



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: May 14, 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 feed, or you can join the meeting over the phone @408-418-9388. 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 719 337 460 and the password if needed is 82hiA6emVRJ.

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 before the next meeting on May 28th.

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

Mr. Cohen called the meeting to order at 7:10 PM. On a Roll Call, 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. LoTurco lost connection at 7:15 PM.

3. Approval of Minutes – April 23, 2020

MOTION - Mr. Deb made a motion to approve the Conservation Commission minutes of April 23, 2020 as submitted. The motion was seconded by Ms. Lima and voted 6-0-1. On a roll call, Mr. Boivin voted Yes, Ms. Lima voted Yes, Ms. O’Riorden voted Yes, Mr. Bernstein voted Yes, Mr. Deb voted Yes and Mr. Cohen voted Yes. Mr. LoTurco was not present online at the time of the vote.

4. Request for Extension to Order of Conditions/Burlington Wetland Bylaw Permit – 9-11 Ray Avenue – Ray Estates Trust – DEP #122-594

Phyllis Etsell appeared for the continued request. Ms. Etsell stated that they fully intended to start this spring but due to COVID-19 they have been delayed. They are requesting a 3-year extension.

Mr. Keeley stated that this is for a parking lot for the Escadrille’s overflow parking.

MOTION - Mr. Boivin made a motion to approve the 3 year extension for 9-11 Ray Avenue for the Burlington Wetland Bylaw Permit and State Wetland Protection Act, DEP #122-594. The motion was seconded by Mr. Deb and unanimously voted 7-0-1. On a roll call, Mr. Boivin voted Yes, Ms. Lima voted Yes, Ms. O’Riorden voted Yes, Mr. Bernstein voted Yes, Mr. Deb voted Yes and Mr. Cohen voted Yes. Mr. LoTurco was not present online at the time of the vote.

5. Continued Public Hearing – Notice of Intent – 150 Lexington Street – ARISTA Development, LLC – Construct a New Bank Building – DEP #122-642

Attorney Mark Vaughn from Reimer & Braunstein, LLP, Phillip Henry for Civil Design Group, Doug Benoit from Arista, and Samantha Burgner from Citizen’s Bank appeared for the continued Notice of Intent for 150 Lexington Street. Attorney Vaughn stated that a site walk was conducted with Mr. Cohen, Mr. Boivin and Ms. Coleman. They have met with the Planning Board and the hearing was continued with some action items to look at.

Mr. LoTurco rejoined the meeting at 7:25 PM.

Mr. Henry stated that the plans have been revised and submitted today. The changes are as follows:

- Sheet S4 – They have agreed to clean up the trash and debris along the river bank on both sides of the fence. Including an area where there is a fallen tree in the wetlands. Note #10 has been added. They have also had communications with the owner of the property and Kohl’s about ongoing maintenance issues.
- Sheet S5 – They will replace the damaged fence along the river front and extend the fence behind the new parking spaces all the way to Lexington Street. The dumpster has been removed and it is replaced with a small pad that will house small trash receptacles on the back right of the building.
- Sheet S8 – The proposed trees are now all maple trees and one has been added for a total of 14 maple trees. They have removed 8,500 SF of impervious surface. The landscape areas in the parking lot will be manicured lawn, but the triangle area next to the riverfront will be a naturalized seed mix.





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Mr. Keeley stated that the plan should be updated, it still says to reseed up to the existing fence to remain. Mr. Henry stated that the plans will be revised to say reseed up to the old fence line. Mr. Keeley stated that if the Planning Board issues are close to being resolved then they can have a draft decision for review on May 28th.

The Conservation Commission discussed/questioned:

- Will the existing fence in the rear remain?
- Concerned with where the snow is going to go especially on the northeast side of the building.
- The triangle piece of land near the river bank should be native wetland seed mix.

The applicant offered the following responses:

- The old fence in the rear will be removed.
- They have a conference call with the property owner on Monday and will get the information on the snow removal.
- The triangle area will have wetland seed mix specification and it will be stated on the plan.

There were no questions from the audience.

Mr. Cohen stated that this will be continued until the May 28th meeting. The action items include: more detail of snow removal and any outstanding issues with the Planning Board.

6. Administration

8a. Planning Board Comments

Mr. Keeley will let the Planning Board know that they are close to issuing the permit.

8b. Subcommittee, Staff Reports and Updates - None

8c. Upcoming Meetings – May 28, 2020 and June 11, 2020

8d. Other Business

Mr. Keeley stated that the Town offices are working towards a plan to reopen. They will start with part-time office hours but they will still not be opened to the public. If the Commissioners need to come in, they can make an appointment with staff to make sure they are in the office.

Mr. Boivin stated that the Community Preservation Act (CPA) Committee has decided not to move forward with the article for Town Meeting. This decision was based on the economic impacts to the citizens and businesses during the COVID-19 pandemic. They hopefully will bring this back in January 2021. Mr. Cohen stated that the CPA fund supports open space and recreation which is getting a lot of use during this time and we should be investing in our community but he understands the economic aspects. Mr. Boivin stated that even after the stay at home order has been lifted people are going to stay home. Mr. Boivin added that some communities are using the CPA fund to help with rental assistance.





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Mr. Keeley stated that the article would be a tough sell right now because a lot of the Town's revenue is gone with hotel and meal tax. We should definitely wait until the economy bounces back. Mr. Boivin agreed since 60% of the tax revenue comes from businesses and we need to be sensitive in these times.

Mr. Boivin stated that he spoke with the Town Moderator and he intends to hold the Town Meeting on June 10th at the Burlington High School. They are working on the details.

7. Adjournment

MOTION - Mr. Deb made a motion to adjourn the May 14, 2020 Conservation Commission meeting at 7:51 PM. 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.

*Respectfully Submitted by Dawn Cathcart,
Recording Clerk*

