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# TOWN OF BURLINGTON

## *Meeting Minutes*

Email minutes to [meetings@burlington.org](mailto: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: October 14, 2021

TIME: 7:00 PM

PLACE: WebEx Remote Meeting

MEMBERS IN ATTENDANCE: Chairman Larry Cohen, Vice Chair William Boivin, Gail Lima, Indra Deb, and Kent Moffat

MEMBER MISSING: Ed LoTurco, Donald Bernstein, and Jennifer O'Riorden

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*Also present were Conservation Administrator John Keeley and  
Assistant Conservation Administrator Eileen Coleman*

### **1. Call to Order**

Mr. Cohen called the meeting to order at 7:00 PM. On a Roll Call, Mr. Boivin voted Present, Mr. Deb voted Present, Ms. Lima voted Present and Mr. Moffat 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, the password if needed is rrX3hS3KXR2.. 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.

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 October 28, 2021.

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

Mr. Cohen stated that the applicant has requested a continuance of the public hearings.



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TOWN OF BURLINGTON  
CONSERVATION COMMISSION MINUTES

OCTOBER 14, 2021

7. **Continued Public Hearing – Notice of Intent – Redmond Street Roadway – Somerset Realty Trust – Construct New Road with Stream Crossing – DEP #122-646**
8. **Continued Public Hearing – Notice of Intent – 4 Redmond Street – Somerset Realty Trust – Construct a New Single-Family Dwelling – DEP #122-645**
9. **Continued Public Hearing – Notice of Intent – 5 Redmond Street – Somerset Realty Trust – Construct a New Single-Family Dwelling – DEP #122-644**

**MOTION** - Ms. Lima made a motion to continue the public hearings for Redmond Street Roadway, 4 and 5 Redmond Street until October 28, 2021. The motion was seconded by Mr. Boivin and unanimously voted 4-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Deb voted Yes, Mr. Boivin voted Yes and Mr. Cohen voted Yes.

2. **Citizens' Time**

There were no citizens coming forward.

3. **Approval of Minutes – September 23, 2021**

The minutes were not available for review.

4. **Request for Determination of Applicability**

4a. **34 Freeport Drive – Maher Seleman – Construct a Residential Addition**

Maher Seleman appeared for the request for determination of applicability for 34 Freeport Drive. He would like to add an addition to the back of his house for a dining room expansion and expand his deck to connect to the deck around his pool. He would also like to construct a covered porch in the front of the house. The addition will be on sonotubes and there will be no foundation.

Ms. Coleman stated that the work in the back would be about 55' - 60' from a local regulatory stream. She has no issue with the project.

The Conservation Commission discussed/questioned:

- Is the existing deck on the left side staying?
- No work to trees should occur until you clear it with the office.
- Will the addition be one or two stories?
- Will gutters be added to the addition?

The applicant/staff offered the following responses:

- The deck on the left will be removed.
- The addition will be one story.
- Gutters and downspouts will be added to the addition.





TOWN OF BURLINGTON  
CONSERVATION COMMISSION MINUTES  
OCTOBER 14, 2021

There were no questions from the audience.

**MOTION** - Ms. Lima made a motion to issue a negative conditional determination with conditions and as amended under the Burlington Bylaw Article 14 and the State Wetlands Protection Act for 34 Freeport Drive. The motion was seconded by Mr. Boivin and unanimously voted 4-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Deb voted Yes, Mr. Boivin voted Yes and Mr. Cohen voted Yes.

**4b. 7 South Bedford Street – George & Kathleen DeLeskey – Construct a Residential Addition**

Kathleen DeLeskey appeared for a request for determination of applicability at 7 South Bedford Street. Ms. DeLeskey stated that she would like to construct a small addition onto her existing deck.

Ms. Coleman stated that the addition will be a small bump out onto the existing deck. This will require 3 additional footings. The proposed project is within the inner riparian to Long Meadow Brook. During the site walk, they looked at the brook and it is very clean with no debris. They have no issues with the project.

The Conservation Commission discussed/questioned:

- How far will the addition be from the stream?

The applicant/staff offered the following responses:

- It is approximately 40' from the stream.

There were no questions from the audience.

**MOTION** - Mr. Boivin made a motion to issue a negative conditional determination with conditions and as amended under the Burlington Bylaw Article 14 and the State Wetlands Protection Act for 7 South Bedford Street. The motion was seconded by Mr. Deb and unanimously voted 4-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Deb voted Yes, Mr. Boivin voted Yes and Mr. Cohen voted Yes.

