



RECEIVED

By Town Clerk's Office at 10:11 am, Apr 14, 2023

TOWN OF BURLINGTON

Conservation Commission Meeting Minutes

DEPT. /BOARD: Conservation Commission

DATE: 3/23/2023

TIME: 6:30 PM

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

Member(s) in attendance: Bill Boivin, Kent Moffatt, Larry Cohen, and Emily Kotwal were present in person. Indra Deb was present online.

Member(s) absent: Rob Sheahan, Ed LoTurco

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 April 13, 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. He proceeded to take an attendance roll call. Bill Boivin, Kent Moffatt, Indra Deb, Larry Cohen, and Emily Kotwal all indicated they were present.

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

There were no comments from the audience regarding items not on the agenda.

3. Approval of Minutes – February 23, 2023 | March 9, 2023

MOTION- To approve the Minutes from the February 23, 2023 meeting of the Commission. Mr. Deb voted Yes, Mr. Moffatt voted Yes, Mr. Boivin voted Yes, and Mr. Cohen voted Yes. The Motion was approved by a vote of 5-0-0.

MOTION- To approve the Minutes from the March 9, 2023 meeting of the Commission. Mr. Deb voted Yes, Mr. Moffatt voted Yes, Mr. Boivin voted Yes, and Mr. Cohen voted Yes. The Motion was approved by a vote of 5-0-0.

4. Request for Determination of Applicability

a. Jeffrey Liddle - proposed monitoring well installations and soil boring within a 100' buffer zone - 25, 45, 55 Blue Sky Drive.



TOWN OF BURLINGTON

Conservation Commission Meeting Minutes

Mr. Jeffrey Liddle, Project Manager representing a client performing environmental assessment and remediation at the property was present at the meeting and spoke on behalf of the proposed project.

The proposal is for the installation of monitoring wells and temporary soil borings to continue and expand the existing monitoring on the property. There are currently about 15 monitoring wells already on site in the area.

Mr. Keeley explained that while some of the borings are within 100' of existing wetlands, no construction or installation will take place within the wetland resource areas and will only take place in buffer zones. This type of work is exempt under the state [Wetlands Protection Act](#) but is not exempt under the [Burlington Bylaw Article XIV](#). The Conservation Commission found that the installation of the wells/borings would not detrimentally affect the wetlands. Wetland boundaries were delineated in the area for previous filings with the Commission.

Mr. Liddle explained to the Committee that the monitoring in the area is for Volatile Organic Compounds, specifically 1,4-Dioxane per- and polyfluoroalkyl substances – known as PFAS. He said that the plume is well defined and shrinking.

MOTION- To issue a Negative Conditional Determination for the monitoring of wetlands and installation of soil borings within the 100' buffer zone under Burlington Bylaw Article XIV located at 25, 45, and 55 Blue Sky Drive. Mr. Deb voted Yes, Mr. Moffatt voted Yes, Mr. Boivin voted Yes, Ms. Kotwal voted Yes and Mr. Cohen voted Yes. The Motion passed unanimously with a vote of 5-0-0.

5. Notice of Intent Town of Burlington Engineering Department. Construction of a new sidewalk along Blanchard Road.

Mr. Stephen Hildreth of the Burlington Engineering Division was present at the meeting to discuss the project. The proposed project consists of construction of an approximately 3,400 feet of pedestrian sidewalk along the northern travel lane of Blanchard Road from South Bedford Street to Muller Road in Burlington. The proposed work would be within the 100-foot buffer zone to Bordering Vegetated Wetlands and bank and the 200-foot Riverfront Area (RFA) of two unnamed streams, one perennial and one locally regulated.

Mr. Keeley shared a note from Mr. David Webb, Town Meeting Member from Precinct 7 and chairman of the Land Use Committee. He asked if there has been any collaboration with the Planning Board Blanchard/Wheeler Road concept study and have the Trustees (who manage Mary Cummings Park) been consulted on the proposed crosswalk from the parking lot and if so would it be a passive crosswalk or would there be lights that pedestrians trigger.

Mr. Hildreth responded that the Planning Board has been consulted and the Engineering Division believes that the project would not negatively impact potential future projects in the area.



TOWN OF BURLINGTON

Conservation Commission Meeting Minutes

The Trustees are aware of the project but will be contacted again before construction begins. The crossings will be passive, but speed studies are being conducted to ensure safety for pedestrians.

