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Burlington Conservation Commission

DRAFT

MINUTES OF JANUARY 27, 2011 BURLINGTON CONSERVATION COMMISSION

Members Present: Nedim Celik, Indra Deb, Gail Lima, Ann McNamara, Kerry Melanson

Members Absent: Gretchen Carey, Larry Cohen

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

The meeting was called to order at 7:00PM by G. Lima.

1. Citizens' Time

No one was present for Citizens' Time.

2. Minutes –January 13, 2011

A MOTION TO APPROVE THE MINUTES OF JANUARY 13, 2011 WAS MADE BY A. MCNAMARA. THE MOTION WAS SECONDED BY G. LIMA AND APPROVED 3-0-1 (K. MELANSON ABSTAINED).

3. Requests for Determination of Applicability

- a. 1 Marion Road –single-family residence addition—Salah Uddin Chowdhury

Salah Uddin Chowdhury, from 1 Marion Road, was present and described the project. He is planning to construct an addition to an existing single-family house. The addition will consist of an expanded kitchen and a deck.

J. Keeley reminded the Commission that they had heard a Notice of Intent for the construction of the garage and for the Buffer Zone restoration at this site. The addition and deck are to be built on Sonotubes and there should be very little disturbance at the site.

I. Deb asked if the addition is a one-story or two-story addition. It is to be a single-story addition.

K. Melanson asked about the rooftop drainage. J. Keeley indicated that there is a condition in the permit requiring the rooftop drainage to be directed to the existing dry well.

G. Lima asked about the height of the deck and the substrate beneath. It will be high enough to walk under and will have a gravel substrate beneath. G. Lima also requested that the site be reseeded as soon as possible after the snow melts because there has been much disturbance at the site recently.

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J. Keeley reminded the Commission and the applicant that there is still an outstanding Order of Conditions from the NOI previously filed for this property. J. Keeley went through the findings and conditions for this project.

A MOTION TO ISSUE A NEGATIVE DETERMINATION FOR THE CONSTRUCTION PROJECT AT 1 MARION ROAD WAS MADE BY K. MELANSON. THE MOTION WAS SECONDED BY A. MCNAMARA AND APPROVED 5-0-0.

- b. 82 Burlington Mall Road—Linear Retail Properties LLC—Commercial alteration

Mark Vaughn from Riemer and Braunstein, Tim Williams from Allen & Major Associates, and Mark Connelly from Linear Retail were present. M. Vaughn gave an overview of the project for the Commission. The applicant has an agreement with a tenant to go into the end of the building at 82 Mall Road and they are proposing some façade improvements at the site to accommodate the new tenant. They will be constructing a new entrance and installing a new grease trap for the tenant at the site.

T. Williams described the project in more detail. The handicap ramp will be moved to accommodate the installation of the new doorway. They are also proposing to install new sidewalks along the building. The construction will require approximately 425 square feet of temporary disturbance within the Riverfront Area of Vine Brook. They will be relocating some vegetated landscaped area. They are proposing to install a 1500 gallon grease trap within the existing pavement area.

J. Keeley stated that the entire site is within the Riverfront Area of Vine Brook. This is a redevelopment project and the Commission would typically look for stormwater improvements, but there is not likely to be very much disturbance as a result of the proposed work.

I. Deb asked about the total impervious area at the site, which is 35 square feet before and after construction, but will be relocated.

K. Melanson asked about the location and size of the proposed grease trap. It is proposed approximately 10 feet off the building and sized according to the number of seats. K. Melanson also asked about the maintenance of the grease trap, which will have to be cleaned out regularly. K. Melanson then asked about the curbing detail, which is proposed to be monolithic sidewalk with vertical granite curbing along the building.

A. McNamara expressed that she was sorry to see the Dandelion Green restaurant leave and asked about what is going into the new space. M. Vaughn indicated that there will be smaller spaces and they have not finalized leases at this point.

N. Celik asked about the details and locations of the proposed landscaped areas, which are to be within the curbing adjacent to the sidewalk. N. Celik also asked if there is a drive-through proposed. There is not.

G. Lima stated the importance of keeping the dumpster area clean and stated that it must remain enclosed.

J. Keeley went through the findings and conditions for this project.

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A MOTION TO ISSUE A NEGATIVE DETERMINATION FOR THE CONSTRUCTION PROJECT AT 82 BURLINGTON MALL ROAD WAS MADE BY K. MELANSON. THE MOTION WAS SECONDED BY I. DEB AND APPROVED 5-0-0.

