

**BURLINGTON CONSERVATION COMMISSION**  
**MINUTES OF MARCH 12, 2009**  
**BURLINGTON TOWN HALL MAIN HEARING ROOM**  
**29 CENTER STREET, BURLINGTON, MA**

**Approved April 30, 2009**

Members Present: L. Cohen, G. Lima, N. Celik and I. Deb

Absent: K. Melanson

Also Present: John Keeley, Conservation Administrator and Randy Newell,  
Conservation Assistant

1. Citizen's Time – Gregory Smith, who resides at 38 College Road, was present. Mr. Smith stated he is concerned with the property behind #119 and 123 Bedford Street. He said there is a pond at the rear of these properties and he is concerned about it being a mosquito breeding area. G. Lima told him that if the area is a vernal pool, it is protected.

2. Minutes – The minutes of February 12, 2009 were approved – GL/ID 3-0-1

3. Request for Extension to Order of Conditions – 15 Tinkham Avenue – DEP File No. 122-409

No one was present for this. J. Keeley stated the extension is for a previously approved single-family house. J. Keeley said that because of the weak economy, the owner of the property can't sell and therefore, applied for a three year extension. J. Keeley stated a peer review was done for this project. L. Cohen stated the Commission usually does not grant a three year extension for Orders where work has not started, but due to the economy and the fact a peer review was done, an exception would be made.

**MOTION TO GRANT A THREE-YEAR EXTENSION FOR THE PROJECT AT  
15 TINKAM AVENUE – DEP FILE NO. 122-409 – GL/ID 4-0-0**

4. Public Hearing – Notice of Intent – 9 Fowler Terrace – Single-Family House Addition  
Rich Kirby from LEC Environmental Consultants and Martha Vieira, the applicant and owner were present. R. Kirby explained the project. He stated the project is for a 16 ft. x 22 ft. addition to a single-family house, some of which is in the 100-foot Buffer Zone to Bordering Vegetated Wetlands, and within Bordering Land Subject to Flooding. The FEMA flood elevation in the area is 126 feet. There is a wetland at the rear of the property. He stated they will be filling approximately 95 cubic feet, approximately 3.5 cubic yards, of Bordering Land Subject to Flooding, and will provide 4 cubic yards of compensatory flood storage volume. All of the filling and compensation will occur between elevations 125 and 126. J. Keeley said that because of the snow cover, and because the wetland is far from the proposed addition, he did not scrutinize the wetland delineation, but he said it looked close to accurate. L. Cohen asked J. Keeley if he is satisfied with the proposed compensatory flood storage and J. Keeley said he was. J. Keeley stated they are providing more storage than what they are filling. I. Deb asked if

**Conservation Commission Minutes  
March 12, 2009 meeting**

they are adding a basement and R. Kirby told him yes, used for storage only. I. Deb asked if the excavated soil will be used for fill and R. Kirby said no, soil will be brought off-site because they can't fill Bordering Land Subject to Flooding. I. Deb asked if there is contamination on the site and R. Kirby said they should not encounter any contamination. I. Deb then asked about potential groundwater and R. Kirby commented if they need to dewater, a plan will be submitted to the Conservation Department. G. Lima asked if there is any roof drainage and R. Kirby said there are gutters and downspouts at the corners of the house. R. Kirby stated they will have a trench drain around the house. G. Lima asked if the area where the addition is going is all lawn and R. Kirby said yes. L. Cohen asked if there is sufficient hydrologic connection between the flood plain and the new storage area. R. Kirby told him yes. He said that flow will be unrestricted and pointed out the area in question on the plan. No one was present in the audience for this project. J. Keeley commented this project received a file number: DEP File No. 122-446

**CONTINUED UNTIL THE MARCH 26, 2009 CONSERVATION COMMISSION MEETING TO CLOSE AND ISSUE ORDER OF CONDITIONS**

5. Continued Public Hearing – Notice of Intent – Equity Office Properties Management Co. – Commercial Building Addition – 15 & 16 New England Executive Park – DEP File No. 122-445

Matt Varrell and Connor Nagle of VHB and John Connolly of Equity Office Properties Management Co. were present. M. Varrell reviewed the project description. The project is for a small connection between two commercial buildings and improvements to the drainage area. C. Nagle reviewed the drainage issues. C. Nagle stated they checked eleven catch basins on the site. He stated that catch basins #1 and #2 are shallow (less than two ft.) and will be replaced. The rest have sumps of more than 3 feet. Two catch basins are leaching basins and working well. He also stated they are dry and are structurally in good condition. Catch basin #6 is between two buildings and is right on a main 36" drain pipe. I. Deb asked if they are replacing two catch basins and C. Nagle told him yes. L. Cohen asked how they plan to fix the catch basin on the pipe. C. Nagle said they could move the catch basin off of the pipe and put in a new deep sump catch basin. L. Cohen commented he would like the catch basins that are less than 3.5 ft. replaced. The applicant agreed to this. No one was in the audience. R. Newell reviewed the draft by-law permit and draft Order of Conditions.

