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# TOWN OF BURLINGTON

## *Meeting Minutes*

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Minutes need to be posted within 30 days or 2 meetings of the board – Draft minutes can be posted and revised at a later date

DEPT./BOARD: Conservation Commission

DATE: April 9, 2020

TIME: 7:00 PM

PLACE: WebEx Remote Meeting

MEMBERS IN ATTENDANCE: Chairman Larry Cohen, Vice Chair William Boivin, Ed LoTurco, Jennifer O'Riorden, Indra Deb, Gail Lima, Donald Bernstein, Associate Member Kent Moffatt.

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

### **1. Call to Order**

Mr. Cohen called the meeting to order at 7:00 PM. On a Roll Call vote, Mr. Boivin voted Present, Mr. LoTurco voted Present, Ms. O'Riorden voted Present, Mr. Deb voted Present, Ms. Lima voted Present, Mr. Bernstein voted Present and Mr. Moffatt voted Present.

Mr. Cohen read the following statement: Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order Imposing strict limitations on the number of people that may gather in one place, this meeting of the Town of Burlington Conservation Commission is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to listen to or view this meeting while in progress may do so by tuning into the BCAT Government Cable Access Channel, the BCAT Government Meetings Facebook Live fee, or you can join the meeting over the phone @408-418-9388 Meeting #710 386 777. To join the WebEx live video conference click on the link on the Conservation Commission's meetings page or on the Town of Burlington Town calendar or go to Webex.com, join a meeting. Meeting number is 710 386 777 and the password if needed is Fszy4ampU63.

New public hearings opened tonight will not be closed, so as to allow comments from those who are unable to access, or are uncomfortable with the technology. Comments or concerns regarding public hearings should be emailed to [conservation@burlington.org](mailto:conservation@burlington.org) before the next meeting on April 23.



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The meeting is being recorded on BCAT as well as WebEx.

**2. Citizens' Time**

No one came forward to speak.

**3. Approval of Minutes – March 12, 2020**

Mr. Cohen, Mr. Deb and Mr. LoTurco all viewed the video from the last meeting.

**MOTION** - Mr. Boivin made a motion to approve the Conservation Commission minutes of March 12, 2020 as submitted. The motion was seconded by Ms. Lima and voted 5-0-2. On a roll call, Mr. Boivin voted Yes, Ms. Lima voted Yes, Mr. LoTurco voted Yes, Ms. O'Riorden voted Yes, Mr. Bernstein voted Yes, Mr. Deb Abstained and Mr. Cohen Abstained.

Mr. Cohen welcomed Mr. Bernstein as a new Conservation Commission member and Mr. Moffatt as a new Associate Conservation Commissioner member.

**4. Request for Certificate of Compliance/Return of Surety**

**4a. 10 Carol Avenue – Debra Goldberg – DEP #122-611**

Ms. Coleman stated that this project was a tear down and rebuild of a single family home. This was approved in late 2018. A site visit was conducted a few weeks ago and the gutters were connected to a subsurface system, the delineation sign was installed for the wetlands and the grass has been established. There are no issues with this project.

**MOTION** - Mr. LoTurco made a motion to approve the Certificate of Compliance for 10 Carol Avenue, DEP #122-611. The motion was seconded by Ms. Lima and unanimously voted 7-0-0. On a roll call vote, Mr. LoTurco voted Yes, Ms. Lima voted Yes, Mr. Deb voted Yes, Ms. O'Riorden voted Yes, Mr. Boivin voted Yes, Mr. Bernstein voted Yes and Mr. Cohen voted Yes.

Mr. Keeley stated that the applicant has requested that the surety bond be transferred to their other site at 7 Holden Ave.

**MOTION** - Mr. Boivin made a motion to release the \$2,500 surety for DEP #122-611 and transfer it to the bond required for 7 Holden Ave. The motion was seconded by Mr. Deb and unanimously voted 7-0-0. On a roll call vote, Mr. LoTurco voted Yes, Ms. Lima voted Yes, Mr. Deb voted Yes, Ms. O'Riorden voted Yes, Mr. Boivin voted Yes, Mr. Bernstein voted Yes and Mr. Cohen voted Yes.

