



TOWN OF BURLINGTON
PLANNING BOARD MEETING MINUTES
FEBRUARY 17, 2022

RECEIVED

By Town Clerk's Office at 10:54 am, Jul 01, 2022

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

Members Absent: Chair Brenda Rappaport

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

1. Call the Joint Planning Board, Land Use Committee and ZBRC Meeting to Order

Vice Chair Gaffney called the remote meeting to order at 6:01 PM. Ms. Bonventre called for a roll call: Vice Chair Gaffney replied Present, Member Covino replied present, Member Espejo replied Present, Member L'Heureux and Member Impemba replied Present.

ZBRC – Shari Ellis, Tamara Maniscalco, Michael Donahue, and Sally Willard were present.

Land Use – David Webb and Patricia O'Brien were present.

The Pledge of Allegiance was recited.

Vice Chair Gaffney stated that the Town of Burlington will be holding the February 17, 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.

Clerk Raymond joined that meeting at 6:04 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.

2. Citizen's Time

There were no citizen's coming forward.

Vice Chair Gaffney stated that they are holding a joint meeting to discuss Zoning Bylaw amendments being proposed for the May 9th Town Meeting.

1.a Public Hearing – Petition to amend the Network Drive at Northwest Park Planned Development District Zoning Provisions, Article I “Use Regulations”, Article II “Definitions”, Article III “Density & Dimensional Requirements”, Article IV “Parking and Land Regulations, Article V “Administration and Procedures”, Article VI “Signage”, Article VII “Miscellaneous”, Article VIII “Kendall Road Easement” and Article IX “Traffic Analysis” – Submitted by Nordblom Development Company and its affiliates NDB Property Owner 1, LP and NDB Property Owner 2, LP

Attorney Robert Buckley from Reimer and Braunstein, Todd Fremont-Smith from Nordblom and Frank DiPietro appeared for the discussion on the amendments to the PDD. The PDD was originally drafted in 1996. This article will update for life science. Mr. Smith gave a presentation. This change will give us the ability to grow. They will be proposing to add 3-4 buildings. This will allow for a



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captive life science 150-acre campus. This will only affect Parcel 1. The proposed new buildings will be located in the existing parking lots with structured parking.

Vice Chair Gaffney asked that the presentation be revised to state that Burlington is a Town and not a City.

Ms. Ellis stated that the applicant will be before the ZBRC on March 9th.

Ed Parsons from the ZBRC joined the meeting at 6:15 PM.

Ms. Willard asked if the eliminated parking will have impacts to the buildings. Mr. Smith stated that the life science uses have lower need for parking so it should not be impacted.

Mr. Webb stated that there is a lot of empty space and asked that they look at adding green space and trees. There is a problem with climate change and asked them to look at other options besides gas. We would like to look at green options. Ms. O'Brien stated that she agrees and they should be looking at green building if this approved.

Member Espejo asked if a parking study has been done recently. Mr. Smith stated that structured parking is expensive, so they will do a parking needs study. Member Espejo asked if Vericel had required parking in their lease. Mr. Smith replied yes.

Member Covino asked them to look at shared parking, reserve parking and solar panels on the structured parking.

Member Impemba stated that this is a great location for life science. Clerk Raymond agreed.

Vice Chair Gaffney stated that he would like to see detail of the proposed signage. Mr. Fremont-Smith replied that they can provide it but they are not proposing any billboards, only increasing wall signage.

David Van Camp, Town Meeting Member – Mr. Van Camp stated that he is concerned with increased traffic. Vice Chair Gaffney agreed and will be looking for mitigation.

MOTION - Member L'Heureux made a motion to continue this matter to the Planning Board Meeting of March 3, 2022. The motion was seconded by Member Espejo and unanimously voted 6-0-0. On a roll call vote: 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 "1.b" and "1.c" together for discussion purpose. The motion was seconded by Member Covino and unanimously voted 6-0-0. On a roll call vote: 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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1.b Public Hearing – Petition to amend the Zoning Bylaw, Article III “Districts”, Article IV “Use Regulations”, and Article VIII “Overlay Districts (8.5.0 Town Center)” to create a new zoning District “Town Center Multifamily (TCM)” – Submitted by Novaya Real Estate Ventures LLC

1.c Public Hearing – Petitions to rezone property to the Town Center Multifamily (TCM) District – 135, 137, 137R, 139A, 139 Cambridge Street – Submitted by Novaya Real Estate Ventures LLC

Attorney Mark Vaughn from Reimer and Braunstein, Peter Carbone and Karl Trieschman from Novaya, Jeff Feldman from Root Development, and Stefanie Theall from Cube3 appeared for the public hearing to rezone the properties on Cambridge Street to TCM. This zoning change will allow the construction of a 98-unit mixed use project. These will be residential condos and retail use space. This is on the westerly side of Cambridge Street and the parcels make up a total of 3 acres. This new district will be within the Town Center overlay. In 2006 MFD was allowed in the Town Center but it was removed in 2010. This article will establish a new MFD subdistrict.

