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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: September 09, 2021

TIME: 7:00 PM

PLACE: WebEx Remote Meeting

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

MEMBER MISSING: Jennifer O'Riorden and Vice Chair William Boivin

Approved at the September 23, 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. Bernstein voted Present, Mr. Deb voted Present, Ms. Lima voted Present. Conservation Administrator John Keeley and Assistant Conservation Administrator Eileen Coleman were also present.

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 #179 747 7321. 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 September 23, 2021.

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

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.



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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**

MOTION - Mr. Deb made a motion to continue the Notice of Intent for Redmond Street roadway, 4 Redmond Street and 5 Redmond Street until September 23, 2021. The motion was seconded by Mr. Bernstein and voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Bernstein voted Yes, Mr. Deb voted Yes and Mr. Cohen voted Yes.

2. **Citizens' Time**

No one came forward to speak.

3. **Approval of Minutes – August 12, 2021**

MOTION - Ms. Lima made a motion to approve the Conservation Commission minutes of August 12, 2021. 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. Bernstein voted Yes, Mr. Deb voted Yes and Mr. Cohen voted Yes.

4. **Request for Certificate of Compliance**

4a. **10 Great Meadow Road – Town of Burlington – DEP #122-630**

Mr. Keeley stated that the DPW has asked for a continuance until the September 9, 2021 meeting.

5. **Request for Determination of Applicability**

5a. **15 Jackson Road – Jaren Callen – Install Storage Shed**

Jared Callen appeared for a Request for Determination of Applicability at 15 Jackson Road. Mr. Callen stated that he started construction of a storage shed and didn't know a permit was needed and when he was told he stopped immediately.

Ms. Coleman stated that there is a 20' drainage easement on the right side of the property. The shed is about 5'-6' from the stream bank and it appears it was a grassed area before the shed was started. The stream is not shown on the regulatory map. It has about 15 footings.

The Conservation Commission discussed/questioned:

- The riverfront is an important habitat and should not be disturbed.
- There should be no fuel or snow blowers/lawnmowers stored behind the shed or in the shed.
- There should be no chemicals stored in or around the shed.
- Plantings should be required for mitigation around the shed.





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- Concern with setting a precedent with letting the shed remain.
- Staff should go out and inspect the mitigation after the project is complete.

The applicant/staff offered the following responses:

- It would be impossible to enforce what is kept in the shed but agree that nothing should be stored outside of the shed.
- The damage to remove the structure would be more than leaving it so setting a precedent should not be an issue.
- Applicant agreed to call for a final inspection.

There were no questions from the audience.

MOTION - Mr. Bernstein made a motion to issue a negative conditional determination under the Burlington Bylaw Article 14 and the State Wetlands Protection Act for 15 Jackson Road as amended. 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. Bernstein voted Yes, Mr. Deb abstained from voting and Mr. Cohen voted Yes

5b. Utility ROW Near Winn Street – Eversource Energy – Replaces Switch Structures with Steel Structures and Install Fence

Vivian Kimball of VHB representing Eversource Energy appeared for the request for determination of applicability to replace switch structures and fence. Ms. Kimball stated that the existing switches are in a utility right of way. They are proposing replacing 2 switches and removing the existing fence. The new switches will have a single steel pole and there will be 12 SF of disturbance. They would also like to modify the application to include installation of a 4” underground fiber conduit. They will also need to install a new fence around the new switches. There will be no mature trees impacted but they may remove some low shrubs. The existing poles will be cut to ground level and the area will be reseeded with natural mix.

Mr. Keeley stated that his only concern is with dewatering due to the high water table. Ms. Kimball stated that the plan is to dewater into the vegetation but if that is not available then they will use a dewatering bag or create a shallow swale.

The Conservation Commission discussed/questioned:

- Are there endangered plants in this area?
- Will the digging be done by hand or machine?
- How close will the trench be to the Bordering Vegetated Wetlands?

The applicant/staff offered the following responses:

- The O&M manual was approved by Natural Heritage. This includes identifying and delineating endangered plants and fencing them off.





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- Machines will be used but the trench will be small.
- The trench may be moved slightly away and any extra material will be removed. The erosion controls will be extended along the trench.

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 for replacement of switch structures, installing a fence and installation of conduit for the Utility ROW near Winn Street. 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. Bernstein voted Yes, Mr. Deb abstained from voting and Mr. Cohen voted Yes

6. Public Hearing – Notice of Intent – 26A Francis Wyman Road – Town of Burlington – Rehabilitate Pump Station and Replace Force Main – DEP #Pending

Ken Moffat joined the meeting at 7:41 PM.

Brian White, Assistant Town Engineer, Patrick Terrian and Alex Gaspar from Weston and Sampson appeared for the Notice of Intent for 26A Francis Wyman Road, DEP #Pending. Mr. White stated that the pressure sewer main is 50 years old and they have had several breaks including at the pump station. There is also corrosion in the pipe. They are proposing internal replacements of the pumps in the existing pump station and constructing a new sewer main within Francis Wyman Road. The existing force main is currently a cross country line within the wetlands. Mr. Terrian stated that the new proposal puts the entire sewer main entirely within the road way. A bypass system is needed at the pump station but there will be no increase to impervious surface. There will be some dewatering required at the culvert crossing. There is also a sewer grinder pump at 36 Francis Wyman Road that will be decommissioned and a new one installed.

Mr. Keeley stated that this proposal has environmental benefits. The old line goes through the wetlands and the new line will all be in the street. There will also be storm water improvements at the parking lot of the pump station. The biggest concern will be erosion controls and dewatering. A filter bag may be required for the dewatering.

