

**BURLINGTON CONSERVATION COMMISSION**  
**MINUTES OF APRIL 30, 2009**  
**BURLINGTON TOWN HALL, MAIN HEARING ROOM**  
**29 CENTER STREET, BURLINGTON, MA**  
**Approved May 28, 2009**

Members present: L. Cohen, K. Melanson, G. Lima, A. McNamara

Also present: J. Keeley, Conservation Administrator and R. Newell, Conservation Assistant

Absent: N. Celik, I. Deb

The meeting was called to order at 7 P.M. by L. Cohen

1. Citizen's Time – No one was in the audience for citizen's time.

2. Minutes

The minutes of March 12, 2009 were approved – **GL/LC 2-0-2**

The minutes of March 26, 2009 were approved – **GL/KM 4-0-0**

The minutes of April 9, 2009 were approved – **GL/KM 4-0-0**

3. Request for Determination of Applicability

a.) 20 Rocky Hill Road – Single-Family House Addition – Jean Greene, the applicant and owner, was present. J. Greene stated she purchased the house in December of 2008. She said when she bought the house it was a small ranch with no kitchen or bathroom because it was going to be renovated. She decided to buy the house and turn it into a two story colonial with an attached garage and add to the rear of the house. L. Cohen commented the work for this project has already started because a Building Permit was issued prior to the Conservation Department finding out about the project. J. Keeley said a permit was issued by the Building Department and the foundation was already in before the Conservation Department was aware of it. He said he visited the site and had the contractor put erosion controls in place, and then work was allowed to continue. J. Keeley also stated that the previous owners dumped fill in the wetland and the current owner has removed the fill. The work is approximately 30 ft. from the wetland. G. Lima asked if the addition is in the lawn and J. Greene said yes. G. Lima then asked if they are filling in the lawn and J. Greene said no. She stated they are re-grading but no fill will be brought in. K. Melanson commented there is no grass left and J. Greene said no work has been done outside. The previous owner had taken down all the trees and stripped the lot down to the dirt. K. Melanson asked her if she is going to replant and vegetate again and J. Greene said yes. L. Cohen asked if anyone was in the audience for this project. F. Reardon, who resides at 18 Rocky Hill Road, said he has no objections to the project. J. Keeley reviewed the draft Negative Determination. L. Cohen asked if any additional hand cleaning of the wetland has to be done and J. Keeley said he spoke to the builder about it already, and it will be done.

**MOTION TO APPROVE A NEGATIVE DETERMINATION OF APPLICABILITY  
UNDER BURLINGTON BY-LAW ARTICLE 14 AND THE MA WETLANDS  
PROTECTION ACT FOR THE PROJECT AT 20 ROCKY HILL ROAD – KM/AM 4-0-0**

b.) 22 Morrison Road – Driveway and Landscaping

Raman Patel and Hemavati Patel, the owners were present. R. Patel stated that he was before the Commission last year for the addition of a garage to his single-family house. Now he is back requesting permission to put in a new driveway, install a walkway around the house, and do some landscaping in the backyard. R. Patel stated he will bring in some loam, level the yard and put grass in. R. Patel said he may put in vegetation near brook. J. Keeley stated the applicant was before the Commission with a Request for Determination of Applicability for an addition and garage last year. J. Keeley said this work could have been included in the previous application but Mr. Patel volunteered to submit a new application for this addition work, just to cover all of his bases. There were violations on this site with regard to the addition of the garage, and Mr. Patel wanted to make sure he was doing everything properly this time. J. Keeley stated the driveway needs to be aligned with the new garage and the applicant would like to install a paved walkway to the back doorway. The backyard has no lawn so the applicant wants to loam and seed it. The yard pitches toward the brook; he will maintain that pitch so water flows in that direction. L. Cohen asked J. Keeley if he has any concerns with wetland protection and J. Keeley commented his only concern is the applicant going too close to the brook where boulders are located. J. Keeley said the area should have natural vegetation along the stream where the boulders were pushed onto the bank. J. Keeley said he does not want the lawn to go to the bank of the brook. K. Melanson asked J. Keeley to point out where the protected areas to the applicant in the field. J. Keeley said he would specify the distance from the top of the bank in the Determination. K. Melanson then inquired about using pavers for the walkway, and R. Patel said pavers will be used on the walkway and maybe on the driveway. K. Melanson commented the applicant should be careful on how the loam is brought in and use just enough to cover the existing yard. L. Cohen said that six inches of loam should be enough. No one was in audience for this project. J. Keeley reviewed the draft Negative Determination. J. Keeley noted some of the existing hay bales and sediment fence needs to be replaced.

