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TOWN OF BURLINGTON

Conservation Commission Meeting Minutes

DEPT. /BOARD: Conservation Commission

DATE: 4/13/2023

TIME: 6:30 PM

PLACE: 29 Center Street – Town Hall – 2nd Floor Main Hearing Room

Member(s) in attendance: Larry Cohen, William Boivin, Ed LoTurco, Rob Sheahan, Indra Deb, Kent Moffatt (all in person).

Member(s) absent:

Conservation Administrator John Keeley was present remotely, and Assistant Conservation Administrator Eileen Coleman was present in person.

THE MEETING WAS BROADCAST LIVE ON THE BCAT GOVERNMENT CHANNEL

Approved at the April 27, 2023 Conservation Commission meeting

1. Call Meeting to Order – Roll call of attendance

Mr. Cohen called the meeting to order at 6:30 PM and read a statement about public participation and technology. On a Roll Call, Larry Cohen, William Boivin, Ed LoTurco, Rob Sheahan, Indra Deb, Kent Moffatt all indicated they were present.

2. Public Comments (for items not on the agenda)

There were no comments from the audience regarding items not on the agenda.

3. Approval of Minutes

- a. March 23, 2023

MOTION- To approve the Minutes from the March 23, 2023 meeting of the Commission. The Motion was approved unanimously by a vote of 6-0-0.

- b. Wetland Resilience Subcommittee meeting, March 27, 2023. The Motion was approved unanimously by a vote of 6-0-0.

4. Request for Determination of Applicability

- a. 70 Mill Street – Burlington Parks & Recreation – Replace stone dust with K-9 grass at Dog Park.

Mr. Brendan Egan, Parks and Recreation Director for the Town of Burlington was present and spoke to the Commission. The proposal is to replace approximately 1,210 square feet of stone dust surface into grass. Ms. Coleman did not express any concerns about the project.



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MOTION- To issue a Negative Conditional Determination for the project at 70 Mill Street under Burlington Bylaw Article XIV and the state Wetlands Protection Act. The Motion was approved unanimously by a vote of 6-0-0.

b. 11 Marjorie Road – Ranjeet Patil – Landscaping & buffer zone restoration

Mr. Patil was present to speak with the Commission about inadvertent tree removal and the request from the Commission to create a plan to revegetate the wetland area on his property. There was a discussion among the Commissioners about what kinds of vegetation and how many should be implemented. Mr. Cohen suggested that Mr. Patil plant 6 replacement trees, 2 near the stream bank, 2 in the wetland and 2 in the buffer zone and that there be an evaluation of the plantings after two consecutive growing seasons. he will also enhance the existing rock wall as a no-disturb demarcation.

MOTION- To issue a Negative Determination of Applicability for the project at 11 Marjorie Road. The Motion was approved unanimously by a vote of 6-0-0.

c. 13 Alcine Lane – Michelle Eastman – Clear trees & landscape

Ms. Eastman was present to speak with the Commission and explained that she hopes to increase usable yard space on her property by clearing some trees and vegetation.

Mr. Cohen stated that while he was on site, he noticed a majority of the trees that are set to be removed were small, wispy looking pines. He suggested that the larger hardwood trees on the site be saved, which would allow for increased yard space as well as providing the ecological benefits of trees. The benefits of having trees include carbon sequestration and flood mitigation.

Ms. Eastman agreed with the suggestions from the Commission, including conferring with staff on which trees to save and replace.

Ms. Coleman read the draft decision.

MOTION- To issue a Negative Conditional Determination for the project at 13 Alcine Lane under Burlington Bylaw Article XIV and the state Wetlands Protection Act. The Motion was approved unanimously by a vote of 6-0-0.

5. Continued Public Hearing – Notice of Intent – 78 Mountain Road – Kenneth Gillis – Construct new residential dwelling – DEP #122-687.

MOTION- To Continue the hearing for 78 Mountain Road DEP #122-687 until the April 27 meeting of the Commission. The Motion was approved unanimously by a vote of 6-0-0.

6. Continued Public Hearing – Request for Amendment to Order of Conditions/Wetland Bylaw – The District – NEEP Investors Holdings LLC, c/o National Development – DEP #122-537 Sign Extension Permit for DEP #122-537 (voted on March 23, 2023)



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MOTION- To Continue the public hearing for DEP #122-537 until the April 27 meeting of the Commission. The Motion was approved unanimously by a vote of 6-0-0.

7. Continued Public Hearing – Notice of Intent – 1200 & 1700 District Avenue – NEEP Investors Holdings LLC, c/o National Development – Construct new lab building & parking garage and make improvements to landscape and utilities – DEP #122-686

MOTION- To Continue the public hearing for DEP #122-686 until the April 27 meeting of the Commission. The Motion was approved unanimously by a vote of 6-0-0.

8. Violations

a. 31 Overlook Road – Grading encroachment onto Little Brook Conservation Area

Mr. Sonny Ferrante was present to speak about the situation, where grading encroachment is occurring on the edge of the property and Little Brook Conservation Area. He suggested that the homeowner install rip-rap on the hillside to cover the loose soil and the area will be cleaned afterwards.

Ms. Coleman suggested the client consider pulling back from the Conservation Area because it is encroaching on town property which would not be allowed for any other resident unless an easement was requested and approved.

The Commission was in general agreement that the encroachment be pulled back off the Conservation Area property. The sediment washing onto the property will be addressed and a written plan shall be submitted to the Commission outlining how the regeneration of the area will be completed.

b. 58 Beaverbrook Road – Enforcement Order for tree cutting: Discuss planting plan

After review of the scope of the removed trees, the Commission believes that replacing the large trees with shrubs would not be sufficient to replace the ecological services that large trees provide, especially in a wetland environment.

The previously issued an Enforcement Order and this will be upheld. The Order required the planting of six trees beyond the wetland boundary that are to be approved by the Commission to ensure they are an appropriate native species that will be beneficial to the wetland environment.

c. 127 Bedford Street – Update on Enforcement Order status

Mr. Cohen explained that a large number of trees in a yard were taken down, and an abutting neighbor reported flooding in their yard after the trees were removed. Another neighbor had flooding in their yard which is likely attributed to the blocking of a drainage basin.

Ms. Coleman explained that the project has been delayed but she has been in contact with the homeowner and landscaping contractor.



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9. Administration

- a. There were no Planning Board comments/updates.
- b. There were no subcommittee & staff reports and updates. The next Climate Resilience Subcommittee meeting is at 4:30 PM on April 18th in the Town Hall Annex.
- c. Other business - Mr. Boivin updated the Commission about a recent meeting of the Burlington/128 rezoning initiative and their 50-year plan for the revitalization of the area of town near interstate 95.
- d. Upcoming meetings: April 27, 2023 | May 11, 2023

10. Adjourn

MOTION- To adjourn the meeting. The Motion was approved unanimously by a vote of 6-0-0.

Respectfully submitted by Tom Prior, Recording Clerk.