**5. Public Hearing – Erosion & Sedimentation Control Permit – 114 Winn Street (Marshall Simonds Middle School) – Tim Mazzone, Town of Burlington Public Works Department – Engineering Division – Reconstruct School Parking Lot**

Tom Hayes, Town Engineer and Tim Mazzone appeared for the public hearing for 114 Winn Street. Mr. Hayes stated that the intent of the project is to repave the parking lot, rebuild and reduce the sidewalks from 8' to 4'-5' and install handicap ramps, replace catch basins with deep sump catch basins with hoods, install bollards at



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the request of the school, reduce impervious surface and improve storm water quality. The water discharges to the wetlands behind the track.

Mr. Keeley stated that this hearing is required by the storm water bylaw because it is over 20,000 SF. They are reducing the pavement, not expanding the impervious area and are substantially improving the water quality with the deep sump catch basins so he does not have an issue with the project.

The Conservation Commission discussed/questioned:

- How much impervious surface will be reduced?

The applicant offered the following responses:

- There will be approximately 500-600 SF reduction in impervious area.

There were no questions from the audience.

Mr. Cohen stated that this will be continued to the April 23<sup>rd</sup> Conservation Commission meeting.

**6. Public Hearing – Erosion & Sedimentation Control Permit – 61 Center Street (Human Services Building) – Tim Mazzone, Town of Burlington Public Works Department – Engineering Division – Construct New Parking Lot**

Tom Hayes, Town Engineer and Tim Mazzone appeared for the public hearing for 61 Center Street. Mr. Hayes stated that this has been a 2 year process and will be done in 2 phases. Phase I includes the front entrance. The proposal is to close one entrance. They are proposing adding a grass area, lights, deep sump catch basins, adding a Stormceptor, and trees similar to those already there. The overall reduction of impervious surface is approximately 400 SF. Phase II will include reducing the drive aisle to 24', raising the corner island on the back corner of the building for safety and adding lighting. There will be 20 additional parking spaces, as well as sidewalks, crosswalks and handicap ramps.

Mr. Keeley stated that this is technically a new parking lot so it needs to meet the storm water standards. The installation of the deep sump catch basins and Stormceptor will help with improving the drainage. Mr. Keeley stated that this permit is for an Erosion & Sedimentation Control Permit so the draft decision will spell out hay bales or waddles.

The Conservation Commission discussed/questioned:

- Why is the one entrance being sealed?
- What type of landscaping is proposed in the front?
- Will the roof top drainage be changed?
- With the reduction of aisle in the back, will additional parking be added?

The applicant offered the following responses:



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- The entrance is being sealed to improve the safety of pedestrians so there is less mixing with vehicles.
- They are proposing to match the existing trees which are Maples. The caliper will be 2" to 2 ½".
- They are not changing the roof top design but the roof top drains to the parking lot and the parking lot run off will go into the catch basins.
- There will be no additional parking added out back, they are reducing the impervious surface.

There were no questions from the audience.

Mr. Cohen stated that this will be continued to the April 23<sup>rd</sup> Conservation Commission meeting.

Mr. LoTurco lost connection at 7:48 PM.

**7. Public Hearing – Abbreviated Notice of Resource Area Delineation – Chandler Road (Parcel 18-105-0) – GTH Homes, LLC – Resource Area Boundary Confirmation – DEP #Pending**

Stephen Dresser and Gregory Hickox appeared for the Abbreviated Notice of Resource Area Delineation on Chandler Road. Mr. Dresser stated that there is a vernal pool that is not certified but the regulations require us to treat it as it is. There is a 200' buffer to the vernal pool and 100' no clear and no build zone. They hope to build a few houses on the easterly side and donate the other side to the Town for open space.

Mr. Keeley stated that the wetland flags seem accurate. This property abuts the Mill Pond Conservation Area. He recommends approving the boundary area and delineation under the local regulations. Mr. Keeley added that this public hearing is for the delineation boundary and when they file for a Notice of Intent the vernal pool would have to be staked out.

The Conservation Commission discussed/questioned:

- What features determine if it is a vernal pool?

The applicant offered the following responses:

- Vernal pools have features including topological features and egg masses.

