



TOWN OF BURLINGTON
PLANNING BOARD MINUTES
FEBRUARY 3, 2022

RECEIVED

By Town Clerk's Office at 10:12 am, Mar 04, 2022

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

Members Absent: None

Staff Present: Planning Director Kristin Kassner; Senior Planner Elizabeth Bonventre, and Assistant Planner Brady Caldwell

1. Call the Planning Board Meeting to Order

Chair Rappaport called the remote meeting to order at 7:01 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 Impemba replied Present.

The Pledge of Allegiance was recited.

Chair Rappaport stated that the Town of Burlington will be holding the February 3, 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.

Member L'Heureux joined that meeting at 7:02 PM.

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 or on Facebook live.

MOTION - Member Covino made a motion to take item "7.f" out of order 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.f Continued Public Hearing - Application for Approval of a Site Plan – 15 Adams Street - Senate Construction, Applicant

MOTION - Member Covino made a motion to continue this matter to the Planning Board Meeting of February 17, 2022 as requested by the applicant in an email dated January 31, 2022. The motion was seconded by Vice Chair Gaffney 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 take item "7.g" out of order 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.



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7.g Continued Public Hearing – Petition to amend the Zoning Map to add a Sign District for the Town Center – Submitted by the Zoning Bylaw Review Committee

MOTION - Member Covino made a motion to continue this matter to the Planning Board Meeting of March 17, 2022 as requested by the applicant in an email dated February 3, 2022. 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.

2. Citizen’s Time

There were no citizen’s coming forward.

3. Announcements

Ms. Bonventre read the public hearing announcements. The Sculpture Park Subcommittee will be meeting on February 4th at 12:00 via Zoom. The Zoning Bylaw Review Committee will be meeting on February 9th at 6:30 PM via Zoom. The Town Meeting is February 16th at 7:30 PM location is still TBD. The deadline for filing papers to run for office for the Annual Town Meeting is February 18th.

Member L’Heureux stated that they are sending out a second call for artists. Most of the sculptures are on lease to us and are going away so there is an opportunity for new artists and for corporate sponsorship.

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

7.a Public Hearing - Petition to amend the Zoning Bylaw, Article II “Definitions, Article IV “Use Regulations” and Article VII “General Regulations” to define and regulate retail commercial recreation, retail entertainment and education and experiential type uses – Submitted by the Select Board

Melissa Tintocalis, Economic Development Director joined the meeting to discuss the article. Ms. Kassner stated that the Board voted 5-0-0 in favor of adding this article to the Town Meeting warrant but the use table was not expanded. This article clarifies the use tables with some small edits.

There were no questions from the audience.

MOTION - Member L’Heureux made a motion 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.



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MOTION - Member L’Heureux made a motion to recommend **favorably** on the petition to amend the Zoning Bylaw, Article II “Definitions, Article IV “Use Regulations” and Article VII “General Regulations” to define and regulate retail commercial recreation, retail entertainment and education and experiential type uses, submitted by the Select Board. 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 take items “7.b” through “7.d” together for discussion purposes. 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.

7.b Public Hearing - Application for Approval of a Special Permit pursuant to Section 4.2 “Laboratories engaged in research experimental and testing activities including, but not limited to, the fields of biology, chemistry, electronics, engineering, geology, medicine and physics subject to the Planning Board making the findings set forth in Section 8.3.7.4 of the Zoning By-Laws and subject to the applicable rules and regulations of the Board of Health” of the New England Executive Park Planned Development District Zoning Provisions –1600 District Avenue – BFLY Operations Inc., Applicant

7.c Public Hearing - Application for Approval of a Special Permit pursuant to Section 4.4 “Hazardous and toxic materials/chemical use storage, transport, disposal or discharge” of the New England Executive Park Planned Development District Zoning Provisions –1600 District Avenue – BFLY Operations Inc., Applicant

