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TOWN OF BURLINGTON

Meeting Minutes

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DEPT./BOARD: Conservation Commission

DATE: February 13, 2020 (Approved March 12, 2020)

TIME: 7:00 PM

PLACE: Town Hall Main Hearing Room

MEMBERS IN ATTENDANCE: Chair Larry L. Cohen, Vice Chair William Boivin, Edward LoTurco, John Ramsdell and Gail Lima

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

1. Call to Order

Mr. Cohen called the meeting to order at 7:01 PM.

2. Citizens' Time

No one came forward to speak.

3. Approval of Minutes – January 23, 2020

MOTION - Mr. Boivin made a motion to approve the Conservation Commission minutes of January 23, 2020 as submitted. The motion was seconded by Mr. Ramsdell and voted 4-0-1. Mr. LoTurco abstained from voting.

4. Request for Certificate of Compliance/Release of Surety

4a. 5 Murphy Court (Lot #3) – Robert W. Murray – DEP #122-612

Phyllis Etsell representing Robert Murray appeared for the Certificate of Compliance and bond release.

Mr. Cohen stated that a site walk was conducted yesterday. Mr. Keeley stated that three different Orders of Conditions were issued for this subdivision including Orders for this lot, the cul-de-sac and the other lot on the left. Lot #3 has been constructed, there are no erosion control issues, the grass has been planted but it is a little sparse but they have no issues and recommend approval. Mr. Boivin stated that there was a little bit of insulation trash in the wetlands and asked that be picked up.

MOTION - Ms. Lima made a motion to issue a Certificate of Compliance for 5 Murphy Court (Lot #3), DEP #133-612. The motion was seconded by Mr. Boivin and unanimously voted 5-0-0.

MOTION - Mr. Ramsdell made a motion to release the \$5,000 surety bond for 5 Murphy Court (Lot #3), DEP #133-612. The motion was seconded by Mr. Boivin and unanimously voted 5-0-0.





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5. Request for Determination of Applicability (RDA)

5a. 28 Adams Street – Town of Burlington – DPW Engineering Division – Install Water Main

Tom Hayes Town Engineer for the Town of Burlington and Stephen Hildreth appeared for the Request for Determination of Applicability for 28 Adams Street. Mr. Hayes introduced the project. Mr. Hildreth stated that this is part of Phase I to allow Burlington to connect to the MWRA. This project will install a 24" water main that starts in Lexington, goes down Adams Street and connects to Middlesex Turnpike. There will be some regrading but the final elevation will be 190' and is out of the flood plain which is at 176'. They will install hay bales and silt fences near the wetlands and the catch basins will be covered with silt sacks. There will be no overnight storage of material.

Ms. Coleman stated that there are wetlands at the rear of the proposed area and this work is in the riverfront area but the stream goes under the roadway through a culvert. The pipe is being replaced in place and there are no concerns.

The Conservation Commission discussed/questioned:

- Why there is a jog in the road?
- What will constitute Phase II and where will it take place?
- Has a micro-hydro energy system to generate energy been looked into?
- What is the process of inserting the chemicals in the water?
- All debris including chunks of asphalt should be picked up every day.
- Will the pipe be installed above ground water?
- How many phases will there be in the MWRA project.

The applicant offered the following responses:

- The jog in is to install a corrosion control shed.
- Phase II will all be in Lexington near the Arlington line.
- The micro-hydro energy system has not been looked at because this is a pressure system.
- The corrosion control shed has a canister above ground that is attached to an underground vault with a meter. The meter will indicate when the chemical is injected into the water. The chemical is a benign phosphate, similar to a laundry detergent.
- All debris will be removed every day including asphalt.
- The pipe should be installed above the ground water table but if not, there is a plan in place. The pipe will be backfilled with suitable material.
- There are 3 phases for the MWRA project. This size pipe is the final size.

There were no questions from the audience.





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Mr. Keeley stated that they will add conditions that there will be no filling or change of grade within the flood plain and if dewatering is required, they must notify the office prior to start.

MOTION - Ms. Lima made a motion to waive the requirement for alternative analysis based on the fact that this is a paved roadway and is obviously the best location to install the pipe. The motion was seconded by Mr. Boivin and unanimously voted 5-0-0.

MOTION - Mr. Boivin made a motion to issue a negative conditional determination of applicability under the Burlington Bylaw Article 14 and the State Wetlands Protection Act for 28 Adams Street with the additional conditions that there will be no filling or change of grade within the flood plain and if dewatering is required, they must notify the office prior to start. The motion was seconded by Mr. Ramsdell and unanimously voted 5-0-0.

6. Continued Public Hearing – Notice of Intent – 25 Blanchard Road (Mary Cummings Park) – The Trustees – Construct a New Boardwalk and Improve/Relocate Existing Trails – DEP #122-639

Richard Kirby from LEC Environmental Consulting, Jeremy Dick and Catherine MacDonald from the Trustees appeared for the continued Notice of Intent at 25 Blanchard Road. Mr. Kirby stated that based on discussion from the last meeting, the replication for the interior wetlands will be 1 to 1 but the isolated wetlands (1,300 SF) near the field will still have a 2 to 1 replication (634 SF). They have provided the construction sequence for the file. Mr. Kirby requested that a waiver for the performance bond be given due to the fact this is a non-profit entity.

