



TOWN OF BURLINGTON
PLANNING BOARD MEETING
MARCH 3, 2022

RECEIVED

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

Members Present: Chair Brenda Rappaport, Vice Chair William Gaffney, Clerk Paul Raymond (Late Arrival), 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

1. Call the Planning Board Meeting to Order

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

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 L'Heureux made a motion to take item "7.d" out of order for discussion purposes. The motion was seconded by Member Covino and unanimously voted 5-0-0. On a roll call vote: Chair Rappaport voted Yes, Vice Chair Gaffney voted Yes, Member Covino voted Yes, Member Espejo voted Yes, and Member L'Heureux voted Yes.

7.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

MOTION - Member L'Heureux made a motion to continue this matter to the Planning Board Meeting of March 17, 2022. The motion was seconded by Member Espejo and unanimously voted 5-0-0. On a roll call vote: Chair Rappaport voted Yes, Vice Chair Gaffney voted Yes, Member Covino voted Yes, Member Espejo voted Yes, and Member L'Heureux voted Yes.

MOTION - Member L'Heureux made a motion to take item "7.I" out of order for discussion purposes. The motion was seconded by Member Espejo and unanimously voted 5-0-0. On a roll call vote: Chair Rappaport voted Yes, Vice Chair Gaffney voted Yes, Member Covino voted Yes, Member Espejo voted Yes, and Member L'Heureux voted Yes.

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

MOTION - Member L'Heureux 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 2, 2022. The motion was seconded by Member Covino and unanimously voted 5-0-0. On a roll call vote: Chair Rappaport voted Yes, Vice Chair Gaffney voted Yes, Member Covino voted Yes, Member Espejo voted Yes, and Member L'Heureux voted Yes.



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2. Citizen's Time

There were no citizen's coming forward.

3. Announcements

Ms. Bonventre read the public hearing announcements. The Sculpture Park Committee will be meeting on March 4th at 12:00 PM via Zoom. The Zoning Bylaw Review Committee will be meeting March 9th at 6:30 PM via Zoom. The Land Use Committee will be meeting on March 9th at 6:30 PM via Zoom and the deadline for Town Meeting Members to file for Re-Election is March 11th at 1:00 PM in the Town Clerk's Office.

Chair Rappaport stated that the Parks and Recreation online registration starts tonight. There will also be the 3rd annual Town wide yard sale proposed for April 30th with more details to come.

Member L'Heureux stated that there has been a lot of interest in helping out the artist of the "Cherries" statue. He was able to get out of Ukraine. Chair Rappaport asked what the cost of the statue is. Member L'Heureux responded \$14,000.

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

Member Impemba joined the meeting at 7:07 PM.

MOTION - Member Covino made a motion to take items "1.a" and "1.b" together for discussion purpose. The motion was seconded by Member L'Heureux and unanimously voted 6-0-0. On a roll call vote: Chair Rappaport voted Yes, Vice Chair Gaffney voted Yes, Member Covino voted Yes, Member Espejo voted Yes, Member Impemba voted Yes and Member L'Heureux voted Yes.

7.a Public Hearing – Application for Approval of a Special Permit pursuant to Section 1.5.4 "Hazardous and toxic materials/chemical use storage, transport, disposal or discharge" of the Network Drive at Northwest Park Planned Development (PD) Zoning provisions – 25 Network Drive – Broad Institute of MIT & Harvard, Applicant

7.b Public Hearing – Application for Approval of a Special Permit pursuant to Section 1.5.6 "Generation or storage of hazardous waste in excess of the volumes classified as a very small quantity generator" of the Network Drive at Northwest Park Planned Development (PD) Zoning provisions – 25 Network Drive – Broad Institute of MIT & Harvard, Applicant

Attorney Robert Buckley from Riemer and Braunstein, Todd Fremont-Smith from Nordblom, Sarah Cottet from the Broad Institute of MIT and Harvard appeared for the public hearings for 25 Network Drive. Attorney Buckley stated that Vericel has been permitted to take one side of 25 Network Drive



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and the Broad Institute is going to take the other half. The application was approved by the Board of Health.

Mr. Fremont-Smith stated that they are very happy to have the Broad Institute as a tenant and we hope that we can continue to grow in the biotechnology market.

Ms. Cottet stated that they are excited to come to Burlington. They are the largest producer of Geno and will be bring 400 employees.

Ms. Kassner stated that most of the site issues were covered when the building was permitted and when Vericel was permitted and they have no issues with this application. She is very proud of all the hard work that was done that allowed us to bring a company like the Broad Institute to Burlington.

Chair Rappaport asked if this was a long-term lease. Mr. Freemont- Smith replied that it is more than 10 years.

The Planning Board all agreed they would be a great addition to Burlington.

Economic Development Director Melissa Tintocolis – Ms. Tintocolis stated that this is a great addition and shows that mixed use, walkability and public transportation all supports what we want to bring to Burlington.