- c. 16 Independence Drive—Town of Burlington DPW/Engineering—Drainage repair

Stephen Hildreth and Tom Hayes from the Town of Burlington Engineering Department were present and described the project. S. Hildreth explained that the existing drain pipe is currently buried with debris and sediment and the cleaning is necessary to allow proper drainage for this area.

J. Keeley described the resource area, which is Bordering Vegetated Wetlands, which were flagged by the Conservation Department. These are the same wetlands that border the High School playing field. This project is similar to work that is currently permitted with an existing Order of Conditions. However, J. Keeley explained, the Request for Determination of Applicability was filed as they may have to operate equipment from areas outside of the pavement and may have to extend the pipe, both of which would not be allowed with the existing Order of Conditions.

I. Deb asked about the location and length of the pipe, which is not yet known. S. Hildreth explained that they will have to dig it up to determine the appropriate repair.

K. Melanson asked if all work was going to be within the easement -it is. K. Melanson also asked about the flooding and drainage problems for the area. T. Hayes stated that the drainage area to this pipe is the entire road, Independence Drive, and that this is required maintenance to allow the stormwater system to function properly.

G. Lima asked about the amount of excavation and the duration of the project. The project might take 3 days, but will likely be less. The excavation is dependent upon how deeply and for what distance the pipe is buried. G. Lima asked that the Bordering Vegetated Wetlands be indicated on the plan.

J. Keeley went through the findings and conditions for the project.

A MOTION TO ISSUE A NEGATIVE DETERMINATION FOR THE CONSTRUCTION PROJECT AT 16 INDEPENDENCE DRIVE WAS MADE BY I. DEB. THE MOTION WAS SECONDED BY A. MCNAMARA AND APPROVED 5-0-0.

- a. Route 128/I-95—Roadway reconstruction/repaving/new drainage structures—MassDOT Highway Division

Andrea Norton from MassDOT was present and described this multi-town road maintenance project, which includes repaving, guardrail work, drainage structure replacement and repair, installation of rumble-strips, installation of traffic data collection stations, and other routine roadway resurfacing work. The median work is atypical and 32,000 square feet of new impervious area is being constructed.

A. Norton provided the Commission with impervious surface calculations, plan details of the median work, and a map depicting the amount of impervious being introduced within the resource area, which is minimal.

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A. Norton explained the reason for the construction of the high-speed shoulder is to allow emergency vehicles access during high-traffic times. When the project is done all drainage structures will be cleaned. All work is occurring within the right-of-way and sediment erosion controls will be used.

J. Keeley stated that if more impervious were being introduced to the Buffer Zone it may have required a positive determination and the submission of a Notice of Intent. However, it would likely be filed as a limited project and there is clearly no room for mitigation of the increased impervious..

J. Keeley also asked about the proposed work to occur along Cambridge Street Winn Street. A. Norton stated that if it is highlighted on the plan it can be assumed that they will be working on the edge of road and drainage structures.

N. Celik expressed his personal dissatisfaction with the Jersey barrier in place. A. Norton explained that they have found the Jersey barrier to be safer.

A. McNamara asked if they would be looking at the underside of the overpasses. A. Norton stated that the work is proposed to start just after the overpass. A. Norton indicated that she would ask if they can look at the overpass, but it is outside of the scope of work currently.

K. Melanson asked what bridge work was proposed. A. Norton stated they are planning to replace the joint in the bridge and are repaving the roadway. K. Melanson also asked about the material they will be using for repaving and if it is a “low-splash” pavement. A. Norton stated that it would be hot-mix asphalt.

I. Deb asked about the stormwater management. A. Norton stated that they are installing deep sump catch basins with hoods.

G. Lima asked about the installation of the traffic data collection stations and if it is going under the pavement or if they are proposing to trench in unpaved areas. A. Norton was unable to tell the Commission any more about the data collection stations. She suspected that they are simply replacing the “green boxes” and are not trenching.

G. Lima asked that a condition be added that no trenching is allowed with this permit.

J. Keeley went through the findings and conditions for this project. G. Lima and J. Keeley decided that the first condition in the permit indicates that trenching is not allowed

A MOTION TO ISSUE A NEGATIVE DETERMINATION FOR THE CONSTRUCTION PROJECT AT ROUTE 128/I-95 WAS MADE BY A. MCNAMARA. THE MOTION WAS SECONDED BY K. MELANSON AND APPROVED 5-0-0.

**4. Public Hearing – Notice of Intent
Francis Wyman Road and Wing Terrace Intersection
Town of Burlington DPW/Engineering
DEP File # 122-pending**

Stephen Hildreth and Tom Hayes from the Town of Burlington Engineering Department were present and described the project for the Commission. T. Hayes stated that this project is similar to 16 Independence but slightly more extensive.

