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# TOWN OF BURLINGTON

## Meeting Minutes

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Minutes need to be posted within 30 days or 2 meetings of the board – Draft minutes can be posted and revised at a later date

BOARD: Conservation Commission

DATE: March 24, 2022

TIME: 7:00 PM

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

MEMBERS IN ATTENDANCE: Chairman Larry Cohen, Vice Chair William Boivin, Gail Lima, Indra Deb, Ed LoTurco, Jennifer O'Riorden, Donald Bernstein, and Kent Moffat

MEMBER MISSING: None

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*Approved at the April 14 2022 Conservation Commission meeting*

### 1. Call to Order

Mr. Cohen called the meeting to order at 7:02 PM with all members being 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 #2339 548 3469, the password if needed is uPppy3p5uA7. 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 applicants for agenda item #8 is requesting a continuance.

### 8. 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 April 14, 2022. The motion was seconded by Ms. Lima and unanimously voted 7-0-0.

**MOTION** - Mr. LoTurco made a motion to take agenda item 14c. out of order. The motion was seconded by Mr. Boivin and unanimously voted 7-0-0.

### 14c. Recognition: Gail Lima



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Mr. Cohen stated that Ms. Lima is moving from Burlington and has been on the Conservation Commission for 21 years. She has worked to manage 300 acres of conservation land, has done conservation walks and has always been prepared for every meeting. He thanked for her service.

Kerry Melanson, former Conservation Commission member – Ms. Melanson stated that she is sorry to see her leave because she has done a wonderful job with Conservation.

Mr. Keeley stated that Ms. Lima will be missed and it is great having longevity and knowledge on the Commission. Ms. Coleman added that she has learned an enormous amount from Ms. Lima.

Ms. O’Riorden stated that Ms. Lima has been a role model for her and will be missed.

Mr. LoTurco stated that she has been an inspiration.

Mr. Boivin stated that Ms. Lima has such a great respect for the wetlands and she will be missed.

Mr. Deb stated that Ms. Lima is so valuable to the commission and will be missed.

Mr. Moffat stated that Ms. Lima is a wealth of knowledge.

Mr. Bernstein stated that that in his short time on the Commission he has learned so much from Ms. Lima.

Ms. Lima thanked the Commission and staff. This is a great opportunity to get involved, get out into the open space that Burlington has and enjoy the conservation areas. She also recommended the MACC conference as a great resource.

## **2. Citizens’ Time**

There were no citizens coming forward.

## **3. Approval of Minutes – March 10, 2022**

**MOTION** - Mr. Boivin made a motion to approve the Conservation Commission minutes of March 10, 2022. The motion was seconded by Mr. Bernstein and unanimously voted 7-0-0.

## **4. Discussion: Melisa Tintocalis, Burlington Economic Development Director – Mall Road Corridor & Middlesex Turnpike Initiative**

Ms. Tintocalis stated that she has been here for a couple of years and she has been talking to stake holders about how we can reach our economic development goals and move forward. We are trying to improve businesses in the area. They received a grant from Mass Development to look at the Mall Road corridor and Middlesex Turnpike and look at what the best uses are for this area in the future. We are looking for thoughtful sustainable development. We could have 100 acres of infill opportunities for development and we need to think about what to do with that while being mindful of vulnerable areas.

Mr. Keeley stated that he attended two forums. We are working towards the same goal. This is a great concept and they could benefit from the overlap between our MVP grant work and her study. The goal is to reduce flooding and increase walkability in this area.





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Mr. Cohen asked what is infill in this context and is this the only grant. Ms. Tintocalis stated that Mass Development helps communities for community driven plans. They have issued us \$100,000 to fund the study. Infill means to develop on existing parking lots. Mr. Cohen stated that we want to increase walkability of Vine Brook from Bedford and try to create the river walk.

Ms. Lima stated that the riverwalk is a great idea. With nothing but pavement, there is a higher heat index around the mall. We need to increase vegetation and green space. We need to include bike paths and reliable public transportation.

Mr. Boivin asked how is the response from developers. Ms. Tintocalis stated that if they know what is expected then they are ok.

Mr. Bernstein asked if this would require a zoning change. Ms. Tintocalis replied yes.

