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TOWN OF BURLINGTON

Meeting Minutes

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BOARD: Conservation Commission

DATE: March 10, 2022

TIME: 7:00 PM

PLACE: 29 Center Street, Town Hall, 2nd Floor Main Hearing Room (Hybrid Meeting)

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

MEMBER MISSING: Jennifer O'Riorden

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

1. Call to Order

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

Mr. Cohen stated that this meeting is being held in person, with the option of joining virtually through WebEx. 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 #179 747 7321, the password if needed is rrX3hS3KR2. 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 stated that the applicant for agenda item #6 is requesting a continuance.

6. 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. Boivin made a motion to continue the public hearing for 102R Winn Street, DEP #122-666 until March 24, 2022. The motion was seconded by Ms. Lima and unanimously voted 5-0-0. On a roll call vote: Mr. Boivin voted Yes, Ms. Lima voted Yes, Mr. Deb voted Yes, Mr. LoTurco voted Yes and Mr. Cohen voted Yes.

Mr. Bernstein joined the meeting at 7:10 PM.



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2. Citizens' Time

There were no citizens coming forward.

3. Approval of Minutes – February 10, 2022 and February 24, 2022

MOTION - Ms. Lima made a motion to approve the Conservation Commission minutes of February 10, 2022 as submitted. The motion was seconded by Mr. LoTurco and voted 5-0-1. On a roll call vote: Mr. Boivin voted Yes, Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Deb abstained from voting, Mr. Bernstein voted Yes and Mr. Cohen voted Yes.

MOTION - Mr. Boivin made a motion to approve the Conservation Commission minutes of February 24, 2022 with some minor corrections. The motion was seconded by Mr. Deb and voted 5-0-1. On a roll call vote: Mr. Boivin voted Yes, Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Mr. Bernstein abstained from voting and Mr. Cohen voted Yes.

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

Mr. Keeley stated that we have not received the DEP permit number yet

Betsey Hughes, Town Meeting Member – Ms. Hughes asked if the Commission is supporting this. Mr. Cohen stated that this is an acceptable option. Mr. Boivin replied that this option is a good compromise.

MOTION - Mr. Bernstein made a motion to continue the Notice of Intent for 25 Blanchard Road until March 24, 2022. The motion was seconded by Mr. LoTurco and unanimously voted 6-0-0. On a roll call vote: Mr. Boivin voted Yes, Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Mr. Bernstein abstained from voting and Mr. Cohen voted Yes.

5. Public Hearing – Stormwater/Erosion and Sedimentation Control Bylaw Application – 15 Adams Street – Senate Construction Corp – Construct a Warehouse Addition, Parking Lot and Stormwater Management System

Robert France from Senate Construction and Dan Hazen from HSH Associates appeared for the public hearing for 15 Adams Street. Mr. France stated that the Board of Health approved this application about 3 weeks ago and they are now in front of the Planning Board for a special permit. Mr. Boivin asked why you needed to go before the Board of Health. Mr. France stated that this was because this was a formerly contaminated site and for approval of the storm water management system. Mr. Hazen stated that there are no stormwater controls on site now except catch basins and curb cuts. The original building was built in 1963 and sits on 6.5 acres. The existing building is about 40,000 SF with 62 parking spaces for a total of 75,000 SF of impervious surface. The wetlands are about 230' to the south. They are proposing a 12,277 SF addition to the warehouse. They are disturbing about 46,000 SF of the property, 34,500 SF of woods and 11,000 of pavement with will be replaced with either building or new pavement. There will be an additional 13,000 SF of impervious area. The plan is to add 2 deep sump catch basins that flow into a sediment forebay, then to an infiltration area and finally through an outfall control structure towards the wetlands. They will install hay bales and silt fences and there will be 2' of separation from the ground water. Soil testing was done and witnessed by the Board of Health.





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Ms. Coleman stated that they hit the 1-acre threshold so they need to reduce phosphorus by 60% and TSS by 90%. They have installed a new monitoring well and this site has been clean of contaminants for some time. They used the BMP Accounting and Tracking tool to estimate the nutrient removal. She did question if the shortened time of water storage in the basin affects the phosphorus and TSS removal numbers. Mr. Hazen replied no. The initial ½” flush of rain is when the contaminants are addressed. The basin holds no more than 6” and in big storms the water overflows into the other basins.

