



Town of Burlington  Planning Board

Minutes of the Planning Board Meeting of February 18, 2010

1. Chairman Covino called the Regular Planning Board Meeting to Order with the Pledge of Allegiance at 7:30 p.m. with Vice Chairman Raymond, Member Clerk Cummings, and Members DeFrancesco, Hyde, and Roth present. Member Impemba was absent.

2. **Minutes**

MOTION – To accept the minutes of January 7, 2010 as submitted.

APPROVED: 5-1-0 (Member Impemba absent)

3. **Citizens Time**

College Road resident Greg Smith asked about the status of the former Burlington Dodge site. Chairman Covino said that that site had been zoned to a PDD by a vote of Town Meeting, but no specific plans have been submitted. Mr. Smith said that he hopes it does not end up like a particular site in Waltham.

4. **Announcements/Chairman's Comments** (By Director Fields)

- a) Citizen Planer Training in Worcester—announcement in Board books
- b) February 23, 2010 MAPC Winter Council
- c) Vice Chairman Raymond offered congratulations to Burlington High School's gymnastic team for placing second at the state meet.

5. **Legal Notices of Interest** **None**

6. **Non-Approvals**

- a) **Request for Endorsement of a Plan Believed Not to Require Approval – Sheighla Drive – Burlwood Realty Corporation, Applicant**

Phyllis Etsell represented the applicant. Ms. Etsell said that a title search had made changing lot lines necessary. She added that all lots still have the required frontage and area. Director Fields said that there is no problem with moving lot lines. Member DeFrancesco asked how the proposed lot shape bylaw would affect the lot 7. Director Fields confirmed that lot 7 would not comply with the proposed bylaw. Member DeFrancesco said that the present situation exemplifies the problem with the proposed lot shape bylaw. The Board went on to discuss lot shape issues.

MOTION – To approve and sign as an Approval Not Required a plan entitled “Sheighla Drive Lot Line Adjustment, Burlington, Middlesex County Massachusetts” dated February 9, 2010, prepared by Commonwealth Engineering, Inc., reflecting minor lot line revisions between Lots 5, 6 & 7. The Planning Board finds that this is a proper submission of an Approval Not Required Plan, since no new lots are created and the resulting lots meet the minimum frontage requirement for the One Family Dwelling (RO) District. The applicant shall submit four (4) copies of the endorsed Approval Not Required Plan to the Planning Board office within four (4) weeks of this approval.

APPROVED: 6-0-0 (Member Impemba absent)

7. **Administrative Matters** **None**

8. **Matters of Appointment**

a) Continued Public Meeting – Application for Approval of a Site Plan Waiver – 123 Cambridge Street (High School Athletic Fields) – The Burlington School Department, Applicant

Thomas Murphy and Megan Buczynski represented the applicant, with Superintendent Eric Conti and Principal Patrick Larkin also attending. Mr. Murphy summarized the proposal to replace the football field, stands, restrooms and snack bar. Ms. Buczynski provided an update on outstanding issues, including soil testing in the area of contamination; closing of the Conservation Commission hearing; DPW concerns over the water line yield proposal for new water line from Cambridge Street to serve the restrooms and another from Anna Road to serve the snack bar; and lighting, walkways, and pedestrian crossings. Mr. Murphy indicated that recent changes had added \$150,000 to the project budget, for which the School Committee might need to return to Town Meeting for additional funding. He asked the Board for approval to be able to take the plans out to bid. He acknowledged that some aspects of the proposal remain amorphous, but said he will work with staff to iron out details.

Vice Chairman Raymond read departmental comments:

Department	Recommendation	Date Received
Board of Selectmen	None received	
Inspector of Buildings	No objection	2-18-2010
DPW/ Engineering	More information requested	1-21-2010
Police Dept.	No objection w/conditions	2-17-2010
Fire Dept.	Favorable	12-30-2009
Board of Health	Favorable w/conditions	2-17-2010
Conservation	Order of Conditions forthcoming	

Vice Chairman Raymond highlighted traffic safety comments from the police department, and noted that since bids for the new Memorial School had come in less than expected he wondered if bids for the high school field would come in low as well. Mr. Murphy said that bids might come in low but also might not.

Member Roth urged sensitivity to the architecture of the proposed structures, and suggested returning to Town Meeting for funds to ensure a high level of quality. He also asked if town crews can do some work to keep costs down. Mr. Murphy said that DPW

crews help already. Member Roth asked if the high school is getting a new sign, and, if so, where it would be placed. Mr. Larkin said that the development team is looking for a new location.

