



TOWN OF BURLINGTON

Conservation Commission

MINUTES OF January 10, 2019

Approved January 24, 2018

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

Member Absent: 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

Stavan Shah and Rick Vittum, Burlington High School Juniors, want to ban single-use plastic bags in Burlington and promote the use of re-usable bags to better the environment. The proposed bylaw will go before Town Meeting on January 28. The Conservation Commission staff and members are in favor of this article and requested a copy of the revision.

3. Approval of Minutes – December 13, 2018

A MOTION TO APPROVE THE MINUTES FROM THE DECEMBER 13, 2018 CONSERVATION COMMISSION MEETING WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (3-0-2; J. O’RIORDEN AND I. DEB ABSTAINED).

I. Deb and J. O’Riorden stated for the record that they watched the Conservation Commission meeting of December 13, 2018, and are eligible to vote on all items.

4a. Request for Determination of Applicability – Utility ROW off Winn Street – NSTAR Electric d/b/a Eversource Energy – Install two steel structures

Chris Fox of Eversource represented this application.

Mr. Fox explained this is mostly maintenance work, such as changing the static wire to OPGW (Optic Grounding Wire). The installation of two poles within the buffer zone and local river front area is not a maintenance item. The poles are 35 to 40 feet from the wetlands. There are

other structures being worked on at the site but they are outside the regulated areas. Also, there is an endangered plant species in the area and the applicant is working with MassWildlife's Natural Heritage and Endangered Species program (NHESP). Mr. Fox discussed the alternatives.

J. Keeley commented the work is mostly within the right of way, and the poles are being installed in a fairly disturbed area. It will not require much vegetation removal, only some shrubs, and tree trimming to run the wires. The poles are considered new structures and not a maintenance activity; hence it is not exempt from the wetlands protection act. The polygon on the NHESP map represents priority habitat and would not fall under the Conservation Commission purview.

Conservation Commission commented:

- The project should take about a week and is scheduled for April
- Poles are shorter than the surrounding structures
- Poles are 2 feet in diameter, and the impact is 3 feet in diameter
- Project is not expected to disturb the neighbors
- Wetlands impact is minimal, and anything disturbed would be restored

J. Keeley reviewed the findings and conditions

A MOTION TO ISSUE A CONDITIONAL NEGATIVE DETERMINATION OF APPLICABILITY FOR THE PROPOSED WORK AT UTILITY ROW OFF WINN STREET WAS MADE BY I. DEB. THE MOTION WAS SECONDED BY J. O'RIORDEN AND APPROVED (5-0-0).

4b. Continued Request for Determination of Applicability – 5 Corbett Drive – Silvia Chirtic – Cut trees

No testimony was taken on this matter.

This matter was continued to the January 24, 2019 Conservation Commission meeting.

4c. Request for Determination of Applicability – 12 Terrace Hall Avenue – Joel Luis – Construct residential addition

The contractor Joel Luis was absent and the homeowner Vanessa Caira represented this application.

Ms. Caira explained the request to build a single level addition with a foundation. It is within 100 feet of wetlands, and the silt fence is installed.

E. Coleman commented that the contractor came into the office because there are wetlands in the back corner of the property. It is approximately 70 feet from the proposed addition. The application was not submitted on time for the December Conservation Commission meeting, so staff granted them permission to start the work after the erosion controls were inspected. There is a bit of dewatering occurring on site. Staff has no concerns.

Conservation Commission requested:

- Remove the dumping of weeds behind the chain linked fence

E. Coleman reviewed the findings and conditions

A MOTION TO ISSUE A CONDITIONAL NEGATIVE DETERMINATION OF APPLICABILITY FOR THE PROPOSED WORK AT 12 TERRACE HALL AVENUE WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY I. DEB AND APPROVED (5-0-0).

5. Request for Minor Engineering Change – 6 Sunnyside Avenue (lot 2) – Maimoona Shah – Increase house size – DEP #122-579

Homeowners Maimoona and Rahil Shaikh represented this application.

Ms. Shaikh explained the request for an addition. The addition would be approximately 4 feet within the buffer but on the far side of the house from the wetlands.

J. Keeley commented the applicant does not have an order of conditions, but the original owner Regina Skinner of 6 Sunnyside Avenue does. Lot 2 is a result of a lot split and will become 4 Sunnyside Avenue soon. Staff has no concern.

Conservation Commission had no comment.

No one spoke from the audience.

A MOTION TO APPROVE THE MINOR ENGINEERING CHANGE FOR 6 SUNNYSIDE AVENUE (LOT 2), DEP #122-579, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY J. O'RIORDEN AND APPROVED (5-0-0).

6a. Request for Certificate of Compliance/Release of Surety – 4 Burlington Woods Drive – Gutierrez Company – DEP #122-526 (release of surety only)

No one represented this application.

J. Keeley noted the Certificate of Compliance was issued at the Conservation Commission meeting of March 9, 2017, and the surety was held because the landscaping was not established on site and some trees/shrubs needed to be replaced in the spring. Staff did a site visit, and the site was mostly stabilized.

