



TOWN OF BURLINGTON  
PLANNING BOARD MINUTES  
JANUARY 20, 2022

**RECEIVED**

By Town Clerk's Office at 11:43 am, Feb 22, 2022

**Members Present:** Chair Brenda Rappaport, Vice Chair William Gaffney, Clerk Paul Raymond, Ernest Covino, Michael Espejo, Barbara G. L'Heureux and Joseph Impemba (Late Arrival)

**Members Absent:** None

**Staff Present:** Planning Director Kristin Kassner; Senior Planner Elizabeth Bonventre, and Assistant Planner Brady Caldwell (On WebEx)

**1. Call the Planning Board Meeting to Order**

Chair Rappaport called the meeting to order at 7:00 PM. Ms. Bonventre called for a roll call: Chair Rappaport replied Present, Vice Chair Gaffney replied Present, Clerk Paul Raymond replied Present, Member Covino replied present, Member Espejo replied Present, and Member L'Heureux replied present.

Chair Rappaport stated that the Town of Burlington will be holding the January 20, 2022 meeting of the Planning Board as a remote meeting due to the expiration of the State of Emergency that was issued due to the Covid-19 virus on March 12, 2020.

Ms. Bonventre stated that the option for remote participation via WebEx is being provided. The public can join the meeting via the WebEx link posted on the Town's website, or they can call in by dialing 617-315-0704. The meeting is being broadcast live on BCAT, and on cable networks and residents can email questions to [Planning@burlington.org](mailto:Planning@burlington.org) or on Facebook live.

**MOTION** - Member Covino made a motion to take item "7.p" out of order for discussion purposes. The motion was seconded by Member Espejo and unanimously voted 6-0-0. On a roll call vote: Chair Rappaport voted Yes, Vice Chair Gaffney voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Espejo voted Yes, and Member L'Heureux voted Yes.

**7.p Continued Public Hearing - Application for Approval of a Site Plan – 15 Adams Street - Senate Construction, Applicant**

**MOTION** - Member Espejo made a motion to continue this matter to the Planning Board Meeting of February 3, 2022 as requested by the applicant in an email dated January 19, 2022. The motion was seconded by Member Covino and unanimously voted 6-0-0. On a roll call vote: Chair Rappaport voted Yes, Vice Chair Gaffney voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Espejo voted Yes, and Member L'Heureux voted Yes.

**2. Citizen's Time**

There were no citizen's coming forward.

**3. Announcements**

Ms. Bonventre read the public hearing announcements. The deadline for Town Meeting Members to file for Re-Election is January 21, 2022 until 1:00 PM in the Town Clerk's office. The Town Meeting has been moved to February 16<sup>th</sup> at 7:30 PM the Location is still TBD.

Member Impemba joined the meeting at 7:05 PM.



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**4. Legal Notices of Interest**

There were no legal notices.

**5. Non-Approvals**

There were no non-approvals.

**6. Administrative Matters**

There were no administrative matters.

**7. Matters of Appointment**

**MOTION** - Member Espejo made a motion to take items “7.a,” “7.b” and “7.c” together for discussion purposes. The motion was seconded by Member L’Heureux and unanimously voted 7-0-0. On a roll call vote: Chair Rappaport voted Yes, Vice Chair Gaffney voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Espejo voted Yes, Member Impemba voted Yes, and Member L’Heureux voted Yes.

**7.a Continued Public Hearing - Application for Approval of a Special Permit pursuant to 1.5.1 “Light manufacturing or processing plants” of the Northwest Park PDD Bylaw Provisions – 25 Network Drive – Vericel Corporation, Applicant**

**7.b Continued Public Hearing - Application for Approval of a Special Permit pursuant to 1.5.4 “Hazardous and toxic materials/chemical use storage, transport, disposal or discharge” of the Northwest Park PDD Bylaw Provisions – 25 Network Drive – Vericel Corporation, Applicant**

**7.c Continued Public Hearing - Application for Approval of a Special Permit pursuant to 1.5.6 “Generation or storage of hazardous waste in excess of the volumes classified as a very small quantity generator” of the Northwest Park PDD Bylaw Provisions – 25 Network Drive – Vericel Corporation, Applicant**

Attorney Robert Buckley from Reimer and Braunstein, Michael Halpin, COO Vericel and Todd Fremont-Smith appeared for the continued Special Permits for 25 Network Drive. Attorney Buckley stated that the Board of Health has approved the applications.