Mr. Carbone stated that the residential units will be condos ownership. They have only had the project for about 45 days. They are proposing 98 units and that was a reduction of the number previously proposed apartments. They will also have 15% affordability.

Ms. Theall stated that the building will be 3 stories along Cambridge Street and 4 stories in the back of the site. The majority of parking will be underneath and there will be landscaping and a courtyard area.

Mr. Feldman stated that this project is consistent with the Master Plan. There will be public transportation available. This project expands the housing options for Burlington. This project will increase tax revenue, increased affordable units and will have modest vehicle impacts.

Mr. Webb stated that this is an interesting use and asked that the buildings be set back as far as possible and asked them to look at increased affordable units.

Ms. O’Brien stated that she is concerned with traffic especially in this area and asked that they look at sustainability and look into micro units. Mr. Trieschman stated that they did look at smaller units but the need is driven by the market and there is no interest in micro units.

Ms. Ellis stated that there is a residential component of the TCM and why not just reopen the current zoning instead of creating a new one. This is a small parcel and she is concerned that this is spot zoning.

Ms. Willard stated that she would like an estimate of residential units with bedroom counts.

John Iller, Town Meeting Member, Precinct 6 – Mr. Iller stated that he likes the ownership aspect and asked what the goal was. We are at 10% affordability and he is not sure that a high density housing project is what we want here.

Melissa Foster of 141 Cambridge Street – Ms. Foster stated that this is a very busy area and she is concerned with the empty retail space we have now. Public transportation has been cut and there are traffic concerns in this area.



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Member Impemba stated that we want this site developed and this is a much better proposal than what was previously proposed. They have obviously read the bylaw. We also should look at getting underground utilities in the Town Center.

Member L'Heureux agreed that we should look at more than 15% affordability and there is a concern with traffic volumes and safety of people taking a left out of this site. She would like more information on walkability of this project, how the units are broken down and price points of the units.

Member Covino stated that we only provide a recommendation on zoning right now. There should also be an email list of all interested parties so they can be notified of all meetings. Ms. Kassner stated that people will just have to call the office and give their email and we will maintain a list. Ms. Kassner asked that the Chairs of the ZBRC and Land Use keep them informed of meetings on this subject.

Clerk Raymond asked if we should have a subcommittee meeting on this matter.

Vice Chair Gaffney stated a subcommittee may be rushing things but asked if the applicants own all the properties. Mr. Carbone stated that they are all under a P&S.

MOTION - Member Covino made a motion to continue these matters to the Planning Board Meeting of March 3, 2022. The motion was seconded by Member Espejo and unanimously voted 6-0-0. On a roll call vote: 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.

1.d Public Hearing – Petition to amend the Zoning Bylaw, Article II: Definitions and Article V “Dimensional Requirements” to address Groundwater Separation for One -Dwelling District – Submitted by the Planning Board

Ms. Kassner stated that this is the first piece. The Conservation Commission is proposing an update to the Stormwater regulations and we will need to update the Subdivision rules and regs and submit a groundwater separation bylaw. Many communities have one.

Member L'Heureux stated that there is some confusion and a lot of misinformation online regarding the Conservation regulations so we need to do more outreach. Ms. Kassner stated that this would only effect new construction or additions over 1,000 SF.

MOTION - Member L'Heureux made a motion to continue this matter to the Planning Board Meeting of March 3, 2022. The motion was seconded by Mr. Raymond and unanimously voted 6-0-0. On a roll call vote: 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.

Vice Chair Gaffney stated that this concludes the joint meeting. We are now moving on to matters of the Planning Board.

MOTION - Member L'Heureux made a motion to take item “7.e” out of order for discussion purposes. The motion was seconded by Member Espejo and unanimously voted 6-0-0. On a roll call vote: 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.e 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 March 3, 2022 as requested by the applicant in an email dated February 17, 2022. The motion was seconded by Member Impemba and unanimously voted -0-0. On a roll call vote: 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.