Member Cummings then asked if temporary barriers could be erected after games to channel pedestrian movement. Mr. Murphy said that a lighting the existing path will entice people off the driveway. Member Cummings suggested giving pedestrians a pathway along the driveway, perhaps consisting of temporary poles with yellow chain, to keep pedestrians out of conflict with cars. Mr. Murphy noted that people arrive from, park, and depart in all directions. Member Cummings suggested thinking out logical routes and setting up channels for pedestrian movement. Mr. Murphy said that the lighted path will help.

Chairman Covino referred to comments received from a member of the Disabilities Access Committee and recommended that there should be more than the three handicapped parking spaces proposed near the playing field. Mr. Murphy agreed, but Ms. Buczynski noted that wetlands present in the area prevent adding paving. Mr. Murphy suggested handicapped parking signs in areas of hard pack earth. Director Fields suggested leaving the matter of additional handicapped parking to staff in cooperation with the proponent. Chairman Covino asked if the existing handicapped parking is located in front of an exit gate. Ms. Buczynski said that the proponent team is unsure where else to put the spots and noted that the particular exit is not a main gate. Mr. Murphy confirmed that the gate in question is usually closed. Vice Chairman Raymond supported leaving final details about lighting and handicapped accessibility to staff and the proponent.

Chairman Covino asked if the bathrooms are handicapped accessible. Director Fields said that a certain percentage of bathrooms must be handicapped accessible by law. Ms. Buczynski said that the proponent had received a waiver to reduce the required number of bathrooms by 50%, and the requisite number will be accessible. The Board discussed wording of conditions for accessibility. Director Fields said that the student parking lot looks shy of handicapped spaces, and that a code review of all lots might be in order.

Member Roth noted that Sovereign Bank will be moving trees and that the proponent might acquire some of those if the timing is right.

Board discussion ended without comment from the audience.

MOTION – The Planning Board finds that this is a proper request for a site plan waiver, since the plan submitted is an acceptable plan for the purposes of reviewing the proposed changes to the Varsity Field.

APPROVED: 6-0-0 (Member Impemba absent)

MOTION - To approve the request of Burlington Public Schools for approval of a Site Plan Waiver for property located at 123 Cambridge Street (Burlington High School), to permit the renovation and reconstruction of varsity infield to synthetic turf, construction of new home and visitor bleachers, two new structures to house bathrooms, team rooms, storage and concessions and other associated improvements, as reflected on a Plan entitled, “Town of Burlington Varsity Fields Replacement Project” dated, December 21, 2009, subject to the following revisions, terms and conditions:

Administrative conditions:

1. The applicant and/or property owner shall submit one record mylar and one print of the Site Plan for endorsement by the Planning Board within two (2) weeks of filing the decision with the Town Clerk. Upon endorsement of the record Site Plan mylar by the Planning Board, the applicant shall return the mylar to the Planning Board office with six (6) sets of blue or black line prints and two (2) hard copy CAD drawing files on disk compatible with the Town's CAD systems within two (2) weeks of such endorsement.
2. The plan shall be revised to show the following prior to endorsement by the Planning Board:
 - a. A pedestrian path, including crosswalks from the main entrance to the existing student parking area shall be constructed and shown on the plan. The existing path may be partially utilized for this path, although shall be improved creating a level surface. Final design shall be reviewed and approved by the Planning Director in consultation with the Safety Officer.
 - b. "No Parking" signs shall be placed near the pedestrian entrances and path ways to the field to ensure that vehicles do not block access paths. Final location shall be reviewed and approved by the Planning Director in consultation the Safety Officer.
 - c. Additional lighting shall be explored in the area between the main entrance to the field and the parking area. Attention shall be made to illuminate primary pedestrian areas. Final location shall be reviewed and approved by the Planning Director in consultation the Safety Officer.
 - d. Tall plantings shall be placed behind the field house/restroom building along ring road to minimize and soften the massing of the building.
 - e. Two additional handicapped spaces shall be explored along the access drive adjacent to the athletic field, final location to be approved by the Planning Director in consultation with the Traffic Safety Officer. Additional handicapped spaces shall be designated in the student parking lot in reasonable proximity to the athletic field facilities at the direction of the Planning Director in consultation with the Traffic Safety Officer.
 - f.. All proposed sewer and drain pipes should indicate inverts as well as material and size.
 - g. Proposed sewer services should be labeled with size and material or with a general note.
 - h. The proposed sewer service for the concession building has a proposed slope of .415% (SMH-3 to SMH-4). This slope should be redesigned so that it is at least 1%.

3. Prior to the start of any construction the applicant shall meet with the Town Engineer to address concerns raised over the suitability of the existing water line to serve as potable water supply to the proposed facilities, and to determine if any upgrades are needed to serve the needs of the proposed facilities.
4. The applicant and property owner shall be considered advised of the Department of Environmental Protection (DEP) moratorium restricting changes in use and increases of discharge into existing sewer lines. Prior to the commencement of any construction the applicant should analyze sewerage flow using Title V in current & proposed conditions to determine required sewer allocation.
5. If blasting will be required, no blasting shall be proposed without prior notification of the Board of Health, and receipt of a permit from the Fire Department.