Ms. Kassner stated that staff has no concerns.

Mr. Halpin stated that they have been in Cambridge for 25 years and they have outgrown their space. They are very excited to be moving to Burlington. Once fully operational, there will be 300-400 employees at this site.

There were no questions from the audience.

**MOTION** - Member Covino made a motion to close the public hearing on this matter. The motion was seconded by Member Espejo and unanimously voted 7-0-0. On a roll call vote: Chair Rappaport voted Yes, Vice Chair Gaffney voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Espejo voted Yes, Member Impemba voted Yes, and Member L’Heureux voted Yes.

**MOTION** - Member Espejo made a motion to approve the request of the Vericel Corporation subject to the terms and conditions contained in exhibit “A” attached. The motion was seconded by Member Covino and unanimously voted 7-0-0. On a roll call vote: Chair Rappaport voted Yes, Vice Chair



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Gaffney voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Espejo voted Yes, Member Impemba voted Yes, and Member L'Heureux voted Yes.

**MOTION** - Member Covino made a motion to take items “7.d,” through “7.i,” together for discussion purposes. The motion was seconded by Member L'Heureux and unanimously voted 7-0-0. On a roll call vote: Chair Rappaport voted Yes, Vice Chair Gaffney voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Espejo voted Yes, Member Impemba voted Yes, and Member L'Heureux voted Yes.

**7.d Public Hearing – Application for Approval of an amendment to a Special Permit pursuant to Section 4.2.7.4.1 “Life Science Laboratories engaged in research, prototype manufacture, experimental and testing activities including but not limited to, the fields of pharmaceuticals, biomedical technologies and engineering, life systems technologies, environmental and biomedical devices. Biosafety Level 4 (BL-4) laboratories, as defined by the Centers for Disease Control and Prevention, are prohibited in Burlington” of the Zoning Bylaws – 3 Van da Graff Drive – 3 VDG Owner, LLC, Applicant**

**7.e Public Hearing – Application for Approval of an amendment to a Special Permit pursuant to Section 4.2.7.4.2 “Life Science Laboratories engaged in the manufacture of life science technologies” of the Zoning Bylaws – 3 Van da Graff Drive – 3 VDG Owner, LLC, Applicant**

**7.f Public Hearing – Application for Approval of an amendment to a Special Permit pursuant to Section 4.2.7.4 “Laboratories engaged in research, experimental and testing activities including, but not limited to, the fields of, chemistry, electronics, engineering, geology, non-biologic medicine and physics” of the Zoning Bylaws – 3 Van da Graff Drive – 3 VDG Owner, LLC, Applicant**

**7.g Public Hearing – Application for Approval of an amendment to a Special Permit pursuant to Section 4.2.7.1 “Light manufacturing or processing plants, prototype manufacturing” of the Zoning Bylaws – 3 Van da Graff Drive – 3 VDG Owner, LLC, Applicant**

**7.h Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.9 “Hazardous and toxic materials/chemicals use storage, transport, disposal or discharge” of the Zoning Bylaws – 3 Van da Graff Drive – 3 VDG Owner, LLC, Applicant**

**7.i Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.12 “Generation or storage of hazardous waste, in excess of the volumes classified as a very small quantity generator (VSQG)” of the Zoning Bylaws – 3 Van da Graff Drive – 3 VDG Owner, LLC, Applicant**

Attorney Mark Vaughn from Reimer and Braunstein, Nick Trocki from Jumbo Capitol and Kyle King appeared for the special permits at 3 Van da Graff Drive. Attorney Vaughn stated that this is a 287,000 SF office building and Jumbo Capital is the new owner. They would like to amend the previous special permits and expand Life Sciences to the entire building. There is no expansion of the actual building and there will be no additional square footage added.



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Mr. Trocki gave a presentation and stated that the project team is in place and they will be adding a new elevator. Phase I will include 116,000 SF of vacant space on the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors and Phase II will be the remaining building once the current tenants vacate.

