TOWN OF BURLINGTON
CONSERVATION COMMISSION MINUTES
August 8, 2019

Members Present: Chair Larry L. Cohen, Jennifer O’Riorden, Ed LoTurco, John Ramsdell, and Gail Lima
Members Absent: Vice Chair William Boivin and Indra Deb
Also Present: Conservation Administrator John Keeley and Assistant Conservation Administrator Eileen Coleman

1. Call to Order
Mr. Cohen called the meeting to order at 7:03 PM.

2. Citizens’ Time
No one came forward to speak.

3. Approval of Minutes – July 11, 2019
MOTION - Ms. Lima made a motion to approve the Conservation Commission minutes of July 11, 2019 as submitted. The motion was seconded by O’Riorden and voted 5-0-0.

4. Request for Certificate of Compliance or Completion/Release of Surety
4a. 5 Burlington Mall Road (Continued) – Burlington S&S, LLC – DEP #122-607
Jocelyn Mayer from VHB appeared for the certificate of compliance for DEP #122-607. Ms. Mayer stated that since the last meeting, the litter has been cleaned up, the concrete wash out has been cleaned up, and the bare spots have been hydro-seeded and will be done again in the fall. They are requesting the Certificate of Compliance be issued but the bond can be held.

Mr. Keeley stated that he inspected the site on Tuesday and it is cleaned up but the hydro-seed will probably have to be done again. The Commission is holding a $10,000 bond so he is comfortable with the issuance of the Certificate of Compliance.

MOTION - Mr. LoTurco made a motion to issue the Certificate of Compliance but hold the bond for DEP#122-607. The motion was seconded by Ms. Lima and unanimously voted 5-0-0.

4b. 341 Cambridge Street – Richfield Company, LLC – DEP #122-593
There was no one here to speak on this item.

Mr. Keeley stated that this was a tear down and rebuild of a residential home in the buffer zone. The landscaping has been established and he recommends approval.

MOTION - Mr. Ramsdell made a motion to issue the Certificate of Compliance for 341 Cambridge Street, DEP#122-593. The motion was seconded by Ms. O’Riorden and unanimously voted 5-0-0.

MOTION - Mr. Ramsdell made a motion to release the $2,500 bond for 341 Cambridge Street, DEP#122-593. The motion was seconded by Mr. LoTurco and unanimously voted 5-0-0.
4c. 6 Stony Brook Road – Litchfield Company, Inc. – DEP #122-585
There was no one here to speak on this item.

Mr. Keeley stated that the flood plain compensatory storage is complete, stone has been added around the building and driveway and the Conservation Restriction has been recorded. There are PVC pipes in the lawn that he is not sure what they are for but he recommends approval.

MOTION - Mr. Ramsdell made a motion to issue the Certificate of Compliance for 6 Stony Brook Road, DEP#122-585. The motion was seconded by Ms. O’Riorden and unanimously voted 5-0-0.

MOTION - Mr. Ramsdell made a motion to release the $7,500 bond for 6 Stony Brook Road, DEP#122-585. The motion was seconded by Ms. O’Riorden and unanimously voted 5-0-0.

4d. 2 Wall Street – Newport Harbor Corporation – DEP #122-545 (Surety Release Only)
There was no one here to speak on this item.

Mr. Keeley stated that this is the Papa Razzi project and has been complete for a while. The Certificate of Compliance has been issued so they are looking for the surety release only. He recommends the release.

MOTION - Mr. Ramsdell made a motion to release the $10,000 bond for 2 Wall Street, DEP#122-545. The motion was seconded by Mr. LoTurco and unanimously voted 5-0-0.

Mr. Keeley added that he received a call today informing him the Certificate of Compliance issued recently for the project housing the two restaurants in that location has been misplaced so he has a new one for the Commission to sign.

Brian Dunbar of T.M. Crowley & Associates appeared for a Minor Engineering Change at 34 Cambridge Street, DEP #122-615. This is for the CVS project and they are proposing several changes:

- Adding a drainage manhole on the west side into the building with a sump pump;
- Provide direct drainage to the wetlands;
- The outfall pipe is buried and not working so they are proposing abandoning it in place;
- Install a new pipe 4’ below grade;
- Install rip rap with stone.

Ms. Coleman stated that inspections reports have been received and erosion controls are in place. She recommends approval.
The Commission discussed:

- One day trench digging;
- Discharge of the new pipe directly into the wetlands;
- Iron in the water and impacts to the wildlife with a greater influx of iron in the wetlands.

Mr. Dunbar stated that the iron in the water is created when bacteria in the ground comes in contact with water and iron is oxidized. This is a maintenance issue and there are no impacts to wildlife. This is naturally occurring.

