



TOWN OF BURLINGTON

CONSERVATION COMMISSION MINUTES

JANUARY 09, 2020

Members Present: Chair Larry L. Cohen, Vice Chair William Boivin, Jennifer O'Riorden, Ed LoTurco, and John Ramsdell

Members Absent: Indra Deb and Gail Lima

Also Present: Conservation Administrator John Keeley and Assistant Conservation Administrator Eileen Coleman

1. Call to Order

Mr. Cohen called the meeting to order at 7:01 PM.

Mr. Cohen stated that agenda item #6, 108 Muller Road will be continued to the next meeting at the request of the applicant.

2. Citizens' Time

No one came forward to speak.

3. Approval of Minutes – December 12, 2019

MOTION - Mr. Boivin made a motion to approve the Conservation Commission minutes of December 12, 2019 as submitted. The motion was seconded by Mr. Ramsdell and voted 5-0-0.

4. Request for Determination of Applicability (RDA)**4a. Van de Graaff Drive – Oracle America, Inc. – Reconstruct Roadway**

Marissa Valentino from BSC Group and Rob Cox of Oracle appeared for the continued Request for Determination of Applicability for Van de Graaff Drive. Ms. Valentino stated that since the last meeting, the catch basins have been investigated. There are 3 that do not have deep sumps and they will be replaced with deep-sump catch basins. Storm septors have been added and there are 2 catch basins that are at the end of Van de Graaff drive that connect to South Bedford Street. Those will also have storm septors added to them.

Mr. Keeley stated that all the issues raised at the last meeting have been addressed.

The Conservation Commission discussed/questioned:

- Should this project require a maintenance report or the contract for maintenance? Mr. Keeley stated that this is only a Request for Determination of Applicability and it is only good for 3 years. Typically that would be required for Notice of Intent Order of Conditions for parking lot reconstruction, not roads.

Mr. LoTurco and Ms. O'Riorden stated that for the record they both have watched the recording and read the minutes of the last meeting so they will be able to vote on the continued items.

There were no questions from the audience.

MOTION - Mr. Ramsdell made a motion to issue a negative conditional determination of applicability under the Burlington Bylaw Article 14 and the State Wetlands Protection Act for Van de Graaff Drive. The motion was seconded by Mr. Boivin and unanimously voted 5-0-0.



TOWN OF BURLINGTON
CONSERVATION COMMISSION MINUTES
JANUARY 09, 2020

4b. 10 Marjorie Road – 16 Dorothy Avenue LLC – Grading & Landscaping Associated with Construction of a New Single-Family Residence

Jonathan Langone appeared for the Request for Determination of Applicability for 10 Marjorie Road. Mr. Langone stated that they are proposing to demolish the existing house and construct a new 4-bedroom single family home, 12' x 16' rear deck and farmers porch. There were some discrepancies with the wetlands flag so Norse Environmental came out and reflagged the wetlands and redrafted a plan. The corner of the house is now only 80.5' away from the wetlands. There is minimal grading and a stone trench around the entire house and one for the driveway.

Ms. Coleman stated that the wetlands flag were reflagged and a new plan was submitted today. They have no concerns with the project.

The Conservation Commission discussed/questioned:

- There is standing water to the left side of the property.
- A fence or other demarcation should be added to mark the 20' no-disturb line.

The applicant offered the following responses:

- The water on the left side is not on our property so he cannot comment.
- They will add a post and rail fence or closely spaced shrub demarcation at the 20' no-disturb line.

There were no questions from the audience.

MOTION - Mr. Boivin made a motion to issue a negative conditional Determination of Applicability under the Burlington Bylaw Article 14 and the State Wetlands Protection Act for 10 Marjorie Road. The motion was seconded by Mr. LoTurco and unanimously voted 5-0-0.

5. Continued Public Hearing – Notice of Intent (NOI) – 7 Holden Avenue – Golden Realty Trust – Demolish Single-Family Residence & Construct New Single-Family Residence – DEP #122-637

Maureen Herald of Norse Environmental Services appeared for a continued Notice of Intent of 7 Holden Avenue. Ms. Herald stated that from the last meeting they have added three additional trees within the restoration area, there will be a split rail fence added at the 20' no-disturb line, spot grades have been added for the driveway and arrows indicating water flow direction towards the trench.

Ms. Coleman stated that all the issues asked for from last meeting have been addressed. There is an existing concrete patio that is being removed that is close to the wetlands so that is an improvement. Ms. Coleman stated that the DEP # needs to be fixed on the finding. Ms. Coleman added that they are recommending a \$2,500 bond be posted.

The Conservation Commission discussed/questioned:

- Where will stockpile of material be done on the site?



TOWN OF BURLINGTON
CONSERVATION COMMISSION MINUTES
JANUARY 09, 2020

The applicant offered the following responses:

- The stockpile of material will most likely be on the front right corner where the existing driveway is.

