



RECEIVED

By Town Clerk's Office at 10:04 am, Apr 23, 2021

TOWN OF BURLINGTON

Meeting Minutes

Email minutes to meetings@burlington.org or Bring to the Clerk's Office. Thank you

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: April 08, 2021
TIME: 7:00 PM
PLACE: WebEx Remote Meeting
MEMBERS IN ATTENDANCE: Chairman Larry Cohen, Vice Chair William Boivin, Gail Lima, Ed LoTurco, Indra Deb, and Kent Moffat
MEMBER MISSING: Jennifer O'Riorden and Donald Bernstein

Approved at the April 22, 2021 Conservation Commission meeting

1. Call to Order

Mr. Cohen called the meeting to order at 7:00 PM. On a Roll Call, Mr. Boivin voted Present, Ms. Lima voted Present, Mr. LoTurco voted Present, and Mr. Deb voted Present. Conservation Administrator John Keeley and Assistant Conservation Administrator Eileen Coleman were also present.

Mr. Cohen read the following statement: Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order Imposing strict limitations on the number of people that may gather in one place, 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. 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. Meeting number is 179 747 7321 the password if needed is rrX3hS3KXR2.

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 April 22, 2021.

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





TOWN OF BURLINGTON
CONSERVATION COMMISSION MINUTES

APRIL 8, 2021

8. Continued Public Hearing – Notice of Intent – 59 & 61 Middlesex Turnpike – Nouria Energy Corporation- Demolish Gas Station/Convenience Store & Restaurant Building and Construct a New Gas Station & Convenience Store – DEP #122-657

Mr. Cohen stated that the applicant has requested a continuance for this matter until the next meeting.

MOTION - Mr. LoTurco made a motion to continue the Notice of Intent for 59 & 61 Middlesex Turnpike until April 22, 2021. The motion was seconded by Mr. Boivin and unanimously voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes.

9. Continued Public Hearing – Notice of Intent – Redmond Street Roadway – Somerset Realty Trust – Construct New Road with Stream Crossing – DEP #122-646

10. Continued Public Hearing – Notice of Intent – 4 Redmond Street – Somerset Realty Trust – Construct a New Single-Family Dwelling – DEP #122-645

11. Continued Public Hearing – Notice of Intent – 5 Redmond Street – Somerset Realty Trust – Construct a New Single-Family Dwelling – DEP #122-644

Mr. Cohen stated that the applicant has requested a continuance to the next meeting for all 3 Notices of Intent for the Redmond Street roadway, 4 Redmond Street and 5 Redmond Street.

MOTION - Mr. Boivin made a motion to continue the Notice of Intent for Redmond Street roadway, 4 Redmond Street and 5 Redmond Street until April 22, 2021. The motion was seconded by Ms. Lima and unanimously voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes.

2. Citizens' Time

No one came forward to speak.

3. Approval of Minutes – March 25, 2021

MOTION - Ms. Lima made a motion to approve the Conservation Commission minutes of March 25, 2021. The motion was seconded by Mr. LoTurco and voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes.

4. Request for Determination of Applicability

4a. 2 Brenda Lane – Kimberly Kilroy – Install In-ground pool

Kimberly Kilroy appeared for the Request for Determination of Applicability to install an in-ground pool at her property. She is proposing to install the pool on the left hand side of the house behind the patio. There are wetlands on the right hand side off her property. They will have a paver patio and this will be about 40' away. She would also like to replace the existing fence around her property.

Ms. Coleman stated that the wetlands are on 58 & 60 Beaverbrook Road. She has no issues with the pool because it will be installed in an area that is entirely on lawn. The pool design is not complete, but it could be more than 50' away. The new fence will be in the same location of the existing fence so she has no issues with that.





TOWN OF BURLINGTON
CONSERVATION COMMISSION MINUTES

APRIL 8, 2021

The Conservation Commission discussed/questioned:

- What type of new fence will be installed?