Pre-Demolition Conditions:

6. The applicant and/or property owner shall obtain a Pre-Demolition Permit from the Board of Health. The applicant and property owner shall comply with the Board of Health Hazardous Building Component Management Plan Policy. Prior to demolition of the existing structures on site, the applicant shall inspect and remove all hazardous building components from the structure prior to demolition. Hazardous building components include, but are not limited to, fuels, solvents, storage tanks, mercury switches, Freon, dielectric fluids, fluorescent light tubes and asbestos. The applicant shall submit an inspection report to the Board of Health which outlines the number and type of materials observed prior to commencement of demolition activity. The applicant shall also submit to the Board of Health a copy of disposal or recycling records for all hazardous building components.
7. A dumpster shall be used during the building demolition process to contain waste construction materials and debris. The applicant and/or property owner shall ensure the proper disposal of all such material and debris.
8. All pavement/asphalt materials removed from the premises shall be properly disposed of by a licensed contractor, and documentation of such disposal shall be submitted to the Board of Health and the Conservation Commission.

Pre-construction conditions:

9. The applicant and/or property owner shall comply with all building and fire safety codes, and all recommendations and conditions of the Inspector of Buildings and Fire Department pertaining to such codes.
10. Prior to the start of construction, a construction staging plan shall be submitted to the Building Inspector, the Planning Director and the Safety Officer for review.
11. The applicant shall provide the name and contact information for the project manager to the Board of Health, Conservation Commission, Building Department, Planning Board, and Town Engineer. Updated contact information for all future property/project managers shall also be maintained with the Board of Health.

12. The applicant and/or property owner shall provide twenty-four (24) hour notice to pertinent Town departments, including the Inspector of Buildings and the General Development Inspector, prior to commencing any work on the site which requires inspection by Town Staff.

Contamination Related Conditions

The following conditions are recommendations from Michael Gitten, LSP, ATC Associates, on behalf of the Board of Health. Mr. Gitten should be consulted if additional details are necessary.

13. The applicant and/or property owner shall install an appropriate vapor barrier system under the proposed concession/ticket sales building to prevent any vapor contaminants from entering the building through the building's slab foundation.
14. The applicant and/or property owner shall provide a collection of two (2) soil gas samples from the field area and at the depth of the turf field under drain system for laboratory analysis for VOC (EPA Method TO-15) following appropriate protocols. Locations of the sampling to be specified by Michael Gitten.
15. The applicant and/or property owner shall install a temporary groundwater monitoring well within the field to 10 feet below grade for the purpose of collecting one sample for VOC analysis.
16. The applicant and/or property owner shall provide a document comparing data acquired in recommendations with already published data.
17. The applicant and/or property owner shall perform a focused limited human risk assessment if analytical values are greater than published data.
18. The applicant and/or property owner shall preserve existing monitoring wells established by PRP.
19. The applicant and/or property owner shall install low permeability "dikes" on utility lines under the contaminated site to prevent traveling of groundwater contamination outside the contaminated area.
20. The applicant and/or property owner shall collect five (5) soil samples from the area of contamination that will be excavated and four (4) or five (5) soil samples from the area outside the contamination that will be excavated. Three (3) of the five (5) samples from the area of contamination should be collected from soils to be excavated in the turf field area and one from the bottom portion of a proposed manhole excavation and one from a proposed main storm drain line area. The remainder of the samples should be from the turf field area outside the area of contamination. The samples should be tested for VOC (EPA Method 8260B) and VPH. Half of each sample should be saved for future use if necessary.
21. The contractor in charge of construction of the field should be responsible for having any LSP services needed to comply with Recommendations requiring testing and analysis in accordance with the MPC and M.G.L. 21E.
22. The applicant and/or property owner shall prepare a Release Abatement Measure (RAM) Plan for groundwater management, and soil management if deemed

required by recommendation 12, including a health and safety plan according to MA Department of Environmental Protection standards and guidelines.

23. Provide information from the manufacturer of the artificial turf that any contact from the contamination (VOC vapor or VOC contaminated groundwater) to the turf be non-deleterious to the turf.
24. Should releases of oil and/or hazardous materials or other conditions be encountered during proposed site activities that warrant notification of the Massachusetts Department of Environmental Protection, the Town of Burlington Toxic and Hazardous Materials Bylaw requires that the Board of Health be notified of such releases the within the same time parameters.