The Conservation Commission discussed/questioned:

- If ½” of rain goes into the forebay, if there is more rain will the phosphorus not percolate and contaminate the flow downstream?
- Two test pits were done and ledge was hit at 6’.
- The proposed tree cutting will impact climate change. They should look at solar panels, light reflective roof, etc. A tree conservation regulation is needed.
- The Operations Manual needs to be updated to remove a reference to fertilizing.
- What is the total number of parking spaces?
- How much impervious surface is being added?
- How is roof runoff handled?
- Is the basin oversized?
- Where does the existing roof runoff go?
- The pavement along the existing building flows to the street. Can a catch basin be added near the existing parking?

The applicant/staff responded:

- The phosphorus will infiltrate in the first flush of water before the bulk of the storm.
- They are building the berm up so the bottom of the basin is at grade.
- The roof is metal and reflective.
- The Operations Manual will be updated to remove reference to fertilizer.
- There are a total of 4 new parking spaces.
- They are adding ~13,000 SF.
- The roof runoff will go to the pipe and into the drainage system.
- The basin is designed for a 100-year storm.
- He is not sure of where the existing roof runoff go.





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- Elevations may not allow a catch basin near the existing parking.

Mr. Cohen stated in summary the following issues should be looked at: the applicant should send phosphorus and TSS removal numbers to staff; update % removal numbers to account for the removal of the deep sump catch basins; remove fertilizer from Operations Manual; investigate roof runoff; look at adding a mini-infiltration system at 192 contour and addition of trees.

Mr. Keeley asked that the far end of the proposed basin be marked so he can measure how far from the wetlands it will be.

Brenda Rappaport, Chair of Planning Board – Ms. Rappaport stated that the Board did not ask for a guard rail, they are looking for trees to provide some separation.

MOTION - Mr. Boivin made a motion to continue the public hearing for 15 Adams Street until March 24, 2022. The motion was seconded by Ms. Lima and unanimously voted 6-0-0. On a roll call vote: Mr. Boivin voted Yes, Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Mr. Bernstein abstained from voting and Mr. Cohen voted Yes.

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

Mike Casey appeared for the continued Notice of Intent for 14 Spring Valley Road. Mr. Casey stated that the plans have been adjusted to show the compensatory storage.

Mr. Keeley stated that plans show the structure being built on piers and open on 3 sides. He would recommend that Mr. Casey talk with the Building Department to make sure that the plans show proper construction. Hopefully we will get comments back from DEP so we can close the hearing.

The Conservation Commission discussed/questioned:

- Will the roof run off will be captured in the infiltration system and will it work?

The applicant/staff responded:

- The infiltration system takes into account the addition and the front right of the existing house and the calculations show that it should work.

There were no questions from the audience.

MOTION - Mr. Deb made a motion to continue the Notice of Intent for 14 Spring Valley Road, DEP #122-667 until March 24, 2022. The motion was seconded by Mr. Bernstein and unanimously voted 6-0-0. On a roll call vote: Mr. Boivin voted Yes, Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Mr. Bernstein abstained from voting and Mr. Cohen voted Yes.





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

Ms. Coleman presented the changes from the last meeting. They have changed some of the conditions and altered the thresholds for permitting of single family replacements and large additions. They have also looked at conversion from natural land to impervious alternatives.

Mr. Keeley stated that they also discussed abutter notifications for an abbreviated permit. There would be no hearing but they would be notified.

Mr. Cohen stated that there were two proposals before the subcommittee. For a full permit with hearing, the first option was 15,000 SF of land disturbance or 900 SF of new impervious surface and the second option was 20,000 SF of land disturbance or an increase to 10% of the lot size of impervious surface. There is a value of a public hearing that allows abutters to ask questions and get answers from a developer. There are tools that should be followed including: drawings by a design professional with an as-built submitted at the end; a performance bond; permit conditions; and abutter notification. If these tools are followed, then a public hearing may not be needed. If we eliminate the need for a public hearing on an abbreviated permit, then it alleviates the time restriction and the frivolous appeals.

Mr. LoTurco stated that he is concerned with the increased water from subdivisions that have been approved and how it affects the abutters.