There were no questions from the audience.

MOTION - Mr. Ramsdell made a motion to close the public hearing for 7 Holden Avenue, DEP #122-637. The motion was seconded by Mr. Boivin and unanimously voted 5-0-0.

MOTION - Mr. Boivin made a motion to adopt the findings under the Burlington Bylaw Article 14 as amended for 7 Holden Avenue, DEP #122-637. The motion was seconded by Ms. O’Riorden and unanimously voted 5-0-0.

MOTION - Mr. LoTurco made a motion to adopt the Order of Conditions under Burlington Bylaw Article 14 and the State Wetlands Protection Act for 7 Holden Avenue, DEP #122-637. The motion was seconded by Ms. O’Riorden and unanimously voted 5-0-0.

MOTION - Mr. Boivin made a motion to require a \$2,500 bond required under Burlington Bylaw Article 14 for 7 Holden Avenue, DEP #122-637. The motion was seconded by Mr. Ramsdell and unanimously voted 5-0-0.

6. Continued Public Hearing – Notice of Intent – New Lot Subdivided from 108 Muller Road – Mark A. Petro – Construct New Single-Family Residence – DEP #122-638

Mr. Cohen stated that this item will be continued until the next meeting on January 23, 2020.

10. Administration

10a. Planning Board Comments

There were no Planning Board comments.

10b. Subcommittee, Staff Reports and Updates

There were no reports or updates.

10c. Upcoming Meetings – January 23, 2020 and February 13, 2020

10d. Other Business

There was no other business.

7. Public Hearing – Notice of Intent – 127 Bedford Street – Kong K. Taing & Vanden Lay – Grading, Landscaping, Driveway Extension, Buffer Zone Restoration – DEP #Pending

Maureen Herald of Norse Environmental Services appeared for a Notice of Intent at 127 Bedford Street. Ms. Herald stated that in the fall the homeowner was filling in the back yard to try to level it out. They were issued a violation notice and a stop work order. This is the second time. They are proposing adding 5 trees and 7 shrubs around the isolated wetlands with seed mix. They also are filing to fill the backyard, install a 4’ to 6’ retaining wall in the no-disturb zone, extend the driveway and adding infiltration for driveway runoff into a grass swale.



TOWN OF BURLINGTON
CONSERVATION COMMISSION MINUTES
JANUARY 09, 2020

Mr. Keeley offered the following:

- There is isolated wetland on the property.
- The original violation order was issued a couple of years ago to the same owners because they took down a lot of trees and didn't know there was a wetland there. A restoration plan was required.
- A fence has been installed through the wetland but above the water. More recently, additional work has been done and another violation notice was issued.
- There is a concern because there is water all the way to the rear of the property line between 125 and 127 Bedford Street well past the wetlands flags and along the rear of the property lines of the houses on Pleasant Street. If a wall is built then water will be trapped and that could lead to more water between 125 and 127 Bedford Street. There needs to be further review of how much water there is and where it goes.
- The existing driveway already has an issue because it is pitched towards the wetlands and they are using the front of the house to park cars and the runoff is all going towards the wetlands.
- They could increase the size of the wetlands on their own property to try to accommodate additional flood storage.

The Conservation Commission discussed/questioned:

- There is concern with the proposed driveway and how much new impervious surface will be added.
- There is concern with significantly increasing the water and impacting the neighbors.
- The property is a mess and they have no respect for trees and the power they possess to help with flooding.
- There are sand bags along the fence that is next to the existing driveway so they know there is a water problem now.
- This is the second violation and they are going in the wrong direction.
- The flooding they are experiencing is of their own doing.
- There should be a fine imposed since this is their second violation.
- There should be additional plantings required for restoration.

The applicant offered the following responses:

- They will look at alternatives for the driveway and also look at other options for the wall.
- They will look at adding infiltration for the existing driveway.
- They will look at adding additional trees but noted that trees only absorb water when there are leaves on the branches.



TOWN OF BURLINGTON
CONSERVATION COMMISSION MINUTES
JANUARY 09, 2020

Kerry Callahan and Michael Callahan of 125 Bedford Street – Ms. Callahan stated that they bought the house in 2015 and there was no water. When the current owners purchased 127 Bedford Street they cut down 66 trees and now they have all their water coming into their yard. Ms. Callahan stated that they now have a half acre of land that they cannot use. Mr. Callahan stated that the fence that is installed is buckling because of all the water that is pitched towards their property.

Kristen Brady of 13 Pleasant Street – Ms. Brady stated that a house had been lived in on her property for 47 years and there was never water between the properties until the neighbors bought this property and cut down all those trees. Something needs to be done to rectify what is happening now and not allow them to do anything else.

