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TOWN OF BURLINGTON

Conservation Commission Meeting Minutes

Approved at the May 11, 2023 Conservation Commission meeting

DEPT. /BOARD: Conservation Commission

DATE: 4/27/2023

TIME: 6:30 PM

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

Member(s) in attendance: Rob Sheahan, Kent Moffatt, Larry Cohen (in person) Bill Boivin, Indra Deb (online).

Member(s) absent: Ed LoTurco

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

THE MEETING WAS BROADCAST LIVE ON THE BCAT GOVERNMENT CHANNEL

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, Mr. Sheahan voted present, Mr. Moffatt voted present, Mr. Boivin voted present, Mr. Deb voted present.

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

Mr. Tom Prior of 26 Beacon Street was present to invite the Commissioners and staff to an outreach event by the Massachusetts DCR Forest Health Program. The event is a guided walk with DCR Foresters at Bradley Palmer State Park in Topsfield at 9:00 am on Friday July 14, 2023. Anyone interested in attending is encouraged to email thomas.prior@mass.gov to sign up.

3. Approval of Minutes – 4/13/2023

MOTION- To approve the Minutes from the 4/13/2023 meeting of the Commission. Mr. Sheahan voted Yes, Mr. Moffatt voted Yes, Mr. Boivin voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 5-0-0.

MOTION- To approve the Minutes from the 3/18/2023 meeting of the Wetlands Resiliency Subcommittee. Mr. Sheahan voted Yes, Mr. Moffatt voted Yes, Mr. Boivin voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 5-0-0.

4. Request for Certificate of Compliance – NMB Corporation – 24 Terry Avenue – DEP #122-672.



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Ms. Coleman gave a brief description of the project as an addition to the existing parking lot. She had no issues with the proposal and suggested the Commission return the bond.

MOTION- To issue Certificate of Compliance to the NBM Corporation for DEP #122-672. Mr. Sheahan voted Yes, Mr. Moffatt voted Yes, Mr. Boivin voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 5-0-0.

MOTION- To issue full release of \$2,000 bond to NBM Corporation for DEP #122-672. Mr. Sheahan voted Yes, Mr. Moffatt voted Yes, Mr. Boivin voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 5-0-0.

5. Request for Determination of Applicability

a. 35 Arborwood Drive – Criterium Dudka Engineers – Replace 67 decks

Alison Milliman of BSC Group was present and gave a brief summary of the project to the Commission. There are 67 decks at Arborwood Condominiums that need to be refitted with appropriately sized footings to meet safety standards. She stated that the project will not entail further disturbance to the site and the new decks will be built on the same existing deck footprint. No work will be done within the adjacent wetland area, all work will be done in landscaped yard space on complex property.

Mr. Bruce Dykstra with Criterium-Dudka Engineers was present and clarified that there would not be any additional fence construction on site but fences will be placed on double decks to provide residents with added privacy.

Ms. Coleman did not have any concerns that construction would negatively impact adjacent wetlands. She read the draft decision which included provisions disallowing additional work to be done on the site including tree work, and that sediment and erosion control barriers be implemented near wetland areas.

MOTION- The issue a Negative Conditional Determination for the project at 35 Arborwood Drive under Burlington Bylaw Article XIV and the state Wetlands Protection Act. Mr. Sheahan voted Yes, Mr. Moffatt voted Yes, Mr. Boivin voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 5-0-0.

6. Public Hearing – Notice of Intent – 41 Burlington Mall Road – Beth Israel Lahey Health – Construct new driveway – DEP #pending

Mr. David Robinson, Project Manager with Allen & Major Associates was present and described the project as a new entranceway on the west side of the property to access the relocated oncology department. The project occurs within an existing paved parking lot, and a very small amount of work will take place within the 200' outer riparian area to Vine Brook. This project



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will lower the amount of impervious surface by approximately 818 square feet by implementing a vegetated island in the driveway.

Mr. Keeley suggested the idea of a rain garden or other way to manage the stormwater. He also requested more documentation about the efficacy of the specific drainage system that is part of the plan.

There was a discussion about the specifics of the planting plan and whether all of the plants in the plan are true native species.

MOTION- To continue the public hearing until the May 11, 2023 meeting of the Commission. Mr. Sheahan voted Yes, Mr. Moffatt voted Yes, Mr. Boivin voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 5-0-0.

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

Mr. Cohen read through a list of updates to the plan that were required for approval from the Commission. Mr. Joe Currier confirmed that required changes had been made and the plan currently follows the guidelines set by the Commission.

