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TOWN OF BURLINGTON

Meeting Minutes

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BOARD: Conservation Commission
DATE: March 11, 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, Jennifer O'Riorden and Donald Bernstein
MEMBER MISSING: Kent Moffat

Approved at the March 25, 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, Ms. O'Riorden voted Present, Mr. Bernstein 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 March 25, 2021.

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

Mr. Cohen stated that Agenda #5 is going to be continued until the next meeting.



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2. Citizens' Time

No one came forward to speak.

3. Approval of Minutes – February 11, 2021

MOTION - Mr. Boivin made a motion to approve the Conservation Commission minutes of February 11, 2021. The motion was seconded by Mr. LoTurco and voted 7-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Ms. O'Riorden voted Yes, Mr. Deb voted Yes, Mr. Bernstein voted Yes and Mr. Cohen voted Yes.

4. Public Hearing – Notice of Intent – 70 Mill Street (Rahanis Park) – Town of Burlington DPW – Reconstruct Parking Lots – DEP #122-Pending

Meghan Cavalier, Thomas Hayes from the DPW and Brendan Egan from the Recreation Department appeared for a Notice of Intent. Ms. Cavalier stated that they are proposing to upgrade the parking lots for Rahanis Park. The upper parking lot is accessed off Patriot Road and the lower parking lot is accessed off Mill Street. For the upper parking lot they are proposing removing some pavement and adding pavement in other areas, installing a grass swale, installing a new walkway to the existing shed, installing erosion controls and rip rap and multiple area drains. They will also be adding a fence to protect the swale, removing 1 tree, adding new curbing and adding a handicap parking space. In the lower parking lot they will be removing pavement, installing a grass swale, installing erosion controls and rip rap and removing an existing catch basin that is not functional and installing multiple area drains. They will also be adding a fence, curbing and handicap parking spaces. The curbing at the entrance will be granite curbing. They have provided drainage details and grass swale detail and there will be a reduction of impervious surface from 57,346 SF to 55,862 SF for a total reduction of 1,484 SF. This will be Low Impact Development (LID) drainage because most of the work will be in the riverfront.

Mr. Keeley stated that this parking lot has been on our radar for a long time and we were hoping for a LID solution and this is a great design. Mr. Keeley asked if the fence will be a guard rail type of barrier. Ms. Cavalier replied yes. Mr. Keeley stated that the lower parking lot falls is Riverfront under the Bylaw and State requirements and the upper is Riverfront under just the Bylaw.

The Conservation Commission discussed/questioned:

- There has been aggressive mowing along the bank that should be left as a natural state and perhaps use a seed mix instead of grass.
- The fence is a great addition and asked if there will be curbing along the fence.
- There is concrete and trash along the bank and that should be picked up.
- Is the existing catch basin connected with a pipe?
- The parking area near the shed is tight and car may have trouble turning around.
- The grades suggest ponding in the area near the tennis courts.
- Will the walkway to the shed go over the pipe for the swale?
- The construction may damage some tree roots so if any are damaged they should be replaced.





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- There should be adequate space for snow storage on the plan.

The applicant/staff offered the following responses:

- They will instruct the maintenance crew to leave the bank as much as possible and just weed wack.
- There will be no curbing along the fence.
- The existing catch basin is connected to a pipe but is not functioning. They will fill, crush or remove the pipe, whichever is less intrusive.
- The parking areas around the tennis courts have been redesigned. The grading will pitch towards the swale and Ms. Cavalier will be onsite to make sure they are pitched correctly.
- The pipe for the swale will be installed under the walkway.
- They will make a note to replace any damaged trees.

MOTION - Mr. Deb made a motion to continue the Notice of Intent for 70 Mill Street (Rahanis Park) until March 25, 2021. The motion was seconded by Ms. O’Riorden and unanimously voted 7-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Mr. Bernstein voted Yes, Ms. O’Riorden voted Yes and Mr. Cohen voted Yes.

5. Continued Public Hearing – Notice of Intent – 174 Middlesex Turnpike/2 & 4 Fourth Avenue – Nordblom Development Company – Construct a Multi-Family Residential Building – DEP #122-653

MOTION - Mr. Deb made a motion to continue the Notice of Intent for 174 Middlesex Turnpike/2 & 4 Fourth Avenue until March 25, 2021. The motion was seconded by Mr. Boivin and unanimously voted 7-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Mr. Bernstein voted Yes, Ms. O’Riorden voted Yes and Mr. Cohen voted Yes.

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

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

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

Mary Trudeau, David Romero, Bill Rudolph and Phyllis Etsell appeared for the continued public hearings on Redmond Street. Ms. Etsell stated that the information that was requested has been submitted including soil evaluations and logs. They are still waiting on the answer from DEP if they can donate the 1.7 acre parcel instead of doing wetlands replication on the property. The Commission still wants another site walk and Mr. Keeley still needs to review the wetland flags. This project will meet the DEP and Bylaw standards.

