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By Town Clerk's Office at 8:37 am, Aug 28, 2023

TOWN OF BURLINGTON
Conservation Commission Meeting Minutes

DEPT. /BOARD: Conservation Commission

DATE: 7/13/2023

TIME: 6:30 PM

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

Member(s) in attendance: Larry Cohen, Indra Deb, Ed LoTurco, Kent Moffatt (all in person)

Member(s) absent: Rob Sheahan, William Boivin

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

THE MEETING WAS BROADCAST LIVE ON THE BCAT GOVERNMENT CHANNEL

Approved at the August 24, 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. A roll call was not required due to all participants being in attendance in person.

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

There was no one in the attendance for public participation.

3. Approval of Minutes

a. June 8, 2023

MOTION- To approve the Minutes from the June 8, 2023 meeting. The Motion was passed unanimously with a vote of 4-0-0.

b. June 22, 2023



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MOTION- To approve the Minutes from the June 22, 2023 meeting. The Motion was passed unanimously with a vote of 4-0-0.

4. Request for Certificate of Compliance

a. 69 Beaverbrook Road – DG Homes, LLC – Burlington Wetland Bylaw

Mr. Domenico Gallinelli the owner of the property and project contractor was present to speak on behalf of the project.

Ms. Coleman explained that the project is a single family dwelling tear down and rebuild within the buffer zone to a locally regulated wetland. A large infiltration system was implemented on the south end of the property, and an extra pipe was implemented to deal with any possible storm water runoff which will be funneled away from the southern end of the property close to the neighbor's fence and towards a gravel trench behind a retaining wall. She states that all 12 trees were planted and the planted grass is doing well. She had no issues with the Commission issuing the Certificate of Compliance.

MOTION- To Issue the Certificate of Compliance for the project at 69 Beaverbrook Road. The Motion was passed unanimously with a vote of 4-0-0.

MOTION- To release performance surety of \$2,500 for the project at 69 Beaverbrook Road. The Motion was passed unanimously with a vote of 4-0-0.

5. Request for Determination of Applicability

a. 328 Cambridge Street – DISH Wireless LLC – Install equipment & underground fiber

Mr. Edward Pare, an attorney with Brown Rudnick was present at the meeting representing Dish Wireless. The applicant proposed to install equipment on an existing steel platform and associated fiber and conduit within an existing compound enclosed by a chain link fence; the work will also include an ice bridge connecting the platform to the monopole.

Ms. Coleman explained that all of the work proposed is within existing fencing, which is about 20-30 ft from the adjacent wetland. She and Mr. Keeley expressed concern about the lack of vegetation around the fenced in compound and will ask the owner of the property about the bare



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ground and whether or not the area was chemically treated due to its close proximity to the wetland.

Ms. Coleman reviewed the draft Negative Conditional Determination which included standard conditions such as the implementation of sediment barriers, proper disposal of excavated soil, barring the tracking of sediment onto local roadways, and any heavy equipment to be used shall be placed on existing grass surface only, not within the wetland area. Any non-compliance shall be within violation of the wetlands protection act.

MOTION- To issue a Negative Conditional Determination under Burlington Bylaw Article XIV and the state Wetlands Protection Act for the project at 328 Cambridge Street – DISH Wireless LLC. The Motion was passed unanimously with a vote of 4-0-0.

b. 186 Middlesex Turnpike – LTF Real Estate Company, Inc. – Expand parking lot

Mr. Frank DiPietro and Ms. Lindsey Tayne, civil engineers with VHB, were present on behalf of the project.

The project was approved by the Conservation Commission in 2016 and when the project was heard by the Planning Board at that time there was a reservation in the form of a land bank along Middlesex Turnpike which could be turned into a parking area. The Conservation Commission also approved the plan but the spaces had not yet been built. For the section of parking lot nearest Middlesex Turnpike, Mr. Keeley suggested that the Commission approve the plan for the section under a Negative Determination and require a stormwater permit filing for the work in the other sections of the lot. Impervious surface would be increased by 9,096 sq. feet and total disturbance will be 19,157 sq. feet.

Mr. Cohen requested that the developer leave a vegetation screen between the newly implemented parking spaces to maintain the integrity of the sidewalk. He also stated that the Commission will likely ask for a 1:1 tree replacement for any trees that are removed from the site.

Ms. Coleman reviewed the draft decision. Conditions include the proper removal and disposal of excavated materials that will not be used on site, no further filling or grading of the property is allowed beyond what is shown on the plans, and there shall be no dewatering on the site until the Commission has reviewed and approved a dewatering plan.



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MOTION- To issue a Negative Conditional Determination for the project at 186 Middlesex Turnpike for the expansion of the parking lot. The Motion was passed unanimously with a vote of 4-0-0.

6. Continued Public Hearing – Proposed changes to Burlington Wetland Bylaw, Article XIV, section 1.0 to incorporate climate resiliency

Mr. Cohen explained to the audience that the Commission is seeking to update the Town of Burlington Wetlands Bylaw Article XIV to include more provisions explicitly aimed at mitigating the effects of climate change.

Current interests for the bylaw are public water supply, ground water supply, flood control, erosion and sedimentation control, storm damage prevention including water quality, protection from pollution, protection of wildlife habitat, fish populations and rare species habitat, as well as educational and recreational values.

Proposed additions to the bylaw would include specifically reducing greenhouse gas emissions, increasing carbon sequestration and mitigating the urban heat island effect. Trees and vegetation are a vital step in mitigating the effects of climate change in Burlington as well as reducing impervious surfaces throughout the town.

An individual named Brendan of 24 Arlington Road in Burlington addressed the Commission and asked about the 1:1 ratio of tree replacement, specifically that it may not go far enough to address the climate change situation. He expressed interest in potentially joining the Commission in the future.

Mr. Cohen responded by clarifying the jurisdiction and authority of the Commission regarding sensitive resources within the town. He acknowledged that for instance a new sapling cannot replace the biological benefits of a large, mature tree, but the Commission does what it can within reason to work with property owners to maximize the protection of the environment.

MOTION- To close the hearing for the Proposed changes to Burlington Wetland Bylaw, Article XIV, section 1.0 to incorporate climate resiliency. The Motion was passed unanimously with a vote of 4-0-0.

7. Administration



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- a. Planning Board comments: Mr. Keeley will update the Planning Board on the loss of screening and possible remediations suggested by the Commission at Lifetime Fitness.
- b. There were no subcommittee & staff reports and updates.
- c. There were no other business comments.
- d. Upcoming meetings: There was a brief discussion on changing the date of the August meeting from August 10 to August 24.

MOTION- To change the meeting date from August 10, to August 24, 2023. The Motion passed unanimously by a vote of 4-0-0.

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8. Adjourn

MOTION- To adjourn the meeting. The Motion passed unanimously by a vote of 4-0-0.

Respectfully submitted by Tom Prior, Recording Clerk