

BURLINGTON CONSERVATION COMMISSION
MINUTES OF DECEMBER 10, 2009
BURLINGTON TOWN HALL, MAIN HEARING ROOM
29 CENTER STREET, BURLINGTON, MA

Approved January 14, 2010

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

Members absent: N. Celik

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

The meeting was called to order at 7 pm by I. Cohen

1. Citizen's Time – No one was present for citizen's time.

2. Minutes – The minutes of October 22, 2009 were approved 6-0-0 and the minutes of November 12, 2009 were approved 5-0-1 (G. Carey abstained)

3. Request for Certificate of Compliance

a. Shamrock drive – DEP File No. 122-389

Eric Nietzsche was present from Commonwealth Engineering. E. Nietzsche stated the only issues are two signs have yet to be installed and the Stormceptor manhole needs to be uncovered. He went to the site tonight and these issues are still outstanding.

Item tabled until the January 14, 2010 Conservation Commission meeting

b. 69 Middlesex Turnpike – Dunkin Donuts – DEP File No. 122-

Eric Nietzsche was present for this project. E. Nietzsche said he has not been able to get in touch with the property owner. The submission of a snow management plan and a drainage maintenance contract are still outstanding.

Item tabled until the January 14, 2010 Conservation Commission meeting.

c. Blueberry Estates – DEP File No. 122-240

David Romero of Commonwealth Engineering was present on behalf of the applicant, Gary Ruping. He stated this project was completed about 10 years ago. D. Romero said G. Ruping would like some consideration from the Commission because the site is stable and the project is finished. D. Romero said he was there to discuss the outstanding issues in the Order of Conditions, and how to proceed. R. Newell said there were some issues with drainage system, and the inspection reports documenting its installation and maintenance. The applicant was going to use Vortech water quality unit, but went with a Stormceptor instead. The change was not permitted by the Conservation Commission ahead of time, and was approved through a retroactive Amendment to the Order of Conditions. At the time, the residents in the sub-division had concerns with the maintenance of the drainage system since the street is not an accepted street and they are therefore responsible for the drainage system. R. Newell further stated the residents wanted the town to be responsible for any maintenance. R. Newell then said we have not received an overall compliance report for the Order of Conditions. D. Romero then asked if he still has to submit a letter explaining all 80 conditions, since they were not involved with this

project until now. R. Newell said box culverts were supposed to be used but were swapped for round ones. This change was also made prior to approval from the Conservation Commission, but was later permitted through a retroactive Amendment to the Order of Conditions. R. Newell commented that D. Miller was the engineer at that time and had submitted all necessary reports. R. Newell said there are a couple of outstanding issues: there is no record on file that the conservation restriction was ever done; storm water monitoring still needs to be done; and there is no documentation from the homeowners' association stating they are responsible for maintaining the drainage system. R. Newell said he recommends the applicant do as much of the report as they can. J. Keeley said an as-built plan was submitted for street acceptance about eight years ago, but the plan does not show the house lots. D. Romero stated they did a visual inspection and the down spouts were tied into the underground system. E. Nietzsche passed out photographs to the Commission and said the photos were taken within the past month. I. Deb asked if we had received the inspection reports that were required while construction was taking place and R. Newell said we have all the inspection reports from the engineer that was on the job when the project was started. R. Newell said we don't have the overall report compliance report stating how each condition in the Order of Conditions was complied with. I. Deb then asked about any time limits per conservation for finishing the project. He was told any issues should be settled before they sell the property. G. Cary asked if the builder is still in town and she was told he is in the area. G. Lima commented that D. Romero should try to certify as much of the Order of Conditions as possible through referencing old inspection reports and checking documents in their office. G. Lima then asked if the Stormceptor is maintained and R. Newell stated we don't have any records that it is being cleaned but homeowners may have paperwork for cleaning it. D. Romero said they will do their best but don't know the owners. G. Lima also had questions regarding the no salt signs. A. McNamara commented when she was a town meeting member, there were always concerns with this project. K. Melanson said we should take part of the bond for non-compliance issues. L. Cohen reviewed the major issues. L. Cohen said we could issue a fine to the applicant for not using Vortech units. He said we should have documentation from the homeowners association regarding the maintenance of Stormceptors. He stated he wants to Commission to get a copy of the Order of Conditions for this project. L. Cohen said it is difficult to put a conservation restriction in place if the land has been sold to home owners. He stated we should tell the homeowners about this and they may want something in writing. R. Newell said he is not sure if there is a snow management plan in place. Even though street is not accepted, DPW may plow for emergency issues. L. Cohen said he is concerned that dirty snow will be pushed into sensitive areas. He further stated the owners should have a sketch of where snow should go. L. Cohen also had concerns with the as-built and grading near the wetlands. J. Keeley commented the Commission would have to get permission to go on individual properties to see this. The applicant and owners should work together to solve issues so a Certificate of Compliance can be issued if the home owners sell their house at some point. J. Keeley said we should do a walk through to see these issues. R. Newell said the Order of Conditions did not require a snow management plan. The Order included a condition stating where the snow should be pushed to, and this condition is in perpetuity.