Conservation Commission requested:

- Clean up the trash on site

No one spoke from the audience.

A MOTION TO RELEASE THE FULL AMOUNT OF THE PERFORMANCE BOND, \$15,000, FOR THE PROJECT AT 4 BURLINGTON WOODS DRIVE, DEP #122-526, WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY I. DEB AND APPROVED (5-0-0).

6b. Request for Certificate of Compliance/Release of Surety – 64 Cambridge Street – Herb Chambers Cambridge Street LLC – DEP #122-544

Engineer Thorsen Akerley of Williams & Sparages represented this application.

Mr. Akerley explained the Conservation Commission staff found the inspection reports.

J. Keeley noted this project has no bond to release because it expired. The abutting property, 62 Cambridge Street (Audi Burlington), has an outstanding Order of Conditions that does not have a Certificate of Compliance. The maintenance of the storm water system on the abutting site should be addressed when the applicant applies for the Certificate of Compliance.

Conservation Commission had no comment.

No one spoke from the audience.

A MOTION TO ISSUE THE CERTIFICATE OF COMPLIANCE FOR PROJECT AT 64 CAMBRIDGE STREET, DEP #122-544, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY J. O'RIORDEN AND APPROVED (5-0-0)

6c. Request for Certificate of Compliance/Release of Surety – 69 Middlesex Turnpike – Cafua Management, LLC – DEP #122-428

Greg Noland of Cafua Management/Dunkin Donuts Franchisee owner represented this application.

Mr. Noland explained Commonwealth Engineering informed him that this needed to be closed out. The outstanding items of signage, and submitting maintenance reports were resolved.

J. Keeley commented there is a lot of trash in the bank. The records indicated that the catch basins were cleaned but not the stormceptor. Engineer David Romero of Commonwealth Engineering stated the cleaning was for all the stormwater structures on site. Staff also has a copy of the maintenance contract. He suggested issuing the certificate and releasing the full amount of the bond subject to the clean up of the bank.

Conservation Commission had no comment.

No one spoke from the audience.

A MOTION TO ISSUE THE CERTIFICATE OF COMPLIANCE FOR PROJECT AT 69 MIDDLESEX TURNPIKE, DEP #122-428, WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY J. O'RIORDEN AND APPROVED (5-0-0)

A MOTION TO RELEASE THE FULL AMOUNT OF THE PERFORMANCE BOND, SUBJECT TO THE TRASH CLEAN UP OF THE BANK, FOR THE PROJECT AT 69 MIDDLESEX TURNPIKE, DEP #122-428, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (5-0-0).

6d. Request for Certificate of Compliance/Release of Surety – 2 & 10 Wall Street – Rebel Restaurants, Inc. – DEP #122-592

Engineers Frank DiPietro and Emily Derrig of the BSC Group represented this application.

Mr. DiPietro explained the work performed on the site: a portion of the deck over Littles Brook was enclosed for the bathroom, installed a recharge leaching basin for the additional roof run off, constructed sidewalk with permeable pavers, and put in the landscaping.

E. Coleman commented that the applicant submitted inspection reports during construction and an O&M plan. Littles Brook was protected during construction. She had no concerns.

Conservation Commission had no comment.

No one spoke from the audience.

A MOTION TO ISSUE THE CERTIFICATE OF COMPLIANCE FOR PROJECT AT 2 & 10 WALL STREET, DEP #122-592, WAS MADE BY I. DEB. THE MOTION WAS SECONDED BY J. O'RIORDEN AND APPROVED (5-0-0)

A MOTION TO RELEASE THE FULL AMOUNT OF THE PERFORMANCE BOND, \$10,000, FOR THE PROJECT AT 2 & 10 WALL STREET, DEP #122-592, WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY I. DEB AND APPROVED (5-0-0).

7. Public Hearing – Notice of Intent – 24 Terry Avenue – BAPA Corporation – Construct addition to commercial building – DEP #pending

Wetlands scientist Mary Trudeau and engineer David Romero of Commonwealth Engineering represented this application.

Ms. Trudeau explained the request for expanding an existing industrial building. The site is surrounded by BVW on three of the four sides, has two streams to the north and south of the site that are regulated under the local bylaw, and there is flood plain. The proposed 100-square-foot expansion would be on currently paved area, and the impervious area layout would not be changed from existing. The parking in reserve will remain in reserve.

Mr. Romero spoke about the stormwater mitigation. Currently, the entire parking lot and rooftop run off goes to a catch basin in the corner of the site and discharges to the wetlands. The proposal is to infiltrate the entire rooftop, and replace the catch basin in the parking lot and add a water quality unit.

J. Keeley commented that the area subject to flooding was topographically surveyed and found to have an elevation above the floodplain. He suggested the applicant submit a letter of map amendment with FEMA. Staff has not reviewed the BVW flags. Also, the locally regulated river front area requires an alternatives analysis, which was submitted, and river front improvements. The stormwater improvements are significant, and there will be a reduction in rates and volumes. He suggested replacing the asphalt curbing with something more durable to prevent plows from pushing the asphalt into the wetlands.