Ms. Kassner stated that in 2019, a special permit was approved for Life Science. This is a modification to extend the Life Science into the entire building.

Vice Chair Gaffney asked if plans address the need for explosive and flammable chemicals. Mr. Trocki replied yes. There is a centralized area for the building and some small satellite spaces within each tenant space.

There were no questions from the audience.

**MOTION** - Member L'Heureux made a motion to close the public hearing on this matter. The motion was seconded by Member Covino and unanimously voted 7-0-0. On a roll call vote: Chair Rappaport voted Yes, Vice Chair Gaffney voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Espejo voted Yes, Member Impemba voted Yes, and Member L'Heureux voted Yes.

**MOTION** - Member L'Heureux made a motion to approve the request of 3 VDG Owner, LLC subject to the terms and conditions contained in exhibit "B" attached. The motion was seconded by Member Espejo and unanimously voted 7-0-0. On a roll call vote: Chair Rappaport voted Yes, Vice Chair Gaffney voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Espejo voted Yes, Member Impemba voted Yes, and Member L'Heureux voted Yes.

**7.j Continued Public Hearing - Application for Approval of a Site Plan – 600 Summit Drive – Jones Lange Lasalle for Millipore, Applicant**

Attorney Mark Vaughn from Reimer and Braunstein and Attorney Daniel Trinkle appeared for the continued public hearing for 600 Summit Drive. Attorney Vaughn stated that last year, they acquired the 350,000 SF property. Attorney Trinkle gave an update on Millipore Sigma. They are a Tier I supplier to Covid including vaccine, treatments and test kits.

Attorney Vaughn stated that the Site Plan is for hazardous storage. They are proposing a 400 SF out building located at the rear of the building. This building meets all codes and is approved by Fire Department and Board of Health. The building will be enclosed with fencing and will be under surveillance 24/7. The fence will be a black chain link with slats and there will be arborvitaes around the fence for screening.

Member Covino stated that the Oracle complex is one of the largest building. If you use common sense, hazardous material is better outside.

Vice Chair Gaffney stated that he is not concerned with the landscaping. He is concerned with a separate building for explosives gas and chemicals. According to the previous testimony of the EHS manager, there is currently space in the building for hazardous storage but someone else wants to use it. He is worried with setting a precedent. Attorney Trinkle stated that this building is done for safety. An internal audit was done and it was the safety solution was to have it outside. Vice Chair Gaffney stated that is not what the EHS representative said.

Attorney Vaughn stated that this is a unique tenant there will be no impact to anyone else.



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Clerk Raymond stated that he was concerned that if we approve this, can we say no if other business come in and want the same thing or can it be justified for Millipore because they are so large.

Ms. Kassner stated that Millipore is a very large employer with large amounts of hazardous waste which is not typical.

Member L'Heureux stated that every application is unique and special. If this is a large building why can't there be storage inside. The small tenants that have space restrictions would want to have this extra space outside if that was an option. She is concern with setting a precedent.

There were no questions from the audience.

**MOTION** - Member Covino made a motion to close the public hearing on this matter. The motion was seconded by Member L'Heureux and unanimously voted 7-0-0. On a roll call vote: Chair Rappaport voted Yes, Vice Chair Gaffney voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Espejo voted Yes, Member Impemba voted Yes, and Member L'Heureux voted Yes.

**MOTION** - Member L'Heureux made a motion to approve the request of **MilliporeSigma** ("Applicant" and "Property Owner"), for approval of a Site Plan Application for property located at **600 Summit Drive** ("Property" or "Premises"), to permit the installation of a new building to be used for the storage of hazardous materials and associated site improvements as reflected on the Site Plan entitled "MilliporeSigma Hazardous Waste - 400 Summit Drive Burlington, MA" ("Site Plan") prepared by Cannon Design, dated October 20, 2021 consisting of four (4) sheets. This Site Plan decision is subject to the following revisions, terms and conditions as amended. The motion was seconded by Member Espejo and voted 5-2-0. On a roll call vote: Chair Rappaport voted Yes, Vice Chair Gaffney voted No, Clerk Raymond voted Yes, Member Covino voted Yes, Member Espejo voted Yes, Member Impemba voted Yes, and Member L'Heureux voted No.

