



TOWN OF BURLINGTON

Conservation Commission

MINUTES OF April 26, 2018

Approved May 10, 2018

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

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

The Selectmen appointed Jennifer O’Riorden as a member of the Conservation Commission at the Board of Selectmen meeting of April 23, 2018.

1. Call to Order

L. Cohen called the meeting to order at 7:02 pm.

2. Citizens’ Time

No one spoke.

3. Approval of Minutes – March 22, 2018

A MOTION TO APPROVE THE MINUTES FROM THE MARCH 22, 2018 CONSERVATION COMMISSION MEETING AS AMENDED WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (7-0-0).

4a. Request for Determination of Applicability – 1 & 3 Burlington Woods Drive (continued) – The Gutierrez Company – Cut Trees

Developer Scott Weiss of The Gutierrez Company represented this application.

Mr. Weiss explained that the three trees identified at the site visit that are either dead, dying or otherwise impaired will be removed, and the other trees will be pruned under the supervision of an arborist.

J. Keeley and the Conservation Commission had no issues.

There was no one in the audience for this matter.

J. Keeley reviewed the findings and conditions

A MOTION TO ISSUE A CONDITIONAL NEGATIVE DETERMINATION OF APPLICABILITY FOR THE PROPOSED WORK AT 1 & 3 BURLINGTON WOODS DRIVE WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (7-0-0).

4b. Request for Determination of Applicability – 16 Ivy Lane – Matthew P. & Jie W. Gulino – Replace deck & build sunroom

Homeowners Matthew P. & Jie W. Gulino represented this application.

Mr. Gulino explained the request to replace the unsafe deck. The new deck will have sunroom underneath in the same footprint.

J. Keeley noted it is not clear if the wetlands in the back are jurisdictional. It is clearly man made. The project will be on sonotubes.

There was no one in the audience for this matter.

J. Keeley reviewed the findings and conditions.

A MOTION TO ISSUE A CONDITIONAL NEGATIVE DETERMINATION OF APPLICABILITY FOR THE PROPOSED WORK AT 16 IVY LANE WAS MADE BY G. LIMA. THE MOTION WAS SECONDED BY I. DEB AND APPROVED (7-0-0).

5a. Request for Certification of Compliance/Completion & Release of Surety – 51 South Bedford Street – Scofield Brothers – Erosion & Sedimentation Control Permit

Engineer Bert Corey of Schofield Brothers represented this application.

Mr. Corey requested a continuance, because work still needs to be done.

Commissioner Melanson requested pulling the dirt away from the trees to give them the best chance for survival.

There was no one in the audience for this matter.

This matter was continued to the May 10, 2018 Conservation Commission meeting.

5b. Request for Certification of Compliance/Completion & Release of Surety – 3 Sycamore Street – Joseph Kranz – DEP #122-571

Homeowner Joseph Kranz represented this application.

Commission Cohen explained this is being closed out because the project has significantly changed.

There was no one in the audience for this matter.

MOTION TO ISSUE THE CERTIFICATE OF COMPLIANCE FOR PROJECT AT 3 SYCAMORE, DEP #122-571, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (7-0-0).

5c. Request for Certification of Compliance/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 explained the applicant submitted the certificate of compliance request, but some landscape and other work still needs to be finished. The as-built site plan has not been completed. Contractor is going to request a temporary certificate of occupancy and he is requesting the support of the Conservation Commission.

J. Keeley approves of the temporary certificate of occupancy.

No one in the audience spoke on this matter.

This matter was continued to the May 10, 2018 Conservation Commission meeting.

6. *Continued Public Hearing – Notice of Intent – 28 Alma Road – John Mackinnon – Construct Residential Addition, install in-ground pool & landscape – DEP #122-606

Landscape Architect Rebecca Bachand of RBLA Design LLC represented this application.

E. Coleman explained that the department has no issue with the project as proposed.

Conservation Commission had no comment.

No one in the audience spoke on this matter.