Conservation Commission commented:

- A river front improvement could be removing the bituminous debris from the bank
- Test pits were done, and ground water is 5 feet down, so the infiltration units will work
- No waiver is being requested because the addition is no closer to the BVW than existing

Conservation Commission requested:

- ‘No snow storage’ sign where the catch basin is in the parking lot
- Add to the conditions to include a copy of the maintenance contract
- Improvements to the wetlands

No one in the audience spoke on this matter.

This matter was continued to the January 24, 2019 Conservation Commission meeting.

8. Public Hearing – Notice of Intent – 34 Sunset Drive – Hiren Patel – Demolish single-family dwelling & construct new single-family dwelling – DEP #122-620

Owner Hiren Patel of 34 Sunset Drive and wetlands scientist Mary Trudeau represented this application.

Ms. Trudeau explained that since the last meeting: filing fee issue was resolved, DEP file number was issued, impervious/pervious numbers in the table were revised, and fence location/driveway slope were added to the plans.

E. Coleman commented the alternative analysis was submitted and she was satisfied with that. She requested clarification on the river front improvements. Ms. Trudeau responded cleaning up the debris, installing the fence, and planting a native tree to replace the tree being removed.

Conservation Commission had no comment.

No one in the audience spoke on this matter.

E. Coleman reviewed the findings and conditions.

A MOTION TO CLOSE THE HEARING FOR THE PROJECT AT 34 SUNSET DRIVE, DEP #122-620, WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (5-0-0)

A MOTION TO APPROVE THE FINDINGS FOR THE PROJECT AT 34 SUNSET DRIVE, DEP #122-620, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY I. DEB AND APPROVED (5-0-0)

A MOTION TO ISSUE THE ORDER OF CONDITIONS FOR THE PROJECT AT 34 SUNSET DRIVE, DEP #122-620, WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY J. O’RIORDEN AND APPROVED (5-0-0)

A MOTION TO REQUIRE A \$2,500 PERFORMANCE BOND FOR THE PROJECT AT 34 SUNSET DRIVE, DEP #122-620, WAS MADE BY I. DEB. THE MOTION WAS SECONDED BY J. O’RIORDEN AND APPROVED (5-0-0)

9. Public Hearing – Notice of Intent – 64 Cambridge Street – Herb Chambers Cambridge Street LLC – Grading, parking lot construction & other site improvements associated with the construction of a new automobile dealership building – DEP #122-619

Engineer Thorsen Akerley of Williams & Sparages represented this application.

Mr. Thorsen explained since the last meeting:

- The DEP file number was issued
- The fence along the off ramp is on MassDOT land, and the applicant has reached out to them about repairing it
- Added silt sock details to the plans

E. Coleman noted only a small portion of the site is within the buffer. And the applicant plans to re-use the stormwater system on site. Staff has no concerns. J. Keeley requested the applicant submit a maintenance contract and emphasized the importance of closing out the order of conditions for the abutting site, 62 Cambridge Street.

Conservation Commission requested:

- Clean up the trash along the fence
- Follow the stormwater maintenance plan and submit reports (possibly fining the applicant if it is not done)
- Add to the conditions this property is a gateway to the town, and should be maintained

No one in the audience spoke on this matter.

E. Coleman reviewed the findings and conditions.

A MOTION TO CLOSE THE HEARING FOR THE PROJECT AT 64 CAMBRIDGE STREET, DEP #122-619, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (5-0-0).

A MOTION TO APPROVE THE FINDINGS FOR THE PROJECT AT 64 CAMBRIDGE STREET, DEP #122-619, WAS MADE BY I. DEB. THE MOTION WAS SECONDED BY J. O'RIORDEN AND APPROVED (5-0-0).

A MOTION TO ISSUE THE ORDER OF CONDITIONS FOR THE PROJECT AT 64 CAMBRIDGE STREET, DEP #122-619, WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (5-0-0).

A MOTION TO REQUIRE A \$20,000 PERFORMANCE BOND FOR THE PROJECT AT 64 CAMBRIDGE STREET, DEP #122-619, WAS MADE BY I. DEB. THE MOTION WAS SECONDED BY J. O'RIORDEN AND APPROVED (5-0-0).

10. Administration

a. Planning Board comments: 24 Terry Avenue, 64 Cambridge Street

b. Subcommittee & Staff Reports:

Open Space and Recreation Plan

L. Cohen noted there is only one day left to submit comments. The next subcommittee meeting is Wednesday, January 16.

c. Upcoming meetings: January 24, 2019 & February 14, 2019

d. Other Business:

Conservation Commission member

J. Keeley noted they are still working on recruiting a new member.

H Mart

J. Keeley did not see trash, but did find the abandoned truck. He took a picture, and plans to show the Building Inspector.

A MOTION TO ADJOURN THE JANUARY 10, 2019 CONSERVATION COMMISSION MEETING WAS MADE BY I. DEB AT 8:50 PM. THE MOTION WAS SECONDED BY J. O'RIORDEN AND APPROVED (5-0-0).

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