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Burlington Conservation Commission

BURLINGTON CONSERVATION COMMISSION
MINUTES OF MAY 27, 2010
BURLINGTON TOWN HALL, MAIN HEARING ROOM
29 CENTER STREET, BURLINGTON, MASSACHUSETTS

APPROVED JUNE 10, 2010

Members Present: Gretchen Carey, Larry Cohen, Ann McNamara, and Kerry Melanson

Members Absent: G. Lima, Nedim Celik, Indra Deb

Also Present: John Keeley, Conservation Administrator
Jodie Wennemer, Conservation Assistant

The meeting was called to order at 7:00pm by Larry Cohen.

1. Citizens' Time

No one was present for Citizens' Time.

2. Minutes – May 13, 2010

A MOTION TO APPROVE THE MINUTES FROM MAY 13, 2010 WAS MADE BY K. MELANSON. THE MOTION WAS SECONDED BY A. MCNAMARA AND APPROVED 4-0-0.

3. Request for Determination of Applicability – 10 Savin Street Deck and three-season room construction at single family residence
Dahrij Patel of 10 Savin Street was present.

The applicants have replaced an old deck with a larger deck and three season sun room. J. Keeley stated that there is boarding vegetated wetlands approximately 50-60ft away from the constructed sunroom. J. Keeley noted a previous violation at this property in 2001. Most of the work for the deck and three-season room has been completed without permits, however the new construction is no closer to the wetland than the previous deck. Some of the demolition debris had been dumped in the wetland, but the applicant has since removed it.

K. Melanson reminded the applicant that they are not to mow beyond the wetland boundary as demarcated by three large boulders.

J. Keeley went through the findings for the Determination of Applicability.

Mr. Patel asked for clarification about composting grass clippings and was informed that he could compost them on his property, but not beyond the wetland boundary as demarcated by the three large boulders.

A MOTION TO APPROVE AND ISSUE A NEGATIVE CONDITIONAL DETERMINATION OF APPLICABILITY AS DISCUSSED AND AMENDED UNDER BURLINGTON BY-LAW ARTICLE 14 AND M.G.L. CH. 131 S. 40 FOR THE PROJECT AT 10 SAVIN STREET WAS MADE BY K. MELANSON. THE MOTION WAS SECONDED BY A. MCNAMARA AND APPROVED 4-0-0.

4. Continued Public Hearing – Abbreviated Notice of Resource Area Delineation –
36 Muller Road – Symes Development and Permitting LLC
DEP File 122-456

Brian Waterman of Waterman Design Associates and Jeff Rhuda of Symes Development were present.

Mr. Waterman summarized recent updates to the project for the Conservation Commission; two wetland areas have been updated since the last site visit as shown on the most recent site plans.

J. Keeley summarized the several site visits completed by the Conservation Department staff and stated the department is confident of the current wetland delineation as depicted on the most recent site plans.

Mrs. Schinopulos of 25 Eugene Road asked how the delineation will affect the project and ultimately her property.

L. Cohen stated that the approved delineation will be valid for three years. He further stated that the Commission is not considering a delineation of the 100 year flood plain and that there are regulations that pertain to areas that flood. Simply, applicants are not allowed to fill land subject to flooding, but those areas are not being delineated with these plans.

Mrs. Parker from 29 Eugene Road expressed concern over the monitoring of the storm water management systems proposed.

L. Cohen explained that this meeting is expressly for the delineation of wetlands and that any discussion about the storm water systems should be saved for when a Notice of Intent is filed for the project.

J. Keeley went through the findings for this delineation, making note that the commission makes no findings with regards to any jurisdictional wetlands other than bordering vegetated wetlands for the site at 36 Muller Road.

A MOTION TO CLOSE THE HEARING WAS MADE BY G. CAREY. THE MOTION WAS SECONDED BY K. MELANSON AND APPROVED 4-0-0

A MOTION TO APPROVE THE ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION WAS MADE BY A. MCNAMARA. THE MOTION WAS SECONDED BY K. MELANSON AND APPROVED 4-0-0.