**MOTION** - Mr. Ramsdell made a motion to approve the Minor Engineering Change for 34 Cambridge Street, DEP #122-615 as presented. The motion was seconded by Mr. LoTurco and unanimously voted 5-0-0.


Marcus Pinney, Land Use Consultant, and Michael McCarthy appeared for the continued NOI at 46 Westwood Street. Mr. Pinney stated that based on the comments from the last meeting, they have revised the plans and moved the addition back to 23.3’ from the wetlands. Additionally, the pool will be removed and the paving on the 2nd driveway will be removed.

Mr. Keeley reviewed the findings and conditions. The addition is now outside the 20’ buffer zone and a $3,500 cash surety is requested. Mr. Pinney asked if a 12” silt sock could be used where the material will be stockpiled. Mr. Keeley replied on the left side yes, on the right side no. This would be a field decision. Mr. Pinney asked that the 5 shrubs being required be changed to wildflower or conservation mix, which would suit the hydrology there, instead because the deer will eat the bushes. That change was accepted. Mr. McCarthy asked that the surety be reduced, since the addition has been moved out of the buffer and he is a homeowner, not a developer. The Commission agreed to $1,500.

There were no questions from the audience.

**MOTION** - Mr. Ramsdell made a motion to close the public hearing for DEP#122-628. The motion was seconded by Ms. O’Riorden and unanimously voted 5-0-0.

**MOTION** - Mr. Ramsdell made a motion to issue the findings as discussed for DEP#122-628. The motion was seconded by Ms. O’Riorden and unanimously voted 5-0-0.

**MOTION** - Mr. LoTurco made a motion to issue the Order of Conditions as amended to change the required 5 shrubs to a wildflower or conservation mix for DEP#122-628. The motion was seconded by Ms. O’Riorden and unanimously voted 5-0-0.

**MOTION** - Mr. Ramsdell made a motion to require a $1,500 cash surety for DEP#122-628. The motion was seconded by Ms. O’Riorden and unanimously voted 5-0-0.
7. Continued Public Hearing – Notice of Intent – 1-3 Great Meadow Road – Town of Burlington DPW – Demolish Existing Structures and Construct New DPW Facility – DEP #122-629

John Sanchez, DPW Director, Jeff Alberti and Tony Wespiser of Weston and Sampson appeared for the continued NOI for 1-3 Great Meadow Road. Mr. Alberti stated that he would like to focus on the changes since the last meeting and the results from the site visit. They are:

- Wetlands flags verified and corrected as needed;
- Provided alternative analysis including the 4 required criteria;
- Nancy Nevins is the current LSP on record. Weston and Sampson has been hired to design the site and take over as LSP for the site. The two companies will work together. The new LSP’s name will be submitted to DEP;
- The LSP has recommended not doing infiltration on this site;
- The generator has been moved closer to the building;
- The landscape plan has been submitted. The large tree in the employee parking could not be saved but they are adding two additional trees to replace it;
- There will be no catch basin cleanings or street sweepings stored on this site. This will stay on Grant Ave.;
- The language in the permit has been cleaned up to remove references to fertilizers and added notification to the Board of Health and Conservation in case of spills;
- Sidewalks are not feasible all the way to Middlesex Turnpike;
- A stormceptor will be used;
- Low Impact Development was looked at and incorporated where possible;
- Natural Heritage responded to the letter and this project does not need to file with them;
- A waiver request has been submitted for the 20’ no-disturb zone and 50’ no-build zone.

The Conservation Commission discussed/questioned:

- A walking path behind the building – It was determined that it was not feasible or recommended;
- A bird watching observatory somewhere on the site. This could be added near the employee parking on the adjacent site with a small platform and trail into the Great Meadow;
- Make sure 58.5F, 58.5A and the outfall in the riverfront area are addressed. Show a table of the areas that are already altered;
- Look at outside storage to make sure there is no runoff of material into the wetlands such as a curb;
• Fuel storage for generator with a pad and double wall enclosure;
• Clean up behind the building and return to natural state – This should be in the Operations Manual;
• Sweeping plan should be more frequently than Spring and Fall;
• Dumpster pick up schedule;
• A draft decision will be ready for the September 12th meeting with a note going to the Planning Board that they are preparing to vote on this project.

Mr. Cohen stated that one issue that was concerning was in the sampling report taken in 2013 there was no mention of chlorinated hydrocarbons but the most recent report shows them. Mr. Alberti stated that the chlorinated hydrocarbons were verified on the recent sampling but that was consistent with historical data. Mr. Cohen asked if this sampling shows that the hydrocarbons are so deep that they won’t affect discharge. Mr. Alberti stated that the monitoring was actually a shallow monitoring near the center well. If he had to guess, it was about 20’ down, which is why the LSP does not recommend infiltration at the site.