Mr. Keeley stated that 4 of the test pit logs list Ms. Coleman as a witness but it needs to be witnessed by the Board of Health. Mr. Romero stated that the Ms. Coleman witnessed the first day which we are not using. Ms. Mathis of the Board of Health witnessed the second day and those are the ones we are using.





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The Conservation Commission discussed/questioned:

- A member provided photos which appear to show the estimated elevation behind Redmond Street and this development is around 127' which will put the basement for the houses at 115'. Will sump pumps be part of the design for the houses?
- There is concern with disturbance to the wetlands during construction with all the heavy equipment that will be brought in.
- Will the elevation be raised 2'-4'?
- Is this within the 40' no-build buffer or riverfront area?
- There have been no plans submitted for wetlands replication.
- Does lot #5 slope towards Raymond Street and if so that means that the water will go towards the street.
- The loss of the wetlands for drainage is not equal to a donation of uplands property. That is why replication is required when filling in wetlands.
- Why were two sets of test pits done?
- There is too much water in this area to add two houses. Filling in the wetlands without replication doesn't replace the lost wetland.
- In the infiltration area, can the soil horizons be explained?
- A sequence of work should be provided including how the infiltration areas will be protected during construction.
- If DEP says replication is required, is the 1.7 acre parcel within the same wetlands area?

The applicant/staff offered the following responses:

- He is not sure where the numbers came from because the road will be at 145' elevation and the low point for our catch basins will be at 146'. The basements of the houses will be at 141'. There are no sump pumps being proposed for the houses but there will be sewer pumps.
- The elevation will be raised at the road and at Lot #5 to match the 140' elevation.
- This is just outside of the 40' no-build and only the infiltration for house #5 is in the riverfront.
- They have not submitted any plans for replication pending DEP's approval. If they do not approve the donation of land then they will have to come back with a replication plan.
- Lot #5 does slope towards Raymond but they will collect the runoff before it gets to the street.
- The first test pits showed insufficient ground water separation so they relocated to a better area.
- Some of the water coming into our property is coming from a subdivision that was built years ago.
- It is very difficult to quantify the value of wetlands so they will wait for DEP's response.





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- The “A” horizon is a natural loam layer with the “C” horizon being more permeable, i.e. sand and gravel. This is where you want your infiltration to be located. This is sandy soil and there was no clay found. There will be 2’ of sand and gravel below the infiltration system.
- They will add a line item on the sequence of work and provide it to the Commission.
- They will look at the location of the 1.7 acres once DEP renders their decision.

Linda and Jim Unsworth of 17 Raymond Road – Ms. Unsworth asked if impacts to the wildlife are considered. Ms. Trudeau stated that disturbances under 5,000 SF do not require a Wildlife Habitat Analysis.

Mr. Keeley stated that the snow is almost gone so he will try to schedule a site visit next week and will review the wetland flags. Mr. Keeley stated that the proposed water quality structure is outside of the right of way so it will be the responsibility of a private homeowner. There is also a stormceptor on private property that has probably never been cleaned. The applicant is filing for a t-turnaround for the wetlands but the Planning Board may require a cul-de-sac instead but that remains to be seen.

Mr. Cohen stated that the applicant should justify the infiltration location.

MOTION - Ms. Lima made a motion to continue the Notice of Intent for Redmond Street roadway, 4 Redmond Street and 5 Redmond Street until March 25, 2021. The motion was seconded by Mr. LoTurco and unanimously voted 7-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Ms. O’Riorden voted Yes, Mr. Deb voted Yes, Mr. Bernstein voted Yes and Mr. Cohen voted Yes.

9. Administration

9a. Planning Board Comments- None

9b. Subcommittee, Staff Reports and Updates

Mr. Keeley stated that Attorney Buckley and Attorney Hung have asked us to present the Stormwater Bylaw changes to the Burlington Chamber of Commerce. They will be presenting to them a week from Monday.

9c. Upcoming Meetings –March 25, 2021 and April 8, 2021

9d. Other Business

Ms. O’Riorden asked is there is trail work going on in the land locked forest. Mr. Keeley replied they are constructing trails from Wright Farm to the land locked forest and they will be coming before the Commission for a Notice of Intent for a wetlands crossing. Mr. Cohen asked if there is parking for this trail at Wright Farm. Mr. Keeley replied yes, but they do not advertise that.

10. Adjournment

MOTION - Mr. Boivin made a motion to adjourn the March 11, 2021 Conservation Commission meeting at 8:21 PM. The motion was seconded by Ms. Lima and unanimously voted 7-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Mr. Bernstein voted Yes, Ms. O’Riorden voted Yes and Mr. Cohen voted Yes.

*Respectfully Submitted by Dawn Cathcart,
Recording Clerk*

