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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: May 27, 2021

TIME: 7:00 PM

PLACE: WebEx Remote Meeting

MEMBERS IN ATTENDANCE: Chairman Larry Cohen, Vice Chair William Boivin, Gail Lima, Ed LoTurco, Indra Deb, Jennifer O'Riorden and Kent Moffat (Late Arrival)

MEMBER MISSING: Donald Bernstein

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

*Approved at the June 10, 2021 Conservation Commission meeting*

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

Mr. Cohen called the meeting to order at 7:01 PM. On a Roll Call, Mr. Boivin voted Present, Mr. LoTurco voted Present, Mr. Deb voted Present, Ms. O'Riorden and Ms. Lima voted Present. Conservation Administrator John Keeley and Assistant Conservation Administrator Eileen Coleman were also 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 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 173 596 3961 the password if needed is jfPeJCNB927.



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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 June 10, 2021.

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

**6. Continued Public Hearing – Notice of Intent – 59 & 61 Middlesex Turnpike – Nouria Energy Corporation – Demolish Gas Station/Convenience Store and Restaurant Building and Construct a New Gas Station & Convenience Store – DEP #122-657**

Mr. Cohen stated that the applicant has requested a continuance to the next meeting.

**MOTION** - Ms. Lima made a motion to continue the Notice of Intent for 59 & 61 Middlesex Turnpike, DEP #122-657 until June 10, 2021. The motion was seconded by Mr. LoTurco and unanimously voted 6-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Ms. O’Riorden and Mr. Cohen voted Yes.

**8. Continued Public Hearing – Notice of Intent – Redmond Street Roadway – Somerset Realty Trust – Construct New Road with Stream Crossing – DEP #122-646**

**9. Continued Public Hearing – Notice of Intent – 4 Redmond Street – Somerset Realty Trust – Construct a New Single-Family Dwelling – DEP #122-645**

**10. Continued Public Hearing – Notice of Intent – 5 Redmond Street – Somerset Realty Trust – Construct a New Single-Family Dwelling – DEP #122-644**

Mr. Cohen stated that the applicant has requested a continuance to the next meeting for all 3 Notice of Intents for the Redmond Street roadway, 4 Redmond Street and 5 Redmond Street.

**MOTION** - Mr. Boivin made a motion to continue the Notice of Intent for Redmond Street roadway, 4 Redmond Street and 5 Redmond Street until June 10, 2021. The motion was seconded by Ms. Lima and voted 6-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Ms. O’Riorden and Mr. Cohen voted Yes.

**2. Citizens’ Time**

No one came forward to speak.

Mr. Moffat joined the meeting at 7:08 PM.

**3. Approval of Minutes – May 13, 2021**

**MOTION** - Mr. LoTurco made a motion to approve the Conservation Commission minutes of May 13, 2021 as submitted. The motion was seconded by Ms. Lima and voted 4-0-2. On a roll call vote: Ms. O’Riorden abstained from voting, Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb abstained from voting, and Mr. Cohen voted Yes.





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**4. Request for Determination of Applicability (RDA)**

**4a. 27 Skilton Lane – Jose R. Vazquez – Install Above-Ground Pool**

Jose Vazquez from Ambassador Pools, appeared for the Request for Determination of Applicability to install an above ground pool. Mr. Vazquez stated that this pool installation will also have an integrated deck and fence as well as a salt water generator.

Ms. Coleman stated that the pool is 74' from the back of the property and the wetlands are beyond the fence. Her only concern is that there were a few trees taken down without permission. There is already a fence in front of the wetlands.

The Conservation Commission discussed/questioned:

- No landscaping waste or debris should be dumped behind the fence.

There were no questions from the audience.

**MOTION** - Mr. Deb made a motion to issue a negative conditional determination under the Burlington Bylaw Article 14 and the State Wetlands Protection Act to install an above ground pool at 27 Skilton Lane. The motion was seconded by Ms. O'Riorden and unanimously voted 6-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Ms. O'Riorden and Mr. Cohen voted Yes.

**4b. 46 Terrace Hall Avenue – Henry Morin – Construct Walking Trail (Eagle Scout Project)**

Henry Morin appeared for the Request for Determination of Applicability to construct walking trails. Mr. Morin stated that this is for his Eagle Scout project. He is proposing to construct two trails off the access road across from the Francis Wyman School.

