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By Town Clerk's Office at 9:33 am, Oct 27, 2023

# TOWN OF BURLINGTON

## *Conservation Commission Meeting Minutes*

DEPT. /BOARD: Conservation Commission

DATE: 9/28/2023

TIME: 6:30 PM

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

**Member(s) in attendance:** Larry Cohen, Ed LoTurco, Bill Boivin, Rob Sheahan, Sarah Wolinski

**Member(s) absent:** Kent Moffatt, Indra Deb

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 October 26, 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, Larry Cohen, Bill Boivin, Ed LoTurco, Rob Sheahan, and Sarah Wolinski indicated they were present.

### **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 September 14, 2023**

**MOTION-** To approve the Minutes of the 9/14/2023 meeting of the Commission. The Minutes were not yet available to be voted on.

### **4. Continued Public Hearing – Notice of Intent – 12 Grandview Avenue – Town of Burlington – Rehabilitation of sewer pump station & force main replacement – DEP #122-690**



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Meghan Cavalier and Gage Morin from the Town of Burlington (TOB) were present in person as well as Patrick Terrien and Ryan Angelico from Weston & Sampson were present remotely to discuss the project.

There were no additional comments from the Commission nor from the audience.

Ms. Coleman read the draft decision which described the project as updating the existing sewer pump station and lining the existing sewer force main under Grandview Ave. The proposed work would be within the 200 foot riverfront area of Maple Meadowbrook which is regulated under the Burlington wetland bylaw and within the 100 foot buffer zone to bordering vegetated wetland.

The Conditions were largely standard for pump station projects.

**MOTION-** To close the hearing for the project at 12 Grandview Avenue DEP #122-690. The Motion was passed unanimously with a vote of 5-0-0.

**MOTION-** To approve the findings under Burlington Bylaw Article XIV for DEP #122-690. The Motion was passed unanimously with a vote of 5-0-0.

**MOTION-** To Approve Order of Conditions for DEP #122-690. The Motion was passed unanimously with a vote of 5-0-0.

### **5. Discussion – 72 Wilmington Road – Potential residential addition**

Ms. Olivia Laureau Cherif of 72 Wilmington Road was present and summarized the project as a 20' x 60' wide four season sunroom on the backside of the home roughly 53' from the nearest stream.

Mr. Cohen stated that the Commission would likely require certain mitigation measures and the restoration of an unvegetated strip as a riverfront area in the backyard should the project be approved.

Due to the nature of the request, there was no need for a formal vote.

### **6. Request for Minor Engineering Change – 84 Wilmington Road – Revise driveway infiltration – DEP #122-683**



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There was no one in the audience on behalf of the project. Mr. Keeley summarized the project as a small replacement of the porous pavers on the right side of the dwelling that were previously approved, with an impervious surface that would pitch to a stone trench along the back of the property. Water will be infiltrated and not redirected to resource areas, the street nor the neighbors' property. He believed the change would be minor and recommended approval.

**MOTION-** To approve Minor Engineering change for the project at 84 Wilmington Road, DEP #122-683. The Motion was passed unanimously with a vote of 5-0-0.

### **7. Request for Determination of Applicability**

#### a. 225 Middlesex Turnpike – Ben Finnegan – Install monitoring wells

Ms. Meghan Emmert with SAK Environmental described the project as the installation of monitoring wells to see if the property is suitable for purchase.

Mr. Keeley described the property as being contaminated and that the monitoring wells will be within the buffer zone and riverfront to a regulatory stream.

Monitoring wells are considered an exempt activity under the Massachusetts Wetland Protection Act, but not under Burlington Bylaw Article XIV.

Ms. Coleman read the project findings and draft decision which found that the installation of monitoring wells would not be detrimental to the wetlands as long as standard conditions are adhered to.

**MOTION-** To Issue a Negative Conditional Determination under Burlington Bylaw Article XIV and the state Wetlands Protection Act for the project at 225 Middlesex Turnpike. The Motion was passed unanimously with a vote of 5-0-0.

#### b. 46 Sunset Drive – Ricardo Souza – Single-family dwelling demolition & rebuild

Mr. Andrew Tibeau with Goddard Consulting and Ricardo Souza were present to speak for the project. Mr. Tibeau explained the project as an existing single family home demolition and rebuild of a single family dwelling. The limit of lawn is about 60-70 feet from the wetland and that line is not proposed to be moved. The footprint for the new home is on existing lawn with no further encroachment of the lawn closer to the wetlands. The closest corner of the house would be around 95 feet from the wetlands. The project would include 2600 square feet of impervious



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surface over what is currently lawn. The project engineer conducted a study that showed that by discharging to 6 underground chambers, the stormwater runoff rates would not be affected by the project. The project calls for the removal of 2 trees, which shall be replaced with 4 native trees.