There were no further comments from the Commission nor the audience.

There is no proposed bond due to the project being operated by the Town of Burlington.

Mr. Cohen suggested codifying the request to pick up trash from the site, but Mr. Hildreth believed informally asking for trash pick up would be just as effective.

MOTION- To close the hearing for DEP# 122-685. Mr. Deb voted Yes, Mr. Moffatt voted Yes, Mr. Boivin voted Yes, Ms. Kotwal voted Yes and Mr. Cohen voted Yes. The Motion passed unanimously with a vote of 5-0-0.

MOTION- To accept the findings under Burlington Bylaw Article XIV for the project on Blanchard Road. Mr. Deb voted Yes, Mr. Moffatt voted Yes, Mr. Boivin voted Yes, Ms. Kotwal voted Yes and Mr. Cohen voted Yes. The Motion passed unanimously with a vote of 5-0-0.

MOTION- To approve the Order of Conditions for the project on Blanchard Road under Burlington Bylaw Article XIV and the state Wetlands Protection Act. Mr. Deb voted Yes, Mr. Moffatt voted Yes, Mr. Boivin voted Yes, Ms. Kotwal voted Yes and Mr. Cohen voted Yes. The Motion passed unanimously with a vote of 5-0-0.

MOTION- To approve a waiver for the work in the 20' No Disturb Zone due to the nature of the project being overwhelmingly in the public's interest for reasons of safety and passive recreation. Mr. Deb voted Yes, Mr. Moffatt voted Yes, Mr. Boivin voted Yes, Ms. Kotwal voted Yes and Mr. Cohen voted Yes. The Motion passed unanimously with a vote of 5-0-0.

6. Notice of Intent 78 Mountain Road, construction of a new residential dwelling. DEP# 122-687.

Mr. Joe Currier and Mr. Kenneth Gillis (owner of 78 Mountain Road) were both present at the meeting to discuss the project and answer any questions.

Commission staff indicated that there were no plans for plantings on the site, and that the proposed grading for the driveway would not provide sufficient drainage into the adjacent trench.

Mr. Boivin pointed out that the amount of proposed runoff on the site according to the plan provided by the applicant contradicts Town of Burlington regulations which require post development projects volumes do not exceed pre-development values.

There was a discussion between Commissioners and staff about the amount of runoff that would be generated by the project with and without mitigation. Mr. Cohen suggested the possibility of a drainage swale being implemented to avoid the runoff from the property from adversely affecting the neighboring property.



TOWN OF BURLINGTON

Conservation Commission Meeting Minutes

Mary McNamara-Massey of 79 Mountain Road was present online and expressed concern about the effects of the project on her home, specifically the increased sunshine that hits her property causing her home to be hotter than previously, when trees cast a shadow on her property.

The Commission compiled a list of concerns that they would like to see addressed before the applicant can proceed. Including further detail on plantings, stormwater runoff, and driveway grading and a more robust alternatives analysis.

MOTION- To continue the hearing for the project at 78 Mountain Road until the April 13, 2023 meeting of the Commission. Mr. Deb voted Yes, Mr. Moffatt voted Yes, Mr. Boivin voted Yes, Ms. Kotwal voted Yes and Mr. Cohen voted Yes. The Motion passed unanimously with a vote of 5-0-0.

7. Request to Amend Order of Conditions for DEP#122-537 NEEP Investor Holdings LLC % National Development - changes to approved layout including building and parking structure, extending riverwalk and redesigning stormwater management features - The District in Burlington.

The proposed work is within the 100' bufferzone to Bordering Vegetated Wetland and Riverfront area pursuant to the state Wetlands Protection Act and Burlington Bylaw Article XIV.

Concurrently the public hearing was opened for information related to a Notice of Intent in Burlington Wetland Bylaw for NEEP Investor Holdings LLC % National Development for the construction of a new lab building and parking garage, as well as improvements to landscape and utilities. Located at 1200-1700 District Avenue in Burlington.

The proposed work would be within the riverfront area pursuant to the state wetlands protection act and Burlington Bylaw Article XIV. Further information on either project can be found [here](#).

Attorney Marc Vaughn of Riemer & Braunstein is representing National Development and was present to speak with the Commission. With him were Katie Snyder of National Development, Eric Gerade and Laura Laich from the engineering firm VHB, as well as landscape architect Chris Jones.