Ms. Coleman stated that they are concerned with the trails coming off the area right at the end of the road due to the wetlands so perhaps the entrance could come off the side. Ms. Coleman stated that there is already a large tree that has fallen down. Ms. Coleman added that this is a Low Impact Project.

The Conservation Commission discussed/questioned:

- What will happen to the tree debris when taken down?
- Signage should be added to the trail when possible.

The applicant/staff offered the following responses:

- The tree debris will be used on the side of the trail.
- For now, the trails will be marked with paint until he gets the funding for actual signage.

There were no questions from the audience.

**MOTION** - Mr. Boivin made a motion to issue a negative conditional determination under the Burlington Bylaw Article 14 and the State Wetlands Protection Act for construct walking trails at 46 Terrace Hall Avenue.





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The motion was seconded by Mr. LoTurco and unanimously voted 6-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Ms. O’Riorden and Mr. Cohen voted Yes.

**4c. 3 Arnold Terrace- Qicheng Yu – Install Drainage Pipes**

Qicheng Yu appeared for the Request for Determination of Applicability to install drainage pipes at 3 Arnold Terrace. Mr. Yu stated that he is getting water in his basement so he would like to install drainage pipes in the back along the deck. The perforated pipe will be wrapped in stone.

The Conservation Commission discussed/questioned:

- Gravel should be added on the downside of the pipe.
- Will the pipe be attached to a filtration field?
- Will there be void space and perhaps additional gravel could be added under the pipe.

The applicant/staff offered the following responses:

- The pipe is perforated with fabric and it will be 3’ down.
- He hopes to attach it to the filtration field.
- There will be 3” of stone under and 3’ over the pipe. He may also add empty pipes in that 3 feet of stone at the back end of this project. Those pipes will be sealed and they will be perforated.

There were no questions from the audience.

**MOTION** - Ms. Lima made a motion to issue a negative conditional determination under the Burlington Bylaw Article 14 and the State Wetlands Protection Act for installing drainage pipes at 3 Arnold Terrace. The motion was seconded by Mr. Deb and unanimously voted 6-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Ms. O’Riorden and Mr. Cohen voted Yes.

**4d. 35 Donald Road – Debra Ann Goldberg – Clearing & Site Work Associated with New House Construction**

Greg Saab from ESS for the Request for Determination of Applicability for clearing and site work associated with new house construction at 35 Donald Road. Mr. Saab stated that the demolition and construction of the new house is all outside of the 100’ buffer. But there is a lot of debris, downed trees and a shed that is falling down that need to be removed that are in the buffer zone. They are proposing installing a roof drainage system, adding a 2’ x 2’ stone trench along the driveway and pitch the driveway towards the fence.

Ms. Coleman stated that stormwater management was regulated through this proposed Determination of Applicability under the Erosion & Sedimentation Control Bylaw.

There were no questions from the Commission or the audience.

**MOTION** - Mr. Boivin made a motion to issue a negative conditional determination under the Burlington Bylaw Article 14 and the State Wetlands Protection Act for clearing and site work associated with new house





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construction at 35 Donald Road. The motion was seconded by Mr. LoTurco and unanimously voted 6-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Ms. O'Riorden and Mr. Cohen voted Yes.

**5. Discussion – Minor Engineering Change – Van de Graaff Roadway Determination of Applicability**

Marissa Valentino from BSC Group appeared for the discussion of the Minor Engineering Change.

Mr. Keeley stated that the Minor Engineering Change was issued to reconstruct the roadway but they ran into problems underground when trying to install a stormceptor. Ms. Valentino stated that they ran into existing utilities near the location of the third stormceptor so they are exploring options to handle the situation. They will bring this back once the resolution has been decided.

There were no questions from the Commission or the audience.

**MOTION** - Mr. Deb made a motion to continue the discussion of the Minor Engineering Change until June 10, 2021. The motion was seconded by Ms. Lima and unanimously voted 6-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Ms. O'Riorden and Mr. Cohen voted Yes.

