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TOWN OF BURLINGTON

Meeting Minutes

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DEPT./BOARD: Conservation Commission

DATE: May 28, 2020

APPROVED: June 11, 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 711 348 111 and the password if needed is HqMTEprP323.

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 June 11th.

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

Mr. Cohen called the meeting to order at 7:00 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.



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2. Citizens' Time

No one came forward to speak.

3. Approval of Minutes – May 14, 2020

MOTION - Mr. LoTurco made a motion to approve the Conservation Commission minutes of May 14, 2020 as submitted. The motion was seconded by Mr. Boivin and voted 7-0. On a roll call, Mr. Boivin voted Yes, Ms. Lima voted Yes, Mr. LoTurco, Ms. O'Riorden voted Yes, Mr. Bernstein voted Yes, Mr. Deb voted Yes and Mr. Cohen voted Yes.

4. Request for Certificate of Compliance/Release of Surety

4a. 30 Francis Wyman Road – Richfield Company, LLC – DEP #122-590

Gary Richfield appeared for the request for Certificate of Compliance and Release of Surety for 28A and 30 Francis Wyman Road.

Ms. Coleman stated that she has visited the sites. 30 Francis Wyman Road is well established, the signs are in place and the rocks are in place. On 28A Francis Wyman Road the gravel trench she observed being installed last week is not in place and the grass in that area is not established and there are bare spots. Mr. Richfield stated that the owners of 28A had water seeping up into their basement so they extended the drain and the grass is not set yet.

Mr. Bernstein stated that on Google Earth about 800 yards diagonally across from this site, there is an industrial park and it shows significant environmental damage. Mr. Keeley replied that is in Billerica, but if the pictures are sent to him he can forward them to his counterpart in Billerica.

MOTION - Ms. Lima made a motion to issue the Certificate of Compliance for 30 Francis Wyman Road, DEP #122-590. The motion was seconded by Mr. Boivin and unanimously voted 7-0. On a roll call, Mr. Boivin voted Yes, Ms. Lima voted Yes, Ms. O'Riorden voted Yes, Mr. Bernstein voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes and Mr. Cohen voted Yes.

MOTION - Mr. Deb made a motion to release the \$3,500 surety for 30 Francis Wyman Road, DEP #122-590. The motion was seconded by Ms. Lima and unanimously voted 7-0. On a roll call, Mr. Boivin voted Yes, Ms. Lima voted Yes, Ms. O'Riorden voted Yes, Mr. Bernstein voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes and Mr. Cohen voted Yes.

4b. 28A Francis Wyman Road – Richfield Company, LLC – DEP #122-589

The Conservation Commission discussed/questioned:

- The space between the boulders is too large and a lawn mower can be driven past the barrier.
- The owner has indicated that they will be installing a fence instead of the boulders.

MOTION - Mr. Deb made a motion to issue the Certificate of Compliance for 28A Francis Wyman Road, DEP #122-589. The motion was seconded by Mr. LoTurco and unanimously voted 7-0. On a roll call, Mr. Boivin





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

MOTION - Mr. Boivin made a motion to release the \$2,500 surety for 28A Francis Wyman Road, DEP #122-589 immediately and release the remaining surety (\$1,000) when staff determines the lawn above the trench has been stabilized. The staff is authorized to approve changing the boulder delineation to a fence or to require that more boulders be added. The motion was seconded by Ms. Lima and unanimously voted 7-0. On a roll call, Mr. Boivin voted Yes, Ms. Lima voted Yes, Ms. O’Riorden voted Yes, Mr. Bernstein voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes and Mr. Cohen voted Yes.

5. Request for Determination of Applicability

5a. 43 Bedford Street – Ricardo Souza – Install Farmer’s Porch and Decorative Wall

Ricardo Souza appeared for a Request for Determination of Applicability for 43 Bedford Street. Mr. Souza stated that he did not realize he needed to come before the Conservation Commission. He is adding a front porch with footings and is about 70% finished.

Ms. Coleman stated that she believes that the applicant did not realize a building permit or Conservation determination was needed. They are enclosing the porch and the footings installed were on impervious surface. They had also replaced a decorative wall. Sandy Brook runs right through their property and they are within the 200’ river front and 100’ buffer zone to bank and bordering vegetated wetlands. They are approximately 70’ away but she has no concerns.

There were no questions from the Commission and there were no questions from the audience.

MOTION - Mr. LoTurco made a motion to issue a negative determination of applicability for 43 Bedford Street for the work presented. The motion was seconded by Mr. Deb and unanimously voted 7-0. On a roll call, Mr. Boivin voted Yes, Ms. Lima voted Yes, Ms. O’Riorden voted Yes, Mr. Bernstein voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes and Mr. Cohen voted Yes.

