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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: June 10, 2021

TIME: 7:00 PM

PLACE: WebEx Remote Meeting

MEMBERS IN ATTENDANCE: Chairman Larry Cohen, Gail Lima, Ed LoTurco, Indra Deb, Jennifer O'Riorden

MEMBER MISSING: Vice Chair William Boivin, Donald Bernstein and Kent Moffat

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Conservation Administrator John Keeley and Assistant Conservation Administrator Eileen Coleman were also present.

*Approved at the July 8, 2021 Conservation Commission meeting.*

### 1. Call to Order

Mr. Cohen called the meeting to order at 7:00 PM. On a Roll Call, Mr. LoTurco voted Present, Mr. Deb voted Present, Ms. O'Riorden and Ms. Lima 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](mailto:conservation@burlington.org) before the next meeting on June 24, 2021.

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



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

Mr. Cohen stated that the applicant has requested a continuance to the next meeting.

**MOTION** - Mr. Deb made a motion to continue the Notice of Intent for 59 & 61 Middlesex Turnpike, DEP #122-657 until June 24, 2021. The motion was seconded by Mr. LoTurco and unanimously voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Ms. O’Riorden 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 Notice of Intents for the Redmond Street roadway, 4 Redmond Street and 5 Redmond Street.

**MOTION** - Mr. LoTurco made a motion to continue the Notice of Intent for Redmond Street roadway, 4 Redmond Street and 5 Redmond Street until June 24, 2021. The motion was seconded by Ms. Lima and voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Ms. O’Riorden and Mr. Cohen voted Yes.

**2. Citizens’ Time**

No one came forward to speak.

**3. Approval of Minutes – May 27, 2021**

**MOTION** - Ms. Lima made a motion to approve the Conservation Commission minutes of May 27, 2021 as submitted. The motion was seconded by Mr. LoTurco and voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Ms. O’Riorden and Mr. Cohen voted Yes.

**4. Request for Certificate of Compliance – 1 Elizabeth Avenue – Gary Litchfield – DEP #122-624**

Mr. Keeley stated that they did a site visit yesterday. The as-built was surveyed in March 2020 but there have been some changes since then to the site. The boulders were changed to a fence with a gate, the erosion controls are still in place and they need to be removed. There is no mitigation for the driveway shown on the plan and one downspout goes to the driveway but that goes to a low point and there is a trench and it doesn’t appear that water is draining to the street. The patio was built within the limit of work and is not on the as-built but we can just note the changes. He will speak to the owners about the removal of the erosion controls and there was some lawn debris behind the fence.





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Mr. LoTurco stated that he visited the property today.

There were no questions from the Commission or the audience.

**MOTION** - Ms. Lima made a motion to approve the Certificate of Compliance for 1 Elizabeth Avenue, DEP #122-624. The motion was seconded by Mr. LoTurco and unanimously voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Ms. O’Riorden and Mr. Cohen voted Yes.

**MOTION** - Mr. Deb made a motion to release the \$3,500 surety for 1 Elizabeth Avenue, DEP #122-624. The motion was seconded by Ms. Lima and unanimously voted 5-0-0.

**5. Request for Determination of Applicability (RDA)**

**5a. 62 Beaverbrook Road – Dana Suslovich Rabl & Yogev Rabl – Grading and Landscaping**

Dana Suslovich Rabl appeared for the Request for Determination of Applicability for grading and landscaping and construction a new house. Ms. Rabl stated that they just bought the property at 62 Beaverbrook Road and they are proposing demolishing the existing house and constructing a new one. The current footprint will not change that much but they are within the 100’ buffer.

Ms. Coleman stated that the wetlands are behind 52 and 68 Beaverbrook Road but questioned if there will be blasting for the ledge and how much grading will be done on the left side of the property. Ms. Rabl stated that they are trying not to blast. They hope to jack hammer the ledge but if not, they can change the foundation to a crawl space. They are not changing the grade at the left, they are just removing some shrubs. Ms. Coleman added that they administratively approved the applicant to remove some trees in the front but they removed some that were closer to the wetlands so in the decision they have added that replacement trees are required. Mr. Keeley added that typically they allow applicants to bring in 2” – 3” of loam for grass.

The Conservation Commission discussed/questioned:

- Where would the roof run off go?
- Will any other trees be removed?
- Will there be any other grading or fill brought in?
- If the ledge is ground down, will grindings be removed?

The applicant/staff offered the following responses:

- The infiltration will be done onsite and the final determination will be approved administratively once the plans are complete from a civil engineer.
- There will be no additional trees removed.
- There will be no additional grading. There may be fill brought in for the footprint of the house.
- The grindings will be removed or used as fill. They are far enough from the wetlands.

There were no questions from the audience.





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**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 grading and landscaping and construction at 62 Beaverbrook Road. The motion was seconded by Mr. Deb and unanimously voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Ms. O’Riorden and Mr. Cohen voted Yes.

**5b. 19 Dolores Drive – Robert & Doreen Bevington – Construct Residential Addition & Move an Above Ground Pool**

Robert and Doreen Bevington appeared for the Request for Determination of Applicability to construct a residential addition and relocate their above ground pool.

