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TOWN OF BURLINGTON

Conservation Commission Meeting Minutes

DEPT. /BOARD: Conservation Commission

DATE: 5/25/2023

TIME: 6:30 PM

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

Member(s) in attendance: Larry Cohen, Rob Sheehan, William Boivin, Indra Deb (in person), Ed LoTurco (online)

Member(s) absent: Kent Moffatt

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 June 8, 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. On a Roll Call, Mr. Boivin, Mr. Sheehan, Mr. Deb, and Mr. Cohen all indicated that they were present. At the time of roll call, Mr. LoTurco was not present, but joined the meeting remotely at 7:15pm.

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 – 5/11/2023

MOTION- To approve the Minutes of the 5/11/2023 meeting of the Commission. Mr. Sheehan voted Yes, Mr. Deb voted Yes, Mr. Boivin voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 4-0-0.



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4. Request for Certificate of Compliance/Completion

a. Beaverbrook Road/Alcine Lane – Town of Burlington – DEP #122-168

This Order of Conditions is from 1991 that was issued for cleaning on the Ipswich River. A Certificate of Compliance was issued by the Commission, but it was not recorded.

MOTION- To approve the Certificate of Compliance for the project at Beaverbrook Road/Alcine Lane, DEP #122-168. Mr. Sheehan voted Yes, Mr. Deb voted Yes, Mr. Boivin voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 4-0-0.

b. Burlington Mall Road (roadway) – National Development – DEP #122-543

Mr. Eric Gerade, Civil Engineer with VHB was present to speak on behalf of the project.

Ms. Coleman mentioned that one Order of Conditions and four erosion control permits had been issued for this property and some of the work was completed simultaneously. She believes that all of the stormwater controls were built as designed and approved by the Commission.

MOTION- To issue Certificate of Compliance for Burlington Mall Road (roadway) – National Development – DEP #122-543. Mr. Sheehan voted Yes, Mr. Deb voted Yes, Mr. Boivin voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 4-0-0.

c. The District (24 New England Executive Park Drive) – NEEP Investors Holdings LLC – Stormwater Permit (2014)

MOTION- To approve the permit for The District (24 New England Executive Park Drive) – NEEP Investors Holdings LLC – Stormwater Permit (2014). Mr. Sheehan voted Yes, Mr. Deb voted Yes, Mr. Boivin voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 4-0-0.

d. 100 District Drive (formerly 1 New England Executive Park) – NEEP Investors Holdings LLC – Stormwater Permit (2011)

MOTION- To approve the stormwater permit for 100 District Drive (formerly 1 New England Executive Park) – NEEP Investors Holdings LLC – Stormwater Permit (2011). Mr. Sheehan voted Yes, Mr. Deb voted Yes, Mr. Boivin voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 4-0-0.



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e. District Avenue (formerly 1 & New England Executive Park roadway) - NEEP Investors Holdings LLC – Stormwater Permit (2014)

MOTION- To approve the stormwater permit for District Avenue (formerly 1 & 3 New England Executive Park) - NEEP Investors Holdings LLC – Stormwater Permit (2014). Mr. Sheehan voted Yes, Mr. Deb voted Yes, Mr. Boivin voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 4-0-0.

f. District Avenue (formerly 1 & 3 New England Executive Park) - NEEP Investors Holdings LLC – Stormwater Permit (2014)

MOTION- To approve the stormwater permit for District Avenue (formerly 1 & 3 New England Executive Park) - NEEP Investors Holdings LLC – Stormwater Permit (2014). Mr. Sheehan voted Yes, Mr. Deb voted Yes, Mr. Boivin voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 4-0-0.

5. Discussion: Proposed residential addition at 1 Richfield Road

Mr. Dan Collins of 1 Richfield Road, and Markus Pinney, Land Use and Environmental Consultant, were present to speak on behalf of the project. Mr. Collins explained that he plans to put an addition onto his home and that his property lies within the 40 ft. No-Build Zone. He provided potential plans for the construction of an addition that would mitigate the detrimental effects on the surrounding wetlands.

Mr. Keeley stated that this was not a proper filing, and that the applicant wanted the input of the Commission before he officially filed.

Mr. Deb asked how much of the area would be within the 40 ft. No-Build Zone. To which Mr. Collins estimated that the construction would add about 650 sq. ft. of impervious surface, and with the reduction in driveway coverage, a reduction of about /400-500 sq. ft of pervious surface.

Mr. Boivin asked about the current surface covering underneath the deck and what would be the ground covering after construction. Mr. Collins stated that the present surface cover is crushed stone and cement footings containing the pillars of the deck. After construction the area would be covered with home foundations, that area is outside of the 40 ft. No-Build Zone. Since the discussion was not a formal application, no votes were taken.



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6. Request for Determination of Applicability

a. 10 Marjorie Road – Sean Damasso – Cut trees (continued from 5/11/23)

No one was present at the meeting for the project but Mr. Keeley explained that the Commission recently completed a site walk on the property and agreed that 3 trees that were slated to be removed instead be preserved. The remainder of the trees in question were either damaged or an invasive species.