Mr. Keeley raised a concern about property boundaries according to the site plan and brought attention to the area at the back of the property which is currently a degraded contractors lot. He suggested that since the area is within the inner riparian area of Little Brook, that the applicant restore the area as mitigation.

Mr. Cohen asked how the property owner plans to mitigate flood water runoff onto neighboring property after the removal of trees that have acted as a natural flood mitigant. Mr. Currier claimed that the drainage swale on the plan is sufficient for handling surface water runoff. Ms. Coleman requested more information about #2 of the 3 proposed infiltration beds, which was missing from the Stormwater Report, and about the swale, specifically depth, length measurements, and orientation. Mr. Cohen suggested that the applicant make the swale larger to accommodate excess flood runoff.

MOTION- To Continue the hearing for the project at 78 Mountain Road until the May 11 meeting of the Commission. Mr. Sheahan voted Yes, Mr. Moffatt voted Yes, Mr. Boivin voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 5-0-0.

8. 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

The hearing for agenda items 8 and 9 were heard concurrently and are outlined below.



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9. 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

Ms. Katie Snyder, Mr. Eric Gerade, Mr. Chris Jones, were present at the meeting and Mr. Marc Vaughn was present remotely to speak on behalf of the project.

Mr. Jones, the Landscape Architect with IBI Group gave an update on the signage and lighting for the Vine Brook Path on the property.

Mr. Cohen asked about the possibility of connecting the Vine Brook path to the Burlington Mall area. Mr. Jones stated that there are plans in place to implement such a path that will contain pedestrian lighting and a concrete surface. The Vine Brook trail will be constructed from permeable stone dust. An area on the southwest side of the District will feature permeable pavers replacing impervious asphalt to indicate the area will be turned into a pedestrian zone.

The proposed work within the Jurisdictional Areas remains unchanged since the previous meeting with the Commission.

Mr. Gerade shared the benefits to the site from the proposed work which include; removal of 15,300 square feet of impervious surface within the riverfront area, increased native plantings on site, a net increase in shaded and green space on the property.

MOTION- To Continue the hearing for the amendment to the Order of Conditions and wetlands bylaw for DEP#122-537, and continue the Notice of Intent public hearing for DEP#122-686 until the May 11, 2023 meeting of the Commission. Mr. Sheahan voted Yes, Mr. Moffatt voted Yes, Mr. Boivin voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 5-0-0.

10. Administration

a. Ms. Coleman updated the Commission on Burlington's Municipal Vulnerability Preparedness (MVP) Grant application for the Sustainability & Resiliency Action Plan. Next steps include a Sustainability Action Plan that would highlight specific actions to be taken by the community to mitigate certain environmental concerns in the future. Actions include renewable energy, nature based solutions such as broadening tree cover, and potentially updating bylaws and zoning rules.

MOTION- For the Commission to agree to sign the letter of support for the MVP Grant for a Resiliency Action Plan. Mr. Sheahan voted Yes, Mr. Moffatt voted Yes, Mr. Boivin voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 5-0-0.

b. There were no Planning Board comments.



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c. Mr. Keeley asked members of the Climate Resilience subcommittee to reply to his email so the next meeting can be scheduled.

d. Election of Officers

Mr. Boivin nominated Mr. Larry Cohen for Chairman, seconded by Indra Deb. There were no other nominations.

MOTION- To nominate Mr. Larry Cohen as chair of the Commission. Mr. Sheahan voted Yes, Mr. Moffatt voted Yes, Mr. Boivin voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 5-0-0.

Mr. Moffatt nominated Mr. Bill Boivin to be Vice Chair of the Commission, seconded by Rob Sheahan.

MOTION- To nominate Mr. Bill Boivin as Vice Chair of the Commission. Mr. Sheahan voted Yes, Mr. Moffatt voted Yes, Mr. Boivin voted Abstain, Mr. Deb voted Yes, and Mr. Cohen voted Yes. The Motion was passed with a vote of 4-1-0.

e. Mr. Moffatt and Mr. Boivin updated the Commission on their efforts to recruit another member for the Commission.

Mr. Cohen updated the Commission about a capstone project presentation from Northeastern University Graduate students in Urban Policy and Planning. Their project ideas included a multi-use bike path in multiple parts of town, and a boardwalk along Vine Brook.

Video of the 4/24/2023 Select Board meeting where the capstone project was discussed can be found [here](#).

f. Upcoming meetings: May 11, 2023 | May 25, 2023

11. Adjourn

MOTION- To adjourn the meeting. Mr. Sheahan voted Yes, Mr. Moffatt voted Yes, Mr. Boivin voted Yes, Mr. Deb voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 5-0-0.