5. Continued Public Hearing – Notice of Intent – Michael J. Murray, Jr.
Construction of new single-family dwelling – Reed Street off of Joanne Road – Project formerly named 15R Pathwoods Avenue (and Hannah Way)
DEP File No. 122-458

Michael J. Murray Jr., Mary Trudeau, David Ramiro were present.

Mr. Murray discussed the changes that have been made since the last meeting, specifically: the extension of Joanne Road has been reduced to 20 feet wide, the driveway in the right-of-way of Reed Street has been shifted approximately 5 feet closer to the house, curbing has been changed from a berm to vertical granite curbing, the turn-around of Joanne has been extended 10 feet, 12” and higher DBH trees were located on the plans and those to be removed marked as such, an interceptor trench 1 foot deep with stone has been added along the property line, and minor changes have been made to the infiltrators as a result of the test results.

L. Cohen asked about the total number and locations of the proposed infiltrators. The proposed infiltrators are to be constructed: one under Hannah Way/Reed Street, another behind the house, and a third which is no longer going to be constructed.

J. Keeley stated he had revisited the site after the last meeting and that the clearing and work done to perform the test pits was not excessive. Susan Lumenello and Sharon Mastenbrook from the Board of Health were present during the test pit soil evaluations. J. Keeley stated that the 25 foot no-disturb area is actually greater in some areas though nearly everything within the proposed graded lawn will be removed. J. Keeley contacted the applicant regarding the possibility of protecting more trees, specifically a 20” oak in the rear of the property and a two trunked oak in the southwest corner of the parcel.

Mr. Murray stated that he can put a well around the 20” oak in the rear of the yard but there is proposed filling of nearly 4 feet in that area. Mr. Murray also stated that he is willing to try to work around the two-trunked tree at the corner of the proposed house.

L. Cohen and Mr. Murray briefly discussed the vegetation in the right of way of Joanne Road, which will have to be removed for the construction of the road.

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K. Melanson asked about the height of and material to be used for the retaining wall and whether or not seepage is a concern. K. Melanson also asked about the location of the components of the storm water management system.

Mr. Murray stated that the wall, as proposed, will be 5 feet at the corner. Mr. Ramero stated that he did not think seepage will not be a problem.

L. Cohen asked about the maintenance of the catch basins and infiltration systems.

Mr. Murray and Mr. Ramero stated that a contract accepting responsibility and agreeing to a maintenance schedule for the system will be required by the Planning Board and signed by Mr. Murray as the property owner.

K. Melanson asked about the width of the proposed road.

Mr. Murray stated that the existing Joanne Road is approximately 14 feet wide and that they will be widening the existing road to the intersection of Oak Knoll and the proposed extension to 20 feet.

Donald Peterson of 4 Chestnut Road addressed the Commission regarding his concerns about the flooding issues in the area. Mr. Peterson also requested that Mr. Murray consider planting some vegetation between the yard at 4 Chestnut Road and the extension of Joanne Road to provide a buffer.

Mike McCall of 15 Joanne Road asked about the classification of the wetlands at the southwest corner of the lot.

J. Keeley stated that he recommended to the Commission that the wetland be called a bordering vegetated wetland, but the designation does not have much impact on the project as the bylaw would have protected it as land subject to flooding.

Mr. McCall asked if the 25 foot no-disturb would apply and Mr. Keeley clarified that the no-disturb is essentially a working policy but not a regulation.

L. Cohen summarized the concerns expressed over the flooding in this neighborhood. Mr. Cohen stated that the plan, as presented, shows the infiltrators are located in such a way that discharge occurs as far as possible from the wetlands. L. Cohen summarized that the Commission requested an additional infiltration swale to help mitigate any overflow, although unlikely, from the infiltration system. L. Cohen stated that the applicants have demarcated the trees on the property and the Commission has negotiated for two additional trees to be untouched. L. Cohen also stated that the Commission has addressed, to the best of their ability, the concerns expressed by the citizens regarding this buffer zone project.