The applicant/staff offered the following responses:

- The new fence will be black chain link.

There were no questions from the audience.

MOTION - Mr. LoTurco made a motion to issue a negative conditional determination under the Burlington Bylaw Article 14 and the State Wetlands Protection Act for installing an in-ground pool and replace the existing fence at 2 Brenda Lane. The motion was seconded by Mr. Boivin and unanimously voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes.

4b. 23 Dolores Drive – Dawn & Saul Portillo – Remove trees, clearing and install shed

Dawn and Saul Portillo appeared for the Request for Determination of Applicability to remove some trees, clearing some shrubs and install a new shed at their property. Ms. Portillo stated that they would like to take down two silver maples in their front yard. Marquis Tree has looked at them and one has rot inside and the other is dropping large limbs and they are afraid of the damage these trees could do. They would like to replace the existing shed with a larger one in the same location but square up the lawn behind it by about 20'. They would like to remove two juniper bushes, one pine tree and one tree that has broken and is leaning and is a tree stumps.

Ms. Coleman stated that there is a regulated stream that is 150' away. The work will be done in the outer riparian. There is also a drainage channel that feeds into the wetlands in the back left of the property. All the work proposed in the back will be in the BVW. She has no issues with the work in the back and the owners have agreed to replace the two large trees in the front with smaller ones that do not grow as high.

The Conservation Commission discussed/questioned:

- There should be no heavy equipment in the naturalized area.
- The stumps of the trees in the back should remain but the stumps in the front of the house can be ground down.
- The two maple trees in the front look healthy. They should be pruned and maintained but not cut down.

The applicant/staff offered the following responses:

- They will work with staff to determine the type of trees to add in the front.

Mr. Keeley stated that typically silver maples are not planted in lawn areas. They are usually planted in open areas, fields, along river banks, etc. because of the falling limbs.

Mr. Boivin stated that in the conditions, #2 the junipers are on the left side of the property, not the right. That should be corrected.

There were no questions from the audience.





TOWN OF BURLINGTON
CONSERVATION COMMISSION MINUTES

APRIL 8, 2021

MOTION - Ms. Lima made a motion to issue a negative conditional determination under the Burlington Bylaw Article 14 and the State Wetlands Protection Act for cutting trees, clearing and installing a shed at 23 Dolores Drive as amended. The motion was seconded by Mr. Deb and unanimously voted 4-1-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted No, Mr. LoTurco voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes.

5. Request for Certificate of Compliance/Release of Surety

5a. 68 Wilmington Road – Estate of Michael Sylvester – DEP #122-517

6. Public Hearing – Notice of Intent – 68 Wilmington Road – Nash Quadir – Construct a Single Family Dwelling – DEP #Pending

Mary Trudeau, William Sylvester, and Adam Bran appeared for the Certificate of Compliance and Notice of Intent for 68 Wilmington Road. Ms. Trudeau stated that the Order of Conditions was issued in 2014 for 68 Wilmington Road to construct a new single family home. It was extended through 2020 but it has since lapsed and there is no active Order of Conditions on site. The previous owner had passed away and the new owner, Nash Quadir has filed a new Notice of Intent which is opening tonight. They are asking that the original Order of Conditions be closed out, even though not all the work is complete and that no as-built will be required since all of these items will be covered under the new Notice of Intent filing. The foundation for the new house is in place and the driveway is partially installed. The utilities have also been installed but are not yet connected to the house. Mr. Bran stated that the new water and sewer lines were brought in under the stream and capped at the foundation. They still need to complete the driveway and install the trees and plantings that were approved. The power lines were also brought in.

Mr. Keeley stated that he originally did not want to issue the Certificate of Compliance but he reviewed the Building Department file and the foundation as-built is exactly like the foundation that was approved in the original Order of Conditions. The Commission can release a partial Certificate of Compliance for the work that was completed. Mr. Keeley stated that they could not find a surety on this project.

