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TOWN OF BURLINGTON

Conservation Commission Meeting Minutes

DEPT. /BOARD: Conservation Commission

DATE: 8/24/2023

TIME: 6:30 PM

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

Member(s) in attendance: Ed LoTurco, Kent Moffatt, Larry Cohen, Bill Boivin, Indra Deb, Rob Sheahan, Sarah Wolinski

Member(s) absent:

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

Prior to roll call, Mr. Cohen introduced Ms. Sarah Wolinski, who is a current member of Town Meeting and the newest member of the Conservation Commission.

THE MEETING WAS BROADCAST LIVE ON THE BCAT GOVERNMENT CHANNEL

Approved at the September 14, 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. All Commission members were present in person.

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 – 7/13/2023

MOTION- To approve the Minutes of the 7/13/2023 meeting of the Commission. The Motion was unanimously approved by a vote of 7-0-0.

4. Request for Certificate of Compliance/Completion/Surety release



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- a. 14 Spring Valley Road – Michael Casey – DEP #122-667

Ms. Coleman briefly summarized the project as a Notice of Intent for a garage to be built in a floodplain. The Commission conducted a site visit, and the applicant has satisfied all of the conditions put forth by the Commission. She suggested a full release of the \$3,500 surety.

MOTION- To issue a Certificate of Compliance for the project at 14 Spring Valley Road DEP #122-667. The Motion was unanimously approved by a vote of 7-0-0.

MOTION- To release the \$3,500 surety for the project under Burlington Bylaw Article XIV. The Motion was unanimously approved by a vote of 7-0-0.

5. Request for Extension to Burlington Wetland Bylaw Permit

- a. 127 Bedford Street – Vanden Lay & Kong Taing

Maureen Herald of Norse Environmental Services was present to speak to the Commission about the request for a six-month extension due to a few final plantings and land stabilization still needing to be completed. This work was required under an Enforcement Order.

MOTION- To issue a six-month extension for the project at 127 Bedford Street under Burlington Bylaw Article XIV. The Motion was unanimously approved by a vote of 7-0-0.

- b. General Walker Estates (Dartmouth Road/101 Francis Wyman Road) – Waypoint Companies

Ms. Afaf Georgis of Waypoint Companies was present at the meeting remotely and explained the request for an extension for the project.

There was no one present in person at the meeting for public comment.

Mr. David Miller, an abutter to the project, raised a concern about the amount of time it would take before the project was completed, citing conflicting reports of how long the project would take.

Mr. Cohen suggested that a three-year extension be issued. Mr. Boivin agreed.

MOTION- To issue a three-year extension for the project at 101 Francis Wyman Road under the Burlington Bylaw Article XIV. The Motion was unanimously approved by a vote of 7-0-0.

6. Request for Determination of Applicability



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a. 2 Great Meadow Road – Town of Burlington DPW – Demolish 900 ft² building.

Town of Burlington DPW Superintendent Brian White was present at the meeting.

Mr. White explained that while new DPW facilities were being built, an old building was deemed unsafe. Ms. Coleman showed a map of adjacent resource areas which include a nearby wetland, Vine Brook and a floodplain. The small building was already demolished and dumpsters were removed and replaced by a concrete slab. The foundation hole was infilled with pervious material, which she deemed an overall improvement to the site. She had allowed the work to be done provided an RDA was submitted and erosion controls installed.

Mr. Boivin raised concerns about animal waste runoff going into the adjacent wetland. Mr. Cohen asked about the wetland resource area as well and suggested a buffer zone be installed to curb runoff into the wetland.

The Commission voted to approve the Negative Conditional Determination by a vote of 6-1-0.

b. 116 Drake Road – Andrew C. Teebagy Jr. – Fill in & grade pool

Mr. Teebagy explained that he wants to fill in an underused pool to create more usable yard space.

Ms. Coleman briefly summarized the project and stated that replacing the pool with grass or other vegetation would be an overall improvement by increasing pervious surface on the property. She read the draft decision which stated that conditions have been imposed to protect adjacent properties and wetlands from increased flooding.