Mr. Cohen stated that the public hearing will be continued until the next meeting on January 23, 2020.

8. Public Hearing – Erosion & Sedimentation Control Permit – Burlington Mall – Burlington S&S, LLC c/o Simon Property Group, Inc. – Renovate Mall Entry #1 and Construct New Sidewalks, Patio and Planting Areas.

Sarah Ebaugh and Connor Nagle from VHB appeared to discuss an erosion and sedimentation control permit for the Burlington Mall. Ms. Ebaugh stated that they are proposing renovations to Entry #1. This will include façade improvements, 3 outdoor patio spaces, a concrete walkway, a small reduction in parking and a few small additional landscape areas. There will be approximately ~1,600 SF reduction of impervious surface. They will also be redoing the aisle end caps and be replacing the trees and shrubs and doing some minor pavement overlay.

Mr. Keeley stated that there is no change in drainage patterns and the impervious area is being reduced so he has no issues.

The Conservation Commission discussed/questioned:

- Where will the pervious pavers be installed and will cars drive on them?
- Are there any catch basins within the scope of work and if so, do any require improvements?
- Request that the applicant get catch basin depth measurements and inspections.

The applicant offered the following responses:

- The areas in red will be the pervious pavers and this is low pedestrian traffic area. There will be no vehicles.
- There is one catch basin within the work area but it is not a deep sump. It is only 2'-3' deep.
- They will inspect the catch basins and provide the information to the Commission including any minor repair recommendations.

MOTION - Mr. Ramsdell made a motion to issue the Erosion and Sedimentation Control Permit for the Burlington Mall under Burlington Bylaw Article 14 as amended. The motion was seconded by Ms. O'Riorden and unanimously voted 5-0-0.



TOWN OF BURLINGTON
CONSERVATION COMMISSION MINUTES
JANUARY 09, 2020

9. Discuss and Vote – Amend Burlington Wetland Bylaw Permit for Jumbo Self-Storage LLC to Incorporate the Superseding Order of Conditions by MA DEP – DEP #122-604

Mr. Cohen stated that the application for Jumbo Self-Storage LLC was approved by the Conservation Commission under Article 14 and the State Wetlands Protection Act. The decision was appealed to the State. The State has issued a Superseding Order of Conditions for DEP #122-604. We are charged with adopting the new plans with the drainage and grading changes and to incorporate the Superseding Order of Conditions into our decision. The changes made by the State were:

- Additional clearing required to meet the flood storage at the 138'-140' line;
- Additional plantings were required;
- Naturalized buffer was added;
- The rain garden expanded;
- Modification to the infiltration area due to the data from the test pits;
- Modification to the hydrologic analysis;
- Flood storage basin size increased;
- Additional separators added;
- Additional retaining wall added;
- Drainage corrections to include the flood storage.

Mr. Keeley stated that the bylaw permit has to include DEPs Superseding Order of Conditions and the changes to the plan can be accepted as a Minor Engineering Change. These changes are more protective than what was approved.

The Conservation Commission discussed/questioned:

- The basin design we approved is in place the State just tweaked a few things and it could be considered a minor engineering change.
- The retaining wall is a good addition to the plan.
- Questioned if this appeal will impact other projects. Mr. Keeley stated that our bylaw was not appealed, only the DEP decision.

Betsey Hughes, Town Meeting Member Precinct #7 – Ms. Hughes stated that her constituents asked her to come. She is now clear what the changes are. Blanchard Road routinely floods and she hopes this remediation helps. There could be no other use for the building other than storage. There are 13 self-storage facilities in Burlington and Woburn area and there are none that are at capacity. They are having issues with people living in the units, illegal drug labs, pet storage, etc. These storage facilities generate high traffic counts and very little parking, which causes problems on the streets. Woburn has banned any more storage units from being built and there is concern of devaluing property values. We as a Town should look at prohibiting this use in the future.



TOWN OF BURLINGTON
CONSERVATION COMMISSION MINUTES
JANUARY 09, 2020

MOTION - Mr. Boivin made a motion to adopt the changes of the Superseding Order of Conditions as a Minor Engineering Change for DEP #122-604 relative to the Burlington Bylaw Article 14. The motion was seconded by Mr. Ramsdell and unanimously voted 5-0-0.

MOTION - Mr. Boivin made a motion to modify the Burlington Bylaw Article 14 decision to incorporate the Superseding Order of Conditions for DEP #122-604. The motion was seconded by Ms. O’Riorden and unanimously voted 5-0-0.

11. Adjournment

MOTION - Ms. O’Riorden made a motion to adjourn the January 09, 2020 Conservation Commission meeting at 8:50 PM. The motion was seconded by Mr. LoTurco and unanimously voted 5-0-0.

*Respectfully Submitted by Dawn Cathcart,
Recording Clerk*