ITEM CONTINUED UNTIL FUTHER NOTICE

4. Continued Public Hearing – Notice of Intent – The Nordblom Company – Construction of 440 Feet of Roadway – North Avenue – DEP File No. 122-454

Todd Fremont-Smith of the Nordblom Company and F. DiPietro of VHB were present. T. Fremont-Smith stated he was before the Commission on November 12, 2009. He said there are two issues: final drainage calculations and soil test pits. F. DiPietro said the test pits were done. There were two pits. F. DiPietro said they had to take out one six inch maple. They went down 8 ft. before they hit refusal. Sandy soils were found approximately two to three feet down. There was moderate soil infiltration – good areas for rain gardens. Water from three quarters of the area goes to the rain garden. There will be a second garden on the easterly side which has a new connection that flows down to 4th Ave. There is an increase of 2/10 of one percent to 4/10 of one percent in the existing street drainage system. J. Keeley said there are no other outstanding issues. No one was in audience for this project.

J. Keeley reviewed the findings, and said that the project has met the State's stormwater standards. J. Keeley stated this project was part of DEP File No. 122-450 but the roadway connector work was put into separate filing. J. Keeley then reviewed the draft Order of Conditions. L. Cohen asked F. DiPietro how far the hay bale line goes because he is concerned with equipment backing up into wetlands.

MOTION TO CLOSE THE PUBLIC HEARING FOR THE NOTICE OF INTENT FOR THE NW PARK DRIVEWAY CONNECTOR – DEP FILE NO. 122-454 – APPROVED 6-0-0

MOTION TO APPROVE THE FINDINGS UNDER BURLINGTON BY-LAW ARTICLE 14 FOR THE PROJECT FOR THE NW PARK DRIVEWAY CONNECTOR – DEP FILE NO. 122-454 – APPROVED 6-0-0

MOTION TO APPROVE THE ORDER OF CONDITIONS AS DISCUSSED AND AMENDED UNDER BURLINGTON BY-LAW ARTICLE 14 AND THE EMA WETLANDS PROTECTION ACT FOR THE PROJECT FOR THE NW PARK DRIVEWAY CONNECTOR – DEP FILE NO. 122-454 – APPROVED 6-0-0

A motion was made to approve a performance bond in the amount of \$5K. K. Melanson had concerns with this amount and asked that the bond be increased to \$7,500. I. Deb said he also was in favor of increasing the bond. L. Cohen said he did not think the increase was necessary.

MOTION TO APPROVE A PERFORMANCE BOND IN THE AMOUNT OF \$5K UNDER BURLINGTON BY-LAW ARTICLE 14 FOR THE PROJECT FOR THE NW PARK DRIVEWAY CONNECTOR – DEP FILE NO. 122-454 – APPROVED 4-0-2 (K. MELANSON AND I. DEB OPPOSED)

5. Continued Public Hearing – Notice of Intent – Town of Burlington – Roadway and Intersection Improvements – Middlesex Turnpike and Northwest Office Park – DEP File No. 122-450

Todd Fremont-Smith said he is working with the town regarding stimulus money for this project. He asked for a continuance until the January 14, 2010 Conservation Commission Meeting.

6. Continued Public Hearing – Notice of Intent – David DeAntonis – Building and Parking Lot Construction – 64 Blanchard Road – DEP File No. 122-449

The applicant asked for a continuance until the January 14, 2010 Conservation Commission Meeting

7. Planning board comments – There were none.

8. Administration

a. Meeting schedule – January 14, 2009 and January 28, 2009

b. Sub-Committee Reports – There were none.

c. Other – L. Cohen talked about the upcoming public hearing on Beacon Hill about the Public Land Preservation Act to strengthen article 97 lands such as the land locked parcel in Burlington, conservation areas, parks, etc. He then read the letter he wrote in support of the bill, and asked the Commission to sign.

A motion was made to send the letter to the State House – approved 6-0-0

A motion was made to send the letter to the local newspaper – approved 6-0-0

Land management issues: L. Cohen said we have talked about care and management of our lands in the past. He said there is no land management budget anymore. We are contacted by people who like to use these areas. R. Newell said we have tried to reinstate the land steward program but it never got off of the ground. L. Cohen asked if the Commission would like to form a subcommittee regarding this. G. Lima and G. Carey said they would be interested in further discussions. J. Keeley commented he will send out emails and try to coordinate a time.

K. Melanson said the bank on Cambridge St. has cut trees along the bank and asked the conservation staff to check it out.

L. Cohen commented a site visit was scheduled for the Notre Dame property, approximately 3 to 4 acres by the high school. The owners of the property would like to sell the property to the town. J. Keeley said Mr. Mercier has been in touch with the seller's attorney and we should wait until spring to look at this property.

A motion was made to adjourn the meeting at 8:35 P.M. - approved 6-0-0

Minutes respectfully submitted by:

Ellen F. Longo, Principal Clerk
Conservation Department