The Conservation Commission discussed/questioned:

- Knot weed should not be composted, it should be trashed.
- Will existing sewer line remain in place?
- Is the swale at the parking lot new or existing?
- Does the generator use gas and if so, is there monitoring for any possible contamination? If any contamination is found, the Board of Health and Conservation should be notified.
- Will there be any storage of fuel during construction?
- Is there any contamination along the road?





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- Will there be any check dams along Francis Wyman Road?
- Is there an additive that could be added to the sewer pipe for improvement?

The applicant/staff offered the following responses:

- A note will be added to the plan that knot weed should be removed, not composted.
- The existing line will be drained and capped in place.
- The generator is diesel. The storage tank for the generator is underground so there should be no spillage.
- The swale is new and is being used for storm water improvements.
- During construction there is an electric primary for the bypass pump and the diesel generator. There is no gas storage.
- They have reviewed Mass DEP maps and there are no contaminations known. They also did geo-tech borings and no environmental hazards were found.
- They could add a check dam at the wetlands crossing but we would not do the whole street due to the depth of the water.
- There is no additive, the force main if sized properly, should take care of itself.

There were no questions from the audience.

MOTION - Mr. Deb made a motion to continue the Notice of Intent for 26A Francis Wyman Road until September 23, 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. Bernstein voted Yes, Mr. Deb abstained from voting and Mr. Cohen voted Yes

7. Public Hearing – Notice of Intent – 15 Dolores Drive – Sunshine Realty Trust – Demolish Dwelling & Construct a New Dwelling – DEP #Pending

David Romero and Kyle Cormier from OxBow Associates appeared for the Notice of Intent for 15 Dolores Drive to demolish an existing dwelling and construct a new dwelling. Mr. Romero stated that the ground water is a little high in this area but it has great sandy soil. The roof runoff will be handled by a new infiltration system. They are proposing a stone trench along the back and along the driveway so there will be very little runoff. There is also a free standing deck and shed in the buffer that will be removed.

Ms. Coleman stated that there is improvement with removing the structures in the buffer and with the proposed infiltration system. She is not clear on what happens to the trees out back. Mr. Romero stated that they will only remove trees or shrubs that are in the way of taking out the deck and shed.

The Conservation Commission discussed/questioned:

- What is the elevation of the house to the wetlands?





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- How will the wetlands be protected during construction?
- Are there grade changes?
- The post and rail fence should be straightened out.
- If more than 6” of fill is brought in, the applicant must contact the Conservation office to see if an amendment is needed.
- If the wetlands line change and it goes closer to the deck, a waiver should be requested.

The applicant/staff offered the following responses:

- The elevation is 141’ at the basement and 139’ for the wetlands.
- A wattle line will be placed to protect the wetlands and the area is fairly flat.
- There will not likely be any significant grade change. They will only be bringing in top soil.

There were no questions from the audience.

Mr. Cohen stated that a site visit will be conducted to get a better understanding of the trees and shrubs to be removed. The wetlands line will need to be reviewed.

MOTION - Mr. LoTurco made a motion to continue the Notice of Intent for 15 Dolores Drive until September 23, 2021. The motion was seconded by Mr. Bernstein and unanimously voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Bernstein voted Yes, Mr. Deb abstained from voting and Mr. Cohen voted Yes.

8. Continued Public Hearing – Notice of Intent – 24 Hart Street – Asset Redevelopment Corp. – Demolish Dwelling and Construct New Dwelling – DEP #122-660

Greg Saab from ESS appeared for the continued Notice of Intent at 24 Hart Street to demolish the existing house and construct a new one. Mr. Saab stated that a site walk was conducted, additional grading in the back has been added and additional trees have been added to replace the ones that were cut.

There were no questions from the Commission or the audience.

MOTION - Ms. Lima made a motion to close the public hearing for the Notice of Intent for 24 Hart Street, DEP #122-660. 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. Bernstein voted Yes, Mr. Deb abstained from voting and Mr. Cohen voted Yes.

MOTION - Mr. LoTurco made a motion to approve the findings for 24 Hart Street, DEP #122-660 under the Burlington Wetlands Bylaw, Article 14. The motion was seconded by Mr. Bernstein and unanimously voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Bernstein voted Yes, Mr. Deb abstained from voting and Mr. Cohen voted Yes.





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MOTION - Ms. Lima made a motion to approve the Order of Conditions for 24 Hart Street, DEP #122-660 under the Burlington Wetlands Bylaw, Article 14 and the State Wetlands Protection Act. The motion was seconded by Mr. Bernstein and unanimously voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Bernstein voted Yes, Mr. Deb abstained from voting and Mr. Cohen voted Yes.

MOTION - Mr. LoTurco made a motion to require a \$3,500 surety bond for 24 Hart Street, DEP #122-660. The motion was seconded by Mr. Bernstein and unanimously voted 5-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Bernstein voted Yes, Mr. Deb abstained from voting and Mr. Cohen voted Yes.

12. Administration

12a. Planning Board Comments

There were no Planning Board comments.

12b. Subcommittee & Staff Reports and Updates

There were no subcommittee, staff reports or updates.

12c. Upcoming Meetings –September 23, 2021 and October 14, 2021

12d. Other Business

Mr. Keeley stated the he is still waiting on a few members to schedule the November meeting.

Mr. Cohen asked what the status of the 102R Winn Street project is. Ms. Coleman stated that they are working on the Notice of Intent package. They have to stabilize the temporary fence. Mr. Cohen stated that they need to provide a remediation plan.

11. Adjournment

MOTION - Mr. LoTurco made a motion to adjourn the September 9, 2021 Conservation Commission meeting at 8:43 PM. 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. Bernstein voted Yes, Mr. Deb abstained from voting and Mr. Cohen voted.

*Respectfully Submitted by Dawn McDowell,
Recording Clerk*

