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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 23, 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.

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

1. Call to Order

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 #711 00 071. 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 711 00 071 and the password if needed is FisipVwc772.

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 are concerns regarding public hearings should be emailed to conservation@burlington.org before the next meeting on May 14th.

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

Mr. Cohen called the meeting to order at 7:03 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.

2. Citizens' Time

No one came forward to speak.



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Mr. Cohen stated that the 50th Anniversary of Earth Day was held yesterday. Mr. Cohen gave a history lesson of Earth Day.

3. Approval of Minutes – April 9, 2020

MOTION - Mr. Bernstein made a motion to approve the Conservation Commission minutes of April 9, 2020 as submitted. The motion was seconded by Mr. LoTurco and voted 7-0-0. 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 voted Yes and Mr. Cohen voted Yes.

4. Continued 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

Tim Mazzone from the Town of Burlington Public Works Department appeared for the continued public hearing for 114 Winn Street. Mr. Mazzone stated that they received the draft decision and they are in agreement with all the conditions. They agree to do a site walk with staff before construction begins.

Ms. Coleman stated that they are meeting the storm water regulations to the maximum extent practicable.

The Conservation Commission discussed/questioned:

- Are there any areas that have drainage (pitch) issues?

The applicant offered the following responses:

- The catch basins are being replaced.

There were no questions from the audience.

MOTION - Mr. Deb made a motion to close the public hearing. The motion was seconded by Mr. LoTurco and unanimously voted 7-0-0. 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 voted Yes and Mr. Cohen voted Yes.

MOTION - Mr. LoTurco made a motion to issue an Erosion & Sedimentation Control Permit for 114 Winn Street under the Burlington Bylaw Article 14, Section 6. The motion was seconded by Ms. Lima and unanimously voted 7-0-0. 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 voted Yes and Mr. Cohen voted Yes.

5. Continued 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

Tim Mazzone from the Town of Burlington Public Works Department appeared for the continued public hearing for 61 Center Street. Mr. Mazzone stated that they received the draft decision and they are in agreement with all the conditions. They agree to do a site walk with staff before construction begins.

Ms. Coleman stated that this is a larger project than the previous one but they have no issues with it.



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There were no questions from the audience.

MOTION - Ms. Lima made a motion to close the public hearing. The motion was seconded by Mr. Deb and unanimously voted 7-0-0. 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 voted Yes and Mr. Cohen voted Yes.

MOTION - Mr. Deb made a motion to issue an Erosion & Sedimentation Control Permit for 61 Center Street under the Burlington Bylaw Article 14, Section 6. The motion was seconded by Mr. Bernstein and unanimously voted 7-0-0. 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 voted Yes and Mr. Cohen voted Yes.

6. Continued Public Hearing – Abbreviated Notice of Resource Area Delineation – Chandler Road (Parcel 18-105-0) – GTH Homes, LLC – Resource Area Boundary Confirmation – DEP #122-641

Stephen Dresser and Gregory Hickox appeared for the Abbreviated Notice of Resource Area Delineation on Chandler Road.

Mr. Keeley stated that no work is proposed under this application, it is only the delineation of the resource area. They have not received any comments from abutters and he feels confident with the delineation. This falls under the Burlington Wetlands Protection Act, Bordering Vegetated Wetlands and Vernal Pool.

There were no questions from the audience.

MOTION - Mr. LoTurco made a motion to close the public hearing. The motion was seconded by Mr. Bernstein and unanimously voted 7-0-0. 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 voted Yes and Mr. Cohen voted Yes.

MOTION - Mr. Boivin made a motion to issue an Order for an Abbreviated Notice of Resource Area Delineation under the Burlington Bylaw Article 14, Section 6 and the State Wetlands Protection Act. The motion was seconded by Mr. Deb and unanimously voted 7-0-0. 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 voted Yes and Mr. Cohen voted Yes.