**MOTION** - Member Covino made a motion to take items "7.k" through "7.o" together for discussion purposes. The motion was seconded by Member Espejo and unanimously voted 7-0-0. On a roll call vote: Chair Rappaport voted Yes, Vice Chair Gaffney voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Espejo voted Yes, Member Impemba voted Yes, and Member L'Heureux voted Yes.

**7.k Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.1.2 “Pre-existing Uses and Structures” of the Zoning Bylaws – 64A Middlesex Turnpike – NStar Electric Company d/b/a Eversource Energy, Applicant**

**7.l Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.2.23 “Passenger stations; landing fields; sites, buildings, and facilities for other public services; public works structures” of the Zoning Bylaws – 64A Middlesex Turnpike – NStar Electric Company d/b/a Eversource Energy, Applicant**

**7.m Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 6.1.1 “Nonconforming Uses” of the Zoning Bylaws – 64A Middlesex Turnpike – NStar Electric Company d/b/a Eversource Energy, Applicant**

**7.n Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 8.3.9 “Nonconforming Uses” of the Zoning Bylaws – 64A Middlesex Turnpike – NStar Electric Company d/b/a Eversource Energy, Applicant**



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**7.0 Continued Public Hearing - Application for Approval of a Site Plan – 64A Middlesex Turnpike – NStar Electric Company d/b/a Eversource Energy, Applicant**

Joshua Lee Smith, Miles Lang Kennedy, Joseph Genga and Donna Picot appeared for continued Special Permits and Site Plan for 64A Middlesex Turnpike. Mr. Kennedy stated that this site will be used for generation, transmission and distribution of power. Ms. Picot stated that they have removed the barbed wire and reduced the mesh size of the fence. The fence is grounded and goes into the retaining wall. They are proposing installing a new retaining wall in the back. There are constraints because there are setback requirements from equipment and fencing.

Vice Chair Gaffney stated that that he had requested additional plants and mini-trees. Ms. Picot stated that we can't due to safety regulations.

Clerk Raymond stated that he would prefer the black powder coated fence.

Mr. Genga stated that they have had provided landscaping improvements. They have added arborvitaes along the southern fence line and ornamentals trees at the bio-retention basin. They have a screening tree in the eastern lawn and evergreens along the driveway. Mr. Genga presented two landscape options: Option A and Option B.

Member L'Heureux stated that this is a difficult site and she would prefer the black fence and option B on the landscape plan. Chair Rappaport agreed.

Member Impemba stated that other sites have attractive fence and antique lights and asked for that on this site. Ms. Picot replied that there are no lights proposed on this project.

Ms. Kassner stated that we can clean up some of the items with staff and the Chair. Chair Rappaport asked if Eversource was going to maintain the landscaping. Mr. Smith replied yes.

There were no questions from the audience.

Mr. Smith stated that there are minor comments on the draft decision that he would like to work out with staff. Ms. Kassner stated that she knew there were a few issues and they didn't change the content of the decision.

**MOTION** - Member L'Heureux made a motion to close the public hearing on these matters. The motion was seconded by Member Espejo and unanimously voted 7-0-0. On a roll call vote: Chair Rappaport voted Yes, Vice Chair Gaffney voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Espejo voted Yes, Member Impemba voted Yes, and Member L'Heureux voted Yes.

**MOTION** - Member L'Heureux made a motion to approve the request of NStar Electric Company d/b/a Eversource Energy for approval of a Special Permit pursuant to Sections 4.2.2.23 "Passenger stations; landing fields; site, buildings, and facilities for other public services; public works structures"; Section 4.1.2 "Pre-existing Uses and Structures"; and Section 6.1.1.2 "Expansion of a Nonconforming Use" of Articles IV & VI of the Town of Burlington Zoning Bylaws, to allow for the installation of a temporary 50 MVA mobile transformer and circuit switcher, a 6,500 square foot expansion of the existing electrical Substation and infrastructure, and other associated site improvements for property located within the General Industrial (IG) and Water Resources (WR) districts at 64A Middlesex Turnpike, subject to the conditions, terms, and revisions in item "C"



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attached as amended. The motion was seconded by Clerk Raymond and unanimously voted 7-0-0. On a roll call vote: Chair Rappaport voted Yes, Vice Chair Gaffney voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Espejo voted Yes, Member Impemba voted Yes, and Member L'Heureux voted Yes.