E. Coleman reviewed the findings and conditions.

A MOTION TO APPROVE THE FINDINGS FOR THE PROJECT AT 28 ALMA ROAD, DEP #122-606, WAS MADE BY G. LIMA. THE MOTION WAS SECONDED BY I. DEB AND APPROVED (7-0-0).

A MOTION TO CLOSE THE HEARING FOR THE PROJECT AT 28 ALMA ROAD, DEP #122-606, WAS MADE BY G. LIMA. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (7-0-0).

A MOTION TO ISSUE THE ORDER OF CONDITIONS FOR THE PROJECT AT 28 ALMA ROAD, DEP #122-606, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY I. DEB AND APPROVED (7-0-0).

A MOTION TO REQUIRE A \$5,000 PERFORMANCE BOND FOR THE PROJECT AT 28 ALMA ROAD, DEP #606-517, WAS MADE BY I. DEB. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (7-0-0).

7. Public Hearing – Notice of Intent – 3 Sycamore Street – Joseph Kranz – Demolish single-family dwelling & construct new single-family dwelling – DEP #pending

Homeowner Joseph Kranz represented the application.

Mr. Kranz explained his original request was to build an addition on the home but after reviewing the numbers decided it would be better to start from scratch. The current request is to demolish the existing home and build a modular home.

J. Keeley noted item '5.a' was closed to allow for this request to building a new house in the same location. This is within the 200-foot river front area. The work is within the outer riparian, and in either currently lawn or house area.

Conservation Commission confirmed there would be no filling of the yard, and the excavation contractor would put the demolished home into dumpsters.

No one in the audience spoke on this matter.

This matter was continued to the May 10, 2018 Conservation Commission meeting.

8. *Continued Public Hearing – Notice of Intent – Wheeler Road – Jumbo Self Storage LLC/Jumbo Capital Management – Construct commercial self-storage building – DEP #122-604

Engineer Bill Prize of BL Companies; and attorney Robert Buckley of Riemer & Braunstein, LLP represented this application

Mr. Buckley noted the Planning Board approved the plans.

Conservation Commission requested Mass Professional Engineer-certified plans.

Robert Duffy, 76/80 Blanchard Road, represented the Sherin and Lodgen letter. The Conservation Commission reviewed the Ecotech Environmental Services letter, and requested the applicant submit documentation/response for items 4, 5, and 11 of that letter.

No one else in the audience spoke on this matter.

J. Keeley reviewed the findings and conditions.

A MOTION TO CLOSE THE HEARING FOR THE PROJECT AT WHEELER ROAD, DEP #122-604, WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (5-0-2; J. O'RIORDEN AND K. MELANSON ABSTAINED).

A MOTION TO APPROVE THE FINDINGS FOR THE PROJECT AT WHEELER ROAD, DEP #122-604, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (5-0-2; J. O'RIORDEN AND K. MELANSON ABSTAINED).

A MOTION TO ISSUE THE ORDER OF CONDITIONS FOR THE PROJECT AT WHEELER ROAD, DEP #122-604, WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (5-0-2; J. O'RIORDEN AND K. MELANSON ABSTAINED).

A MOTION TO REQUIRE A \$20,000 PERFORMANCE BOND FOR THE PROJECT AT WHEELER ROAD, DEP #122-604, WAS MADE BY I. DEB. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (5-0-2; J. O'RIORDEN AND K. MELANSON ABSTAINED).

Items 9 and 10 were taken together for discussion purposes.

9. Public Hearing – Notice of Intent – 5 Burlington Mall Road – Burlington S&S, LLC – Demolish Sears Auto Center – construct multitenant retail/restaurant building – DEP#pending

10. 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 Robert Buckley of Riemer & Braunstein, LLP (filling in for attorney Mark Vaughan of Riemer & Braunstein); engineer Conor Nagle of Vanasse Hangen Brustlin, Inc.; and civil engineer Chuck Schneider, and environmental manager Andrew Sargent of Simon.

Mr. Nagle explained the request to demolish the existing Sears garden area and merchandise pick up and build a pocket park and shuttle bus drop off/pick up area. The Sears auto center will be demolished and replaced with a multi-use building.