Ms. Lima asked if we can request that the applicant call residents when they have concerns. During a normal hearing, there is back and forth with the abutters and developer and they usually come to an agreement. This would not happen without a hearing. Mr. Keeley stated that they can call the office and we can show them the plan. Keep in mind, that RDA do not require abutters to be notified. Ms. Lima stated that the questions should be submitted before the application is approved.

Mr. Bernstein stated that it should be a streamed line process but we have to make sure there is communication with the abutters. This is a work in progress.

Mr. Boivin stated that originally, we had proposed any tear down should require a permit. In his opinion that makes sense.

Brenda Rappaport of 26 Freeport Drive and Chair of the Planning Board – Ms. Rappaport stated that adding regulations take time but there are projects that were built and now the neighbors are getting significant water.

Susan Kadilak of 186 Mill Street – Ms. Kadilak stated that she is opposed to public hearings. Have independent engineers reviewed and commented on these regulation? There are older houses that are connected to the storm drainage because of the high water table, not just new construction. A study has shown that every additional regulation reduces annual permits by 10%. This needs to be equitable for everyone. Mr. Keeley stated that we are looking for equity for people who are downhill from projects that have been affected by water due to no fault of their own.

It is not the Conservation Commission's role to introduce the neighbors to the developer. Hearings do not take a lot of time or expense. If there is not a hearing, abutters would still be notified.





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Andrea Tracey of 4 Kinney Ave – Ms. Tracey stated that there should be green space. She would like to be notified if there is a project in her neighborhood.

Mr. Boivin stated that trees are the most important things and they should be not be cut down within 15' of the back setback. Mr. Cohen agreed, we need to have tree replacement in the discussion because of the urban heating effect. Ms. Kadilak stated that a 1 to 1 replacement of trees in the back of the property should not be a problem. A site plan review should be done to find the best location.

Mr. LoTurco stated that it should be streamlined but a permit should be required upfront.

Ms. Rappaport stated that this Commission is not intimidating and there should be community input when a property is being developed.

Mr. Keeley stated that it comes down to does the Conservation Commission trust the staff to review applications under the requirements. Mr. Boivin stated that of course they trust staff to do the abbreviated permit reviews but abutters should be notified when a property is being developed and if there are questions, then the staff becomes the conduit. Ms. Keeley stated that we are now. Mr. Keeley stated that we also need to talk about logistics and if this will be ready

Barbara L'Heureux of 10 Woodside Lane and Planning Board Member – Ms. L'Heureux stated that we can't underestimate the power of letting abutters come in and express their concerns. She has complete faith in staff but we are elected officials and it's our responsibility to make sure the residents' concerns are addressed.

Ms. Rappaport stated that commercial projects come before the Planning Board for a Special Permit for review and that should be made clear. Mr. Cohen stated that our regulations have a size threshold for land disturbance.

Mr. Keeley stated that we are trying to strengthen the bylaw but be reasonable. He doesn't think that having every new house come before the Conservation Commission is being reasonable.

Mr. Cohen stated that the three sticking points he believes are: replacement trees, value of public hearings with projects that have the greatest risks to residents and 10% additional impervious surface thresholds.

MOTION - Mr. Boivin made a motion to continue the public hearing until March 24, 2022. The motion was seconded by Mr. Bernstein and unanimously voted 6-0-0. On a roll call vote: Mr. Boivin voted Yes, Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Mr. Bernstein abstained from voting and Mr. Cohen voted Yes.

9. Administration

9a. Planning Board Comments

Mr. Keeley will update the Planning Board of 15 Adams Street.

9b. Subcommittee & Staff Reports and Updates

There were no subcommittee or staff reports.





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9c. Other Business

There was no other business.

9d. Upcoming Meetings – March 24, 2022 and April 14, 2022



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10. Adjournment

MOTION - Ms. Lima made a motion to adjourn the March 10, 2022 Conservation Commission meeting at 10:03 PM. The motion was seconded by Mr. Deb and unanimously voted 6-0-0. On a roll call vote: Mr. Boivin voted Yes, Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Mr. Bernstein abstained from voting and Mr. Cohen voted Yes.

*Respectfully Submitted by Dawn McDowell,
Recording Clerk*