**MOTION** - Member L'Heureux made a motion to approve the request of NSTAR Electric Company d/b/a Eversource Energy ("Applicant") for approval of a Site Plan Application, for property located at 64A Middlesex Turnpike ("Premises"), to permit the installation of a temporary 50 MVA mobile transformer, circuit switcher, a 6,500 square foot area on site expansion of the rear portion of the existing Substation and associated infrastructure, extending the existing chain link security fence around the perimeter of the site, construction of a linear 142 foot retaining wall, stormwater and associated site improvements as reflected on the Site Plan entitled "Eversource Energy Station 391 – Burlington Mobile Transformer Installation" prepared by Tighe & Bond, Inc., dated November 22, 2021 consisting of fourteen (14) sheets ("Site Plan"). This project is subject to the following terms, revisions, and conditions as amended. The motion was seconded by Member Espejo and unanimously voted 7-0-0. On a roll call vote: Chair Rappaport voted Yes, Vice Chair Gaffney voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Espejo voted Yes, Member Impemba voted Yes, and Member L'Heureux voted Yes.

## 8. Minutes

There were no minutes to review

## 9. Other Matters

### 9.a Discussion

#### 9.a.i Drake Road Frontage Variance

Ms. Kassner stated that they wrote a letter and read it into the record. The Conservation and residents spoke against it. The ZBA approved the frontage variance. Member L'Heureux stated that she is very disappointed in their decision. Vice Chair Gaffney stated that we have talked about collaboration with the ZBA and for a time there was but it has declined over 20 years and no they approve something like this. Is there a way to appeal the decision? Ms. Kassner stated that if there is no change to the lot line then it won't come before the Planning Board. Member L'Heureux stated that the applicant threatened a 3 lot subdivision and even though we asked for a continuance to determine if a subdivision would be applicable, they didn't. Member Covino stated that they shouldn't take "a threat" into account when making their decision. Chair Rappaport stated that the applicant had contradicting statements. There was also questions of having the property designated as non-buildable, what changed. Ms. Kassner stated that she is not sure if they would have a standing to appeal it.

Member Espejo stated that there was a condition that it could not have any additional subdivision so it will not come to us.

Chair Rappaport stated that the residents have a greater concern on what could happen in the future. Ms. Kassner stated that we need to update the rules and regs to address things like this. Chair Rappaport stated that this needs to be a top priority. Ms. Kassner stated that we also need to look at the subdivision rules and regs. We need to add that pre and post development cannot add more water.



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Jeff DiBona, Member of the ZBA – Mr. DiBona stated that he is a member of the ZBA and he thought that allowing one house was better than a possible two to three house subdivision. Chair Rappaport appreciates that and that is why they asked that it be continued so we could have more time to determine if it could be subdivided at all.

**9.b Correspondence**

There was no correspondence.

**9.c Reports from Town Counsel**

There were no reports from Town Counsel.

**9.d Subcommittee Reports**

Chair Rappaport suggested that these subcommittees get updated the 2<sup>nd</sup> meeting of the month. Vice Chair Gaffney objected to that and stated that these should be kept on the agenda. Ms. Kassner stated that she would keep them on the meeting preview but won't have them on every agenda.

**9.d.i Sculpture Park Committee**

**9.d.ii Housing Partnership**

**9.d.iii Recreation Commission**

**9.d.iv Economic Development Committee**

**9.d.v Transportation Committee**

**9.d.vi ZBRC Signage Subcommittee**

**9.e Unfinished Business**

There was no unfinished business.

**9.f New Business**

There was no new business

**MOTION** - Member L'Heureux made a motion to adjourn the January 20, 2022 Planning Board meeting at 9:25 PM. The motion was seconded by Clerk Raymond and unanimously voted 7-0-0. On a roll call vote: Chair Rappaport voted Yes, Vice Chair Gaffney voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Espejo voted Yes, Member Impemba voted Yes, and Member L'Heureux voted Yes.

**Approved: 4-0-2**

*Respectfully Submitted by Dawn McDowell,  
Recording Clerk*