7.d Public Hearing - Application for Approval of a Special Permit pursuant to Section 4.5 “Generation or storage of hazardous waste limited to the volumes classified as very small quantity generator” of the New England Executive Park Planned Development District Zoning Provisions –1600 District Avenue – BFLY Operations Inc., Applicant

Attorney Mark Vaughn from Reimer and Braunstein and Andrea Hechavarria, Vice President of Government Affairs appeared for the public hearings for 1600 District Ave, BFLY Operations Inc. Attorney Vaughn stated that this location is to the left of Tuscan Kitchen. They are currently based in Connecticut. They specialize in digital health. The space they are looking at is 61,138 SF of office, R&D space and prototype testing. They create hand held ultrasound devices. Ms. Tintocolis stated that BFLY had many options to relocate and they worked with them and our State Representatives to get them to Burlington. They are in partnership with hospitals and medical partners.

Ms. Hechavarria stated that their product is a hand held ultrasound machine. This is the first hand held that can scan your whole body. It can be used for humans as well as animals as large as a horse.

Clerk Raymond stated that he is glad to see you coming to Burlington.

Vice Chair Gaffney asked if the hand held will be manufactured here. Ms. Hechavarria replied no, it is subcontracted out. Vice Chair Gaffney stated that he is glad that the company was the applicant seeking the Special Permit versus the Special Permit not being company based .



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Member Covino asked if the device is in production. Ms. Hechavarria replied yes but currently they are only allowed to sell to licensed professionals. Member Covino asked if parking would be an issue at this location. Ms. Kassner replied no, because there is a lot of R&D space and that has a lower parking requirement.

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 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 BFLY Operations, Inc. d/b/a Butterfly Network, Inc. subject to the terms and conditions contained in exhibit "A" attached. 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.

7.e Public Hearing - Application for Approval of a Site Plan – 26 Beacon Street - First Patriot Corporation, Applicant

Charles Mihok appeared for the Site Plan approval of 26 Beacon Street. Mr. Mihok stated that this was original approved in 2020 but we are now proposing moving the compactor out back in the northwest corner. The front corner will now be a management office/maintenance building and there is a fenced in area that will house the snow clearing equipment.

Ms. Bonventre stated that according to the records there are 117 school aged children in this complex. There was concern with the bus stop area and the Engineering Department is redoing the sidewalks in this area so they will work with the applicant with this design. There was also concern with the back up at the compactor.

Vice Chair Gaffney stated that the plan is completely different than what we approved. This plan will now but the compactor where the conex boxes are and the conex boxes will be completely removed.

Clerk Raymond stated that the print is so small on the plan he had difficulty reading it.

Member Covino stated that the conex boxes need to be removed because they are not allowed. Where will the packages/mail pickup and covered bus stop be in the new plans? Mr. Mihok replied that the bus stop and mail boxes will be in the front building. There will be a covered overhang for the kids to stand under. The package delivery spot will go away.

Vice Chair Gaffney asked if all abutters were notified. Mr. Mihok replied yes. Vice Chair Gaffney stated that the abutters closest to the new location of the compactors should be notified. He likes the revised plan but would want to take a site walk with a proposed landscape plan.

Member Espejo asked why the change. Mr. Mihok stated that the approved conditions with the previous approval was not doable. They only had 1 year to do some of the conditions and they couldn't meet it. The removal of the conex boxes within a year was not a solution so they had to reevaluate and they believe this is a better plan.



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Ms. Kassner stated that she will schedule a site walk and the rendering should be provided. Mr. Caldwell stated that the abutter at 25 Peach Orchard was notified.

There were no questions from the audience.

MOTION - Member L'Heureux made a motion to continue this matter to the Planning Board meeting of February 17, 2022. 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.

8. Minutes – December 2, 2021

The minutes were tabled until all members could review them.