There were no questions from the audience.

Mr. Cohen stated that this will be continued to the April 23<sup>rd</sup> Conservation Commission meeting.

Mr. Dresser stated that we would need to come back for a Notice of Intent. Mr. Hickox stated that he will preserve as much natural landscaping as possible. They will have to take down some trees but they will also be adding new trees.

**8. Continued Public Hearing – Notice of Intent – 7 Winn Street & 9 Randall Drive – Church of the Open Bible – Reconstruct Parking Lots – DEP #122-640**

Mr. Cohen and Mr. Deb both stated that they watched the last meeting on video and are up to speed on this public hearing.



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Maureen Herald from Norse Environmental and Wayne Root appeared for the Notice of Intent at 7 Winn Street & 9 Randall Drive. Ms. Herald stated from the last meeting there were some issues that the Commission requested including: a note was added to the plan that the curbing around the catch basins will be removed; created curb breaks around the island to allow water to flow; added crushed stone around the gutter downspouts on the building; and reconfigure the drainage swale to preserve vegetation..

Mr. LoTurco returned to the meeting 8:07 PM.

Mr. Keeley stated that all items from the previous meeting have been addressed.

The Conservation Commission discussed/questioned:

- Does the parking grade have enough pitch to allow the water to flow off

The applicant offered the following responses:

- The parking lot pitches toward the catch basin now so it shouldn't be a problem.

There were no questions from the audience.

**MOTION** - Mr. LoTurco made a motion to close the public hearing for 7 Winn Street and 9 Randall Drive, DEP #122-640. The motion was seconded by Ms. O'Riorden and unanimously voted 7-0-0. On a roll call vote, Mr. LoTurco voted Yes, Ms. Lima voted Yes, Mr. Deb voted Yes, Ms. O'Riorden voted Yes, Mr. Boivin voted Yes, Mr. Bernstein voted Yes and Mr. Cohen voted Yes.

**MOTION** - Mr. Deb made a motion to adopt the findings under the Burlington Bylaw Article 14 as amended for 7 Winn Street and 9 Randall Drive, DEP #122-640. The motion was seconded by Mr. Boivin and unanimously voted 7-0-0. On a roll call vote, Mr. LoTurco voted Yes, Ms. Lima voted Yes, Mr. Deb voted Yes, Ms. O'Riorden voted Yes, Mr. Boivin voted Yes, Mr. Bernstein voted Yes and Mr. Cohen voted Yes.

**MOTION** - Mr. Boivin made a motion to adopt the Order of Conditions under Burlington Bylaw Article 14 and the State Wetlands Protection Act for 7 Winn Street and 9 Randall Drive, DEP #122-640. The motion was seconded by Mr. Ramsdell and unanimously voted 7-0-0. On a roll call vote, Mr. LoTurco voted Yes, Ms. Lima voted Yes, Mr. Deb voted Yes, Ms. O'Riorden voted Yes, Mr. Boivin voted Yes, Mr. Bernstein voted Yes and Mr. Cohen voted Yes.

**9. Continued Public Hearing – Burlington Wetland Bylaw Application – 127 Bedford Street – Kong K. Taing and Vanden Lay – Grading, Landscaping, Driveway Extension, Buffer Zone**

Mr. Keeley stated that the applicant has requested that this meeting continued to June 11, 2020.

**10. Administration**

**10a. Planning Board Comments** - None

**10b. Subcommittee, Staff Reports and Updates** - None



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**10c. Upcoming Meetings – April 23, 2020 and May 14, 2020**

**10d. Other Business - None**

**11. Adjournment**

**MOTION** - Mr. Deb made a motion to adjourn the April 9, 2020 Conservation Commission meeting at 8:30 PM. The motion was seconded by Ms. O’Riorden and unanimously voted 7-0-0. On a roll call vote, Mr. LoTurco voted Yes, Ms. Lima voted Yes, Mr. Deb voted Yes, Ms. O’Riorden voted Yes, Mr. Boivin voted Yes, Mr. Bernstein voted Yes and Mr. Cohen voted Yes.

*Respectfully Submitted by Dawn Cathcart,  
Recording Clerk*