Construction conditions:

25. No construction activity shall be permitted prior to 7:00 a.m. nor after 7:00 p.m. on Monday through Saturday, and no construction shall be permitted on Sunday.
26. If excavation dewatering is required during the proposed Site activities, the Board of Health and Conservation Commission shall be notified and local, state and federal (NPDES) permits may be required.
27. The applicant and/or property owner shall use appropriate measures to protect materials and any adjacent drainage structures from erosion and sedimentation during any excavation.
28. Should releases of oil and/or hazardous materials or other conditions be encountered during proposed site activities that warrant notification of the MADEP, the Town of Burlington Toxic and Hazardous Materials Bylaw requires that the Board of Health be notified of such releases the within the same time parameters.
29. Dust, noise, and odor controls shall be utilized during construction activities.
30. The applicant and/or property owner shall equip all on-site catch basins with, oil absorbent pillows and oil/water separating snouts.
31. All improvements shall be constructed in accordance with the Site Plan. No deviations from the Site Plan shall be permitted without prior authorization from the Planning Board The applicant and property owner are advised that no field modifications may be made without preliminary authorization from the Planning Staff and/or Planning Board Chairman Unauthorized deviations from the Site Plan may result in the Planning Board seeking the issuance of a Cease and Desist Order until the deviation is addressed All proposed changes require review and approval by the Planning Board prior to the issuance of any certificate of occupancy.

Conditions for Certificate of Occupancy:

32. All handicapped parking shall be properly posted in accordance with the requirements of the Americans with Disabilities Act. All handicapped

accessibility improvements shall comply with the Massachusetts Architectural Access Board Rules and Regulations.

33. The applicant and/or property owner may be required to conduct smoke or dye tests to any sink and floor drains, to verify that all such sinks and drains are connected to the municipal sewer system. Such testing shall be performed at the expense of the applicant and/or property owner and shall be witnessed by either the General Development Inspector, Board of Health staff, or a registered Professional Engineer, who shall certify the results of such testing. Any sinks or drains that are not connected to the sewer system shall be properly sealed and abandoned or connected to the sewer system, to the satisfaction of the Board of Health.
34. The applicant shall submit a snow management plan to the Planning Board for review and approval. Snow removal operations shall not involve the storage and stockpiling of snow adjacent to any wetland areas. There shall be no use of salts or other de-icing chemicals or compounds on the property, except for calcium chloride, pursuant to Article XIV Section 4.4 of the General Bylaw. Upon approval of the snow management plan, the applicant must post the appropriate signage in the designated areas which snow storage is prohibited. In the event that no snow storage areas can be found on-site that are amenable to both the Conservation Commission and the Planning Board, the applicant shall provide for the removal and off-site disposal of snow.
35. All landscaping shall be submitted as indicated on the Site Plan, or such landscaping plan as may be approved by the Planning Director, prior to the issuance of a certificate of occupancy. Alternatively, the applicant may provide a bond to cover the full amount of the landscaping materials and installation if weather conditions do not permit the completion of the landscaping prior to the anticipated occupancy.
36. Prior to the issuance of any Certificate of Occupancy, the Applicant and/or property owner shall submit one (1) mylar, four (4) paper copies and two (2) CAD drawing files on disk (compatible with the Town's CAD systems) of an as-built plan of all underground utilities (including telephone, electric, gas, water, sewer, storm drainage) to the Planning Board. The as-built shall include horizontal ties and depth of and/or elevation of any handholes, manholes, valves, gates, cleanouts, tees, elbows, bends, etc. to fixed points of reference. The as-built plan shall also include any specific infrastructure operation and maintenance requirements, a brief outline of the drainage maintenance agreement approved by the Town, and any other pertinent information requested by the Planning Board.

Ongoing Drainage Maintenance Conditions:

37. The applicant shall comply with the Stormwater management Standards and Best Management Practices promoted in the Massachusetts Department of Environmental Protection's March 1997 Stormwater technical Handbook.
38. The proponent must submit a Drainage Operation and Maintenance Plan Agreement which indicates that: 1) all on-Site drainage structures inspected and cleaned, and 2) all paved areas at the Site will be swept and maintained at least four times annually, and immediately after any chemical release equal to or

greater than five gallons. The agreement shall include a maintenance schedule and an agreement to submit maintenance records to the Board of Health as they are generated. Once generated, the property owner shall submit information that confirms that all street sweepings and catch basin sediments have been disposed in accordance with state and local requirements. The Board of Health shall be provided with the name and contact information of the Site manager or entity who will be responsible for scheduling the Operation and Maintenance requirements. Oil absorbent pillows will be placed in all catch basins;