7. Public Hearing – Notice of Intent – 150 Lexington Street – ARISTA Development, LLC – Construct a New Bank Building – DEP #Pending

Attorney Mark Vaughn from Reimer & Braunstein, LLP, Phillip Henry, Doug Benoit from Arista, and Samantha Burgner from Citizen’s Bank appeared for the Notice of Intent for 150 Lexington Street. Attorney Vaughn stated that they are proposing a small retail branch of Citizen’s Bank in the outer parking lot of Kohl’s. All the work will be done in the paved areas and they are not bringing the pavement any closer to the wetlands.



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Mr. Henry presented the overall site plan. The property has 11 acres and is located on the Vine Brook. They are proposing a 2,700 SF bank with a remote drive-thru on the east side. There will be a decrease of 8,500 SF of impervious surface. They filed with the Planning Board and they requested some modifications so there are a few changes from the original plans submitted in March. The drive aisle closest to the wetlands has been changed to a one way access from west to east. The grading has been changed so it slopes from the front to the back towards the resource area. There will be no new collection system needed. They will add new contours to get the water to the storm septors. They will add landscaping with curb breaks and they have added a graded depression for roof runoff. The infiltration area will have a 4 to 1 slope and it is located near the drive-thru. They have created a landscape area along Vine Brook.

Mr. Keeley stated that this is a critical area in the water shed and this is a redevelopment project. Mr. Keeley added that they need records of the storm septors cleaning and maintenance and we would require an inspection of the systems.

The Conservation Commission discussed/questioned:

- How will the roof top runoff be handled?
- The landscape plan shows a Korean shade tree, they should all be native trees such as Red Maples.
- There is concern with the water quality units and to make sure they are still functioning.
- Can the 5 parking spaces to the east be eliminated and the landscape area be changed to go into natural state?
- The fence in that area should be pulled back to protect the riverfront.
- Changing riverfront into lawn is not an improvement and should be changed to a natural state.
- Concerned with where the snow is going to go especially on the northeast side of the building.
- Is there flooding in the immediate area?

The applicant offered the following responses:

- The water will sheet flow with down spouts or will be collected internally and discharged with a pipe. They are still working on the final design.
- They are not the property owner and Kohl's has a right to a certain number of parking spaces and they are already removing some parking spaces. The Islamic Center also utilizes the lot for overflow parking. This plan reduces parking by 37 spaces.
- This area is down gradient and is in the 100 year flood plain and does flood frequently but this is a small area.
- Per the zoning, we are already short of parking and we are also reducing parking spaces.



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There were no questions from the audience.

Mr. Cohen stated that this will be continued until the May 14th meeting. The action items include: inspection of the storm septors including any reports and if maintenance has been done, snow removal, change in the fence line including changing the riverfront to a natural state. There is also trash on both sides of the fence and asked that the applicant speak to the property owner as well as having Staff send a letter to Kohl's. Ms. Burgner stated that there is a tri-party agreement that includes the maintenance of the property. Mr. Keeley stated that the owners are Burlington Centers, LLC. Attorney Vaughn replied that was correct, Kohl's is just a tenant.

8. Administration

8a. Planning Board Comments - None

8b. Subcommittee, Staff Reports and Updates - None

8c. Upcoming Meetings – May 14, 2020 and May 28, 2020

8d. Other Business

Mr. Boivin asked what the violation on Eastern Ave. was. Mr. Keeley stated that he could not tell by the photos what they were doing so he made it clear that there was no work to be done. It also looks like they have added grass where it was supposed to be left in a natural state. He will follow up with them.

Mr. Cohen asked what the status of 5 Harvard Street was. Ms. Coleman stated that she was there today and they are driving over the wattles but they are sweeping it every day. Mr. Cohen stated that if it gets worse, then a letter should go out with a time limit and fine. Ms. Coleman stated that they did that last week and she will keep an eye on it.

Ms. Coleman stated that Burlington signed up for City Nature Challenge. Ms. Lima has sent some videos and we also have a YouTube channel so if there are videos or photos that the Commission wants posted just send them to her.

9. Adjournment

MOTION - Mr. Boivin made a motion to adjourn the April 23, 2020 Conservation Commission meeting at 8:47 PM. 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.

*Respectfully Submitted by Dawn Cathcart,
Recording Clerk*