The plan also includes the replacement of paved parking spaces with an extension of the riverwalk along Vine Brook. Several members of the Commission expressed support for the plan and did not have any major objections.

Mr. Cohen asked Mr. Jones about connecting the path to the Burlington Mall area so that in the future there could be an easy integration into any plans the Town of Burlington may create for the area in an effort to increase community-wide walkability and reduction of impervious areas.

Ms. Laura Laich from VHB spoke about the proposed work in jurisdictional areas.



TOWN OF BURLINGTON

Conservation Commission Meeting Minutes

Work within previously disturbed riverfront area:

- Vine brook path extension
- Removal of additional existing impervious area
- Native plantings within the inner riparian zone to improve plant diversity and wildlife habitat
- New storm water features.

Work within streambank area:

- Replacement of existing storm water pipe.
- Area will be restored to existing grade and revegetated post construction.

Work within 50-foot no-build zone:

- Removal of impervious surfaces and addition of stormwater management features.

Work within the 20-foot No-Disturb distance:

- Portions of the Vine Brook path and overlook.

Mr. Gerade explained the stormwater management design and that it complies with the regulations put forth by the Town of Burlington.

MOTION- To issue an extension for the Order of Conditions for DEP# 122-537 until July 2026.

Mr. Deb voted Yes, Mr. Moffatt voted Yes, Mr. Boivin voted Yes, Ms. Kotwal voted Yes and Mr. Cohen voted Yes. The Motion passed unanimously with a vote of 5-0-0.

Concurrently the public hearing was opened for information related to a Notice of Intent in Burlington Wetland Bylaw for NEEP Investor Holdings LLC c/o National Development for the construction of a new lab building and parking garage, as well as improvements to landscape and utilities. Located at 1200-1700 District Avenue in Burlington.

Work within previously disturbed riverfront area:

- Construction of a portion of the proposed parking garage
- New walkways and pedestrian overpass from garage to building
- New storm water features



TOWN OF BURLINGTON

Conservation Commission Meeting Minutes

- Removal of 15,300 square feet of impervious area, native plantings around the new buildings and garage to improve plant diversity, create wildlife habitat, create shading, and increase in green space

Work within 50' no build zone:

- Replacement and reorganization of existing pavement areas and parking lot access

No work is proposed within the 20 foot No Disturb zone

The proposed work will be occurring within previously disturbed areas, thus an alternatives report is not necessary.

Mr. Cohen requested inspection of the catch basins on site to make sure they are not clogged or otherwise deteriorated, and the applicants agreed to create an inspection report for the Commission regarding catch basin integrity.

MOTION- To continue the Public Hearing for the amendment to Order of Conditions and Wetlands Bylaw for DEP# 122-537 until the meeting on April 13, 2023. Mr. Deb voted Yes, Mr. Moffatt voted Yes, Mr. Boivin voted Yes, Ms. Kotwal voted Yes and Mr. Cohen voted Yes. The Motion passed unanimously with a vote of 5-0-0.

MOTION- To continue the Public Hearing for the Notice of Intent for the project at 1200-1700 District Avenue project for new lab buildings, parking garages, and landscape and utility improvements until the meeting on April 13, 2023. Mr. Deb voted Yes, Mr. Moffatt voted Yes, Mr. Boivin voted Yes, Ms. Kotwal voted Yes and Mr. Cohen voted Yes. The Motion passed unanimously with a vote of 5-0-0.

8. Administration

- a. There were no Planning Board comments.
- b. There is a Climate Resilience subcommittee meeting on Monday March 27, 2023 in the town hall annex meeting room. The meeting is open to the public, but the meeting will not be broadcast via BCAT.
- c. The remote/hybrid meeting option will remain in place and will not be ended in May of 2023 as previously indicated.

Ms. Coleman stated that there will be some townwide trash cleanups in the month of April to recognize Earth Day. There will also be some guided vernal pool and bird watching walks in Burlington in April and May.

- d. Upcoming meetings: April 13, 2023 | April 27, 2023



TOWN OF BURLINGTON

Conservation Commission Meeting Minutes

9. Adjournment

MOTION- To adjourn the meeting. Mr. Deb voted Yes, Mr. Moffatt voted Yes, Mr. Boivin voted Yes, Ms. Kotwal voted Yes and Mr. Cohen voted Yes. The Motion passed unanimously with a vote of 5-0-0.

Respectfully submitted by Tom Prior, Recording Clerk