39. The applicant shall prepare a Storm Water Operation and Maintenance Plan that includes at least the following minimum requirements:
 - a. The plan shall include the parties whom will be responsible for maintaining the on-site systems.
 - b. All on-site drainage structures and bioretention and infiltration areas and all paved areas shall be cleaned and maintained at least four times annually, and immediately after any chemical release equal to or greater than five gallons.
 - c. A maintenance log of all Best Management Practices with schedule and recommended cleaning and inspection procedures shall be created, with one copy to be maintained on site, and one copy each submitted to the Board of Health, Conservation Commission, and Town Engineer. Maintenance records should be submitted as they are generated, but not less than annually.
 - d. The applicant and/or property owner must also submit information that confirms that all street sweepings and catch basin sediments have been disposed in accordance with state and local requirements.
 - e. The Board of Health, Planning Board, Conservation Commission and Town Engineer shall be provided with the name and contact information of the site manager or entity who will be responsible for scheduling the Operation and Maintenance requirements.

Ongoing operational and management conditions:

40. The applicant shall follow all health and safety standards and regulations established by federal, state, and local authorities, including the Environmental Protection Agency, the Massachusetts Water Resource Authority, the Massachusetts Department of Environmental Protection Agency, and the Burlington Board of Health.
41. The applicant and/or property owner shall provide a fluorescent light management plan which outlines how the lights will be collected, managed and recycled to prevent the release of mercury into the environment.
42. Crosswalks, traffic control markings, parking space paint markings and handicapped parking signage shall be maintained bi-annually or as necessary to be visible to site users.
43. The applicant and/or property owner shall comply with all recommendations and conditions of any Order of Conditions issued by the Conservation Commission. In the event that future conditions of the Conservation Commission necessitate

any revision to the approved Site Plan, the applicant and/or property owner shall be required to submit a revised plan for Planning Board approval in accordance with the Planning Board's Site Plan Rules and Regulations.

44. The Applicant and/or property owner shall be advised that should releases of oil and/or hazardous materials or other conditions be encountered during proposed site activities that warrant notification of the Massachusetts Department of Environmental Protection, the Town of Burlington Toxic and Hazardous Materials Bylaw requires that the Board of Health be notified of such releases the within the same time parameters;
45. Exterior lighting shall not shine onto adjoining property or into Cambridge Street.
46. The applicant and/or property owner shall install exterior waste receptacles and implement a daily litter patrol and trash maintenance program around the proposed school to help prevent the accumulation of trash and debris on the premises, and to help keep any such trash and debris from blowing onto wetland areas and roadways. Exterior trash receptacle placement should not impede pedestrian access or violate ADA or Architectural Access Board requirements.
47. All landscaping shall be maintained in a healthy condition in perpetuity and be maintained and trimmed to ensure adequate sight distance entering and exiting the property.
48. There shall be no use of salts or other de-icing chemicals or compounds on the property, except for calcium chloride, pursuant to Article XIV Section 4.4 of the General Bylaw.
49. The applicant and/or property owner shall utilize the best available conservation technology to minimize the demand for energy, drinking water and sewer capacity by this facility.

APPROVED: 6-0-0 (Member Impemba absent)

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- b) Continued Public Hearing - Request for a Finding Pursuant to Section 6.1.1 "Nonconforming Uses" of the Zoning Bylaws – 121 Lexington Street – Requested by Mohammad Yaqub

Continued without discussion or comment.

MOTION – To continue this matter to the Planning Board meeting of March 4, 2010 as requested by the applicant in letter dated February 18, 2010.

APPROVED: 5-0-0 (Member Roth left the room, Member Impemba absent)

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- c) Continued Public Hearing – Application for Approval of an Definitive Subdivision – 25 Margaret Road – Peter & Kathleen Bergquist, Applicant

Taken fourth with attorney Thomas Murphy and Mr. Peter Bergquist present. Mr. Murphy noted that the applicant had received a frontage variance from the Board of Appeals along Winn Street, but seeks to use Margaret Street as access. Director Fields reported that further discussion with the Fire Department resulted in a recommendation that the clearance between granite pillars be increased from 12 feet to 20 feet, and that 20 feet of paved width to the proposed driveway would also be sufficient if the shoulders are properly treated and graded. Director Fields also noted that the proponent will infiltrate roof run-off. Vice Chairman Raymond asked about snow storage. Director Fields said that it will be on the side of the road. Member Roth asked if the applicant will plow and maintain the drive. Mr. Murphy replied affirmatively.

Board discussion ended without comment from the audience.

MOTION – To close the public hearing on this matter.