9. Other Matters

9.a Discussion

9.a.i 43 South Avenue Extension

MOTION - Member L'Heureux made a motion that the Planning Board hereby grants a two (2) year extension of time from July 18, 2022 to July 18, 2024 to complete the required Special Permit improvements, pertaining to the reconfiguration of the previously authorized 590,000 GSF office/laboratory/research and development campus (specifically the 187,000 +/- GSF unbuilt building and associated structured parking and site improvements) at 43 South Avenue, as requested by the Applicant's attorney in a letter dated January 26, 2022. 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.

9.a.ii 3 Lexington Street – Complete Subdivision

MOTION - Member L'Heureux made a motion in consideration of the work completed in the 3 Lexington Street Definitive Subdivision, the Planning Board hereby declares the subdivision to be complete and releases all remaining lots from the H-1 Conditional Approval Agreement. The Planning Board also hereby endorses a Form "G" "Certificate of Performance" and a Form "Q" "Certificate of Completion and Release of Municipal Interest in Subdivision Performance Guarantee" for the 3 Lexington Street Definitive Subdivision and all associated surety. The Planning Board further recommends favorably on the submission to Town Meeting of the street Acceptance of Murphy Court as a Public Way. 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.

9.a.iii Budget

Ms. Kassner presented the Planning budget. They are requesting a Zoning Compliance Officer position be added to work with the Building and Planning Department. This will be a Grade 10 position. Clerk Raymond stated that this seems backwards, usually we discuss it before it's added to



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the budget. Member L'Heureux stated that we desperately need this position and would love to be involved. Member Espejo stated that he fully supports the creation of this position. Vice Chair Gaffney asked if this was full time or part time. Ms. Kassner replied full time. Member Covino stated that we used to have a subdivision inspector so maybe that can be part of this position. Member Impemba agreed that it should be full time and asked if we should look at raising the salary range to get a better candidate. Vice Chair Gaffney asked if other Towns have been looked at. Ms. Kassner replied yes. This position typically falls under the Building Department or Community Development. We need to finalize a job description and get the position budgeted.

MOTION - Member Covino made a motion that the Planning Board supports the submission of the draft FY23 budget as presented. 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.

9.a.iv Joint Land Use Committee, ZBRC and Planning Board – February 17, 2022 from 6-7 PM

Ms. Kassner stated that the next meeting there will be a joint meeting of the Land Use and ZBRC.

9.a.v Ground Water Separation Bylaw

Member L'Heureux stated that she fully supports these revisions and we need to look at updating our rules and regulations. Ms. Kassner stated that these are the Conservation regulations and we are going to start to look at the subdivision rules and regulations in March.

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 2nd 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

No additional updates.

9.d.ii Housing Partnership

Member L'Heureux stated that the Housing Partnership is looking at a grant to assist in housing for refugees. Vice Chair Gaffney asked if this takes priority over Senior Housing. Member L'Heureux replied no. Ms. Bonventre added that they are also looking at a Housing Needs Assessment because they had a data dump from MAPC.



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9.d.iii Recreation Commission

Vice Chair Gaffney stated that they will be redoing the basketball courts at Simmonds Park and they will be adding lights that results in a loss of 2 parking spaces. Ms. Kassner stated that is considered an insignificant change.

9.d.iv Economic Development Committee

Member Espejo stated that there is a new mixed use development proposed at 131 Cambridge Street. It is a smaller project and fits into the profile. Chair Rappaport added that they will be condos not apartments.

9.d.v Transportation Committee

Member Covino stated that there was a presentation on the Pogo App that coordinates car pools.

9.d.vi ZBRC Signage Subcommittee

Member Covino stated that we are still plugging along and asked if the 3A/Town Center Committee is being reestablished. Ms. Kassner stated that they are talking about a joint committee with the Planning Board and Select Board.

9.e Unfinished Business

There was no unfinished business.

9.f New Business

There was no new business

MOTION - Member Espejo made a motion to adjourn the February 3, 2022 Planning Board meeting at 8:53 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: 7-0-0

*Respectfully Submitted by Dawn McDowell,
Recording Clerk*