**7. Public Hearing – Erosion & Sedimentation Control Permit – 15, 25, 35, 49 & 95 Network Drive – Nordblom Company – Construct Bio-Science Building with Associated Parking, Landscaping and Utilities**

Frank DiPietro and Marissa Valentino from BSC Group appeared for the Erosion and Sedimentation Control Permit for 15, 25, 35, 49 and 95 Network Drive. Ms. Valentino stated that this project will include a 2-story building for life sciences and there will be upgrades to storm water management system, installation of utilities, construction of a ring road, and landscaping. The building will be constructed for 2 tenants and there will be 2 independent sides. There will be 440 new parking spaces. Silt fences and erosion controls will surround the entire limit of work. The site has a significant grade change from south to north. The elevation at the southern end is around 190' grades drop off so that the elevation at the northern side is around at 168'. There was an approval years ago for an office building that was never built but the storm water system was constructed. There storm water system will be split between three basins that will be upgraded to catch basins with deep sumps and water quality units will be added. There will be subsystem detention basins and there will be a slight increase in pervious surface.

Mr. Keeley stated that the Commission has already approved the Erosion Control permit 7 years ago, so we should discuss what is different.

Mr. DiPietro stated that the previous project was for a 270,000 SF office building. The previous building was higher but needed additional parking. This is a larger footprint but less parking is required due to the Life Science use. Mr. Keeley asked why there was no infiltration on this site. Mr. DiPietro stated that there is ledge under the site. Test pits were conducted and they hit blasted ledge. There is a steep slope that is a 2 to 1 slope near basin #1. Mr. Keeley stated that the basins should be evaluated and maintained. Mr. DiPietro stated that the previous Erosion and Sedimentation Control permit required an as-built and inspections to be conducted.





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They will be submitting a letter asking that the original Erosion and Sedimentation Control permit be rescinded upon approval of this one. Mr. Keeley added that Erosion and Sedimentation Control permits do not expire. Mr. DiPietro stated that previous plan showed structured parking, but this plan does not require it.

The Conservation Commission discussed/questioned:

- The existing basins should be inspected.
- Are there grade changes on site?
- What is the change in peak flow?
- Is the parking calculation correct for this site? Are 2.5 spaces enough for this size building?
- Structured parking should be considered to reduce the amount of black pavement with solar panels on top.
- The applicant should look at adding solar panels on the roof of the building.
- Is the BioSafety level known?
- Is there discharge going across Network Drive to the wetlands and if so, is the hydrology sufficient?
- Will this project have Phase I, II and III? If so, what is the lag time between the phases?
- Requested that a network of walkable sidewalks and walkways be constructed for use by the public.
- Requested that phased structured parking be looked at.
- Requested that a letter be sent to the Planning Board to strongly encourage structured parking and reserve parking.

The applicant/staff offered the following responses:

- There are minor grade changes on site but it will follow the same drainage pattern.
- The impervious surface has decreased, so peak flows will also decrease.
- The tenant requires 2.5 parking spaces. The Life Science use requires less people and there will be a manufacturing component to the facility.
- The roof will have a lot of mechanical equipment due to the Life Science use.
- The BioSafety level will not be known until there is a tenant.
- Some discharge from basins 1 and 2 will go across Network Drive and they haven't looked at the wetlands but they can make sure that the peak flows were less than the previous project.
- The original project had Phases I, II and III. This project has Phase I and II. Phase I will include the construction of the building and site improvements. Phase II will include the new road in the







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back. The lag time in phases is unknown but if an additional erosion control plan is needed, they will produce one.

Mr. Cohen stated that the items for next meeting: investigate structured parking to reduce pavement, inspection and evaluation of existing basins; investigate tying in outer ring sidewalks to provide a continuous walking pathway; evaluate wetlands hydrology across from Network Drive; investigate solar on the roof; if this will be a phased project a second erosion control plan should be submitted.

There were no questions from the audience.

**MOTION** - Ms. Lima made a motion to continue the Erosion and Sedimentation Control at 15, 25, 35, 49 & 95 Network Drive until June 10, 2021. The motion was seconded by Mr. LoTurco and unanimously voted 6-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Ms. O’Riorden and Mr. Cohen voted Yes.

**11. Administration**

**11a. Planning Board Comments**

Mr. Cohen asked that comments be sent to the Planning Board including the suggestion for structured parking at Network Drive.