3. Announcements

Ms. Bonventre read the public hearing announcements. President’s Day is February 21st and all town offices will be closed. The ZBRC Sign Subcommittee will be meeting on February 22nd at 5:30 PM via Zoom.

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 – Application for Approval of a Special Permit pursuant to Section 4.2.6.9 “Fast Order Food Establishments” of the Zoning Bylaws –50 Summit Drive (Jersey Mike’s)– Greg Ralph Architect, Applicant

Greg Ralph, Architect and Robert Cancro, owner appeared for the public hearing for 50 Summit Drive. Mr. Cancro stated that there are 2,000 Jersey Mike’s nationally and they are happy to be locating into Burlington. Mr. Ralph stated that this is the front building of 50 Summit Drive. The space is 1,185 SF tenant fitup for a Jersey Mike. The space will have mostly prep space and 15 seats. They agree to all the engineering comments.

Vice Chair Gaffney asked that additional landscaping be added and the dumpster be enclosed. Mr. Ralph stated that there are no plans for additional screening that is a landlord issue and there is landscaping currently on the site. They will have the dumpster screened.

There were no questions from the audience.

Mr. Ralph stated that there is a space for outside seating and they would agree to a condition that there would be not more than 23 seats in total.

Member Impemba stated that they would require bollards in front of any outdoor seating. Vice Chair Gaffney stated that if outdoor seating is required, they could come back. Mr. Ralph stated that they would come back if outdoor seating is requested. Member L’Heureux stated that they would not have to per the vote last night at Town Meeting. Ms. Kassner stated that there is a difference between



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permanent and temporary seating and if it's permanent then they would need a minor engineering change. Member L'Heureux stated that if they do request outdoor seating, she would suggest bollards or planters.

MOTION - Member L'Heureux made a motion to close the public hearing on this matter. The motion was seconded by Clerk Raymond and unanimously voted 6-0-0. On a roll call vote: 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 Michael Nenna, on behalf of Jersey Mike's Franchise Systems, Inc. for a Special Permit pursuant to Section 4.2.6.9 "Fast Order Food Establishments" of the Zoning Bylaws subject to the terms and conditions contained in exhibit "A" attached as amended. The motion was seconded by Member Espejo and unanimously voted 6-0-0. On a roll call vote: 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," and "7.c," together for discussion purposes. The motion was seconded by Member Espejo and unanimously voted 6-0-0. On a roll call vote: 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 4.2.6.2.1 "Supermarket" of the Zoning Bylaws –34 Cambridge Street – Mom's Organic Market, Inc., Applicant

7.c Discussion - Application for Approval of a Minor Engineering Change – 34 Cambridge Street – Mom's Organic Market, Inc., Applicant

Attorney Mark Vaughn from Reimer and Braunstein, Katie Drenka of Mom's Organic Market, Ben Davis and Tim Hayes from Bohler Engineering. Attorney Vaughn stated that the only expansion of space is to construct a walk-in freezer in the back. Mom's Organic Market are in 4 different states but this will be their first location in Massachusetts. The location has 12,300 SF.

Ms. Bonventre stated that they have discussed with the applicant: cart corrals, the associates collect the carts, there are no prepared foods, the dumpster will be enclosed, and they will be composting, any new equipment on the roof would need sound attenuation.

Member L'Heureux asked if the outdoor refrigeration will be accessed from the outside. Attorney Vaughn stated that the outdoor freezers can only be accessed from the inside. There will be a 10' x 12' addition on the back to hold the freezers. Member L'Heureux asked if the parking in the back will be for employees. Attorney Vaughn stated that the parking remains the same.

Member Espejo asked if Mom's does Instacart or similar service. Mr. Davis stated that online pickup is not part of their operation.

Member Covino stated that if there is a compressor on the freezers there should also have sound attenuation.



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Vice Chair Gaffney asked if there will be outdoor seating. Attorney Vaughn stated that there will be picnic tables and there are bollards and planters already there and there is a paved curbing. Vice Chair Gaffney asked that the areas of the curbing around the ramps be painted yellow as he has witnessed seniors tripping there.

