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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: August 12, 2021

TIME: 7:00 PM

PLACE: WebEx Remote Meeting

MEMBERS IN ATTENDANCE: Chairman Larry Cohen, Vice Chair William Boivin, Gail Lima, Ed LoTurco, Donald Bernstein, Indra Deb

MEMBER MISSING: Jennifer O'Riorden and Kent Moffat

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

Mr. Cohen called the meeting to order at 7:00 PM. On a Roll Call, Mr. LoTurco voted Present, Mr. Bernstein voted Present, Mr. Boivin voted Present, Mr. Deb voted Present, Ms. Lima voted Present. Conservation Administrator John Keeley and Assistant Conservation Administrator Eileen Coleman were also present.

Pursuant to Governor Baker's June 15, 2021 lifting of the State of Emergency and following the passing of Chapter 20 of the Acts of 2021, which allows remote meetings of public bodies until April 1, 2022, 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 Meeting #179 747 7321. 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 179 747 7321 the password if needed is rrX3hS3KXR2.

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 September 9, 2021.

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

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





TOWN OF BURLINGTON  
CONSERVATION COMMISSION MINUTES  
AUGUST 12, 2021

9. **Continued Public Hearing – Notice of Intent – Redmond Street Roadway – Somerset Realty Trust – Construct New Road with Stream Crossing – DEP #122-646**
10. **Continued Public Hearing – Notice of Intent – 4 Redmond Street – Somerset Realty Trust – Construct a New Single-Family Dwelling – DEP #122-645**
11. **Continued Public Hearing – Notice of Intent – 5 Redmond Street – Somerset Realty Trust – Construct a New Single-Family Dwelling – DEP #122-644**

**MOTION** - Ms. Lima made a motion to continue the Notice of Intent for Redmond Street roadway, 4 Redmond Street and 5 Redmond Street until September 9, 2021. The motion was seconded by Mr. Boivin and voted 6-0-0. On a roll call vote: Mr. Boivin voted Yes, Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Bernstein voted Yes, Mr. Deb voted Yes and Mr. Cohen voted Yes.

2. **Citizens' Time**

No one came forward to speak.

3. **Approval of Minutes – July 8, 2021**

**MOTION** - Ms. Lima made a motion to approve the Conservation Commission minutes of July 8, 2021. The motion was seconded by Mr. Bernstein and voted 6-0-0. On a roll call vote: Mr. Boivin voted Yes, Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Bernstein voted Yes, Mr. Deb voted Yes and Mr. Cohen voted Yes.

4. **Request for Certificate of Compliance**

4a. **10 Great Meadow Road – Town of Burlington – DEP #122-630**

Mr. Keeley stated that the DPW has asked for a continuance until the September 9, 2021 meeting.

5. **Request for Determination of Applicability**

5a. **60 Beaverbrook Road – Nancy Regonini – Grading & Landscaping – Continued from 7/8/21**

Nancy Regonini appeared for a Request for Determination of Applicability at 60 Beaverbrook Road. She would like to bring in fill and grade her property to install a new lawn.

Mr. Keeley stated that they noticed that filling was occurring so a letter was written and a site visit conducted. They are filling near the wetlands but not in the wetlands. A condition has been added that they can come no closer than 20' to the wetlands.

The Conservation Commission discussed/questioned:

- The 20' buffer should be left in a natural state and no grass should be planted.

There were no questions from the audience.





TOWN OF BURLINGTON  
CONSERVATION COMMISSION MINUTES

AUGUST 12, 2021

**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 60 Beaverbrook Road. The motion was seconded by Mr. Bernstein and unanimously voted 6-0-0. On a roll call vote: Mr. Boivin voted Yes, Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Bernstein voted Yes, Mr. Deb abstained from voting and Mr. Cohen voted Yes

**5b. 13 Fowler Terrace – Jennifer & Jillian Butler – Construct Farmer’s Porch**

Susan Kadilak and property owner Jennifer & Jillian Butler appeared for the request for determination of applicability to construct a farmer’s porch. Ms. Kadilak stated that they are proposing an 8’ x 18’ farmer’s porch on footings.

Ms. Coleman stated that the porch is not in the flood plain and it is about 40’ to 50’ from the wetlands. There is no change to the driveway and no trees are being removed.

There were no questions from the Commission or the audience.

**MOTION** - Mr. LoTurco made a motion to issue a negative conditional determination under the Burlington Bylaw Article 14 and the State Wetlands Protection Act for 13 Fowler Terrace to construct a farmer’s porch. The motion was seconded by Mr. Deb and unanimously voted 6-0-0. On a roll call vote: Mr. Boivin voted Yes, Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Bernstein voted Yes, Mr. Deb abstained from voting and Mr. Cohen voted Yes

**5c. 31 Wheatland Street – David Hartjes, MGD Inc. – Construct Additions, Clearing, Filling and Grading**

David Hartjes and Mark Drossos appeared for the request for determination to construct an addition, clear, fill and grading at 31 Wheatland Street. Mr. Drossos stated that they are proposing construction of a farmer’s porch and garage, grading and filling. There will be no more clearing on site and they are going to loam and seed the back. They would like to remove 2 stumps that are outside of the 100’ buffer.