*At this point in the meeting, Commissioner Ed LoTurco joined the meeting remotely, so all Motions moving forward will include 5 votes.

The draft decision concluded that 12 trees be removed on the property and 8 new trees be planted on the site. Ms. Coleman read the draft decision that indicated the project will take place in the BVW and in the buffer zone on the property. Conditions included statements that forbade the removal of 3 trees that the applicant originally wanted to be removed and that any further tree work must be approved by the Commission. Any heavy machinery required for the project must remain on the driveway or existing lawn areas only, and any trees within the wetlands must be cut, so a snag (portion of the trunk) will remain for wildlife habitat.

MOTION- To issue a Negative Conditional Determination for the project at 10 Marjorie Road under Burlington Bylaw Article XIV and the state Wetlands Protection Act. Mr. Sheehan voted Yes, Mr. Deb voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 5-0-0

7. Continued Public Hearing – Notice of Intent – 78 Mountain Road – Kenneth Gillis – Construct new residential dwelling – DEP #122-687

Mr. Joe Currier and Mr. Kenneth Gillis were both present to speak on behalf of the project.

Ms. Coleman explained that the Commission has received a planting plan, calculations, and an alternative analysis as were requested at the previous hearing. She further indicated that due to the removal of most of the trees on the property that the project does not fall under the claimed less than 5,000 sq. ft. scope of the project. She requested more restoration work be done on the back of the lot.



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Mr. Keeley explained that the rear of the lot is being used as an industrial lot that falls within the riverfront area and indicated that space would be ideal for additional revegetation. The Commission is requesting a revised planting plan.

Mr. Boivin requested further clarification on the feasibility and location of infiltration beds on the property, as well as the number and capacity of dry wells on the site. He was satisfied with the answer.

Mr. Cohen asked whether arborvitae plantings on the 100 ft. line from the stream and within the inner riparian zone be replaced with a native species. Was confirmed that all would be native.

MOTION- To continue the Public Hearing for the project at 78 Mountain Road, DEP#122-687 until the June 8 meeting of the Conservation Commission. Mr. Sheehan voted Yes, Mr. Deb voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 5-0-0.

8. Public Hearing – Notice of Intent – 1, 2 & 10 Wall Street – The Gutierrez Company – Landscaping activities – DEP #122-pending

The project is for accessibility improvement and landscaping activity at 1, 2 & 10 Wall Street, the proposed work would take place within the Riverfront Area and 100 ft. buffer zone to bank and bordering vegetative wetlands.

Mr. Dan Dadinsky with the Gutierrez Company and Mike D'Angelo were present to speak about the project with the Commission.

The proposed scope of work includes proposed landscape and hardscape modifications which include repairing the sidewalk, adding handicap spaces, 20 EV chargers, the removal of 17 trees that are either in poor condition or are invasive and will be replaced with 22 trees as well as hundreds of shrubs, perennials and other ground cover vegetation. Part of the work occurs within 100 ft. of Little Brook. There is a net reduction of 450 ft. of impervious surfaces and no changes to existing stormwater management nor pavement.

Mr. Keeley stated that the Commission requested some changes to the locations of tree plantings. Mr. Cohen asked about the removal of certain trees that would allow sunlight to penetrate the



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stream which can be detrimental to the health of the stream and requested some more trees be implemented to provide shade from the sun.

MOTION- To continue the Public Hearing for the project at 1, 2 & 10 Wall Street DEP#122-pending until the June 8, 2023 meeting of the Commission. Mr. Sheehan voted Yes, Mr. Deb voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 5-0-0.

9. Administration

a. Mr. Keeley indicated he would comment on the project at 1 Wall Street for the next meeting of the Planning Board.

b. The Subcommittee for updating the Wetland Bylaw has given Mr. Keeley proposed changes that will be discussed at the next meeting of the Commission. The second meeting in June will likely be when the Public Hearing for the proposed changes will be held.

c. Discuss/vote: Letter to Select Board regarding Mountain Road 40B proposal. The purpose of the note is to express the opinions of the Commission regarding the Winn View Heights II project and its potential impacts on adjacent Conservation Commission property and the difficult topography of the area. The Commission states that the loss of trees in the area can and will add large amounts of water to the stormwater management system, as well as increased erosion, and flooding. The letter requests that the Zoning Board of Appeals approve a peer review and a technical review by Commission staff.

MOTION- To vote to send a letter to the Select Board regarding the Mountain Road 40B proposal. Mr. Sheehan voted Yes, Mr. Deb voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, and Mr. Cohen voted Yes. The Motion was passed unanimously with a vote of 5-0-0.

d. Mr. Boivin updated the Commission that he had hand delivered a memo to the School Committee regarding the proposed new elementary school at the Fox Hill site and the concerns of the Commission for the adjacent wetland areas.

e. Upcoming meetings: June 8, 2023 | June 22, 2023

10. Adjourn



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

Respectfully submitted by Tom Prior, Recording Clerk