**11b. Subcommittee & Staff Reports and Updates**

**11.b.1 Town Meeting**

Mr. Boivin stated that the Kent Cottage zoning proposal passed. The zoning articles to change the clusters zoning to IH passed and the Storm Water Bylaw amendment passed. Ms. Coleman stated that they will have to bring it the Stormwater Bylaw back at the September Town Meeting to fix some numbering at the end.

**11.b.2 Request to Reduce Inspections – 7 Wheeler Road**

Mr. Keeley stated that the self-storage facility has moved to internal work in the building. They have been providing very good inspection reports and they have asked to reduce the inspections until they go back outside in the late summer.

**MOTION** - Ms. Lima made a motion to allow for reduced inspections at 7 Wheeler Road. The motion was seconded by Mr. Boivin and unanimously voted 6-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Ms. O’Riorden and Mr. Cohen voted Yes.

**11c. 102R Wynn Street – Enforcement Order**

Stephen Dresser and Inho Lee appeared for the Enforcement Order at 102R Wynn Street.

Mr. Keeley stated that an Order of Conditions was issued for the construction of a single family home but there was no work supposed to be done at the culvert because it required a structural engineer. We received a phone call that work was being done in the wetlands. The area is a mess, there was a bulldozer in the wetlands and there is sediment in the brook.





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Mr. Dresser stated that the structural engineering visited the site and they started work on the culvert without approval. The trench appears to be for footings of the culvert structure. He added that he was not notified that work had started. The area is a disaster, so he called Maureen Herald of Norse Environmental. She suggested stabilizing the area immediately with hydro seed and add crushed stone and wattles at the waterline.

Ms. Lima stated that the structural engineer should have known what was going on and she agrees it needs to be stabilized immediately. All work should stop until the restoration plan is approved.

Mr. Cohen stated that there is no plan in place to protect the banks and he is not sure that water is flowing adequately. There is also a large tree that is down. Mr. Lee stated that the tree fell down last winter. Mr. Dresser stated that the Mass Stream Crossing standards may now apply and they never did the hydro calculations because they were not supposed to touch the culvert.

Mr. Keeley stated that there is also an issue because the driveway is not on Mr. Lee's property. They only have an access easement. He recommends that the stabilization be implemented tomorrow. A Notice of Intent needs to be filed for the culvert. A Cease and Desist order was issued. He suggested that they speak with Norse Environmental to evaluate if a Mass Stream Crossing is required.

**MOTION** - Mr. LoTurco made a motion to modify the Enforcement Order that no additional work can be done other than restoration until a Notice of Intent is issued. The motion was seconded by Mr. Deb and unanimously voted 6-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Ms. O'Riorden and Mr. Cohen voted Yes.

**MOTION** - Mr. Boivin made a motion to ratify the Enforcement Order. The motion was seconded by Ms. Lima and unanimously voted 6-0-0. On a roll call vote: Ms. Lima voted Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Ms. O'Riorden and Mr. Cohen voted Yes.

**11c. Upcoming Meetings – June 10, 2021 and June 24, 2021**

Mr. Keeley stated that Emergency Order ends June 15<sup>th</sup> so all meetings will go back to being live but the Governor has filed legislation to extend virtual meetings until September 1<sup>st</sup>. The Town Hall will be opening to the public on June 14<sup>th</sup>.

**10d. Other Business**

Mr. Boivin stated that he will not be here for the June 10<sup>th</sup> meeting. Mr. Cohen stated that he will not be here on August 12<sup>th</sup>.

Ms. O'Riorden stated that 100 trees were cut down near North Street. Mr. Keeley stated that he did see that they cut about 100 pine trees but there are no wetlands near there. Mr. Cohen asked if we should look at creating a tree bylaw.

**12. Adjournment**

**MOTION** - Mr. Boivin made a motion to adjourn the May 27, 2021 Conservation Commission meeting at 9:20 PM. The motion was seconded by Mr. Deb and unanimously voted 6-0-0. On a roll call vote: Ms. Lima voted







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Yes, Mr. Boivin voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes, Ms. O’Riorden and Mr. Cohen voted Yes.

*Respectfully Submitted by Dawn Cathcart,  
Recording Clerk*



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