**4c. 88 Mill Street – Yichen Qian – Construct a Residential Addition**

Yichen Qian appeared for the request for negative determination at 88 Mill Street. Ms. Qian stated that she would like to construct a 16' x 20' living room addition on the back of her house and a front porch.

Ms. Coleman stated that this project is in the outer riparian of Saw Mill Brook. The addition is about 130' from the brook. There is also a fence along the property line and this is not in the flood plain.

The Conservation Commission discussed/questioned:

- Will the front door be covered?
- Are any plantings proposed? If so, please check with staff on what native plants can be planted.
- Is the addition on sonotubes or foundation?

The applicant/staff offered the following responses:

- The front door will be a covered entry way.





TOWN OF BURLINGTON  
CONSERVATION COMMISSION MINUTES  
OCTOBER 14, 2021

- Once they are done with the addition, they will be planting trees/shrubs.
- The addition will have a 4' foundation wall.

There were no questions from the audience.

**MOTION** - Mr. Boivin made a motion to issue a negative conditional determination with conditions and as amended under the Burlington Bylaw Article 14 and the State Wetlands Protection Act for 88 Mill Street as amended. The motion was seconded by Ms. Lima and unanimously voted 4-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Deb voted Yes, Mr. Boivin voted Yes and Mr. Cohen voted Yes.

**5. Public Hearing – Burlington Wetland Bylaw – 207 Cambridge Street – Mo Santangelo/Federal Investment Trust – Install Stormwater Basin/Infrastructure**

Mary Trudeau appeared for a public hearing for installation of storm water infrastructure under the Burlington Wetland Bylaw only. This site is an existing developed site with a commercial building and parking lot. It is approximately 3 acres. There is a steep slope on the west side of the building and it discharges storm water onto this site and accumulates standing water. The owner created a large hole just near Cambridge Street but the drainage problem is bigger than what the hole can handle. This is also marked as local wetlands. They are proposing rehabbing the existing parking lot and they are before the Planning Board to remove 4 parking spaces. They are proposing installing a storm water drainage system with an overflow valve. Currently there is flooding going to Cambridge Street so with this proposal there will be a better defined swale with pipes installed to drain the overflow water into an existing drainage structure in Cambridge Street. The erosion controls will remain in place.

Mr. Keeley stated that the icing that has come from this water is a safety issue. Mass DOT has approved the connection to the drainage structure but they are waiting on the approval from the Planning Board. This is not a high value wetland. There is water coming from two streets onto this property so draining this wetland is the best option.

The Conservation Commission discussed/questioned:

- If the basin is only 2' then it is more of a temporary storage and asked how it will be maintained.
- What is the drainage system material?
- Is the swale pitched and will it be stone or planted?
- There were 2 barrels of standing water behind the building that should be removed.
- There is concern with the grading at 152'-150' elevation and if it splits the flow of water.
- A suggestion was made to look at installing an infiltration swale the length of the building.
- Does the basin cause any issues with emergency egress out the back of the building?

The applicant/staff offered the following responses:

- The basin is only for detention and not for retention.





TOWN OF BURLINGTON  
CONSERVATION COMMISSION MINUTES  
OCTOBER 14, 2021

- The basin will be made from crushed stone.
- The swale is pitched and will be planted.
- Engineering will look at the elevation at 152'-150' and the infiltration swale along the building.
- They are before the Planning Board but there is paved access around most of the building.

There were no questions from the audience.

Mr. Cohen stated that the outstanding items discussed tonight are: engineering to look at a swale the length of the building; the barrels with standing water should be removed; investigate the grading above the detention basin to see if the water flow is split; investigate if the drainage will impede emergency access from the back of the building.

**MOTION** - Mr. Deb made a motion to continue the public hearing for 207 Cambridge Street until October 28, 2021.. The motion was seconded by Mr. Boivin and unanimously voted 4-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Deb voted Yes, Mr. Boivin voted Yes and Mr. Cohen voted Yes.