**MOTION TO APPROVE A NEGATIVE DETERMINATION OF APPLICABILITY UNDER BURLINGTON BY-LAW ARTICLE 14 AND THE MA WETLANDS PROTECTION ACT FOR THE PROJECT AT 22 MORRISON ROAD – GL/KM 4-0-0**

4. Public Hearing – Notice of Intent – Town of Burlington – Wastewater Pumping Station Improvements and Sewer Line Relocation – 46 Terrace Hall Avenue

Tom Hayes, Town Engineer and Mark Sorrentino of Fay, Spofford & Thorndike, LLC were present. T. Hayes said the Terrace Hall pump station was constructed in the mid sixties, and they would like to do a major renovation of it, and relocate the force main from its current layout through the Town's well fields to a path within the layout of the roadways. T. Hayes stated that most of the force main work is in the street. He commented there are three stream crossings. The Vine Brook stream crossing is an open cut and has the biggest impact to the wetlands. He said that inside the pump station, they want to replace the pumps, controls, and change the roof lines of the building. He said hay bales will be put in with little disturbance on the outside. T. Hayes said the remainder of the force main work is within various streets. He said that at Vine Brook some work will be in the stream. T. Hayes said they will create a temporary dam in half of the stream, divert the water around the work area, dig in the stream bed, lay the pipe, and then repeat the process for the other side of the stream. He said that they would then restore the vegetation and wetlands to their previous condition. J. Keeley commented the sewer line portion will cross three streams: the first is Vine Brook, the

Conservation Commission  
Meeting Minutes  
4/30/09

second is Sandy Brook on Sandy Brook Road, and the third is Long Meadow Brook on Bedford Street. J. Keeley said the second two crossings will not disturb wetlands because they will simply pass under the culverts in the street. He added that those crossings may be more difficult if the culverts are in poor condition. J. Keeley said that in the Notice of Intent, the applicant said that the proposed work on the treatment plant and in Vine Brook is not within the Riverfront Area. He said that is not true. The work *is* within the Riverfront Area and the applicant therefore needs to submit an alternatives analysis explaining why the work can't be in the road, so as to avoid working in the bank of the river. M. Sorrentino said they do not want to disturb the bridge. T. Hayes said it is difficult to hang a 24" main off of a bridge. J. Keeley commented if it is a bridge (i.e. has an open bottom and is not a culvert), there is a very small difference between going through the bank and going under the bridge. They are still disturbing Land Under Water. L. Cohen asked about using directional drilling to avoid bank disturbance. M. Sorrentino said it is difficult to do with a 24" pipe. L. Cohen said he has heard of it being done before and suggested to M. Sorrentino they look into it. M. Sorrentino said he looked into different types of pipes. L. Cohen then commented he would like to avoid river bank disturbance and wetland disturbance. G. Lima asked him how deep the cut will be in the bank and M. Sorrentino told her about six feet down. G. Lima asked the distance across the wetlands from the treatment plant to the road and M. Sorrentino said about 50 ft. G. Lima then asked how deep they will dig in the road and M. Sorrentino said they may go as deep as ten feet in some areas. L. Cohen said he wants a dewatering plan and restoration plan for the bank. J. Keeley commented there is detail for rip rap on the bank, but he would like it returned to natural bank. K. Melanson asked if upgrades will eliminate the need for discharges of raw sewage to Vine Brook. M. Sorrentino told her no, the project would not increase capacity but would increase efficiency. L. Cohen asked what the purpose of the project is. T. Hayes said that the existing pipe is old, and runs through the Town's drinking water supply. It needs to be replaced. L. Cohen asked if the project will reduce the number of direct discharges to the brook. T. Hayes said Burlington has an agreement with Woburn and Winchester to discharge some of our waste during peak flow rates, so that downstream junction points in those towns aren't overwhelmed. He stated that Burlington overflows at certain times when Woburn has problems at Horn Pond. K. Melanson asked if the size of the pipe will increase and T. Hayes said it will stay the same. L. Cohen asked if there are details for how the stream crossing will be done, or if there are just a list of performance specs that the contractor must meet when doing the work, and T. Hayes told him just specs. L. Cohen said that the Commission needs to see more details, or will need to thoroughly review the performance specs for completeness. He said that there are not enough protections afforded to the resources areas at this point to permit the project. T. Hayes then said the job has not been bid on yet. M. Sorrentino commented the work will probably be done in several stages. G. Lima asked J. Keeley what standard is used to determine the bank is back to normal. J. Keeley said he will use pre-construction photographs to compare it. G. Lima asked if the same organic soil on the bottom of the stream that is taken out will be put back, and J. Keeley said he can include that in the Order of Conditions. L. Cohen then asked about the time line of this project? T. Hayes said it depends on federal stimulus money. They are going to go before Town Meeting and ask for nine million dollars. M. Sorrentino asked the Commission if there is a specific timeframe of when to cross Vine Brook and was told it would be best during low flow times. J. Keeley asked T. Hayes to explain the abandonment of the old pipe. T. Hayes said they will drain the pipe and leave it for emergencies and storage. Donna Geffen of 25 Sandy Brook Road said she has concerns about disruption of this area. She is worried about the damming of the brook for periods of time especially during heavy rain storms. M. Sorrentino said they won't stop the flow,