Mr. Keeley discussed the following points:

• A clarification of the area of alteration in the riverfront area should be submitted to DEP. The applications forms make it look like 98,000 SF would be impacted. Make sure the actual alteration of the riverfront is shown as well in the supplemental material submitted. The alternatives analysis that was done is very comprehensive and should satisfy the regulations.

There were no questions from the audience.

Mr. Cohen stated that this will be continued to the September 12, 2019 Conservation Commission meeting.

   DPW – Demolish Existing Structures and Construct New Parks & Recreation and DPW
   Maintenance Facility – DEP #122-630

John Sanchez, DPW Director, Jeff Alberti and Tony Wespiser of Weston and Sampson appeared for the continued NOI for 10 Great Meadow Road. Mr. Alberti stated that he would like to focus on the changes since the last meeting and results from the site visit. They are:

• Reduced the impacts to wetlands on the right side of the building;
• The landscape plan has been submitted;
• There will be no catchbasin cleanings or street sweepings stored on this site. This will stay on Grant Ave.;
• The language in the permit has been cleaned up to remove references to fertilizers and added notification to the Board of Health and Conservation in case of spills;
• A stormceptor will be fixed
• Low Impact Development was looked at and incorporated where possible. They were not able to do rain gardens but did add additional landscaping.

Mr. Keeley stated that they have not checked the wetland flags but there shouldn’t be an issue.

Mr. Cohen stated a draft decision will be ready for the September 12th meeting with a note going to the Planning Board that they are preparing to vote on this project.

There were no questions from the audience.

Mr. Cohen stated that this will be continued to the September 12, 2019 Conservation Commission meeting.


Jocelyn Mayer from VHB appeared for a NOI for sidewalks along Burlington Mall Road. Ms. Mayer stated that the subcommittee met and a letter was submitted this morning. They looked at several options including:

• Vegetated slope option;
• Geo-grid fabric – a geotechnical engineer from Haley & Aldrich agreed with our concerns of adding vertical pins and the effects it could have on the sewer lines and impacts to the wetlands;
• Install a wooden boardwalk so the slope would not be touched. The DPW was not in favor of option due to maintenance issues;
• The contractor will stake out the bottom of the rip rap slope and look at adding trees. This will hopefully be done next week.

The Conservation Commission discussed:

• Who will pay for the trees? Mr. Keeley stated that he spoke with Ms. Kassner and Simon will pay for some and the Planning Department will come up with additional funds for plantings if there is room;
• The Conservation has the option of not approving the project if no trees are planted;
• The applicant needs to show improvements to the riverfront and can improvements be applied elsewhere onsite.

John Sanchez, DPW Director – Mr. Sanchez stated that the DPW would have to maintain, plow and snow blow this sidewalk and a wooden boardwalk is not durable and does not have a long life span. Mr. Cohen added that boardwalks are good for 3 seasons, not winter. Mr. Sanchez stated that this area constitutes a gap in sidewalks in a major pedestrian area. This is a missing link of connecting Mall Road with the Middlesex Turnpike.
Mr. Keeley discussed the following points:

- The bylaw allows more flexibility and the applicant should look at mitigating onsite;
- The area should be staked out and a site walk conducted.

There were no questions from the audience.

Mr. Cohen stated that this will be continued to the September 12, 2019 Conservation Commission meeting. Input from the Commission should be submitted prior to the site walk and the proposed number of trees and location should be staked out.

10. Administration

10a Planning Board Comments
There were no Planning Board comments.

10b Subcommittee & Staff Reports and Updates

MOTION - Mr. Ramsdell made a motion to approve the Sidewalk Subcommittee minutes as presented. The motion was seconded by Ms. Lima and unanimously voted 5-0-0.

10c Upcoming Meetings – September 12, 2019 and September 26, 2019

10d Other Business

Ms. Lima thanked the Boy Scouts for adding trail maps to the walking trails around town.

Mr. LoTurco stated that the summer help is doing a good job picking up.

Mr. Cohen stated that the FY20 budget has been signed. The fees are going up at the Registry of Deeds. Mr. Cohen stated that we should look at supporting the adoption of the Community Preservation Act (CPA). This would be a surcharge of taxes between 1-3% but the Town would get $1.5 Million per year from the State that can be used for Open Space and Recreation and Historic Preservation. There are senior exemptions and they are looking to bring this up at the January Town Meeting.

11. Adjournment

MOTION - Ms. Lima made a motion to adjourn the August 8, 2019 Conservation Commission meeting at 9:00 PM. The motion was seconded by Ms. O’Riorden and unanimously voted 5-0-0.