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**TOWN OF BURLINGTON**  
*Conservation Commission*

**MINUTES OF July 12, 2018**

*Approved August 9, 2018*

**Members Present:** Chair L. Cohen, Vice-Chair W. Boivin, J. O’Riorden, E. LoTurco, K. Melanson, I. Deb, G. Lima

**Also Present:** Conservation Administrator J. Keeley, Assistant Conservation Administrator E. Coleman

**1. Call to Order**

L. Cohen called the meeting to order at 7:00 pm.

**2. Citizens’ Time**

No one spoke.

**3. Approval of Minutes – June 28, 2018**

A MOTION TO APPROVE THE MINUTES FROM THE JUNE 28, 2018 CONSERVATION COMMISSION MEETING WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY J. O’RIORDEN AND APPROVED (6-0-1; L. COHEN ABSTAINED).

**4a. Request for Certificate of Compliance/Certificate of Completion/Release of Surety – 186 Middlesex Turnpike – LTF Real Estate Company – DEP #122-574**

Engineer Conor Nagle of Vanasse Hangen Brustlin, Inc. represented this application.

Mr. Nagle noted that at the Conservation Commission meeting of April 26, 2018, staff approved a temporary Certificate of Compliance because the landscaping and as-built plans were not completed. Currently, the landscaping is installed, drainage areas are stabilized, and an as-built plan was submitted.

Conservation Commission staff recommended full release.

No one in the audience spoke on this matter.

A MOTION TO ISSUE THE CERTIFICATE OF COMPLIANCE FOR PROJECT AT 186 MIDDLESEX TURNPIKE, DEP #122-574, WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY J. O'RIORDEN AND APPROVED (6-0-1; I. DEB ABSTAINED).

A MOTION TO RELEASE, \$15,000, THE FULL AMOUNT OF THE PERFORMANCE BOND FOR THE PROJECT AT 186 MIDDLESEX TURNPIKE, DEP #122-574, WAS MADE BY G. LIMA. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (6-0-1; I. DEB ABSTAINED).

**5. Request for Determination of Applicability – 31 County Road – Wendi Riddle – Remove bulkhead & construct new stairwell & enclosure**

Homeowner Wendi Riddle of 31 County Road and her father Tom Defilippo represented the application.

Ms. Riddle explained the request to remove the bulkhead to the basement and build a walkout.

E. Coleman commented the fence required at a previous hearing was installed, and the wetlands are protected. The work is within the 100-foot buffer to wetlands, and has begun, because the applicant thought it was part of their previous approval. Staff has no issues with the project.

Conservation Commission suggested crushed stone along the fence.

No one in the audience spoke on this matter.

E. Coleman reviewed the findings and conditions.

A MOTION TO ISSUES A CONDITIONAL NEGATIVE DETERMINATION OF APPLICABILITY FOR THE PROPOSED WORK AT 31 COUNTY ROAD WAS MADE BY G. LIMA. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (6-0-1; I. DEB ABSTAINED).

**6. Public Hearing – Notice of Intent – 7 Eastern Avenue – Mohammad Hossain – Construct residential addition – DEP #122-610**

Homeowner Mohammad Hossain and his engineer with Raouf Mankaryous of Alpha Omega Engineering, Inc., represented the application.

J. Keeley explained the Conservation Commission did a site walk, and the alternatives analysis was reviewed. This site is within the inner riparian.

Conservation Commission commented:

- Current condition of the lot includes trash and an abandoned car
- Building this garage would be detrimental to the environment
- Could set a bad precedent by allowing all the requested waivers
- L. Cohen reviewed the bylaw
- The Commission found the alternatives analysis to be inadequate. It did not fully explore feasible alternatives such as a smaller garage or relocating the garage on the site.

No one in the audience spoke on this matter.

J. Keeley reviewed the proposed denial findings.

A MOTION TO CLOSE THE HEARING FOR THE PROJECT AT 7 EASTERN AVENUE, DEP #122-610, WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (6-0-1; I. DEB ABSTAINED).

A MOTION TO DENY THE NOTICE OF INTENT FOR THE PROPOSED WORK AT 7 EASTERN AVENUE, DEP #122-610 WAS MADE BY K. MELANSON. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (6-0-1; I. DEB ABSTAINED).