Ms. O'Riorden stated that we should ask developers to provide shuttle service from their business to the mall area.

Mr. Cohen stated that the concept for a riverwalk and bike path is a great idea. We should also look at structured parking and more green space within developments.

**5. Request for Certificate of Compliance**

**5a. 6 Terrace Hall Avenue – Langone Development Group Inc. – DEP #122-656**

Jonathan Langone appeared for the Certificate of Compliance for 6 Terrace Hall Avenue.

Ms. Coleman stated that the parking structure and debris has been removed at the edge of the wetlands. Mr. Langone did a boulder wall with signs. He will need to monitor the plans for 2 growing seasons. Mr. Boivin asked that one sign be moved about 20' to the right.

**MOTION** - Ms. Lima made a motion to issue a Certificate of Compliance for 6 Terrace Hall Avenue, DEP #122-656. The motion was seconded by Ms. O'Riorden and unanimously voted 7-0-0.

**MOTION** - Mr. Boivin made a motion to release \$2,500 of the bond and hold \$1,000 until the two growing seasons are over. The motion was seconded by Mr. Deb and unanimously voted 7-0-0.

**5b. 98-108 Middlesex Turnpike – Yard House USA – Stormwater Permit**

Ms. Coleman stated that this was a commercial project. They have been open for about 2 years. It looks ok but they are required to provide yearly maintenance reports and they haven't yet. She would suggest holding off on the release until they received their reports.

**6. Request for Determination of Applicability**

**6a. 3 Cedarwood Lane – Michael & Nicole Santamaria – Install In Ground Pool**

Michael & Nicole Santamaria appeared for a Request for Determination of Applicability for 3 Cedarwood Lane. Mr. Santamaria stated that they are proposing installing an inground pool with a 3' paver patio around it.





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Ms. Coleman stated that the existing house was built under an RDA and this pool will be 60' away from the wetlands. She has no issue with this project.

There were no questions.

**MOTION** - Mr. Boivin made a motion to issue a negative determination under the State Wetlands Protection Act and Burlington Bylaw Article 14 for 3 Cedarwood Lane. The motion was seconded by Mr. LoTurco and unanimously voted 7-0-0.

**7. Continued Public Hearing – Notice of Intent – 25 Blanchard Road (Mary Cummings Park) – Trustees of Reservations, Inc. – Install Flow Device in Beaver Dam – DEP #122-669**

Jeremy Dick from the Trustees which manages Mary Cummings Park appeared for the Notice of Intent for 25 Blanchard Road. Mr. Dick stated that they were just waiting on the DEP# before they could close.

Mr. Cohen asked that they keep staff up to date on the monitoring of water and keep the neighbors in the loop.

There were no questions from the audience.

**MOTION** - Mr. LoTurco made a motion to close the public hearing on the NOI for 25 Blanchard Road, DEP #122-669. The motion was seconded by Mr. Deb and unanimously voted 7-0-0.

**MOTION** - Mr. Boivin made a motion to adopt the findings under the State Wetlands Protection Act and Burlington Bylaw Article 14 for 25 Blanchard Road, DEP #122-669. The motion was seconded by Mr. LoTurco and unanimously voted 7-0-0.

**MOTION** - Mr. Bernstein made a motion to approve the Order of Conditions under the State Wetlands Protection Act and Burlington Bylaw Article 14 for 25 Blanchard Road, DEP #122-669. The motion was seconded by Mr. LoTurco and unanimously voted 7-0-0.

**9. 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. Keeley stated that plans were revised and approved by the Building Department. The addition will be open on 3 sides on the bottom. They are proposing planting appropriate native plants and the Commission can waive flood plain compensation.

There were no questions from the audience.

**MOTION** - Mr. Boivin made a motion to close the public hearing on the NOI for 14 Spring Valley Road, DEP #122-667. The motion was seconded by Mr. Deb and unanimously voted 7-0-0.

**MOTION** - Mr. Bernstein made a motion to adopt the findings under the State Wetlands Protection Act and Burlington Bylaw Article 14 for 14 Spring Valley Road, DEP #122-667. The motion was seconded by Mr. LoTurco and unanimously voted 7-0-0.