**MOTION TO CLOSE THE PUBLIC HEARING FOR THE NOTICE OF INTENT FOR THE PROJECT AT 15 AND 16 NEW ENGLAND EXECUTIVE PARK – DEP FILE NO. 122-445 – ID/NC 4-0-0**

**MOTION TO APPROVE FINDINGS UNDER BURLINGTON BY-LAW ARTICLE 14 FOR THE PROJECT AT 15 AND 16 NEW ENGLAND EXECUTIVE PARK – DEP FILE NO. 122-445 – ID/NC 4-0-0**

**MOTION TO APPROVE THE ORDER OF CONDITIONS AS DISCUSSED AND AMENDED UNDER BURLINGTON BY-LAW ARTICLE 14 AND M.G.L.CH.131 S.40 FOR THE PROJECT AT 15 AND 16 NEW ENGLAND EXECUTIVE PARK – DEP FILE NO. 122-445 – GL/NC 4-0-0**

**Conservation Commission Minutes  
March 12, 2009 meeting**

**MOTION TO APPROVE A PERFORMANCE BOND UNDER BURLINGTON BY-LAW ARTICLE 14 FOR THE PROJECT AT 15 AND 16 NEW ENGLAND EXECUTIVE PARK – DEP FILE NO. 122-445 IN THE AMOUNT OF \$5K – NC/ID 4-0-0**

6. Continued Public Hearing – Notice of Intent – Nordblom Company – Commercial Redevelopment – 174 Middlesex Turnpike – DEP File No. 122-443

Connor Nagle and Matt Varrell of VHB were present. J. Keeley stated this hearing was opened on October 23, 2008 but was continued several times due to issues and cancellation of meetings. J. Keeley said the plan has changed a few times. The most recent plan shows two low impact development techniques; a bio-retention area and a shallow water quality swale. Both structures are lined because of contamination on the site. Nothing has changed since the last meeting. No one was in audience for this project.

**MOTION TO CLOSE THE PUBLIC HEARING FOR THE PROJECT AT 174 MIDDLESEX TURNPIKE - DEP FILE NO. 122-443 – ID/NC 4-0-0**

J. Keeley reviewed the draft findings and Order of Conditions. J. Keeley commented this project is in the Zone Two of the town's drinking water supply and the site drains to Vine Brook. That is why the Commission asked for low impact development techniques. J. Keeley commented the conditions are fairly standard and that he used template from the previous order for this site that was issued in 2000.

**MOTION TO APPROVE FINDINGS UNDER BURLINGTON BY-LAW ARTICLE 14 FOR THE PROJECT AT 174 MIDDLESEX TURNPIKE – DEP FILE NO. 122-443 – NC/GL 4-0-0**

**MOTION TO APPROVE THE ORDER OF CONDITIONS AS DISCUSSED AND AMENDED UNDER BURLINGTON BY-LAW ARTICLE 14 AND M.G.L.CH.131 S.40 FOR THE PROJECT AT 174 MIDDLESEX TURNPIKE – DEP FILE NO. 122-443 – ID/NC 4-0-0**

**MOTION TO APPROVE A PERFORMANCE BOND UNDER BURLINGTON BY-LAW ARTICLE 14 FOR THE PROJECT AT 174 MIDDLESEX TURNPIKE – DEP FILE NO. 122-443 IN THE AMOUNT OF \$10K – ID/NC 4-0-0**

7. Planning Board Comments – J. Keeley commented that R. Newell is working with the Planning Department on a change to the Town's zoning by-law to allow permeable pavement and low impact development. These changes will be presented at the May Town Meeting.

8 Administration –

- a. Meeting schedule – March 26, 2009 (Nedim Celik absent) and April 9, 2009 (Indra Deb may not be able to attend)
- b. Sub-committee Reports - None
- c. Other – Vehicles at Sawmill Brook Conservation Area – J. Keeley said that vehicles have been going down the access road at the end of Sawmill Road. A small vehicle is

**Conservation Commission Minutes**  
**March 12, 2009 meeting**

going in there and making a mess. G. Lima commented she can't understand why the Town does not protect conservation land. She then stated maybe we can meet with people who live near the entrances of conservation lands and talk to the police about this. L. Cohen said we should draft a standard letter to send to abutters of conservation areas making them aware of this problem. The Commission talked about a possible trail walk for Earth Day. They also mentioned doing a press release about the conservation areas.

A motion was made to adjourn the meeting at 8:15 P.M. – GL/ID 4-0-0

Minutes respectfully submitted by:

Ellen F. Longo, Principal Clerk  
Conservation Department