**7. Continued Public Hearing – Notice of Intent – 5 Burlington Mall Road – Burlington S&S, LLC – Demolish Sears Auto Center & construct multitenant retail/restaurant building – DEP# 122-607**

Attorney Mark Vaughan of Riemer & Braunstein, and engineer Conor Nagle of Vanasse Hangen Brustlin, Inc. represented the application.

Mr. Nagle noted no changes were made to the plan since the last meeting.

J. Keeley noted the test pit results were submitted yesterday, and the results concluded that the infiltration system would work.

Conservation Commission requested a condition be added that the applicant will pick up the trash regularly and leave behind the dead trees in the resource areas.

No one in the audience spoke on this matter.

J. Keeley reviewed the findings and conditions.

A MOTION TO CLOSE THE HEARING FOR THE PROJECT AT 5 BURLINGTON MALL ROAD, DEP #122-607, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (6-0-1; I. DEB ABSTAINED).

A MOTION TO APPROVE THE FINDINGS FOR THE PROJECT AT 5 BURLINGTON MALL ROAD, DEP #122-607, WAS MADE BY G. LIMA. THE MOTION WAS SECONDED BY K. MELANSON AND APPROVED (6-0-1; I. DEB ABSTAINED).

A MOTION TO ISSUE THE ORDER OF CONDITIONS FOR THE PROJECT AT 5 BURLINGTON MALL ROAD, DEP #122-607, WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY J. O'RIORDEN AND APPROVED (6-0-1; I. DEB ABSTAINED).

A MOTION TO REQUIRE A \$10,000 PERFORMANCE BOND FOR THE PROJECT AT 5 BURLINGTON MALL ROAD, DEP #122-607, WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (6-0-1; I. DEB ABSTAINED).

**8. Continued Public Hearing – Erosion & Sedimentation Control Permit – 5 Burlington Mall Road – Burlington S&S, LLC – Demolish Sears Garden Center, construct pocket park & make parking lot & sidewalk improvements**

Attorney Mark Vaughan of Riemer & Braunstein, and engineer Conor Nagle of Vanasse Hangen Brustlin, Inc. represented the application.

Mr. Nagle noted three catch basins in the parking lot. They would be taken off the main line; new catch basins will be installed, connected to an infiltration system, to a storm tech system with an isolator row, and then reconnected to the main line. The pocket park is not yet designed.

J. Keeley noted the test pit results were submitted yesterday, and the results concluded that the infiltration system would work. This is in a critical area (LUHPPL), and TSS removal is 80%.

Conservation Commission requested scheduled cleaning of the isolator rows.

Mr. Vaughan requested sending a note to the Planning Board regarding this project. Staff agreed.

*This matter was continued to the July 12, 2018 Conservation Commission meeting.*

## **9. Administration**

**a. Planning Board comments:** 5 Burlington Mall Road

**b. Subcommittee & Staff Reports:**

Master Plan

Last meeting was Tuesday, July 10. Comments and recommendations were submitted on behalf of the Conservation Commission for the Master Plan. L. Cohen reviewed four areas of interest that were suggested: 1.) Climate Change is an issue – there is chronic flooding in Sandy Brook, Long Meadow, and Vine Brook areas – a study should be done; pursue the acquisition of environmentally sensitive lands for flood mitigation; 2.) Tree Bylaw adoption – trees must be preserved 6 inches in diameter or greater, if they can't be saved then they should be replaced or money should be contributed to fund trees elsewhere; 3.) Open Space – improve the open space around Vine Brook for recreation that is compatible with preservation as Burlington moves to the MWRA 4.) Landlocked Forest – study the flood storage; pursue permanent protection status; create pedestrian bridge from Burlington to Land Locked Forest.

J. Keeley suggested approaching Lexington and Bedford about purchasing a Conservation Restriction on the Landlocked Forest. L. Cohen requested exploring this subject further with staff.

Open Space and Recreation Plan

Next meeting is in two weeks.

**c. Upcoming meetings:** August 9, 2018 & September 13, 2018

**e. Other Business:** None

A MOTION TO ADJOURN THE JUNE 28, 2018 CONSERVATION COMMISSION MEETING WAS MADE BY G. LIMA AT 8:27 PM. THE MOTION WAS SECONDED BY J. O'RIORDEN AND APPROVED (7-0-0).

*Minutes respectfully submitted by:  
Noelle Judd, Recording Clerk*