APPROVED: 6-0-0 (Member Impemba absent)

MOTION – Pursuant to Section 2.5 of the Planning Board Rules and Regulations Governing the Subdivision of Land, and pursuant to MGL Chapter 41, Section 81-R, the Planning Board hereby considers the following Waivers requested by the applicant from the Subdivision Rules and Regulations, for the plan entitled “Definitive Subdivision Plan of Land in Burlington, MA, 25 Margaret Road, Winn Street”, submitted by Peter & Kathleen Bergquist on December 4, 2009, said plan prepared by A.C. Nelson Cartography, dated December 1, 2009, revised to January 14, 2010:

- * Section 3.7 - Construction Inspection Fee
- * Section 6.1.12 - Centerline borings at 100’ intervals.
- * Section 6.1.13 - Existing and proposed roadway grades
- * Section 6.1.16 & 6.1.5 - Impact Statement.
- * Section 6.1.18 & 6.2.26 - Street Lighting.
- * Section 6.2.1 - Locus plan at 1”=500’.
- * Section 6.2.9 - Proposed street addresses.
- * Section 6.2.11(a) - All existing improvements
- * * Section 6.2.11 (c) - Waterways 300’ beyond the property line.
- * Section 6.2.16 - Topography 300’ beyond the property line.
- * Section 6.2.19 - Elevation of sewer laterals for each lot.
- * Section 6.2.21 - Location and base elevation of existing and proposed hydrants.
- * Section 6.2.26 - Proposed street light locations.
- * Section 6.3 - Form and content of Way and Profile Plans.
- * Section 6.5 - Impact Statement.
- * Section 10.1 - General Requirements of street
- * Section 10.2 - Width and grade of street
- * Section 10.3 - Intersection of ways.
- * Section 10.4 - Dead end streets and cul-de-sacs.
- * Section 10.5 - Curbing
- * Section 10.6 - Sidewalks and Driveways.
- * Section 10.8 - Fire hydrants/alarm systems.
- * Section 10.10 - Parks/open space.
- * Section 10.11 - Signs

- * Section 10.13 - Cul-de-sac plantings
- * Section 10.14 - Construction of ways.
- * Section 10.17 - Looped water line.

The Waivers requested above have been reviewed, and the Planning Board finds such waivers to be appropriate, for the following reasons:

1. Burlington's road construction standards may be technically waived because the proposed improvements along the private drive are satisfactory to serve the additional lot.
2. An impact statement may be waived because the impact to adjoining properties and the Town will be negligible with respect to traffic or community services. Provision of emergency services has been addressed by widening the existing private drive.
3. A location plan at an acceptable scale has been provided on the Subdivision Plan

Approval of the above waivers in no way constitutes approval by the Planning Board of the Amended Definitive Subdivision application submitted by Peter & Kathleen Bergquist

APPROVED: 6-0-0 (Member Impemba absent)

MOTION – Pursuant to Section 2.4 of the Planning Board Subdivision Rules and Regulations, the Planning Board hereby finds that the Definitive Subdivision Plan application submitted by Peter & Kathleen Bergquist, to create a new Lot A2-2, with frontage on Winn Street, accessed via Margaret Street, to be a complete and proper submission.

APPROVED: 6-0-0 (Member Impemba absent)

MOTION – To approve the Definitive Subdivision Plan entitled, “Definitive Subdivision Plan of Land in Burlington, MA, 25 Margaret Road, Winn Street”, submitted by Peter & Kathleen Bergquist on December 4, 2009, said plan prepared by A.C. Nelson Cartography, dated December 1, 2009, revised to January 14, 2010, reflecting one (1) lot, subject to the following terms and conditions:

1. Prior to Endorsement by the planning Board the plan shall be revised to show:
 - a. Any individual trees greater than 12” in diameter.
 - b. Proposed grading around the proposed dwelling
 - c. Calculation of the total land disturbance including road work. A Sedimentation and Erosion Control Permit shall be required in the event that 10,000 square feet or more of land will be disturbed.
 - d. Construction boundary or limit of work.