MOTION - Mr. Deb made a motion to issuance a partial Certificate of Compliance under the Burlington Bylaw Article 14 and the State Wetlands Protection Act for work that has been completed at 68 Wilmington Road, DEP #122-517. The motion was seconded by Mr. Boivin and unanimously voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes.

Ms. Trudeau stated that under the permit for DEP#122-517 the foundation was installed and backfilled but there has been no framing. All the utilities are in but not connected. There was a modification making the driveway double wide after the stream crossing. The stream crossing and BVW are between the road and the house and the stream crossing is already in place. There will be no additional work needed for the crossing. They are using the original wetland flags and have replaced a few of them. The original permit had an agreement that no work will be within the inner 100' of riverfront but it allowed work within the 100'-200' of riverfront. The infiltration has been installed but there is still landscaping and driveway work that will be needed. The erosion controls have decayed and they will be completely replaced before any work is started. They are also proposing additional planting of 7-8 new trees.





TOWN OF BURLINGTON
CONSERVATION COMMISSION MINUTES

APRIL 8, 2021

Mr. Keeley stated that this project is considered riverfront under the Burlington Bylaw and the State Wetlands Protection Act.

The Conservation Commission discussed/questioned:

- Has the stormwater infiltration system been installed?
- Will the driveway be paved or gravel? Spot grades should be added to the plans for the driveway.
- Will any more trees be cut?
- Does the infiltration trench go the entire length of the driveway?
- Will any improvements be needed for the riverfront?
- There should be a demarcation of the buffer with a fence or boulders to limit the encroachment.
- The staging area for building material should be marked on the plan so they are not placed near the riverfront.

The applicant/staff offered the following responses:

- The stormwater infiltration system has been installed.
- The driveway will be paved.
- No additional tree removal is required.
- The infiltration trench goes the entire length of the driveway up to the stream crossing.
- There are 13 new trees being planted and they will remove some wooden debris that is on the sides of the driveway.
- The applicant will work with staff for the demarcation item.
- The staging area for building materials will be added to the plan.

Warren Berglund of 10 Woodhill Road – Mr. Berglund asked if these changes would affect the Planning Board Subdivision permit. Mr. Keeley replied no, but they will have to apply for an extension for the Subdivision from the Planning Board.

Mr. Cohen stated that the outstanding items for next meeting are: confirm with staff the type of trees to be planted, spot grades should be added to the plan for the driveway, the staging area should be added to the plan for building materials and a split rail fence should be added to demarcate the buffer area.

MOTION - Mr. Deb made a motion to continue the Notice of Intent for 68 Wilmington Road to April 22, 2021. The motion was seconded by Mr. Boivin and unanimously voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes.

7. Continued Public Hearing – Notice of Intent – 6 Terrace Hall Avenue – Langone Development Group Inc. – Demolish Dwelling & Construct a New Single Family Dwelling – DEP #122-656





TOWN OF BURLINGTON
CONSERVATION COMMISSION MINUTES

APRIL 8, 2021

Maureen Herald from Norse Environmental and Jonathan Langone appeared for the continued Notice of Intent for 6 Terrace Hall Avenue to demolish an existing single family house and construct a new single family house. Ms. Herald stated that a site visit was conducted and it was determined that the wetlands did encroach further at flag 5A by 7.8' and 6A by 22' and new flags have been added 5A-1 and 6A-1. The setbacks have been adjusted. They have changed the plans and are not removing the red maple. There is a pitch pine right near the red maple and they are still requesting to remove that tree. They are also proposing to remove the white pine in the front. They are proposing adding 4 native trees and 4 native shrubs in the buffer, removing the fill pile and the wooden structure from the buffer. They will now be requesting a waiver from the 20' no disturb and 40' no build zones.

Mr. Keeley stated that the wetlands flags are now moved into the existing lawn area and with the removal of the wooded structure and pile and installation of trees and shrubs we are going to get back more of the BVW area.

