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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

BOARD: Conservation Commission

DATE: April 14, 2022

TIME: 7:00 PM

PLACE: Burlington Town Hall + WebEx Remote Meeting

MEMBERS IN ATTENDANCE: Chairman Larry Cohen, Vice Chair William Boivin, Ed LoTurco, Jennifer O'Riorden. Assistant Commissioner Kent Moffat was also present.

MEMBER MISSING: Donald Bernstein, and Indra Deb

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Conservation Administrator John Keeley was absent, and Assistant Conservation Administrator Eileen Coleman was in attendance.

*The Minutes were approved at the April 28, 2022 meeting.*

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

Mr. Cohen stated that this meeting is being held in person, with the option of joining virtually through WebEx. 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 feed, or you can join the meeting over the phone @ 408-418-9388 Meeting #179 747 7321, the password if needed is rrX3hS3KXR2. 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.

Mr. Cohen called the meeting to order at 7:10 PM. On a Roll Call, Mr. Boivin voted Present, Mr. Cohen voted Present, Mr. LoTurco voted Present, and Ms. O'Riorden voted Present. Assistant Conservation Administrator Eileen Coleman was also present.

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 28, 2022.

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

Mr. Cohen stated that the applicants for agenda item #9 is requesting a continuance.





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**9. Continued Public Hearing – Notice of Intent – 102R Winn Street – Sung Ok & In Ho Lee – Replace Culvert & Restore Wetlands/Stream Bank – DEP #122-666**

**MOTION** - Mr. Boivin made a motion to continue the public hearing for 102R Winn Street, DEP #122-666 until April 28, 2022. The motion was seconded by Ms. O’Riordan and unanimously voted 4-0-0. On a roll call vote: Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Ms. O’Riorden voted Yes and Mr. Cohen voted Yes.

**Continued Public Hearing – 98-108 Request for Certificate of Compliance – Yard House Storm Water Permit.**

**MOTION**- No vote needed to continue, as the hearing is not an open hearing.

**2. Citizens’ Time**

There were no citizens coming forward.

**3. Approval of Minutes – March 24, 2022**

Call for Edits: Ms. O’Riorden requested an edit to change “Mr. O’Riorden to Ms. O’Riorden”

**MOTION** - Mr. LoTurco made a motion to approve the Conservation Commission minutes of March 24, 2022 as amended by Ms. O’Riorden. The motion was seconded by Ms. O’Riordenn and unanimously voted 4-0-0. On a roll call vote: Mr. Boivin voted Yes, Ms. O’Riorden voted Yes, Mr. LoTurco voted Yes, and Mr. Cohen voted Yes.

**4. Discussion of Community Preservation Act – Jonathan Sachs – Chair of Citizens Committee to pass Community Preservation Act in Burlington.**

Committee of citizens who have interests in different areas that the Community Preservation Act (CPA) is helpful for, such as open space recreation, historical preservation, and affordable housing.

CPA was passed in 2000 by the Commonwealth of Massachusetts to help communities fund areas in communities that enrich the quality of life, specifically open space recreation, historical preservation, and affordable housing.

Mr. Sachs made a request to ask Town Meeting in May to put CPA on the ballot for the citizens to vote on. He further explained the CPA is a way communities can fund aforementioned areas and communities choose whether or not to join. Communities that do choose to join implement a small surcharge (1.5%) on local real estate taxes, the state then adds a match (currently 40%) dollar for dollar. The calculated estimate is the surcharge per home owner in Burlington would be \$75/year, with low income people and moderate income seniors able to have an exemption. Communities have the freedom to leave the program entirely, although that has not happened.





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**Discussion** – Mr. Cohen asked Mr. Moffat for comments and Mr. Moffat expressed support for the idea. Ms. O’Riorden expressed support as well. A citizen expressed concern about parking situations and increased social activity in the area of Saw Mill Brook, specifically citing concerns with vandalism and excessive noise. Mr. LoTurco, and Mr. Boivin also expressed support and the possibility of purchasing some remaining wetlands and conservation lands.

**MOTION**- To endorse warrant article at Town Meeting which will ask Town Meeting to allow the voters of Burlington in November to decide whether to become a CPA community. Mr. LoTurco voted yes, Ms. O’Riorden voted yes, Mr. Boivin voted yes, and Mr. Cohen voted yes. A unanimous vote of 4-0-0.