- e. A note shall be added to the plan stating: “The applicant or subdivider and subsequent land owner shall be responsible for maintaining water and sewer connections serving the new Lot A2-2, as well as any other drainage structures on site”
 - f. A note shall be added to the plan stating: “ No further subdivision of the land shown on the Plan, or of the other lots may be pursued except by submission of a definitive subdivision plan to the Planning Board, notwithstanding that lot line revisions that do not increase the number of lots or alter the frontage may be submitted as Approval Not Required.”
 - g. The common driveway shall be paved to a minimum of 20 feet wide from the end of Margaret Street to the driveway of the proposed new lot. The final layout of the driveway and pillars shall be shown on the plan.
2. Prior to the issuance to a building permit for any dwelling all associated drainage designs shall be reviewed by the Planning Director, Town Engineer, Conservation Commission and the Board of Health Staff. All roof-run-off from proposed dwelling within the subdivision shall be infiltrated to the extent practicable.
 3. The applicant and/or property owner shall comply with all building and fire safety codes, and all recommendations and conditions of the Inspector of Buildings and Fire Department pertaining to such codes.
 4. Limit of work lines shall be clearly identified in the field to ensure that any construction activity related to dwelling construction does not encroach onto any abutting property, or wetlands or resource area except as may be permitted by the Conservation Commission.
 5. The applicant or subdivider and subsequent land owner shall be responsible for maintaining water and sewer connections serving the new Lot A2-2, and for maintaining a minimum 20 foot wide clearance on the private driveway throughout the year.
 6. The applicant shall provide advanced notice to the General Development Inspector or a DPW representative, prior to the installation of any sewer line connections such that the line and grade of the lateral connection for each lot is verified by Town staff.
 7. The applicant shall use appropriate measures to protect materials and any adjacent drainage structures from erosion and sedimentation during any excavation.
 8. As soon as possible during construction, all upland areas shall be brought to final finished grade and all slopes created as a result of cut or fill shall be stabilized to prevent erosion by either loaming and seeding or stabilized in another manner approved by the Planning Board.
 9. All debris and construction refuse shall be disposed of promptly and properly, and the construction site shall be maintained in a clean condition. A dumpster shall be used during the construction process to contain waste construction materials and debris.

10. The applicant and/or property owner shall maintain a copy of the approved Subdivision Plan, and the conditions of approval on the site during construction. Copies of these documents shall be provided to any broker, agent, builder, attorney, subcontractor, or other persons authorized to act in the development.
11. The applicant shall be considered advised of the Department of Environmental Protection (DEP) moratorium restricting changes in use and increases of discharge into existing sewer lines.
12. Approval of this subdivision and of specific waivers of the subdivision requirements which are previously listed in this decision, is given only for the one (1) lot shown on the Subdivision Plan to be endorsed by the Planning Board, and such endorsement shall be withheld until the applicable requirements this approval have been met. No further subdivision of the land shown on the Plan, or of the other lots may be pursued except by submission of a definitive subdivision plan to the Planning Board, notwithstanding that lot line revisions that do not increase the number of lots or alter the frontage may be submitted as Approval Not Required.
13. All improvements shall be constructed in accordance with the Endorsed Definitive Subdivision Plan. No deviations from the Plan shall be permitted without prior authorization from the Planning Board. The applicant and property owner are advised that no field modifications may be made without preliminary authorization from the Planning Staff, to determine if any subsequent applications need to be filed for further review and approval of the Planning Board.
14. Prior to the issuance of any Temporary or Final Certificate of Occupancy, the applicant and/or property owner shall submit as as-built of the utilities serving the particular dwelling unit. Upon completion of the public utilities, the Applicant shall submit (1) mylar, two (2) paper copies, and two (2) hard copy CAD drawing files (compatible with the Town's CAD systems) of an as-built plan of all underground utilities (including telephone, electric, gas, water, sewer, storm drainage) to the Planning Board. The as-built shall include horizontal ties and depth of and/or elevation of any handholes, manholes, valves, gates, cleanouts, tees, elbows, bends, etc. to fixed points of reference. The as-built plan shall also include any specific infrastructure operation and maintenance requirements, a brief outline of the drainage maintenance agreement approved by the Town, and any other pertinent information requested by the Planning Board.
15. Within two weeks of this approval the applicant shall submit one mylar and one set of blue or black line prints of the approved subdivision plan for endorsement by the Planning Board. Following endorsement and recordation of the Subdivision Plan, the applicant shall submit one (1) hard copy CAD drawing file (compatible with the Town's CAD systems), one (1) mylar and eight (8) sets of blue or black lined prints of the endorsed Subdivision Plan to the Planning Board office, along with copies of all other documents recorded with the Subdivision Plan, including the book and page numbers for all plans and documents recorded with Registry of Deeds or Land Court for this subdivision.

APPROVED: 6-0-0 (Member Impemba absent)

- d) Continued Public Hearing - Petition to amend the Zoning Bylaw, Article IV, Section 4.2.0 "Use Table" to change subsection 4.2.1.2 "Garden Apartment dwelling units" from YES to SP in the Garden Apartment (RG) District, and subsection 4.2.1.17 "Multi-Family other than 4.2.1.2" from YES₁ to SP₁ in the Civic Center (CC) and Central Business District (CBD) Overlay Districts; And further to amend Article XI "Special Residential Regulations" by creating a new Section 11.8.0 "Inclusionary Zoning Requirements for Multifamily Housing" – Submitted by the Planning Board

Director Fields said that the subcommittee had met and had agreed to support a percentage of the sales price or rental income for fractional units. He said that the contribution would be required when a unit sells. Chairman Covino said that this sort of contribution would float with the market, and that the percentage is open to discussion.

