms. Trudeau stated that they are going to remove the fill that was brought in and restore it to the previous existing grade. They will plant native plants and seed mix. They will also restore the Caruso property now that we received permission from them.

The Conservation Commission discussed/questioned:

- Additional plantings should be added.
- The plantings should be done to prevent any work or mowing within the 0' – 20' buffer.
- Will there be seed mix in the 0'-20' zone?

The applicant/staff responded:

- There will be seed mix in the 0'-20' zone where there is disturbance.

There were no questions from the audience.





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MOTION - Mr. LoTurco made a motion to close the public hearing. The motion was seconded by Mr. Bernstein and unanimously voted 5-0-0. On a roll call vote: Mr. LoTurco voted Yes, Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. Bernstein voted Yes and Mr. Cohen voted Yes.

MOTION - Mr. Boivin made a motion to approve the findings under Burlington Bylaw Article 14 and the State Wetlands Protection Act for 130 Lexington Street, DEP #122-663. The motion was seconded by Ms. Lima and unanimously voted 5-0-0. On a roll call vote: Mr. LoTurco voted Yes, Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. Bernstein voted Yes and Mr. Cohen voted Yes.

MOTION - Ms. Lima made a motion to approve the order of conditions under Burlington Bylaw Article 14 and the State Wetlands Protection Act for 130 Lexington Street, DEP #122-663. The motion was seconded by Mr. Boivin and unanimously voted 5-0-0. On a roll call vote: Mr. LoTurco voted Yes, Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. Bernstein voted Yes and Mr. Cohen voted Yes.

MOTION - Mr. LoTurco made a motion to require a \$2,500 bond under Burlington Bylaw Article 14 for 130 Lexington Street, DEP #122-663. The motion was seconded by Mr. Boivin and unanimously voted 5-0-0. On a roll call vote: Mr. LoTurco voted Yes, Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. Bernstein voted Yes and Mr. Cohen voted Yes.

11, Continued Public Hearing – Notice of Intent – 14 Spring Valley Road – Michael Casey – Construct Garage – DEP #122-667

Mike Casey and Al Kopek appeared for the continued Notice of Intent for 14 Spring Valley Road. Mr. Casey stated that the plan has been updated based on DEP and Conservation comments. Mr. Kopek stated that they have added a stormwater subsurface system in the front yard. There will be compensatory storage on the north of the garage. They are proposing 3” x 20” flood vents on the west side and 3” x 24” flood vents on the north side. The building code, 780 CMR, dictates the sizes of the flood vents.

Mr. Keeley asked what the compensation area is compensating for. Mr. Kopek stated that DEP questioned a portion of the slab. 310 CMR is vague. Mr. Keeley stated that he found documents from DEP and flood vents are not allowed to meet the requirements for unrestricted flow. The proposal doesn’t meet the performance standards. Mr. Kopek stated that 310 CMR doesn’t define unrestricted flow. Mr. Keeley stated that the Conservation Commission cannot approve something that DEP will supersede. We uphold the Massachusetts Wetlands Protection Act which has nothing to do with Building Code or FEMA flood zone. You have to provide compensatory storage for the entire garage, not just a piece of it. When did DEP get this application? Mr. Casey stated that it was sent yesterday so they are waiting on comments.

There were no questions from the audience.

MOTION - Mr. Bernstein made a motion to continue the Notice of Intent for 14 Spring Valley Road, DEP #122-667 until February 24, 2022. The motion was seconded by Mr. Boivin and unanimously voted 5-0-0. On a roll call vote: Mr. LoTurco voted Yes, Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. Bernstein voted Yes and Mr. Cohen voted Yes.





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12. Discussion – 127 Bedford Street – Installation of Paver Blocks

Maureen Herald from Norse Environmental appeared for the discussion of 127 Bedford Street.

Ms. Coleman stated that a site visit was conducted and it was clear that there is extensive paving in the front yard.

Ms. Herald stated that in the original design, there were some pavers in the front and a landscaping wall. They have been looking at mitigation measures that could be done. They are proposing extending the landscape retaining wall to the infiltration trench and increase the trench at the driveway from 3' to 5' wide. Ms. Coleman stated that she likes the idea of extending the wall and asked if it will be stone. Ms. Herald replied yes.

The Conservation Commission discussed/questioned:

- The original plan only showed a paved area in the front of the brick walk, not the entire front. All the water will go underground towards the wetlands and the neighbors will get more water. The pavement may need to be removed.
- There is concern with the wall being eroded.
- Suggested adding a rain garden to the left of driveway.
- There have been repeated violations at this property. We should look at a fine and they should restore to what was approved.
- Was the issue with the property behind this one resolved?

The applicant/staff responded:

- The property behind this attempted to correct their violation but it has not been inspected.
- The restoration portion of the order on this property has not been completed.

Kerrie Callahan of 125 Bedford Street – Ms. Callahan stated that her entire yard is flooded and is completely unusable. They cut down 66 trees with no permits.

Ms. Herald stated that they will be doing the plantings in the spring. They will look at these ideas and come back with an updated plan. Ms. Herald added that the landscaper did reach out to expand the patio but they did more than they should have. This was not malicious or intentional.

Mr. Keeley stated when cars are parked on grass continually, the ground gets compacted and becomes almost impervious. This should be continued until March 22, 2022.

13 Public Hearing – Proposed Revisions to Stormwater Management Bylaw (General Bylaws, Article XIV, Section 6)

Ms. Coleman stated this is the first public hearing on the proposed bylaw changes. Kristin Kassner has asked if this should be from the Conservation Commission only and not be tied to the Planning Board. They have updated definitions and will be meeting with the Board of Health next Tuesday. Mr. Cohen went through the updates.





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Ms. Lima stated that basically this bylaw will capture small projects that are currently not under our purview to make sure that stormwater is being addressed.

Mr. Keeley stated that they will keep the hearing open.

Ms. Cohen asked if we should send this to Attorney Buckley. Mr. Keeley stated that he deals with commercial projects and this affects residential.

MOTION - Mr. LoTurco made a motion to continue the public hearing until February 24, 2022. The motion was seconded by Ms. Lima and unanimously voted 5-0-0. On a roll call vote: Mr. LoTurco voted Yes, Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. Bernstein voted Yes and Mr. Cohen voted Yes.

14. Administration

14a. Planning Board Comments

There were no comments to the Planning Board.

14b. Subcommittee & Staff Reports and Updates

There were no subcommittee or staff reports.

14c. Other Business

Mr. LoTurco stated that MACC Conference is coming up. Mr. Keeley stated that the Town will reimburse anyone who wants to go.

14d. Upcoming Meetings – February 24, 2022 and March 10, 2022

15. Adjournment

MOTION - Mr. Boivin made a motion to adjourn the February 10, 2022 Conservation Commission meeting at 9:47 PM. The motion was seconded by Mr. LoTurco and unanimously voted 5-0-0. On a roll call vote: Mr. LoTurco voted Yes, Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. Bernstein voted Yes and Mr. Cohen voted Yes.

*Respectfully Submitted by Dawn McDowell,
Recording Clerk*