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S. Hildreth stated that there are 3 catch basins, which are proposed to be removed and reset with deep-sump catch basins and they will be installing two new manholes. They will also be installing a drainage pipe to take stormwater past the house at 32 Francis Wyman.

J. Keeley stated that the existing pipe does cause erosion next to the home at 32 Francis Wyman and the extended pipe with the flared end should take care of that problem.

G. Lima stated that the Commission still needs a stamped plan. J. Keeley also stated that we are awaiting the DEP File Number.

I. Deb asked about the existing TSS removal, which is basically none. The improvement will be the installation of the deep sump catch basins and drain manholes.

This hearing will be continued at the February 10th Conservation Commission meeting.

**5. Continued Public Hearing – Notice of Intent
50, 60, 70 Network Drive (Filed as 10 Network Drive)
Nordblom Company
DEP File # 122-470**

Mark Vaughn from Riemer and Braunstein and Steve Martorano from the BSC Group were present. M. Vaughn stated that he believes this hearing is mostly settled without any outstanding issues.

G. Lima reminded the applicants that they are not to use salt at this site and they are to include this restriction in the Operation & Maintenance Plan for this property. S. Martorano stated they had not yet done so but will include that restriction.

K. Melanson asked for clarification on the existing tree line and where the tree line will be post construction. S. Martorano indicated on the site plan where the locations of existing and proposed tree lines. K. Melanson also asked for an explanation of the tree boxes which are proposed for this site. S. Martorano described the process by which these stormwater management tools operate. K. Melanson expressed her concern over the amount of trees being removed from this site. S. Martorano stated they did try to limit their disturbance in the tree line and moved the retention and detention basins further from the resource area. They are also proposing to plant some trees in some areas. M. Vaughn also reassured K. Melanson that he expects the applicants will construct and maintain a well landscaped site.

N. Celik asked about the fence around the detention basins, which is going to be entirely around the detention basin but only partially around the retention basin to allow wildlife passage, as it is within the Riverfront Area.

I. Deb asked again about the function of the tree boxes.

J. Keeley went through the findings and conditions for this project.

A MOTION TO CLOSE THE HEARING FOR THE PROJECT AT 50, 60, 70 NETWORK DRIVE WAS MADE BY A. MCNAMARA. THE MOTION WAS SECONDED BY K. MELANSON AND APPROVED 4-0-1 (I. DEB ABSTAINED).

A MOTION TO ACCEPT AND ISSUE THE FINDINGS AND TO ISSUE THE ORDER OF CONDITIONS FOR THE PROJECT AT 50, 60, 70 NETWORK DRIVE WAS MADE BY K. MELANSON. THE MOTION WAS SECONDED BY N. CELIK AND APPROVED 4-0-1 (I. DEB ABSTAINED).

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A MOTION TO REQUIRE THE PERFORMANCE BOND IN THE AMOUNT OF \$10,000 FOR THE PROJECT AT 50, 60, 70 NETWORK DRIVE WAS MADE BY A. MCNAMARA. THE MOTION WAS SECONDED BY K. MELANSON AND APPROVED 4-0-1 (I. DEB ABSTAINED).

**6. Continued Public Hearing— Notice of Intent
55 Middlesex Turnpike
McDonald's USA
DEP File # 122-471**

This item has been continued to the February 10th Conservation Commission meeting.

**7. Public Hearing—Notice of Intent
3 McGinnis Drive
Mount Hope Christian School
DEP File #122-472**

Greg Picariello from the Mount Hope Christian School and Katie Enright from Hancock Associates were present for this project. G. Picariello described the project, which is the construction of a 9800 square foot multi-purpose gymnasium. K. Enright told the commission that the project has been approved by the Board of Health and have just received comments from the Planning Board and the Fire Department and wanted to describe the changes thus far.

This property is owned by the Town of Burlington and leased by the Mount Hope Christian School. There is an existing wetland north of the field at the end of the drive and another wetland to the south of the field. The field is where the proposed building will be built.

They will also be constructing a sidewalk between the two buildings, adding some parking, and adding a drop off area for access to this building.

K. Enright explained that they are proposing two infiltration systems at this site. At the rear of the building they will be capturing and infiltrating the rooftop runoff in an infiltration unit. The parking lot runoff will go through an infiltration system.

The northern wetland has a catch basin within its boundaries and appears to drain, through a drainage pipe, to the wetlands at the south of the property.

They are looking to move the lot lines and are seeking an ANR currently. They have moved the building back 5 feet as a result of the requests from the Fire Department.

