TOWN OF BURLINGTON
CONSERVATION COMMISSION MINUTES
SEPTEMBER 12, 2019

Members Present: Chair Larry L. Cohen, Vice Chair William Boivin, Indra Deb, Ed LoTurco, John Ramsdell, and Gail Lima

Members Absent: Jennifer O’Riorden

Also Present: Conservation Administrator John Keeley and Assistant Conservation Administrator Eileen Coleman

1. Call to Order
Mr. Cohen called the meeting to order at 7:00 PM.

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

3. Approval of Minutes – August 8, 2019
MOTION - Ms. Lima made a motion to approve the Conservation Commission minutes of August 8, 2019 as submitted. The motion was seconded by Mr. Ramsdell and voted 4-0-2. Mr. Boivin and Mr. Deb abstaining.

4. Request for Certificate of Compliance
4a. 126 Wilmington Road – Derek & Lisa Coughlin – DEP #122-522
Mr. Keeley stated that this project was never completed and the Order of Conditions has expired. The property has been sold so a new Order of Conditions will be needed for any new project. This will just get it off the deed.

MOTION - Mr. Ramsdell made a motion to issue the Certificate of Compliance for DEP #122-522. The motion was seconded by Mr. Boivin and unanimously voted 6-0-0.

5. Request for Determination of Applicability
5a. 29 Wheatland Street – Indu Teneja – Residential Addition & Grading w/Retaining Wall
Ms. Teneja appeared for a Request for Determination of Applicability for 29 Wheatland Street. Ms. Teneja stated that she would like to build an addition, deck and retaining wall.

Ms. Coleman stated that this project began last year and erosion controls are installed. The retaining wall is closest to the wetlands at 70’. She recommends a negative determination.

There were no questions from the audience.

MOTION - Mr. Ramsdell made a motion to issue a negative conditional determination for 29 Wheatland Street as presented. The motion was seconded by Mr. Ramsdell and unanimously voted 6-0-0.
5b.  **15 Gedick Road – Stephen Nardone – Remove In-Ground Pool**

James Russo Jr., the property’s owner son appeared for the Request for Determination of Applicability at 15 Gedick Road. Mr. Russo stated that the applicant, Stephen Nardone, is our contractor. Mr. Russo stated that his parents have had an in-ground pool for 45 years and it is falling apart. They would like to fill it in, regrade and seed it.

Ms. Coleman stated that the wetlands are at the end of the property near the pool but there is a significant slope. The removal of the pool will remove impervious surface and this will be replaced with lawn. Ms. Coleman recommends a negative determination. Ms. Colman stated that she will correct the name of the application.

Ms. Lima stated that she would like all the work done from the uplands side and all waste immediately removed.

There were no questions from the audience.

**MOTION** - Mr. Deb to issue a negative conditional determination for 15 Gedick Road as amended. The motion was seconded by Ms. Lima and unanimously voted 6-0-0.

5c.  **20 Gedick Road – Kelly L. Higgins – Install Drainage Pipe**

Kelly Higgins appeared for a Request for Determination of Applicability at 20 Gedick Road. Ms. Higgins stated that there is an area in her back yard that is a ditch and water pools there since her neighbors cut down a lot of trees. She would like to add a drainage pipe to try to elevate the water and drain the water into the easement. Ms. Higgins asked if there are wetlands on her property. Ms. Coleman stated that you would need to get a wetlands scientist but the soil lends her to believe there may be.

Ms. Coleman stated that there are wetlands on her neighbors back property but she is not sure how effective the pipe will be but she has no concerns on this project. Ms. Coleman stated that there is a correction in the determination. The trench measurements will be corrected from feet to inches.

There were no questions from the audience.

Ms. Higgins asked if her neighbor does work without a permit within the wetlands what would happen. Mr. Cohen stated that they would be subject to enforcement action.

**MOTION** - Mr. Ramsdell made a motion to issue a negative conditional determination for 20 Gedick Road as amended. The motion was seconded by Ms. Lima and unanimously voted 6-0-0.

6.  **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**

Tom Hayes, Town Engineer and Tony Wespiser of Weston and Sampson appeared for the continued Notice of Intent for 1-3 Great Meadow Road. Mr. Keeley stated that they received supplemental information on September 4th.
Mr. Boivin and Mr. Deb both stated that they watched the last meeting and feel comfortable with voting on the continued items.

The Conservation Commission discussed/questioned:

- Was the updated Operations & Maintenance Manual submitted including dumpster, sweeping, storage and generator information? It should have been submitted.

- Material storage area, prevent run off with curbing or slope. Curbing cannot be added due to the trucks but they will prevent water from flowing with flat grades.

- Bird watching platform near the employee parking lot. The DPW has committed to the construction of this but it will be filed under a separate NOI for the bird watching pad and walking path.

- Is there anything on the plan to prevent a bird watching platform? There is enough room but they may have to do some engineering.