**6. Request for Determination of Applicability – 7 Spring Valley Road - Ryan Schneider - proposed construction of deck.**

**DISCUSSION**- Mr. Schneider outlined the plan for the deck would be approximately (16’x16’) and he stated that representatives of the commission were on site the previous day to inspect the property and discuss the plan.

Ms. Coleman stated that the deck would be in the floodzone, which is Bordering Land Subject to Flooding, but the footings will contribute minimal filling. She has no issue with this project.

Mr. Moffat asked what would be below the deck. The response from the homeowner was gravel.

No further concerns were addressed by the Commission.

No audience members voiced concerns.

The Burlington Conservation Commission voted to issue a Negative Determination of Applicability with conditions as noted for work at 7 Spring Valley Road in Burlington, MA. The conditions have been imposed to protect the wetlands from any impact that may result from the proposed work and to assure that the activity will not increase flooding on the property of others.

**MOTION** – To issue a Negative Determination of Applicability by Mr. Cohen and unanimously voted 4-0-0. On a roll call vote: Mr. Boivin voted Yes, Yes, Mrs. O’Riorden voted Yes, Mr. Moffat voted yes, and Mr. Cohen voted yes.

**7. Public Hearing – Notice of Intent - 10 Scott Avenue – 10 Scott Avenue LLC (Robert W. Murray, Manager) – Demolish dwelling and construct dwelling**

The applicant’s wetlands consultant Mary Trudeau and project engineer David Romero and Phyllis Etsel were in attendance.

**DISCUSSION**- Ms. Trudeau explained the scope of the project, including the demolition of the existing house and construction of new single family dwelling on the property. Demolition would include the existing house and much of the existing impervious pavement, along with removal of debris on the property including scrap





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metal. The property is adjacent to wetlands and parts of the property would be considered Bordering Vegetated Wetland. The house would be about 50 feet from the wetland. The project has several mitigating factors including the use of a stormwater infiltration system for the management of stormwater runoff. The current dwelling does not have any stormwater management and has had very little improvements. Roof leaders will connect runoff to infiltration systems mitigating for the increased impervious surfaces.

Mr. Romero further described the scope of the stormwater management system including implementation of stone trench off the proposed driveway. The increase in impervious cover will be minimized, but the runoff from the site will be reduced.

Ms. Coleman reiterated that the limit of lawn will be extended and emphasized maximizing tree cover.

Mr. Cohen then opened the floor for committee members to ask questions.

Mr. Moffat inquired about the number of trees being preserved and which ones are not. Ms. Trudeau explained the plan for which trees will remain and which will not.

Ms. O'Riorden inquired about thoughts on tree removal and whether trees should be replaced or planted to mitigate the loss of tree cover.

Mr. LoTurco responded by highlighting the number of trees that will remain in the proposed plan.

Mr. Boivin expressed disappointment in removing trees but still expressed support for the proposed plan.

Mr. Cohen asked if some trees on the property in the southeast side could be marked to be protected.

Mr. Cohen asked for any further comments from adjacent landowners or citizens, and Ms. Andrea Tracey of 4 Kinney Avenue, acting as a representative for a group of neighbors asked questions about photos she sent to the commission regarding drainage in residents' backyards after rainstorms. She spoke at length about concerns she and neighbors have about stormwater runoff as a result of the proposed project.

Mr. Romero responded that water would be collected from the roof, infiltrated into the ground as well as with the driveway. He stated that runoff from the site overall would be reduced, which should alleviate some of the residents concerns.

Mrs. Trudeau added that neighbors who use sump-pumps are discharging onto 10 Scott Avenue and flows are going into the wetland system, then pass beneath Murray Avenue.

There were other neighbors in the audience who did not have any further comments or questions. Mr. Cohen stated the hearing will be continued on April 28<sup>th</sup>.

**MOTION** – To Continue the Notice of Intent Hearing for 10 Scott Avenue (DEP 122-671) to April 28<sup>th</sup> 2022. The motion was approved unanimously in a vote of 4-0-0. Mrs. O'Riordan voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes and Mr. Cohen voted Yes.