**6. Public Hearing – Notice of Intent – 130 Lexington Street – Islamic Center of Burlington – Remove Fill and Restore Buffer Zone – DEP #Pending**

Mary Trudeau appeared for the Notice of Intent at 130 Lexington Street. Ms. Trudeau stated that action is a result of an enforcement order. Her client brought in 350 cubic yards of fill to create a grass play field. The fill was located within 100' of the wetlands and was also spread on land that they did not own. A wetlands delineation was done and the fill did impact the 0 to 20' buffer. They have been trying to contact the abutter, Mr. Caruso, but have not had any response. The proposal is to remove the fill in the 0 to 20' buffer and from the other property to the east. They would create a permanent demarcation with boulders at the 20' line. They would plant woody vegetation and apply a natural seed mix. In the 20' – 100' buffer they would spread the fill that was brought in and bring in an additional 35 cubic yards of clean fill. This would provide a change of 1'-2' of grade and the area would be leveled. There would be just less than 400 cubic yards in total and the applicant would like to have a managed meadow. They would also bring the Caruso property back to the original grade and install conservation seed mix. They also requested an Enforcement Order to be sent to the Caruso property so perhaps they will respond so they can do the work on their property.

Mr. Keeley stated that we need to know how many trees were cut. The new preliminary FEMA maps show this area at 126 1/2' so they could potentially be filling BLSF because he is not sure of the current elevation. Ms. Trudeau stated that currently this is an area of minimal flood hazard. Mr. Keeley stated that the current flood elevation from the FEMA map is 124.6'.

The Conservation Commission discussed/questioned:

- Concerned with having a managed meadow and it should just go back to its natural state. If the meadow is mowed, then the wetlands value is not restored. If the intention is to have a recreation area, then more information is required.
- If it will be a meadow, why level it and why was it cleared in the first place?





TOWN OF BURLINGTON  
CONSERVATION COMMISSION MINUTES

OCTOBER 14, 2021

- Do the wetlands line along the bottom of the slope? If so, then the buffer area should be expanded to allow for incorporation of planting areas.

The applicant/staff offered the following responses:

- The owners did want to use it for recreational space.
- The wetlands line is along the existing stone wall.

There were no questions from the audience.

Mr. Cohen stated that the outstanding issues are: determine the number of trees that were cut down originally; the buffer area should be expanded to allow for plantings; relevant information in regards to the flood plain should be submitted in regards to the meadow area.

**MOTION** - Ms. Lima made a motion to issue an Enforcement Order to the owner of 128 Lexington Street for notification and corrective action that needs to be done. The motion was seconded by Mr. Boivin and unanimously voted 4-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Deb voted Yes, Mr. Boivin voted Yes and Mr. Cohen voted Yes.

**MOTION** - Ms. Lima made a motion to continue the public hearing for the Notice of Intent for 130 Lexington Street, DEP #Pending until October 28, 2021. The motion was seconded by Mr. Deb and unanimously voted 4-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Deb voted Yes, Mr. Boivin voted Yes and Mr. Cohen voted Yes.

## **10. Administration**

### **10a. Planning Board Comments**

There were no Planning Board comments.

### **10b. Subcommittee & Staff Reports and Updates**

Mr. Boivin stated that there were a couple of items from Town Meeting dealing with Conservation. Rounder Way - He told Town Meeting that Conservation would be actively involved to protect the wetlands. Francis Wyman Pump Station – He told Town Meeting that Conservation issued a Notice of Intent and this would be beneficial to the Town. The Erosion and Sedimentation Control Bylaw was renumbered and the High Rise Industrial zone was changed to Innovation. This will now allow structured parking which is a benefit to the environment.

### **10c. Upcoming Meetings –October 28, 2021 and November 15, 2021**

### **10d. Other Business**

Mr. Keeley stated that they will be looking at amending the storm water bylaw and tightening the threshold for disturbance and impervious surface. There are residential redevelopment projects that fall under the current threshold but have big impacts to the storm water. Mr. Boivin asked if you are looking at projects that have less than 10,000 SF. Mr. Keeley replied yes.





TOWN OF BURLINGTON  
CONSERVATION COMMISSION MINUTES  
OCTOBER 14, 2021

Mr. Keeley stated that he needs the Commission to ratify an emergency certification for Rahanis Park due to beaver dam issues. There is also a beaver dam at Sandy Brook at Hilltop Road but they did not apply yet.

**MOTION** - Mr. Boivin made a motion to ratify the emergency certification to breach a beaver dam at Rhannis Park. The motion was seconded by Mr. Deb and unanimously voted 4-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Deb voted Yes, Mr. Boivin voted Yes and Mr. Cohen voted Yes.

**7. Adjournment**

**MOTION** - Mr. Boivin made a motion to adjourn the October 14, 2021 Conservation Commission meeting at 8:46 PM. The motion was seconded by Ms. Lima and unanimously voted 4-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Deb voted Yes, Mr. Boivin voted Yes and Mr. Cohen voted Yes.

*Respectfully Submitted by Dawn McDowell,  
Recording Clerk*