J. Keeley noted that the wetlands have not been checked. There is a lot of trash that needs to be picked up on site. Catch basins are being replaced, drainage will be new, and there will need to be improvements to the river front area for the Sears auto center site. The catch basins for the Sears pocket park site will not all be replaced. This site is in a zone 2, and typically the Conservation Commission requires all the catch basins be replaced.

Conservation Commission discussed:

- Stormwater routing details
- Curb lines and grading are remaining the same
- Possible oil contamination in the soil under the building
- Impervious area is being decreased
- Catch basins do not meet standard, but it was evaluated and they do hold water
- Landscape areas will be mowed, and have irrigation
- Dark Sky compliance
- Snow storage area location

Conservation Commission requested:

- Plant list, and using drought resistant plants
- Replace all catch basins to meet standards
- Green roof
- Determine if the lift hydraulics bursting event negatively impacted the soils under the Sears auto center
- Restore river front area
- Higher solids removal in the isolator rows
- Move the dumpster further away from the resource areas, and add the frequency of trash pick up to the O and M plan

No one in the audience spoke on this matter.

This matter was continued to the May 10, 2018 Conservation Commission meeting.

G. Lima left the meeting at 9:33pm.

11. *Continued Public Hearing – Notion of Intent – 141-151 South Bedford Street – Northeastern University – Construct new drainage system, utilities, parking, landscaping & driveway associated with new 35,000 sq. ft. (footprint) building – DEP #122-605

Attorney Robert Buckley of Riemer & Braunstein, LLP, Director of Administration at the Innovation Campus in Burlington Rachel Spiller of Northeastern University, and engineer William Maher of Nitsch Engineering represented this application.

Mr. Buckley summarized the improvements to the site.

Catherine Moore, Stoneham, Friends of Mary Cummings Park member, noted her concerns about the new access trail from this site to Mary Cummings Park through Whispering Hills being detrimental to the environmentally sensitive area. J. Keeley agreed to relay these concerns to Theresa Murphy, the Conservation Administrator for the City of Woburn.

A MOTION TO CLOSE THE HEARING FOR THE PROJECT AT 141-151 SOUTH BEDFORD STREET, DEP #122-605, WAS MADE BY E. LOTURCO. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (4-0-2; J. O'RIORDEN AND K. MELANSON ABSTAINED).

A MOTION TO APPROVE THE FINDINGS FOR THE PROJECT AT 141-151 SOUTH BEDFORD STREET, DEP #122-605, WAS MADE BY I. DEB. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (4-0-2; J. O'RIORDEN AND K. MELANSON ABSTAINED).

A MOTION TO ISSUE THE ORDER OF CONDITIONS FOR THE PROJECT AT 141-151 SOUTH BEDFORD STREET, DEP #122-605, WAS MADE BY W. BOIVIN. THE MOTION WAS SECONDED BY E. LOTURCO AND APPROVED (4-0-2; J. O'RIORDEN AND K. MELANSON ABSTAINED).

A MOTION TO REQUIRE A \$15,000 PERFORMANCE BOND FOR THE PROJECT AT 141-151 SOUTH BEDFORD STREET, DEP #122-605, WAS MADE BY I. DEB. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (4-0-2; J. O'RIORDEN AND K. MELANSON ABSTAINED).

12. Administration

a. Planning Board comments: None

b. Subcommittee & Staff Reports:

Community Preservation Act

L. Cohen presented this to the Board of Selectmen.

c. Upcoming meetings: May 10, 2018 & May 24, 2018

e. Other Business:

Upcoming presentation: MA Fertilizer Regulations

Burlington Garden Club and Conservation Commission will pay for a speaker to explain these

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regulations.

A MOTION TO ADJOURN THE APRIL 26, 2018 CONSERVATION COMMISSION MEETING WAS MADE BY I. DEB AT 10:21 PM. THE MOTION WAS SECONDED BY W. BOIVIN AND APPROVED (6-0-0).

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