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**8. Continued Public Hearing – Notice of Intent – 44 Westwood Street – MGW Realty LLC (Lenny Radochia) – Demolish dwelling & construct new dwelling – DEP #122-670**

**DISCUSSION-** Mr. Radochia and a Mr. Rich Kirby from LEC Environmental Consultants gave a brief description of the project and emphasized the approximately 3,300ft<sup>2</sup> of wetland restoration and buffer zone enhancements in the backyard, impervious area is set to be reduced by about 885ft<sup>2</sup>.

Mr. Kirby requested an additional 4ft expansion for the back of the house, and, to reduce impervious surfaces, they are proposing a permeable paver driveway. Though the house will be larger, the amount of impervious surfaces will actually decrease by 1251ft<sup>2</sup> instead of 885ft<sup>2</sup>.

Mrs. Coleman expressed support for the proposed change in the plan and believes the permeable driveway could be a great example for other projects, and had no additional issues with the project.

A sloped driveway with a drainage trench will no longer be necessary with the permeable pavers being used on the driveway.

When asked by Mr. Cohen for further comments, none of the board members expressed any reservations, only support.

There were no additional comments from the audience.

**MOTION -** To grant a waiver to the no-build and the no-disturb setbacks to the BVW because the applicant proposes to remove a shed within the BVW and a picnic table on a slab in the 20ft no-disturb zone, and is restoring the wetland area with 10 trees and 59 shrubs. The applicant is restoring 2500ft<sup>2</sup> of BVW riverfront area and 590ft<sup>2</sup> of buffer zone. The motion was unanimously voted 4-0-0. Ms. O’Riorden voted Yes, Mr. LoTurco voted Yes, Mr. Boivin voted Yes, and Mr. Cohen Voted Yes.

**MOTION-** To close the hearing. Ms. O’Riorden voted Yes, Mr. LoTurco voted Yes, Mr. Boivin voted Yes, and Mr. Cohen Voted Yes. The motion was unanimously voted 4-0-0.

**MOTION-** To adopt the findings for **DEP #122-670** under Burlington Bylaw Article 14. The motion was unanimously voted 4-0-0. Mrs. O’Riorden voted Yes, Mr. LoTurco voted Ye, Mr. Boivin voted Yes, and Mr. Cohen Voted Yes.

**MOTION -** To adopt the order of conditions under both Burlington Bylaw Article 14 and the state Wetland Protections Act for **DEP #122-670**. The motion was unanimously voted 4-0-0. Ms. O’Riorden voted Yes, Mr. LoTurco voted Yes, Mr. Boivin voted Yes, and Mr. Cohen Voted Yes.

**MOTION-** To require posting of a \$3500 bond under authority of Burlington Bylaw Article 14 for **DEP #122-670**. The motion was unanimously voted 4-0-0. Mr. LoTurco voted Yes, Ms. O’Riorden voted Yes, Mr. Boivin voted Yes, and Mr. Cohen Voted Yes.





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**10. Administration**

**10a. Planning Board Comments**

There were no comments to the Planning Board.

**10b. Subcommittee & Staff Reports and Updates**

Staffing Board Updates- Mr. Cohen and Ms. Coleman participated that was called by Paul Sagarino, John Sanchez, and Tom Hayes. This was a meeting with the residents of Hilltop Drive and Sandy Brook Road to discuss flooding that has gotten progressively worse, spreading into into yards, driveways, garages and homes. This is due in part to increased rainfall and beaver activity. The town has been running a program to trap beavers and breach beaver dams. The residents felt it was not sufficient and wanted more work done.

Mr. Hayes presented the residents with a presentation stating that the slope of the area is only 8ft over a two mile run. The slope of the river system is insufficient and dredging is not a feasible option.

Mr. Cohen pointed out that he said to the group of citizens that the problem is not necessarily just water runoff but the rising of groundwater beneath the surface.

**10c.** Mr. Boivin requested to change the start time for future meetings from 7:00pm to 6:30 or 6:00pm in the future.

**12. Adjournment**

**MOTION**- To adjourn meeting. The motion was unanimously voted 4-0-0. Ms. O’Riorden voted Yes, Mr. LoTurco voted Yes, Mr. Boivin voted Yes, and Mr. Cohen Voted Yes.

*Respectfully Submitted by Tom Prior,  
Recording Clerk*