Ms. Coleman stated that the addition is approximately 70’ away from the wetlands and they have already given them approval to move the pool. They have no issues with this request.

The Conservation Commission discussed/questioned:

- Will any trees be removed as part of this application?

The applicant/staff offered the following responses:

- No trees will be removed.

There were no questions from the audience.

**MOTION** - Mr. Deb made a motion to issue a negative conditional determination under the Burlington Bylaw Article 14 and the State Wetlands Protection Act to construct a residential addition and move an Above ground pool at 19 Dolores Drive. The motion was seconded by Ms. Lima and unanimously voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Ms. O’Riorden and Mr. Cohen voted Yes.

**6. Continued Discussion – Minor Engineering Change – Van de Graaff Roadway Determination of Applicability**

Mr. Keeley stated that the applicant has requested this discussion be moved to the June 24, 2021 meeting.

**7. Continued Public Hearing – Erosion & Sedimentation Control Permit – 15, 25, 35, 49 & 95 Network Drive – Nordblom Company – Construct Bio-Science Building with Associated Parking, Landscaping and Utilities**

Todd Fremont-Smith from Norblom Company, Frank DiPietro and Marissa Valentino from BSC Group appeared for the continued Erosion and Sedimentation Control Permit for 15, 25, 35, 49 and 95 Network Drive. Mr. Fremont-Smith stated that this project includes a 240,000 – 270,000 SF Life Science building. It is noted as number 25. From the last meeting there were concerns with the sidewalks and they have provided a plan showing the sidewalk network. There are also walking trails that they would like to expand but they will work with Staff before they expand because some of the trails are close to wetland areas. Mr. DiPietro stated that from the last meeting there was also concern with the health of the wetlands. They have spoken to their wetland scientist and they would agree to a condition that an evaluation of the wetlands would be conducted by a wetlands scientist as well as have the soil evaluated.





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Mr. Keeley stated that they received comments late this afternoon and they will forward them to the Commission. In 1990 the drainage system was designed and these basins are 25 years old. They have no record of any maintenance of this system. In 2014, when the office project was approved, there was a condition to evaluate the basins and this was never done. The evaluation of this drainage system including the basins should be done quickly and not at the time of Occupancy. It should be done at the time of the Building Permit. Mr. Keeley also asked if a Certificate of Completion was done for Sun Systems. Mr. DiPietro stated that he hasn't seen it but will look for it. Mr. Keeley stated that he will look also.

The Conservation Commission discussed/questioned:

- The applicant should be looking at public transportation and bike to work programs.
- This area has some natural areas and there should be a continuous walking loop including paths and sidewalks to allow for enjoyment of the area. It is understood that some businesses require security but there should be a path that could be far enough away from the buildings.
- Is structured parking feasible in this development which could eliminate the need for much of the pavement. It would be more efficient to consolidate the pavement and add additional green space which maybe could address the walking paths.

The applicant/staff offered the following responses:

- They agree with public transportation and bike to work programs and will continue to look for grants to help move these programs along. There is an MBTA bus that comes to our campus but he has heard that they may be reducing it to just AM and PM peak times.
- They can take a look at the sidewalks and paths. It is easier to walk around North Ave than this area but they are not averse to allowing for walking paths. They will look at the entire site.
- Structured parking is not financially feasible right now. We need to let everything settle from COVID and look at what traffic really is now but we can look at this down the road.

There were no questions from the audience.

**MOTION** - Ms. Lima made a motion to continue the Erosion and Sedimentation Control at 15, 25, 35, 49 & 95 Network Drive until June 24, 2021. The motion was seconded by Mr. LoTurco and unanimously voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Ms. O'Riorden and Mr. Cohen voted Yes.

## **12. Administration**

### **12a. Planning Board Comments**

Mr. Keeley stated that he will update the Planning Board on Erosion and Sedimentation Control at 15, 25, 35, 49 & 95 Network Drive.

Mr. Keeley stated that they are still waiting on the Planning Board for approval of the Nouria project.





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**12b. Subcommittee & Staff Reports and Updates** - None

**12c. Upcoming Meetings –June 24, 2021 and July 8, 2021**

Mr. Keeley stated that the Emergency Order for remote meetings end June 15<sup>th</sup> but the Governor has filed legislation to extend pass that date. If the legislation does not pass, then June 24<sup>th</sup> will be an in person meeting.

**12d. Other Business**

Eric Coopey of 14 Eastern Ave appeared for discussion of a Certificate of Completion. Ms. Coleman stated that the Certificate of Completion was issued in 2014 but it was never recorded so the Commission needs to vote to resign.

**MOTION** - Mr. LoTurco made a motion to resign the Certificate of Completion for 14 Eastern Avenue. The motion was seconded by Mr. Deb and unanimously voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Ms. O’Riorden and Mr. Cohen voted Yes.

**13. Adjournment**

**MOTION** - Mr. Deb made a motion to adjourn the June 10, 2021 Conservation Commission meeting at 8:15 PM. The motion was seconded by Mr. LoTurco and unanimously voted -0-0. On a roll call vote: Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Ms. O’Riorden and Mr. Cohen voted Yes.

*Respectfully Submitted by Dawn Cathcart,  
Recording Clerk*