and will have alternate means of flow during this time. He stated they will maintain the existing flows. J. Keeley then asked T. Hayes to further explain the differences between drainage and sewer systems to the abutters in the audience. D. Geffen said she does not want the pitch of the street to change because of this project. J. Keeley asked T. Hayes if an inspector will be on site at all times and T. Hayes told him there would be. J. Keeley asked T. Hayes where sidewalks are being added and T. Hayes said new sidewalks will be installed along South Bedford Street where the pipe will go along the side of the street. T. Hayes stated sidewalks are not part of this project. Soon J. Yoon Lee of 14 Sandy Brook Road said her property floods and would like the stream to be cleaned behind her house. J. Keeley said that he would go out and look at the condition of the stream, and explained that there is no Vactor stream cleaning planned for that area this year.

**ITEM CONTINUED UNTIL THE MAY 14, 2009 CONSERATION COMMISSION MEETING**

**5. Public Hearing – Notice of Intent – The MITRE Corporation – Gravel Access Road Construction – Bedford Street**

Jeff Malloy of the BSC Group was present on behalf of the applicant. J. Malloy reviewed the history of the project. He stated a satellite antenna and gravel access road was permitted by the Town of Bedford and installed last year. This project is for a proposed 18 ft. wide, 100 ft. long gravel roadway in Burlington to connect to the access road. He said that there is currently an access driveway off of Bedford Street in Burlington that is all rutted and devoid of vegetation. The proposed work is entirely in floodplain. They also want to install a gate that will be locked. L. Cohen asked if the new access road will be on the same path as the current driveway and J. Malloy said “yes”. J. Keeley said there are no issues. He stated he has been to the site and the Bedford section has been completed. There will be no filling of the floodplain because the access road will be constructed at grade. No one was present in the audience for this project. K. Melanson asked the width of the gate. J. Malloy said it is an 18’ to 20’ wide swinging gate. K. Melanson asked if they will cut any trees and J. Malloy said no.

**ITEM CONTINUED UNTIL THE MAY 14, 2009 CONSERVATION COMMISSION MEETING**

6. Planning Board Comments – There were no comments.

7. Administration

a. Meeting Schedule – May 14, 2009 and May 28, 2009

b. Sub-committee Reports – There were none.

c. Other – G. Lima thanked J. Keeley and R. Newell for their role in organizing the walk at the Mill Pond Conservation area. J. Keeley told the Commission about the trade show at the Kelly Murray Wing which is being held next week.

A motion was made by L. Cohen to adjourn the meeting at 8:40 P.M. – KM/AM 4-0-0

Minutes respectfully submitted by  
Ellen F. Longo, Principal Clerk  
Conservation Department

Conservation Commission  
Meeting Minutes  
4/30/09