- Will there be construction beyond the erosion controls? All excavation work will be done from the uplands and the existing building will be gone. There will be no work done beyond the erosion controls.

- Is the 6” grassy swale near the employee parking deep enough? This was not designed to hold water it directs the water to the subsurface storm water structure.

- Concern with mowing will damage the swale. They can require that trimmers be used not mowers. All Town BMPs are inspected by staff, this one will be included.

- A waiver for the shed is required.

- A condition should be added that if the planted trees and shrubs die then they would need to be replaced.

There were no questions from the audience.

**MOTION** - Mr. Boivin made a motion to grant the waiver for the 50’ no build disturbance line based on the fact that the applicant has shown that the property is being improved based on the alternative analysis provided for DEP #122-629. The motion was seconded Mr. LoTurco and unanimously voted 6-0-0.

**MOTION** - Mr. Deb made a motion to close the public hearing for DEP #122-629. The motion was seconded by Mr. LoTurco and unanimously voted 6-0-0.

**MOTION** - Ms. Lima made a motion to adopt the findings as discussed for 1-3 Great Meadow Road – Town of Burlington DPW – DEP #122-629. The motion was seconded by Mr. LoTurco and unanimously voted 6-0-0.
**MOTION** - Mr. Boivin made a motion to adopt the conditions and issue a Notice of Intent for 1-3 Great Meadow Road – Town of Burlington DPW – DEP #122-629 as amended. The motion was seconded by Mr. Ramsdell and unanimously voted 6-0-0.


Tom Hayes, Town Engineer and Tony Wespiser of Weston and Sampson appeared for the continued Notice of Intent for 10 Great Meadow Road. Mr. Keeley stated that the only change from the last meeting was to reconstruct the storm water basins and move them away from the wetlands.

The Conservation Commission discussed/questioned:

- How much disturbance will there be to the slope in the back of the building when connecting to the sewer line? There is an existing sewer easement and the slope flattens out at the bottom. Erosion controls will be installed and up at all times. There are no wetlands in the area of the sewer connection.

Mr. Wespiser stated that they understand the importance of erosion controls and they will be inspected throughout the entire project. Ms. Coleman added that they also do weekly inspections and reports are submitted.

There are no waivers needed.

There were no questions from the audience.

**MOTION** - Mr. LoTurco made a motion to close the public hearing for DEP #122-630. The motion was seconded by Mr. Deb and unanimously voted 6-0-0.

**MOTION** - Mr. Boivin made a motion to adopt the findings as discussed for 10 Great Meadow Road – Town of Burlington DPW – DEP #122-630. The motion was seconded by Mr. Ramsdell and unanimously voted 6-0-0.

**MOTION** - Mr. Boivin made a motion to adopt the conditions and issue a Notice of Intent for 10 Great Meadow Road – Town of Burlington DPW – DEP #122-630. The motion was seconded by Mr. Deb and unanimously voted 6-0-0.

8. **Continued Public Hearing – Notice of Intent – Burlington Mall Road (Roadway) – Town of Burlington – Install Sidewalk – DEP #122-631**

Jocelyn Mayer from VHB and Kristen Kassner, Planning Director, Town of Burlington appeared for the continued NOI for sidewalks along Burlington Mall Road. Mr. Cohen stated that the wetlands have been flagged, the bottom fill area was flagged and a site walk was done.
Mr. Keeley stated that the limit of the rip rap was flagged and the distance to the resource area varies from 3’-5’ to 15’-20’. We have looked at planting trees (Red Maples) to replace some of the slope trees that have to be removed. They also could look at saving the trees in the lower slope especially the sizeable oaks. The contractor seemed to think that saving the trees would be likely.

Ms. Kassner stated that they will look to Simon to commit to 20 Red Maple trees to plant.

The Conservation Commission discussed:

- Look at saving the 3-4 major oaks in the lower slope. The trees to be saved should be marked prior to construction.
- Look at saving as many of the White Birch trees as possible.
- Ensure that the rip rap is tapered down so not to smother the existing trees.
- Ensure that the rip rap is placed so as not to go into the wetlands.
- They understand there is no guarantee to save the trees but hoping it is possible.
- Any new planted tree should have a 2.5” diameter at breast height (approx. 4’ off ground).

Mr. Keeley discussed the following points:

- In the finding, the discussion points from the Commission will be incorporated.
- In regards to the trees, there will be a requirement for 2 growing seasons with an 80% survival rate required prior to the issuance of a Certificate of Compliance.

There were no questions from the audience.

**MOTION** - Mr. Boivin made a motion to grant the waiver for work within the 20’ no disturb zone due to the public safety interest and that the applicant will do what they can to provide mitigation. The motion was seconded by Mr. Ramsdell and unanimously voted 6-0-0.

**MOTION** - Mr. LoTurco made a motion to close the public hearing for DEP #122-631. The motion was seconded by Mr. Deb and unanimously voted 6-0-0.