Ms. Coleman stated that work was started on this project without approval. There were trees removed and fill brought in. This site was overgrown. The back of the lot is within 100’ of the Ipswich River so this would be riverfront and buffer zone work. The riverfront is about 180’ from the back of the house. The riverfront requires improvement and they have in the draft decision to replace some of the trees that were cut.

Mr. Bernstein stated that we need to send out communication to the residents of Burlington. Ms. Lima stated that there is a lot of information out there but people don’t do their due diligence when starting projects. Mr. Boivin stated that perhaps we should use interns to try to catalogue properties that have wetlands on them or near them and provide notification to the property owners’ annually of what can and can’t be done.

The Conservation Commission discussed/questioned:

- The replication should be more than 1 to 1 in the riverfront plus something else.
- Will there be grade changes?
- The replacement trees should be native and the applicant should work with staff on the type of trees.





TOWN OF BURLINGTON  
CONSERVATION COMMISSION MINUTES  
AUGUST 12, 2021

- The riverfront requires a fence or demarcation at the 100' line such as a post and rail fence, shrubs or boulders.

The applicant/staff offered the following responses:

- Only 1 tree was cut near the fence. The others were outside the buffer. They are going to replace 2 trees and 4 shrubs.
- There are no grade changes proposed.
- They will add a post and rail fence.

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 31 Wheatland Street to construct a farmer's porch and garage addition, clearing, filing and grading as amended. The motion was seconded by Mr. LoTurco and unanimously voted 6-0-0. On a roll call vote: Mr. Boivin voted Yes, Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Bernstein voted Yes, Mr. Deb abstained from voting and Mr. Cohen voted Yes

**5d. 19 Gedick Road – Madhur Tiwari – Clearing and Landscaping**

Madhur Tiwari appeared for a request for determination of applicability at 19 Gedick Road for clearing and landscaping. Mr. Tiwari stated that they would like to even out their yard, construct a fence and plant trees.

Mr. Keeley stated that this work was done before they filed. The Tiwari's were told not to but they did it anyway. This is bordering vegetated wetlands and there is a stream at the back but it is not riverfront under the State Wetlands Protection Act but it has a 200' Riverfront Area under the local bylaw. Work was done within 20' of the bank of the stream. They took down a few trees and some brush. There is disturbance in the buffer zone and riverfront area.

The Conservation Commission discussed/questioned:

- How much fill was brought in and was there a grade change?
- Will there be any patios, deck and walkways installed?
- No fertilizer should be used in the lawn.
- The fence should be as far away from the riverbank as possible.

The applicant/staff offered the following responses:

- There was not much fill being brought in.
- There will be no patios, deck and walkways.
- The fence will be no closer to 40' to the river.
- They removed all the trash from the wetlands by hand.





TOWN OF BURLINGTON  
CONSERVATION COMMISSION MINUTES

AUGUST 12, 2021

**MOTION** - Mr. LoTurco made a motion to approve the Request for Determination under the Burlington Bylaw Article 14 for 19 Gedick Road for clearing and landscaping. The motion was seconded by Ms. Lima and unanimously voted 6-0-0. On a roll call vote: Mr. Boivin voted Yes, Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Bernstein voted Yes, Mr. Deb abstained from voting and Mr. Cohen voted Yes

**6. Request for Minor Engineering Change – 60 Blanchard Road – DEP #122-652**

Marissa Valentino of BSC Group appeared for the Minor Engineering Change for 60 Blanchard Road, DEP #122-652. Ms. Valentino stated that there are four changes since the approval. They include: reconfiguration of the patio/generator area; installation of a drain for the patio; grading changes at the loading dock area and reconfiguration of the drainage structure downhill of the catch basin.

Mr. Keeley stated that this was administratively approved earlier so they could continue the work.

There were no questions from the Commission or the audience.

**MOTION** - Ms. Lima made a motion to approve the Minor Engineering Change for 60 Blanchard Road, DEP #122-652 as presented. The motion was seconded by Mr. Boivin and unanimously voted 6-0-0. On a roll call vote: Mr. Boivin voted Yes, Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Bernstein voted Yes, Mr. Deb abstained from voting and Mr. Cohen voted Yes

**7. Public Hearing – Notice of Intent – 24 Hart Street – Asset Redevelopment Corp. – Demolish Dwelling and Construct New Dwelling – DEP #Pending**

Greg Saab from ESS appeared for a Notice of Intent at 24 Hart Street to demolish the existing house and construct a new one. Mr. Saab stated that roof drains will be added and a stone trench will be installed along the driveway. There will be 4 trees removed within the 100' buffer and 4 new trees will be planted. A post and rail fence will be added about 20' from the wetlands to demarcate the wetlands. Mr. Saab stated that he would like to walk the site with Mr. Keeley and look at the line of trees on site.