Mr. Peterson asked if the large oak at the corner of his property could be saved. Mr. Murray stated that the tree will definitely be saved.

A MOTION TO CLOSE THE HEARING FOR THE PROJECT AT REED STREET OFF OF JOANNE ROAD (PROJECT FORMERLY NAMED 15R PATHWOODS AVENUE AND HANNAH WAY) WAS MADE BY K. MELANSON. THE MOTION WAS SECONDED BY A. MCNAMARA AND APPROVED 4-0-0.

K. Melanson asked if there should be hay bale and siltation fencing at the south side of the project parcel along the shared property boundary with the Pathwoods Avenue residential parcels to limit the potential for runoff onto these properties during construction.

Mr. Murray stated that he will extend the sedimentation controls along the property boundary shared with 15 Joanne Road as requested.

J. Keeley went through the findings for the project noting conditions 25 and 26 which state that the project designer will be held responsible for any damage to the property of others as a result of construction done in conformance with the project design and that the Conservation Commission will not be held liable for any damages.

A MOTION TO APPROVE THE FINDINGS WAS MADE BY G. CAREY. THE MOTION WAS SECONDED BY K. MELANSON AND APPROVED 4-0-0.

A MOTION TO APPROVE THE ORDER OF CONDITIONS WAS MADE BY A. MCNAMARA. THE MOTION WAS SECONDED BY K. MELANSON AND APPROVED 4-0-0.

A MOTION TO REQUIRE A PERFORMANCE BOND OF \$5000.00 WAS MADE BY G. CAREY. THE MOTION WAS SECONDED BY A. MCNAMARA AND APPROVED 4-0-0.

6. Continued Public Hearing – Notice of Intent – Town of Burlington
Roadway and Intersection Improvement – Middlesex Turnpike & NW Office Park
DEP File No. 122-450

The applicants for this project are officially withdrawing their application.

A MOTION TO CLOSE THE HEARING WAS MADE BY A. MCNAMARA. THE MOTION WAS SECONDED BY G. CAREY AND APPROVED 4-0-0.

A MOTION TO ACCEPT THE WITHDRAWAL WAS MADE BY G. CAREY. THE MOTION WAS SECONDED BY A. MCNAMARA AND APPROVED 4-0-0.

7. Planning Board Comments

J. Keeley brought to the attention of the Conservation Commission a proposal to build a large building at the campus of Northeastern University. The plans are for a new building to be funded by a single donor. J. Keeley and J. Wennemer checked the adjacent Mary Cummings Park property to check to see if there are any wetlands adjacent to the property and there weren't.

8. Administration

a. Meeting Schedule – June 10, 2010, June 24, 2010

L. Cohen will not be present at the June 10, 2010 meeting.

The Open Space Plan discussion is scheduled to take place during the June 10, 2010 meeting.

b. Sub-Committee Reports – Conservation Lands Sub-Committee

The next walk is scheduled for June 12 and will be a nature photography walk with Jodie Wennemer and Rob Zahora. Please meet at 10AM at the Fox Hill School parking lot. The next meeting will be at 6:30pm on June 24, 2010.

c. Other – K. Melanson spoke of the new road and rain gardens at the Nordblum property that were visited this week and expressed concern over how the rain gardens looked. She also thought that the plantings were rather sparse and that the plants chosen may not be the right choice.

A. McNamara noted that she's seen a lot of trees being cut throughout the town, which are likely associated with NStar power line maintenance.

AT 9:10 PM, A MOTION TO ADJOURN WAS MADE BY K. MELANSON. THE MOTION WAS SECONDED BY G. CAREY AND APPROVED 4-0-0.

Minutes respectfully submitted by:

Jodie Wennemer
Conservation Assistant