6. Request for Extension to Burlington Wetland Bylaw Permit – General Walker Estates (101 Francis Wyman Road & Dartmouth Street) – Waypoint General Contracting

Ed Champy of Waypoint General Contracting appeared for the request for extension for the General Walker Estates. Mr. Champy stated that a Minor Engineering Change is in front of the Planning board and they have requested a peer review. That has been done and the finding discussed. There are 2 items that are still in debate; boulders along one of the driveways and the rear grade change of one lot. They are requesting a 3 year extension. They have cleaned out the catch basins, new silt sacs have been installed in the catch basins and Wayne’s Drains has cleaned out all the sediment in the chambers and a camera was sent down the line. They would also consider putting a silt sac at the end of 6 Dartmouth Street and replace the existing hay bales because of the time this is taking.





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Mr. Keeley stated that this was already extended 6 months. He has been involved in the Planning Board review process and he would recommend that the Minor Engineering Change come before the Commission at their June 25th meeting and that the Commission do a site walk before the meeting. He would recommend a 2 year extension; everything is now in compliance.

Mr. Champy stated that he is concerned with the time it is taking to get through the Planning Board process and requested a 3 year extension. They hope to get this done as soon as they have approval. Mr. Keeley stated that he is ok with the 3 year extension.

There were no questions from the Commission or the audience.

MOTION - Mr. LoTurco made a motion to approve the 3 year extension to the Burlington Wetland Bylaw Permit for General Walker Estates (101 Francis Wyman Road & Dartmouth Street). The motion was seconded by Mr. Deb and unanimously voted 7-0. On a roll call, Mr. Boivin voted Yes, Ms. Lima voted Yes, Ms. O'Riorden voted Yes, Mr. Bernstein voted Yes, Mr. LoTurco voted Yes, Mr. Deb voted Yes and Mr. Cohen voted Yes.

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

Mr. Cohen stated that this will be continued until the June 11th meeting as requested by the applicant.

8. Request for Minor Engineering Change – Wheeler Road – Burlington (Jumbo) Self-Storage – DEP #122-604

Attorney Robert Buckley from Riemer & Braunstein LLP and Andy Graves from BL Companies appeared for a Minor Engineering Change for DEP #122-604. Attorney Buckley stated that they wanted to come to the local level before going to the DEP.

Mr. Graves stated that the following changes are requested on the site plan: some of the pavement in the back needs to be removed for the foundation and footings; The decorative fence will be installed on the top of the concrete wall instead of behind it; The invert for the underground detention system changed from 137.00 to 137.50; Outlets for the underground detention system has been relocated; Inspection port manholes have been added for the underground detention; Adjusted roof drain locations; Adjusted grading at the vertical lift gate; Removed one door and one concrete pad along Blanchard Road; The majority of vertical granite curbing will be changed to sloped granite curbing at the request of the Fire Department.

Mr. Keeley stated that he has no issues with the proposed changes. There is a Superseding Order of Conditions issued by DEP and the local and State permits need to stay in sync.

There were no questions from the Commission.

Betsy Hughes, Town Meeting Member, Precinct #7 – Ms. Hughes stated that she is glad there will be no decision tonight because she could not hear Mr. Graves. She would like to see the plans before she makes comment.





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David Webb, Town Meeting Member, 23 Eugene Road - Precinct #7 – Mr. Webb stated that this is a terrible location for a storage facility. There are sensitive wetlands on this site and there is a safety concern for the residents.

Cynthia Kazanjian of 17 Marigold Way – Ms. Kazanjian stated that she concerns with the other residents. This is not the best use of the land and she objects to the storage facility being on this site.

Mr. Keeley stated that he emailed the information to Mr. Webb and Ms. Hughes so they could review the material.

Mr. Cohen stated that the project has already been approved and they can only discuss the matter of the Minor Engineering Change.

Mr. Keeley asked if this has been signed off by the Planning Board. Attorney Buckley stated that it is in signature review.

Mr. Cohen stated that this will be continued until the June 25th meeting.

9. Administration

9a. Planning Board Comments - None

9b. Subcommittee, Staff Reports and Updates - None

9c. Upcoming Meetings –June 11, 2020 and June 25, 2020

9d. Other Business - None

10. Adjournment

MOTION - Mr. Deb made a motion to adjourn the May 28, 2020 Conservation Commission meeting at 8:11 PM. The motion was seconded by Mr. Boivin and unanimously voted 7-0. 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*