Maintenance for the stormwater management system will be shared by the Town of Burlington (catch basins, manholes) and Mount Hope Christian School (infiltration systems). They will also be including an isolator row in the infiltration system that is handling the parking lot runoff.

J. Keeley stated that the Commission did not get a very good look at the site during the site visit due to the snow. He explained that he did not have much concern over the delineations for the northern and southern wetlands. However, K. Melanson stated she believes there is a wetland to the east of the proposed work and there is really no way to verify with the current conditions.

I. Deb asked about the approval by the Board of Health for infiltration in fill. K. Enright stated that they did get Board of Health approval and will ask for the approval to be sent to the Conservation Department. I. Deb asked about the total impervious area being introduced at the site. K. Enright stated that they are proposing approximately 7000 square feet of pavement in addition to the building.

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K. Melanson asked about the length of time the infiltration systems will hold the water. K. Enright indicated that the water will be held for approximately 6 hours and will then be slowly infiltrated. K. Melanson expressed concern over the possibility of flooding to neighboring properties. K. Enright explained that runoff volume and flow rates are being reduced by the stormwater management systems. K. Melanson also stated that she would want haybales used in addition to the sediment fence.

J. Keeley asked about the proposed grading for the playing field at the rear of the building. K. Enright stated there is no plan in place at this point for grading or filling. They are looking to clear trees and loam only at this time.

A. McNamara asked about the location of the building and why it is proposed where it is on the site. K. Enright stated that multiple locations were considered but due to existing grading, consideration of neighboring properties, and access concerns, the current proposed location was chosen.

N. Celik asked if they are proposing to grade in the future. K. Enright stated they would come back before the Commission for an amendment in the future for grading changes. N. Celik also asked about the total area proposed to be cleared of trees. It is approximately a 70 x 100 foot area. N. Celik also asked about snow removal plans for the property, which is currently placed along the southern sides of the parking lot and will continue to be stored there.

G. Lima asked about the sweeping plan, as indicated in the Operation & Maintenance Plan. The Town of Burlington is responsible for the sweeping, which would ideally be monthly but at least twice per year.

G. Lima expressed her concern over approving a wetland line at this time of year. Especially where there is a question about an additional wetland area. She would also like to see details of how the wetland delineations were determined. G. Lima asked about their plans for the pipe connecting the northern and southern wetlands. K. Enright explained they are considering multiple options from replacing the existing system to installing a new manhole for access or rerouting the pipe.

G. Lima also cautioned the applicants about constructing a playing field in such close proximity to the wetlands for fear of inundation.

The timing of the hearing was discussed and G. Picariello indicated that they are not in a hurry for the project to begin and if they need to wait for snow melt to verify wetlands, it would be OK. K. Enright also stated they could modify the proposal to not include the field to move this forward at this time.

G. Lima summarized the issues that still need to be addressed.

- The drainage connection between the northern and southern wetlands needs to be explained in detail.
- Information on how the wetland delineation was determined needs to be submitted to the Commission.

K. Melanson expressed concern over the clearing of this pipe and the potential to drain the northern wetland. K. Enright stated that she believes the pipe to be essentially flat.

J. Keeley asked the applicant if they would like to continue until spring when the wetlands can be verified. G. Picariello stated they would like to remove the field construction from the plan to keep the project moving. They will come back before the Commission for a separate filing for the field at a later date.

This hearing will be continued at the February 10th Conservation Commission meeting.

8. Continued Public Hearing—Notice of Intent

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**90 Middlesex Turnpike
Dave & Buster's Inc.
DEP File #122-464**

This hearing has been continued to the February 24th Conservation Commission meeting.

9. Planning Board Comments — There are no comments at this time.

10. Administration

a. Upcoming Meeting Schedule

February 10, 2011

February 24, 2011—I. Deb may be absent from this meeting.

b. Vote to Amend the Bylaw Filing Fees

The Bylaw filing fees were modified to be more consistent and clear. K. Melanson stated that she thinks the \$0.50 per square foot of wetland alteration is insufficient. J. Keeley explained that it is for administrative costs only and the new fees are comparable to other towns' fees.

A MOTION TO APPROVE THE AMENDED BYLAW FILING FEES WAS MADE BY I. DEB. THE MOTION WAS SECONDED BY N. CELIK AND APPROVED 5-0-0.

c. Other

A MOTION TO ADJOURN THE MEETING WAS MADE BY K. MELANSON. THE MOTION WAS SECONDED BY A. MCNAMARA AND APPROVED 5-0-0.

Minutes respectfully submitted by,

Jodie Wennemer
Conservation Assistant