MINUTES OF May 23, 2019
Approved June 27, 2019

Members Present: Chair L. Cohen, Vice-Chair W. Boivin, J. O’Riorden, E. LoTurco, G. Lima

Members Absent: J. Ramsdell, I. Deb

Also Present: Conservation Administrator J. Keeley, Assistant Conservation Administrator E. Coleman

1. Call to Order
L. Cohen called the meeting to order at 7:00 pm.

2. Citizens’ Time
No one was present to speak.

3. Approval of Minutes – May 9, 2019
A MOTION TO APPROVE THE MINUTES FROM THE MAY 9, 2019 CONSERVATION COMMISSION MEETING WAS MADE BY G. LIMA. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (5-0-0).

4. Request for Extension to Burlington Wetland Bylaw Permit – 36 Mill Street – Beverly Van Nostrand
No one represented the application.

J. Keeley explained this needs an extension but that the Planning Board recently changed the driveway layout, instead of three curb cuts, there will only be one. The plans changed very little as a result of this. He recommended the Conservation Commission approve this as a Minor Engineering Change.

Conservation Commission had no comment.

No one in the audience spoke on this matter.
A MOTION TO EXTEND THE BURLINGTON WETLAND BYLAW PERMIT FOR 36 MILL STREET WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY J. O’RIORDEN AND APPROVED (5-0-0).

A MOTION TO APPROVE AND DEFINE THE DRIVEWAY RECONFIGURATION AS A MINOR ENGINEERING CHANGE FOR 36 MILL STREET WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (5-0-0).

5a. Request for Determination of Applicability – 9 Holden Avenue – Christopher Priest – Tree removal, fence & shed repair
Homeowner Christopher Priest represented the application.

Mr. Priest explained during a windstorm, a pine tree damaged his shed and fence. There are also four pine trees that appear dead. An arborist evaluated those trees, agreed with Mr. Priest that those trees need to be taken down. A report was submitted to the Conservation Commission with those conclusions.

E. Coleman commented that the tree on the shed is on the wetlands edge, but the other trees are not near the wetlands. She had no issues with the tree removal and replacing the fence/shed. E. Coleman recommended a 2:1 replacement.

Conservation Commission had no comment.

No one in the audience spoke on this matter.

E. Coleman reviewed the findings and conditions.

A MOTION TO ISSUE A CONDITIONAL NEGATIVE DETERMINATION OF APPLICABILITY FOR THE PROPOSED WORK AT 9 HOLDEN AVENUE WAS MADE BY J. O’RIORDEN. THE MOTION WAS SECONDED BY G. LIMA AND APPROVED (5-0-0).

5b. Request for Determination of Applicability – 9 Maryvale Road – Diana Toothaker – Install in-ground pool
Homeowner Jason and Diana Toothaker represented the application.

Mr. Toothaker explained the location of the pool, shed, pavers, and maple tree. He is requesting to remove the tree.

E. Coleman commented wetlands were marked on a neighboring property. Staff requested the 100-foot line marked on this property as well. The applicant did this. The pool is outside the buffer, but the shed/pavers are within the 100-foot buffer. Also, the maple tree is damaged.

Conservation Commission commented:
- Alternatives Analysis isn’t necessary
- Salt water pool so no discharge

Conservation Commission requested:
• Removing an existing gravel pile
• If a change to conditions is being proposed (i.e. modifying a drainage ditch), it should be discussed with the Conservation Commission

No one in the audience spoke on this matter.

E. Coleman reviewed the findings and conditions.

A MOTION TO ISSUE A CONDITIONAL NEGATIVE DETERMINATION OF APPLICABILITY FOR THE PROPOSED WORK AT 9 MARYVALE ROAD WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (5-0-0).

5c. Request for Determination of Applicability – 9 Dennis Drive – Michele Perachi – Install in-ground pool
Homeowner Michele Perachi and her father, Ron Perachi, represented the application.

Ms. Perachi stated her request to install a pool and remove some trees.

E. Coleman commented the applicant is requesting 6 pine trees and some maple saplings to be removed. There was a wetland delineation on a neighboring property, which was used to determine the buffer on this property. The pool would be approximately 45 feet from the existing wetlands.

Conservation Commission had no comment.

No one in the audience spoke on this matter.

E. Coleman reviewed the findings and conditions.

A MOTION TO ISSUE A CONDITIONAL NEGATIVE DETERMINATION OF APPLICABILITY FOR THE PROPOSED WORK AT 9 DENNIS DRIVE WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (5-0-0).

5d. Request for Determination of Applicability – 33 Westwood Street (continued) – Nicholas Barrett – Install drainage in lawn

No testimony was taken on this matter.

This matter was continued to the June 13, 2019 Conservation Commission meeting.