Mr. Keeley stated that the wetlands delineation seem fine. There will be no grading proposed and the trees to be removed are 2 pines and 2 maples.

The Conservation Commission discussed/questioned:

- The new house is significantly larger and asked that the applicant look at an electric heat pump system and different ways to make this an energy-conscious house.

There were no questions from the audience.

**MOTION** - Mr. Deb made a motion to continue the notice of intent for 24 Hart Street until September 9, 2021. The motion was seconded by Ms. Lima and unanimously voted 6-0-0. On a roll call vote: Mr. Boivin voted Yes, Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Bernstein voted Yes, Mr. Deb abstained from voting and Mr. Cohen voted Yes





TOWN OF BURLINGTON  
CONSERVATION COMMISSION MINUTES

AUGUST 12, 2021

**8. Continued Public Hearing – Notice of Intent – 2 Terrace Hall Avenue – Asset Redevelopment Corp. – Demolish Dwelling and Construct New Dwelling – DEP #Pending**

Greg Saab from ESS appeared for the continued Notice of Intent for 2 Terrace Hall Avenue. Mr. Saab stated that since the last meeting, a swale was added to the right side and the abutters name was corrected. The trees to be cut were all marked and the trees that will be added have been added to the plan. The fence was moved and spot grades were added to the plan.

Mr. Keeley stated that the delineation of the wetlands seem fine.

The Conservation Commission discussed/questioned:

- The plans shows 2 different trees but they are both indicated as maples.
- The tree in the wetlands that is leaning should be left.
- The trees and bushes that are being planted should be native such as blueberry bushes.

The applicant/staff offered the following responses:

- The dark trees on the plan should be pines.
- They are planning on bringing a crane to remove the trees.

*Nelson and Susan Eby of 1 Terrace Hall Avenue* – Mr. Eby asked if the 2 big evergreens could stay that are near the street and the side. Mr. Saab stated that one is in the driveway and one is too close to the house.

**MOTION** - Mr. LoTurco made a motion to close the public hearing for the Notice of Intent for 2 Terrace Hall Avenue, DEP #122-659. The motion was seconded by Mr. Deb and unanimously voted 6-0-0. On a roll call vote: Mr. Boivin voted Yes, Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Bernstein voted Yes, Mr. Deb abstained from voting and Mr. Cohen voted Yes.

**MOTION** - Mr. Boivin made a motion to approve the findings for 2 Terrace Hall Avenue, DEP #122-659 under the Burlington Wetlands Bylaw, Article 14. The motion was seconded by Mr. Bernstein and unanimously voted 6-0-0. On a roll call vote: Mr. Boivin voted Yes, Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Bernstein voted Yes, Mr. Deb abstained from voting and Mr. Cohen voted Yes.

**MOTION** - Mr. Deb made a motion to approve the Order of Conditions for 2 Terrace Hall Avenue, DEP #122-659 under the Burlington Wetlands Bylaw, Article 14 and the State Wetlands Protection Act. The motion was seconded by Ms. Lima and unanimously voted 6-0-0. On a roll call vote: Mr. Boivin voted Yes, Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Bernstein voted Yes, Mr. Deb abstained from voting and Mr. Cohen voted Yes.

**MOTION** - Mr. Bernstein made a motion to require a \$3,500 surety bond for 2 Terrace Hall Avenue, DEP #122-659. The motion was seconded by Mr. Deb and unanimously voted 6-0-0. On a roll call vote: Mr. Boivin voted Yes, Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Bernstein voted Yes, Mr. Deb abstained from voting and Mr. Cohen voted Yes.







TOWN OF BURLINGTON  
CONSERVATION COMMISSION MINUTES  
AUGUST 12, 2021

**12. Administration**

**12a. Planning Board Comments**

There were no Planning Board comments.

**12b. Subcommittee & Staff Reports and Updates**

There were no subcommittee, staff reports or updates.

**12c. Upcoming Meetings –September 9, 2021 and September 23, 2021**

**12d. Other Business**

Mr. Keeley stated the storm water bylaw is going back to Town Meeting due to a numbering mistake.

**11. Adjournment**

**MOTION** - Mr. Boivin made a motion to adjourn the August 12, 2021 Conservation Commission meeting at 8:46 PM. The motion was seconded by Mr. LoTurco and unanimously voted 6-0-0. On a roll call vote: Mr. Boivin voted Yes, Ms. Lima voted Yes, Mr. LoTurco voted Yes, Mr. Bernstein voted Yes, Mr. Deb abstained from voting and Mr. Cohen voted Yes

*Respectfully Submitted by Dawn McDowell,  
Recording Clerk*