Members DeFrancesco and Roth expressed concern that a one percent contribution is not related to the cost of creating a unit, with Member Roth reiterating a suggestion that the contribution for each fractional unit be 10% of the value of a unit. Member Hyde said that the Town does not want to be in the business of buying and selling units, and that contributions could be used for other purposes like down-payment assistance. Member Roth said that the contribution should be related to the burden of creating an affordable unit for every 10 units.

The Board debated alternative percentages, some members supporting a higher contribution related to the cost of building or buying units, and others supporting lower percentages. Vice Chairman Raymond noted that the Inspector of Buildings had recommended a low percentage so that small projects did not become uneconomical. Director Fields said that a subcommittee meeting had been scheduled for March 3 and that developers have been invited. Member DeFrancesco suggested a sliding scale, 8% at nine units, 7% at eight units, and so forth. Director Fields said that if the units in an 8-unit project were to sell at \$400,000 a unit, the required contribution would be \$224,000 (7% per unit). Builders would think in terms of spreading that cost across each unit.

Member Hyde then asked if, in the event 40B legislation is repealed, the town would require affordable units. Director Fields opined that the Legislature would seek to pass similar legislation in the future, and suggested that the town might simply require affordable units because it is the right thing to do. Director Fields went on to say that a town wide affordable ratio over 10% works to the town's advantage with respect to Commonwealth Capital grants.

Member Hyde observed that the Board does not have consensus on a system of contribution and recommended that it should narrow the options before the subcommittee meeting, endorsing a 2% contribution. Member Roth requested that staff generate additional examples for different contribution schemes.

The Board further discussed on-site and off-site affordable unit options. The discussion tended toward agreement on the idea that the "benefit of the town" should drive the location of affordable units. Director Fields then developed a hypothetical contribution for fourteen units. He said that with small projects the contribution should be scaled to the general purpose of affordable housing, and not necessarily toward a unit. Member Hyde sought to clarify that this meant fewer than ten units. Director Fields recommended a one percent contribution as a "seed money concept" for small projects. Member DeFrancesco sought clarification of the contribution on a 14 unit development. Director

Fields, using \$349,000 as a market price for units currently under construction in the town center, said that the contribution would be 1 unit plus \$48,860.

The Board discussed payments at length. Director Fields noted that the numbers under discussion were significantly higher than what planning staff had recommended. Both Chairman Covino and Member DeFrancesco requested a table of contribution schemes prior to the subcommittee's meeting with developers. Chairman Covino also suggested a vote on the matter by March 18, 2010 in order to have the article printed in the warrant.

The Board discussed the applicability of a formula to rental units. Director Fields said that the Board might create a permanent income stream on rentals, obtaining smaller annual payments rather than a single lump sum payment up-front. The Board then discussed market and affordable rents. Director Fields said that affordable rents are based upon 80% of the area median income. Member Roth said that he is concerned with promoting rental units. He said that he prefers home buying, which is an investment in the community.

Board discussion ended without comment from the audience.

MOTION – To continue this matter to the Planning Board meeting of March 4, 2010.

APPROVED: 6-0-0 (Member Impemba absent)

- e) Continued Public Hearing – Petition to Amend the Zoning Bylaw by creating a new Section 5.2.1.6 “Lot shape requirements in the One Family Dwelling (RO) District” – Submitted by the Planning Board

Director Fields reported that staff is working on a new definition for lot width, and a revised draft will be distributed in the near future. No Board discussion and no comment from the audience.

MOTION – To continue this matter to the Planning Board meeting of April 15, 2010.

APPROVED: 6-0-0 (Member Impemba absent)

9) Other Business:

- a) **Discussion**
- b) **Correspondence**
- c) **Reports from Town Counsel**
- d) **Subcommittee Reports**
- e) **Unfinished Business**
- f) **New Business**

Member Cummings asked if the rules and regulations draft had arrived from Brown and Brown. Director Fields said that they are not entirely done. She then asked for a draft as soon as it is complete, along with a copy of MAPC's Route 128 Central Corridor Coalition report.

Vice Chairman Raymond reported on a recent discussion with the Burlington Area Chamber of Commerce about the affect of the town sewer moratorium on the town's competitiveness. Director Fields said that there is receptivity to the idea of intercommunity cooperation on Inflow and Infiltration. Director Fields then explained the correlation between sewer capacity and economic competitiveness.

MOTION – To adjourn at 10:02 p.m.

APPROVED: 6-0-0 (Member Impemba absent)

Donald Benjamin

Ann Cummings

Donald Benjamin, Acting Recording Clerk

Ann M. Cummings, Member Clerk

5-20-2010

Minutes accepted at the Planning Board meeting of _____.

6-4-2010

Minutes filed with the Town Clerk on _____.