Citizens’ Time was re-visited at the request of a local resident who arrived too late.

2. Citizens’ Time

Jenna Hensley of Short Street requested creating a bylaw for saving the trees in Burlington. She noted the 40 trees that were removed on Francis Wyman Road to build some homes, and discussed the various benefits of trees.
Conservation Commission recommended making a presentation to the Board of Selectmen and Planning Board. There is a tree warden in Burlington, but that responsibility is carried by a staff member with another position. Perhaps Burlington should create a position for only managing the trees in Burlington. Also, publish a commentary in the newspaper, have a petition signed, and look at other towns that have tree bylaws to pull ideas.

J. Keeley noted that making this change will take a lot of hard work, but it is doable, similar to the plastic bag ban.

Engineer Frank DiPietro of BSC Group noted Burlington is part of the Municipal Vulnerability Preparedness Grant Program, and she should reach out to Senior Planner Josh Morris for details. The next Planning Board meeting is Thursday, June 6, 2019, and the next MVP meeting is Wednesday, May 29, 2019.


Engineer Frank DiPietro of BSC Group and attorney Kristine Hung of Riemer & Braunstein, LLP, represented the application.

Mr. DiPietro updated the Conservation Commission:
- Geohydrology was examined to ensure there will be no breakout from the infiltration system near the retaining wall
- Project architect offered some ideas to address climate change, energy reduction, resiliency, etc. including having a structure that could support solar panels, and making the building stretch code compliant
- Up to four trees may be removed for the Chestnut Ave. for the sidewalk, and the applicant will replace those

J. Keeley noted the trees are outside the buffer zone.

Conservation Commission has no comment.

No one in the audience spoke on this matter.

J. Keeley reviewed the findings and conditions.

A MOTION TO CLOSE THE HEARING FOR THE PROJECT AT 328-330 CAMBRIDGE STREET, DEP #122-622, WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY J. O’RIORDEN AND APPROVED (5-0-0).

A MOTION TO APPROVE THE FINDINGS FOR THE PROJECT AT 328-330 CAMBRIDGE STREET, DEP #122-622, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY J. O’RIORDEN AND APPROVED (5-0-0).
A MOTION TO ISSUE THE ORDER OF CONDITIONS FOR THE PROJECT AT 328-330 CAMBRIDGE STREET, DEP #122-622, WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY J. O’RIORDEN AND APPROVED (5-0-0).

A MOTION TO REQUIRE A $10,000 PERFORMANCE BOND FOR THE PROJECT AT 328-330 CAMBRIDGE STREET, DEP #122-622, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY J. O’RIORDEN AND APPROVED (5-0-0).


Environmental Scientist Mel Higgins of Weston and Sampson and homeowner Nagendra Mishr represented the application.

Mr. Higgins explained this is a yard improvement project. The request is to add fill to level off the yard, put steps in the retaining wall, move the woodshed closer to the retaining wall, extend the fence, and construct a brick patio. The resources nearby are a perennial stream and wetlands (BVW). The entire site is within the 200-foot riverfront area, and most of the site is within the 100-foot buffer to BVW. To move the shed, re-level the property, and add a fence the applicant is requesting a waiver from the 20-foot no-disturb zone.

J. Keeley noted the wetland delineation appears to be incomplete on the plans, and requested adding contours to the plans. E. Coleman appreciated the fact the applicant is building the patio around a tree to save it. She does not support moving the shed into the no-disturb zone.

Conservation Commission discussed:
- Alternatives Analysis should explore more reasonable alternatives
- Fence should be added outside the no-disturb for safety
- Benefit to Burlington for granting a waiver
- Work within the riverfront area must have improvements to the riverfront area
- No yard debris is allowed in protected areas
- There is currently no buffer to the wetland
- Conditions were previously written for this site, and these requests undo some of those

Conservation Commission requested:
- Move the shed outside the no-disturb area
- Current and proposed: height of the stonewall, site elevations
- Speak with the staff about improving the site

No one in the audience spoke on this matter.

This matter was continued to the June 13, 2019 Conservation Commission meeting.

8. Administration
   a. Planning Board comments: None
   b. Subcommittee & Staff Reports:

Conservation Commission Budget
Town Meeting approved the budget.

c. Upcoming meetings: June 13, 2019 & June 27, 2019

d. Other Business:

Town Meeting

W. Boivin noted the stretch energy code was adopted into the bylaw, which is the last step to make Burlington a Green Community.

Proposed Document Submission Requirement

G. Lima suggested requiring applicants to submit documents on recycled paper and double sided. G. Lima, and J. O’Riorden requested all documents sent to them electronically to reduce paper.


Minutes respectfully submitted by:
Noelle Judd, Recording Clerk