**MOTION** - Mr. Boivin made a motion to adopt the findings as discussed for Burlington Mall Road – Town of Burlington DEP #122-631. The motion was seconded by Mr. Ramsdell and unanimously voted 6-0-0.

**MOTION** - Ms. Lima made a motion to adopt the conditions and issue a Notice of Intent as discussed for Burlington Mall Road – Town of Burlington DEP #122-631. The motion was seconded by Mr. Deb and unanimously voted 6-0-0.
9. **Public Hearing – Notice of Intent – 175 Bedford Street – 175 Bedford Street, LLG/Kenneth Jong – Site Improvements Including Installing Stormwater BMPs – DEP #Pending**

Kenneth Jong, Chris Jong and Bree Sullivan, Bayside Engineering appeared for the Notice of Intent at 175 Bedford Street, DEP #Pending. Ms. Sullivan stated that this site is approximately 37,000 SF with a vacant building. The majority of the site is paved and the Vine Brook is in the back of the lot. There is a 12,000 SF 2-story structure with about 6,000 SF per floor. The pavement is in poor condition and needs to be replaced. There is a loading dock in the back that is in disrepair. The entire site is below the 100-year flood plain and a portion is below the flood zone of Vine Brook. The following is proposed:

- The pavement down the side and rear of the building will be removed, which is about 3,700 SF of pavement to be removed. That will change the site from 65% impervious to 55%.
- Roof run off will go to down spouts that run to a grass swale on the side that will flow into an infiltration basin and outlet structure with a check dam. Currently there is no infiltration.
- There is a Bureau of Waste Site Clean Up Record due to the Mobil Station next door. There are monitoring wells and several recorded higher levels than allowed in 2000. The well near the proposed infiltration did not have high levels.
- The Natural heritage and Endangered Species Program has issued a letter that the proposed changes will not impact the natural habitats.
- They will be working in the resource area, wetlands buffer, flood zone and river front. They will not affect the bank or BVW. They will also be working in the 20’ no-disturb buffer zone.
- No trees will be removed but there may be pruning.
- There is pavement that will be removed and replaced for the new parking lot. There will be no grade changes.
- They will use pea stone in the swale.
- They are deficient in the number of required parking spaces so they can’t lose any additional parking.

Mr. Keeley discussed the following points:

- Will the paving be repaired or a full depth reconstruction? If a reconstruction, the regulations typically require storm water improvement. The roof runoff improvements are good but it may not be sufficient. The top layer will be scraped off and a new layer of pavement will be installed.
- A rain garden would be ideal for this site but it may not be possible because of the tightness of this site and the need for parking.
• Not sure how much infiltration can be done due to the water table.
• The grading at the parking lot cannot be changed due to the flood plain.
• Recommend a vegetated swale not a stone swale.

The Conservation Commission discussed:

• Concerned with lack of treatment of the parking lot water. There will be a pea stone trench to provide treatment. 6,300 SF of roof drainage will go to a grass swale.
• Alternatives should be looked at for storm water treatment due to the riverfront.
• Investigate adding a fence in the back of the property.
• Concerned with maintenance of the pea stone. Requested alternatives be looked at.
• Concerned with the location of the construction dumpster.
• Requested that the applicant look at directing the parking lot run off to a basin.
• Requested that an infiltration swale could be looked at without impacts to parking.
• Requested that the applicant look at Low Impact Development features including level spreading and vegetated overflow.
• Requested information on the loading dock and requested the applicant look at a barrier/fence to protect the swale/storm water structures.
• Snow storage needs to be addressed.

Mr. Jong stated that the parcel has been vacant for a long time. They have already spent a lot of money to remove a lot of asbestos and they are going to add solar panels on the roof. They are looking to improve this site with a new parking lot and new loading dock. Time is critical because their current lease is up.

Mr. Cohen stated that this will be continued to the September 26, 2019 Conservation Commission meeting.

10. Administration

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

10b  Subcommittee & Staff Reports and Updates
There were no subcommittee reports.
10c  **Upcoming Meetings – September 26, 2019 and October 10, 2019**

10d  **Other Business – Discuss & Vote on Remote Access Policy**
Ms. Keeley stated that the Board of Selectmen has accepted the Remote Access Policy. Each board can decide if they want to accept this policy.

Mr. Boivin stated that you still need a quorum physically present at the meeting.

**MOTION** - Mr. Ramsdell made a motion that the Conservation Commission votes not to adopt the Remote Access Policy at this time. The motion was seconded by Mr. Deb and unanimously voted 5-0-1. Ms. Lima abstained from voting.

Ms. Lima asked that all documents be printed double sided to conserve paper.

Mr. Keeley stated that there is a zoning article for the PDD that be heard at Town Meeting.

11. **Adjournment**
**MOTION** - Ms. Lima made a motion to adjourn the September 12, 2019 Conservation Commission meeting at 9:12 PM. The motion was seconded by Mr. Deb and unanimously voted 6-0-0.

Respectfully Submitted by Dawn Cathcart,
Recording Clerk