Mr. Keeley stated the replication area has to be monitored for 2 years which is beyond the grant and asked if they have a wetlands scientist, botanist or someone qualified on staff. Mr. Dick stated that they have an ecologist and horticulturist on staff so they have options. Mr. Keeley agreed with the waiver for the performance bond.

The Conservation Commission discussed/questioned:

- Will there be trash receptacles in the new parking area?
- A condition should be added that any ruts made in the field need to be fixed.

The applicant offered the following responses:

- There will be no trash receptacles in the new parking area. It will be carry in, carry out with signs posted.

There were no comments from the audience.

MOTION - Ms. Lima made a motion to close the public hearing for 25 Blanchard Road, DEP #122-639. The motion was seconded by Mr. Ramsdell and unanimously voted 5-0-0.

MOTION - Ms. Lima made a motion to waive the requirement for a 2 to 1 wetlands replication of the Burlington Bylaw Article 14 since the change to a 1 to 1 replication will have a less of an impact to the wetlands and environment and due to the fact that the boardwalk project does not fill in wetlands, only disturbs them. The motion was seconded by Mr. Boivin and unanimously voted 5-0-0.





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MOTION - Ms. Lima made a motion to waive the requirement for a performance bond due to the fact that the applicant is a non-profit and the work is being done on public lands and being consistent with past projects. The motion was seconded by Mr. Ramsdell and unanimously voted 5-0-0.

MOTION - Mr. Boivin made a motion to adopt the findings under the Burlington Bylaw Article 14 as amended for 25 Blanchard Road, DEP #122-639. The motion was seconded by Mr. Ramsdell and unanimously voted 5-0-0.

MOTION - Mr. LoTurco made a motion to adopt the Order of Conditions under Burlington Bylaw Article 14 and the State Wetlands Protection Act for 25 Blanchard Road, DEP #122-639 as amended. The motion was seconded by Mr. Ramsdell and unanimously voted 5-0-0.

7. Administration

7a. Planning Board Comments

Mr. Keeley will forward a memo regarding 25 Blanchard Road to the Planning Board.

7b. Subcommittee, Staff Reports and Updates

Mr. Cohen presented the following letter to be submitted to Senator Friedman in regards to the Public Lands Preservation Act and asked for the Conservation Commission support.

Dear Senator Friedman, We are writing to communicate the support of the Burlington Conservation Commission for the Public Lands Preservation Act (PLPA, S. 459); a bill which would provide needed protection for our public parks, playgrounds, forests, and other natural resource land. The PLPA would stem the continual loss of public parks, conservation land, watersheds, and other natural resource lands as state agencies, cities, and towns divert the land to other uses, mostly for building projects. The bill would add transparency to land dispositions involving Article 97 land and would clarify the disposition process, providing efficiency and potential cost savings for municipalities. The bill would ensure that the integrity of Article 97 is upheld. This legislation is important to the Commission because Burlington has several Article 97 properties, the largest of which, by far, is the parcel known as the "Landlocked Forest", recently zoned as an "open space" parcel. The parcel is so named because of its location between Routes 62, 3, and 128 in Burlington, and conservation land in Bedford and Lexington. The Commission has seen repeated efforts over the years to develop all or part of this resource. It is vital for the community that this parcel be protected for its value in enhancing water quality, providing wildlife habitat, and for the benefits and therapy of passive recreation in a natural environment. The Burlington Conservation Commission is aware that this bill is in the Senate Committee on Ways and Means. We recognize that in the past, you have made this legislation a priority. The Commission certainly appreciates your past support. However, we ask if you would now contact Senate President Karen Spilka and Chairman of Ways and Means Michael Rodrigues to ask for this Public Lands Preservation Act bill to be enacted. We also ask if you could reach out to your Senate colleagues and ask for their support to get this bill reported out of Committee and voted upon by the full Senate. We have attached a fact sheet for your easy reference to this letter. Your assistance with this matter would be very much appreciated.

MOTION - Mr. LoTurco made a motion to support sending the letter presented to Senator Friedman. The motion was seconded by Ms. Lima and unanimously voted 5-0-0.





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7c. **Upcoming Meetings – February 27, 2020 and March 12, 2020**

7d. **Other Business**

Mr. Cohen stated that the CPA Citizens committee will be formulating an article for the May Town Meeting and hopefully a ballot question in November 2020. The average cost to homeowners would be \$65-\$75 per year and the State will match the funds regardless of if the funds are spent. There are waivers for people on fixed income. Mr. Cohen requested that the Commission think up ideas that this CPA money could be used for. Mr. Keeley stated that land acquisition for open space is important. Ms. Coleman stated that we should look at the Open Space and Recreation Plan that was approved last year to see what they recommended. Mr. Cohen asked that the Commission send their ideas to him so he can formulate a list. Other ideas mentioned were trail maintenance, bird watching stands, sculpture parks and ADA compliant access for Town parks.

8. **Adjournment**

MOTION - Ms. Lima made a motion to adjourn the February 13, 2020 Conservation Commission meeting at 8:06 PM. The motion was seconded by Mr. LoTurco and unanimously voted 5-0-0.

*Respectfully Submitted by Dawn Cathcart,
Recording Clerk*