The Conservation Commission discussed/questioned:

- The new buffer area should be demarcated with a post and rail fence or boulders.
- Will the area be squared off behind the wood structure?
- The erosion controls should be moved forward after the wooden structure is removed.
- The square footage of the recovered wetlands and uplands should be added to the plan as justification of the requested waivers.

The applicant/staff offered the following responses:

- They will square off the area on the easterly side of the property and install a post and rail fence with no gate that ties into the retaining wall.

There were no questions from the audience.

Mr. Langone stated that Item #48 in the decision says the Certificate of Compliance will not be issued until 2 growing seasons have passed. He is hoping to sell the property as soon as it is built. Mr. Keeley stated that we can issue the Certificate of Compliance but hold part of the surety bond until the two seasons have passed.

MOTION - Mr. Boivin made a motion to grant the waiver from the 40' no build zone for 6 Terrace Hall Avenue, DEP #122-656 with the justification that the amount of recovered naturalized wetlands and uplands is a positive aspect of this project. The motion was seconded by Mr. LoTurco and unanimously voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes.

MOTION - Mr. Boivin made a motion to grant the waiver from the 20' no disturb zone for 6 Terrace Hall Avenue, DEP #122-656 with the justification that the amount of recovered naturalized wetlands and uplands is a positive aspect of this project. The motion was seconded by Mr. LoTurco and unanimously voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes.





TOWN OF BURLINGTON
CONSERVATION COMMISSION MINUTES

APRIL 8, 2021

MOTION - Mr. Deb made a motion to close the public hearing for the Notice of Intent for 6 Terrace Hall Avenue, DEP #122-656. The motion was seconded by Mr. LoTurco and unanimously voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes.

MOTION - Mr. Boivin made a motion to adopt the findings under the Burlington Bylaw Article 14 to demolish an existing dwelling and construct a new single family home at 6 Terrace Hall Avenue, DEP #122-656. The motion was seconded by Ms. Lima and unanimously voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes.

MOTION - Ms. Lima made a motion to adopt the Order of Conditions under the Burlington Bylaw Article 14 and the State Wetlands Protection Act to demolish an existing dwelling and construct a new single family home at 6 Terrace Hall Avenue, DEP #122-656. The motion was seconded by Mr. Deb and unanimously voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes.

MOTION - Mr. Boivin made a motion to require a \$3,500 surety bond under the Burlington Bylaw Article 14 for 6 Terrace Hall Avenue, DEP #122-656. The motion was seconded by Mr. Deb and unanimously voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes.

12. Administration

12a. Planning Board Comments

Mr. Keeley stated that he will eventually comment on Nouria Energy (59-61 Middlesex Turnpike) since they have finally filed with the Planning Board.

12b. Subcommittee, Staff Reports and Updates

Mr. Cohen stated that he received a phone call and asked if there were any plans to clean up any conservation areas in town. Ms. Lima stated that it would be helpful to clean up trash along the roadway that are near resource areas or pick up trash near the sports fields. Mr. Cohen asked if we should contact the Boys or Girls Scouts. Ms. Coleman stated that she is speaking with some Girl Scouts so she will mention it and see if they are interested. Mr. Keeley stated that he will speak with the land management person for the Town. He came up with sites that he has found to clean up.

12c. Upcoming Meetings –April 22, 2021 and May 13, 2021

12d. Other Business

Mr. Boivin stated he will not be available for the meeting on June 10th.

13. Adjournment

MOTION - Mr. LoTurco made a motion to adjourn the April 8, 2021 Conservation Commission meeting at 8:41 PM. The motion was seconded by Mr. Deb and unanimously voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes.





TOWN OF BURLINGTON
CONSERVATION COMMISSION MINUTES

APRIL 8, 2021

*Respectfully Submitted by Dawn Cathcart,
Recording Clerk*



29 CENTER STREET • BURLINGTON, MASSACHUSETTS 01803 • TEL (781) 270-1660 • FAX (781) 238-4692

www.burlington.org • clerk@burlington.org