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**MOTION** - Mr. Boivin made a motion to approve the Order of Conditions under the State Wetlands Protection Act and Burlington Bylaw Article 14 for 14 Spring Valley Road, DEP #122-667. The motion was seconded by Ms. Lima and unanimously voted 7-0-0.

**MOTION** - Mr. Bernstein made a motion to require a \$3,500 bond under Burlington Bylaw Article 14 for 14 Spring Valley Road, DEP #122-667. The motion was seconded by Mr. Deb and unanimously voted 7-0-0.

**10. Public Hearing – Notice of Intent – 44 Westwood Street – MGW Realty LLC (Lenny Radochia) – Demolish Dwelling and Construct a New Dwelling – DEP #Pending**

Rich Kirby, from LEC, Lenny Radochia, owner and Jack Sullivan appeared for the Notice of Intent for 44 Westwood Street. Mr. Kirby stated that this is near the Wilmington line. The lot is 20,000 SF and has an existing single family house with driveway. There is Bordering Vegetated Wetlands and the closest point to the wetlands will be 17.6'. There is a regulated stream on the property. The existing house is 26' x 46' and the new house will be 26' x 70'. The new house will be .2' closer to the wetlands. All the sheds and patios will be removed. There is approximately 885 SF of impervious surface being removed. There will be an infiltration system in the front and they will restore the wetlands, adding 10 trees and shrubs. There will also be a post and rail fence. They would require waivers from the 40' no-build regulation.

Mr. Keeley stated that the restoration plan looks fine and they have submitted a great planting plan. They are within the no-build zone but removing the outbuildings that are beyond the new house is an improvement.

The Conservation Commission discussed/questioned:

- What is the pipe that is shown on the plan?
- Will the infiltration device work?
- Spot grades should be added to the plan, especially for the driveway.
- Is the culvert functioning?
- A trench should be added along the driveway.
- Instead of a concrete pad at the deck area, suggested permeable pavers as well as at the driveway.
- Only one tree will be taken down.
- How will the wetlands be protected during demolition?
- The dumpster should be located in the driveway

The applicant/staff responded:

- The pipe is an electrical pipe that went to the shed and it will be removed.
- The infiltration device will work.
- The culvert is full of sediment and needs to be cleaned.





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- A trench will be added along the driveway.
- A concrete pad at the bottom of the step is required for support but they can change the walkway to flagstone pavers.
- Only one tree will be removed.
- During demo, a silt fence and sock will be installed prior to demolition.

Mr. Cohen recapped the outstanding issues: spot grades will be added at the driveway and a trench will be added along the driveway. The applicant should speak with the DPW about obtaining an easement. If the catch basin in the right front yard is not needed it should be removed.

There were no questions from the audience.

**MOTION** - Mr. Boivin made a motion to continue the public hearing for 44 Westwood Street, DEP #Pending until April 14, 2022. The motion was seconded by Mr. Deb and unanimously voted 7-0-0.

**11. 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. Hazen stated that the roof run off will flow directly into the infiltration basin. They have removed the mention of fertilizer from the O&M manual. They also looked at adding a catch basin near the parking lot and that is not feasible due to the grade change. They are also investigating solar panels on the roof. They will work with staff on type of trees.

Ms. Coleman stated that with the new calculations, they are at 69% phosphorus removal. She is all set with how their system works.

There were no questions from the audience.

**MOTION** - Mr. Boivin made a motion to close the public hearing for 15 Adams Street. The motion was seconded by Mr. Deb and unanimously voted 7-0-0.

**MOTION** - Mr. Boivin made a motion to issue the Stormwater/Erosion and Sedimentation Control Bylaw per Burlington Bylaw Article 14, Section 6 for 15 Adams Street. The motion was seconded by Ms. O’Riorden and unanimously voted 7-0-0.

**MOTION** - Mr. Deb made a motion to require a \$10,000 bond per Burlington Bylaw Article 14 for 15 Adams Street. The motion was seconded by Mr. LoTurco and unanimously voted 7-0-0.