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 Clerk Raymond and unanimously voted 6-0-0. On a roll call vote: 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 Mom's Organic Market, Inc. for a Special Permit pursuant to Section 4.2.6.2.1 "Supermarket" of the Zoning Bylaws subject to the terms and conditions contained in exhibit "B" attached as amended. The motion was seconded by Clerk Raymond and unanimously voted 6-0-0. On a roll call vote: 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 for approval of a Minor Engineering Change for property located at 34 Cambridge Street to modify the front building façade, mechanical systems, designate cart corral areas along the tenant façade frontage, install new doors, enclose dumpsters, and install a walk in freezer at the rear of the building as reflected on the redlined site plan entitled "Proposed Grocery Store Remodel," prepared by Bohler Engineering, dated November 22, 2021 and revised to January 31, 2022 consisting of five (5) sheets subject to the following revisions, terms, and conditions. The motion was seconded by Member Espejo and unanimously voted 6-0-0. On a roll call vote: 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 a Site Plan – 26 Beacon Street - First Patriot Corporation, Applicant

Ms. Bonventre stated that a site walk was conducted and the plan was updated based on the discussion. Ms. Kassner stated that the neighbor in front was pleased with the changes. There are 15-minute spaces in front of the office. They are losing an existing basketball court and they have asked them to look at replacing it.

Clerk Raymond asked that there be front spaces for staff.

Member Covino stated that it appears that some of the landscaping is in the right of way and they may need to speak with DPW.

Member L'Heureux asked that the rows of pear trees be continued.

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 Clerk Raymond and unanimously voted 6-0-0. On a roll call vote: 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 L'Heureux made a motion to approve the request of First Patriot Corporation ("Applicant") for approval of a Site Plan Application for property located at 26 Beacon Street, to permit the construction of a new leasing office/maintenance building, compactor building, and associated parking and site improvements, as reflected on the site plan entitled, "Beacon Village Improvements 26 Beacon Street Burlington, MA," prepared by Howard Stein Hudson dated December 16, 2021 and revised to February 14, 2022 consisting of twelve (12) sheets. The project is subject to the following terms, revisions and conditions as amended. The motion was seconded by Member Covino and unanimously voted 6-0-0. On a roll call vote: 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 – 12/2/21, 1/6/22 and 1/20/22

MOTION - Member L'Heureux made a motion to approve the Planning Board minutes of December 2, 2021. The motion was seconded by Member Covino and voted 5-0-1. On a roll call vote: Vice Chair Gaffney voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Espejo voted Yes, Member Impemba abstained from voting and Member L'Heureux voted Yes.

MOTION - Member L'Heureux made a motion to approve the Planning Board minutes of January 6, 2022 and January 20, 2022. The motion was seconded by Member Espejo and voted 4-0-2. On a roll call vote: Vice Chair Gaffney abstained from voting, Clerk Raymond voted Yes, Member Covino voted Yes, Member Espejo voted Yes, Member Impemba abstained from voting and Member L'Heureux voted Yes.

9. Other Matters

9.a Discussion

9.b Correspondence

There was no correspondence.

9.c Reports from Town Counsel

There were no reports from Town Counsel.

9.d Subcommittee Reports

9.d.i Sculpture Park Committee

Member L'Heureux stated that they are in the second call for artists. Member Covino asked if there are plans to move some sculptures to the Common. Member L'Heureux stated that they hope to in the future.

9.d.ii Housing Partnership

Ms. Bonventre stated that the Housing Needs Assessment is half way done and they are looking at focus groups.



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9.d.iii Recreation Commission

Vice Chair Gaffney stated that the Recreation Commission is working on the basketball court and will be working on screening the porta-potty.

9.d.iv Economic Development Committee

No updates.

9.d.v Transportation Committee

No updates.

9.d.vi ZBRC Signage Subcommittee

Mr. Covino stated that Town Meeting approve 2 articles.

9.e Unfinished Business

Vice Chairman Gaffney asked that Airbnb, tree wells and propane be discussed at the next meeting.

9.f New Business

Ms. Kassner stated that they are working with Town Counsel to get an update on the MBTA Communities and present to the Boards involved.

Vice Chair Gaffney stated the jewelry store next to the auto store needs to be told to take down the Christmas lights.

Vice Chair Gaffney stated that he will provide comments to the landscaping plan from Legal Seafood.

MOTION - Member L'Heureux made a motion to adjourn the February 17, 2022 Planning Board meeting at 8:53 PM. The motion was seconded by Member Espejo and unanimously voted 6-0-0. On a roll call vote: 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.

*Respectfully Submitted by Dawn McDowell,
Recording Clerk*