MOTION- To Issue a Negative Conditional Determination for the project at 116 Drake Road under Burlington Bylaw Article XIV and the state Wetlands Protection Act. The Motion was unanimously approved by a vote of 7-0-0.

c. Cambridge Street roadway – MASSDOT Highway Division – Pavement restoration, safety & complete streets improvements

Civil Designer Chris Lyman of Howard Stein Hudson working as a design representative for MASSDOT as well as MASSDOT wetlands coordinator Erica Larner were present at the meeting to speak about the project.



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Mr. Lyman briefly summarized the project as mill and overlay of the existing roadway along with sidewalk and curb ramp reconstruction to comply with Americans with Disabilities Act (ADA) guidelines as well as replacement of the aprons of driveways. Catch basins and drain structures are also going to be adjusted to the proposed level of the roadway which is the existing elevation of the roadway. The project passes three resource areas in Burlington and no work is set to be done within the resource area, only sidewalk reconstruction will be completed within the buffer zone and will add areas of 197, 349 and 907 ft², respectively in each of these 3 areas, due to the widening of the sidewalk from 4' wide to 5' wide.

Mr. Keeley asked if it would be possible to plant trees within the right-of-way between the sidewalk and the roadway but there is no space for vegetation with a substantial root system in the right-of-way.

There was a discussion about the feasibility of upgrading catch basins in the project area with hoods to prevent oil discharge into the neighboring wetlands. Mr. Joe Yoo a Project Manager with MASSDOT chimed in and stated that hoods can be provided for the catch basins within the jurisdiction of the Commission.

MOTION- To continue the discussion for improvements to route 3A (Cambridge Street) until the September 14, 2023 meeting of the Commission. The Motion was unanimously approved by a vote of 7-0-0.

d. 47 Cresthaven Drive – Raul Ortega – Install in-ground pool

Mr. John Luther of Bonanno Construction was present to speak about the project. He explained the backyard of the home is mostly within the 100' buffer zone to BVW but the project would be outside of the 50' buffer zone. A short retaining wall will be installed and an open space area will remain as well. The pool will be 18' x 36' and the paver perimeter will be 10' wide.

Ms. Coleman did not have any concerns about the project negatively affecting the resource area. She proceeded to read the Conditions for the project which included the implementation of sediment barriers around the site that shall remain in place until completion of the project.

MOTION- To issue a Negative Determination of Applicability for the project at 47 Cresthaven Drive under Burlington Bylaw Article XIV and the state Wetlands Protection Act. The Motion was unanimously approved by a vote of 7-0-0.

7. Public Hearing



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a. Burlington Stormwater Bylaw – 186 Middlesex Turnpike – Life Time Fitness – Expand parking area

Mr. Connor Nagel with VHB Engineering on behalf of Lifetime Fitness was present to speak about the project, which is the expansion of the parking lot. The proposed new spaces are not within any wetland resource area and the project will be an increase of 18 additional parking spaces and 9,000 ft² of impervious surface. Trees and vegetation will be planted to curb the urban heat island effect from the additional hard surface and to minimize stormwater runoff.

MOTION- To continue the public hearing for the project at 186 Middlesex Turnpike to the September 14, 2023 meeting of the Commission. The Motion was unanimously approved by a vote of 7-0-0.

8. Administration

a. Planning Board comments included questions about the Lifetime Fitness parking lot inspection and about the removal of waste at the dog pound.

b. Subcommittee & staff reports and updates. Ms. Coleman stated that she along with one of the Commissioners will attend the General Bylaw Committee Review meeting.

c. The only other business was from the project at 1 Burlington Mall Road. The developer requested a reissuance of the permit due to inability to locate the original Order of Conditions. The Commissioners needed to sign the Order.

d. Upcoming meetings: September 14, 2023 | September 28, 2023

9. Adjourn

MOTION- To adjourn the meeting. The Motion was unanimously approved by a vote of 7-0-0.

Respectfully submitted by Tom Prior, Recording Clerk