Commission Staff did not have any questions with the wetland flagging but did have questions about the stream flagging, specifically the flags on the north side of the project; the flags appeared to be in the center of the channel rather than along the edge. Commission staff recommended that the Commission not approve the riverfront area delineation, only the BVW delineation.

Ms. Coleman read the findings for the project. The work would take place approximately 92.8' from the BVW and 190' from the nearest stream. The western edge of the porch and some of the earth work was located within the buffer to BVW.

**MOTION-** To Issue a Negative Conditional Determination for the project at 46 Sunset Drive. Under Burlington Bylaw Article XIV and the state Wetlands Protection Act. The Motion was passed unanimously with a vote of 5-0-0.

### **8. Public Hearing – Burlington Stormwater Bylaw – 23 Fourth Avenue – Nordblom Company – Construct sport court**

Mr. Kris Dalen of Nordblom Management Company as well as Civil Engineers Drew Gallant, and Brian Timm of RJ O'Connell and Associates were present at the meeting on behalf of the project.

Mr. Gallant gave a brief overview of the project and explained it as the redevelopment of an overgrown area surrounded by a paved parking and roadways into two pickleball courts and a walking path. The courts will pitch stormwater towards the gravel drip edge containing a simple perforated pipe within the stone trench.

Ms. Coleman described the project as a stormwater permit only as there are no wetland resources involved in the project.

Mr. Boivin expressed his frustration with the applicant's removal of nearly 60 mature trees as the removal of a forested stand is a significant loss in ecological value which cannot be replaced by the proposed implementation of young street trees.



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Mr. Cohen expressed his agreement with Mr. Boivin's statements and reiterated that the Commission sent a letter to the management of the project expressing concern about the removal of trees and the desire to replace removed trees on a 1:1 basis.

He suggested that the applicants look into removing underutilized parking areas and converting them into forested stands which would likely be well received by the Commission.

There was no one online nor in the audience for public input.

Ms. Coleman read the draft decision which indicated that the construction of a pickleball court would result in a land disturbance of 9,750 sq. feet which would qualify the project for a standard Stormwater Permit as over 5,000 sq. feet will be disturbed.

Once the pickleball courts are installed, they will be open to the public for use during daylight hours.

**MOTION-** To close the hearing for the project at 23 Fourth Avenue. The Motion was passed unanimously with a vote of 5-0-0.

**MOTION-** To issue a Stormwater Permit under Burlington Bylaw Article XIV section VI. The Motion was passed unanimously with a vote of 5-0-0.

**MOTION-** To require the posting of a \$2,500 surety under Burlington Bylaw Article XIV. under Burlington Bylaw Article XIV. The Motion was passed unanimously with a vote of 5-0-0.

### **9. Public Hearing – Abbreviated Notice of Resource Area Delineation – 252 Fox Hill Road – Town of Burlington – Resource area boundary confirmation – DEP #122-pending**

Agenda Item #9 has been requested to continue at the October 12 meeting.

**MOTION-** To Continue the Public Hearing for the project at 252 Fox Hill Road until the October 12 meeting of the Commission. The Motion was passed unanimously with a vote of 5-0-0.

### **10. Ratify an Emergency Certification for beaver dam breaching at Rahanis Park**



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Mr. Keeley described the project as a beaver dam breaching by Eastern Middlesex Mosquito Control. There is significant flooding to neighboring properties in the area of Susan Avenue and the beavers have been removed and euthanized.

### **11. Administration**

- a. There were no Planning Board comments.
- b. The only Subcommittee & staff reports and updates came from Ms. Coleman. She mentioned a new webpage about sustainable landscaping for the town which can be found [here](#).
- c. Other business: Mr. Boivin updated the Commission on his presentation to the Town Meeting on proposed bylaw changes to include climate resiliency into the bylaw. The vote passed by a 60-40 margin and the bylaw will be updated.
- d. Upcoming meetings: October 12, 2023 | October 26, 2023

### **12. Adjourn**

**MOTION-** To adjourn the meeting. The Motion was passed unanimously with a vote of 5-0-0.

*Respectfully submitted by Tom Prior Recording Clerk.*