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

Maureen Herald from Norse Environmental appeared for discussion of 127 Bedford Street. Ms. Herald provided a revised plan. They are proposing extending the retaining wall as far as a 5’ infiltration trench and





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increasing the infiltration trench at the end of the driveway by 200 SF. They are proposing adding a rain garden, expand the wetlands by 5' for an additional 410 SF and adding additional wetland plans.

Mr. Keeley stated that the trench to the rain garden is ok and additional flood storage is a better option. They did a site walk and the trench at 13 Pleasant Street needs more work and more pitch to make it work.





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The Conservation Commission discussed/questioned:

- Will the pavers in the front remain?
- The whole site is a mess. They need to plant the required plantings.
- Is there an easement and can the town go in to make the trench functional.
- Should there be a break in the retaining wall to allow flow into the rain garden.
- It looks like there is about 17% increase in pavement and increasing the wetlands by 5' may be insufficient.
- The rain garden should be labeled on the plan.
- The % of sand in the rain garden should be investigated.
- What is the plan to monitor the trees?

The applicant/staff responded:

- The pavers in the front will remain.
- The Town Engineer said no, there is no easement to the drainage area because they are not draining to the street.
- There is a break in the retaining wall.
- They are willing to expand the wetlands to 10' wide.
- This site will be monitored under the previous issued Notice of Intent.

Mike Callahan of 125 Bedford Street – Mr. Callahan stated that this owner has deviated so many times from the approved plans. How will we know if this approved plan is executed? They don't do what they say. Mr. Keeley stated that the landscaper is lined up from the spring. The wall will be extended and wetlands will be extended and the area will be stabilized. They will have to submit an as-built and they have a timeline that is required or they can start fining them. There is a \$2,500 bond but they will have to check to see if this has been paid. This project should be completed by fall.

**MOTION** - Ms. Lima made a motion to approve the submitted plan that includes: extending the wetlands from 5' to 10'; 20' no disturbance will be out 5'; a rain garden will be constructed with a proper soil mix and proper depth; the office will monitor plantings and trees. The motion was seconded by Mr. Boivin and unanimously voted 7-0-0.







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

Mr. Cohen stated that the last hearing there was some useful input. The major question is what projects would require full hearings and the thresholds for those hearings.

Ms. Coleman stated that they have updated the proposal to include lowering the thresholds and require better engineering plans. The public hearing is the sticking point for new single-family homes and her personal opinion is that is not needed. We need quality plans.

Mr. Cohen stated that they are proposing: required stamped plans, as-builts and bond. We have tools in place to go back to a licensed engineer if there is a problem. The abutters would also be notified in lieu of a hearing. If a project raises the grades more than 2' of fill, then a hearing may be required. We need to give this some thought.

Ms. Lima stated that we should also incorporate increased impervious surface.

Susan Kadilak of 186 Mill Street – Ms. Kadilak stated that this is moving in the right direction and we should continue to work on it.

Mr. Keeley stated that we should withdraw this article from the upcoming Town Meeting and continue to work on it.

**MOTION** - Mr. Bernstein made a motion to withdraw the article for the proposed revision to the Stormwater Bylaw from the Town Meeting warrant. The motion was seconded by Ms. O’Riorden and unanimously voted 7-0-0.

**MOTION** - Mr. Bernstein made a motion to continue the public hearing for the Stormwater Bylaw until April 28, 2022. The motion was seconded by Mr. Deb and unanimously voted 7-0-0.

**14. Administration**

**14a. Planning Board Comments**

There were no Planning Board comments.

Mr. LoTurco left the meeting at 9:50 PM.

**14b. Subcommittee & Staff Reports and Updates**

**MOTION** - Mr. Boivin made a motion to approve the subcommittee minutes of February 15, 2022 and March 10, 2022. The motion was seconded by Ms. Lima and unanimously voted 6-0-0.

**14d. Other Business**

Mr. Boivin stated that Mimi Bix Highland has asked to be an Associate Member of Conservation.





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**14e. Upcoming Meetings –April 14, 2022 and April 28, 2022**

**10. Adjournment**

**MOTION** - Ms. Lima made a motion to adjourn the March 24, 2022 Conservation Commission meeting at 10:08 PM. The motion was seconded by Mr. Bernstein and unanimously voted 6-0-0.

*Respectfully Submitted by Dawn McDowell,  
Recording Clerk*

