

**BURLINGTON CONSERVATION COMMISSION**  
**MINUTES OF MARCH 26, 2009**  
**BURLINGTON TOWN HALL MAIN HEARING ROOM**  
**29 CENTER STREET, BURLINGTON, MA**

**Approved April 30, 2009**

Present: L. Cohen, K. Melanson, A. McNamara, I. Deb, G. Lima  
Absent: N. Celik

Also present: R. Newell, Conservation Assistant

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

1. Citizen's Time – Gregory Smith, who resides at 36 College Road stated he has two issues. He said the water level is high at Vine Brook by Middlesex Turnpike. He said he is concerned this may be due to a beaver dam. He asked to Commission to check this matter out. He also commented about several areas in town where there is a lot of litter and trash, especially in the Arthur Woods Ave area. L. Cohen said he is not sure if it is our jurisdiction, but did comment he has noticed lots of trash by the fence near Kohl's. R. Newell said he would go there and inform Kohl's.

2. Request for Determination of Applicability – 7 Stephanie Street – Single-Family House Addition

Robert and Tricia Gonet, the applicants and owners of the property were present. R. Newell explained the resource areas. R. Newell said there is an intermittent stream approximately 70 to 80 ft behind house. The bordering vegetated wetland is near the tree line. The proposed addition is on level lawn and will be constructed on an existing paver-block patio. The addition extends 35 ft. from the back of the house and will be approximately 40 ft. from wetland. R. Newell said hay bales and sediment fence will be required. The addition will not have a full foundation, but will have a crawl space. I. Deb asked if there will be a shed and T. Gonet said they may install one in the future. She said that a possible shed and fence on the side of the house is included in this application. T. Gonet said the future shed would be on cinder blocks. K. Melanson commented that before a fence is installed the applicant should contact the Conservation Department. She also said the fence can't go back to the stream and any work should be completed within the three year duration of this permit.

R. Newell reviewed the draft Negative Determination of Applicability. There was an abutter in the audience for this project but stated he had no problem with this project.  
**MOTION TO ISSUE A NEGATIVE DETERMINATION OF APPLICABILITY UNDER BURLINGTON BY-LAW ARTICLE 14 AND THE MA WETLANDS PROTECTION ACT FOR THE PROJECT AT 7 STEPHANIE STREET – ID/GL 5-0-0**

L. Cohen introduced Ann McNamara as the newest member of the Conservation Commission. L. Cohen stated that Ann is a long time resident of Burlington, the former principal of the Memorial School, and has been a Town Meeting member for many years.

3. Continued Public Hearing – Notice of Intent – Single-Family House Addition – 9 Fowler Terrace – DEP File No. 122-446

Martha Vieira, the applicant, was present. R. Newell said there are no outstanding issues from the last meeting. R. Newell stated that Rich Kirby, the consultant for this project, was at the last Conservation Commission meeting and presented the design to the Commission. R. Newell commented the addition is within Bordering Land Subject to Flooding and all of the proposed filling and compensation is between the 125 and 126 contours. No one was in the audience for this project. R. Newell then reviewed the draft Bylaw permit and Order of Conditions. L. Cohen said he wants R. Kirby to get a copy of the Order of Conditions.

**MOTION TO CLOSE THE PUBLIC HEARING FOR THE NOTICE OF INTENT FOR THE PROJECT AT 9 FOWLER TERRACE – GL/ID 4-0-1**

**MOTION TO APPROVE FINDINGS UNDER BURLINGTON BY-LAW ARTICLE 14 FOR THE PROJECT AT 9 FOWLER TERRACE – KM/GL 4-0-1**

**MOTION TO ISSUE 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 9 FOWLER TERRACE – ID/GL 4-0-1**

**MOTION TO REQUIRE A PERFORMANCE BOND UNDER BURLINGTON BY-LAW ARTICLE 14 FOR THE PROJECT AT 9 FOWLER TERRACE IN THE AMOUNT OF \$1K – ID/GL 4-0-1**

4. Request for Extension – 62 Cambridge Street – DEP File No. 122-276

Conor Nagle of VHB and Bill Proia of Riemer and Braunstein were present. C. Nagle stated the project is nearly complete except for some landscaping issues. He stated the applicant would like a one-year extension to do wetland restoration in the spring. R. Newell said there are no outstanding violations or issues with this project.

**MOTION TO APPROVE A ONE-YEAR EXTENSION FOR THE PROJECT AT 62 CAMBRIDGE STREET – DEP FILE NO. 122-276 – GL/ID 4-0-1**

6c. Other – Minor Engineering Change at Oracle Groundwater Treatment System - C. Nagle of VHB and Bill Proia were present. C. Nagle stated the outfall from the groundwater treatment facility was not relocated on the final site plan for the construction of the new office building on the Oracle campus at 10 Van de Graaff Drive. The plan therefore shows the outfall located under a proposed parking lot. C. Nagle asked the Commissions to approve a minor engineering change to allow them to move the outfall to the edge of the new parking lot. He said that the new location will be closer to the 20 ft. no disturb zone. In order to maintain a 20-foot setback from the wetland, C. Nagle said that the existing 20 foot wide section of rip-rap would need to be reduced to just 6 feet. C. Nagle said that the flow rate from the outfall is .015 cubic feet per second. He said

that six feet of rip-rap is more than adequate to handle this small amount of flow. L. Cohen asked what the original 20 foot width was based on and C. Nagle said that the Commission required it in the Order of Conditions for the treatment plant.

**MOTION TO APPROVE THE MINOR ENGINEERING CHANGE TO ALLOW THE RELOCATION OF THE OUTFALL PIPE TO THE EDGE OF THE PROPOSED PARKING LOT FOR DEP FILE NO. 122-438 – KM/GL 4-0-1**

**MOTION TO APPROVE A MINOR ENGINEERING CHANGE TO REDUCE THE REQUIRED WIDTH OF RIP-RAP FROM 20 FEET TO 6 FEET FOR DEP FILE NO. 122-332 – GL/ID 4-0-1**

5. Planning Board Comments - There were no comments.

6. Administration

a. Meeting schedule – April 9 and April 23, 2009. L. Cohen will not be able to attend the April 23<sup>rd</sup> meeting.

b. Subcommittee reports – There were none

A motion was made to adjourn the meeting at 8:00 P.M. – KM/AM 5-0-0

Minutes respectfully submitted by:

Ellen F. Longo, Principal Clerk  
Conservation Department