MOTION - Member Espejo made a motion to close the public hearing on this matter. The motion was seconded by Member L’Heureux and unanimously voted 6-0-0. On a roll call vote: Chair Rappaport voted Yes, Vice Chair Gaffney voted Yes, Member Covino voted Yes, Member Espejo voted Yes, Member Impemba voted Yes and Member L’Heureux voted Yes.

Clerk Raymond joined the meeting at 7:20 PM.

MOTION - Member L’Heureux made a motion to approve the request of Broad Institute of MIT and Harvard for a Special Permit pursuant to Section 1.5.4 “Hazardous and toxic materials/chemical use storage, transport, disposal or discharge” and Section 1.5.6 “Generation or storage of hazardous waste in excess of the volumes classified as a very small quantity generator” of the Network Drive Planned Development (PD) Zoning Provisions subject to the terms and conditions contained in exhibit “A” 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.c Public Hearing – Petitions to rezone property to the Innovation (I) District – 54 Middlesex Turnpike, 56 Middlesex Turnpike and 15 Adams Street - Submitted by The Cohen Realty Group, Burlex Realty LLC & 15 Adams Street, LLC

Attorney Tom Murphy and George Katsarakas appeared for the public hearing at 54 & 56 Middlesex Turnpike and 15 Adams Street. Attorney Murphy stated that this hearing includes 3 parcels; 54 Middlesex Turnpike has 2.0 acres and 150’ of frontage and zoned BG; 56 Middlesex Turnpike has 2.8 acres and 450’ of frontage and zoned BG; and 15 Adams Street has 6.5 acres and 50’ of frontage and zoned GI. It is currently zoned BG and they are looking to rezone it to the new Innovation (I) District. They are looking towards the future with redevelopment.



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Chair Rappaport asked when the leases expire on the current tenants. Mr. Katsarakes replied that on 56/12, the leases are 2-3 years but they have a clause that the lease ends if the building is demolished, 56/11 he is not exactly sure but usually it will not be more than 5 years and 59/14 is owner occupied so they can vacate whenever they want.

Vice Chair Gaffney asked if Map 59, Lot 14 is still moving forward with a Site Plan. Ms. Bonventre replied yes. They were before Board of Health to get their approval and are now before Conservation before finalizing the Site Plan and they still want to proceed. Vice Chair Gaffney asked if the 3 parcels will be joined. Mr. Katsarakes replied there are 2 stores now and each owner is acting independently.

Andrea Tracey of 4 Kinney Ave – Ms. Tracey stated that she wants a bike path and asked if Burger King was remaining. Ms. Kassner stated that we will be looking for a bike path. Ms. Tintocalis stated that they have been talking with local builders and they will be doing a bike feasibility study.

Member Covino stated that if it is rezoned, does the Town look at amenities to attract other tenants. Ms. Tintocalis stated that we look at the context and work with what we have available. We are always looking to improve areas and amenities.

MOTION - Member L'Heureux made a motion to continue this matter to the Planning Board meeting of March 17, 2022. 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.d Continued Public Hearing – Petition to amend the Network Drive at Northwest Park Planned Development District Zoning Provisions, Special Conditions and Use Provisions – 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 and Marissa Valentino from BSG Group appeared for the continued discussion on the amendments to the PDD. Mr. Fremont-Smith stated that they are proposing amending the PDD and adding 3-4 new buildings at Network Drive. This will extend the campus activities on Parcel 1. At the last meeting there were four areas of concerns: traffic, parking, sustainability and signage. It has been proven that Life Science has 30% fewer vehicles than the typical office buildings. This will be phased construction and will be providing traffic monitoring reports. Vice Chair Gaffney asked for a table explaining why additional buildings would be allowed. There is no assigned parking. The parking is shared between the buildings. This project will be LEED Gold as well as a FitWell 2 Stars project and it will include PV on garages, EV chargers, white roof, plantings, storm water systems, community gardens, fitness trails, honey bees and they are shifting to perennials. As far as signage, they are allowed 6' x 10' attached signage. They will ask for Rt. 3 size signage on the whole campus that allows for an 8' x 12' attached signs. There are no billboards proposed. Attorney Buckley stated that the square footage controls the size of the buildings. They will ask for additional square footage.

Vice Chair Gaffney stated that there is a solar bylaw and is the signage along Rt. 3 different. Ms. Kassner replied the PDD has sign bans that allows the signs along Rt. 3 are a bit larger. She will send out the current language.



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Chair Rappaport asked if there is parking for the trails and are the trails cleared in winter and asked that they look at adding fruit trees and berry bushes in the meadows. Attorney Buckley stated that they do not want people walking on the trails after the dark. They will post rules at the entrance points. Mr. Fremont-Smith stated that there is parking but they do not plow the trails in the winter.

Member L'Heureux stated that she walks the trails and they are very pleasant. She would like to see renderings of the signs and the current language of the sign bylaw. She is more concerned with the brightness than the size. Member L'Heureux asked if the honey can be donated to the Food Pantry. Mr. Fremont-Smith replied he will find out.

Member Covino asked if the new buildings will be in the existing parking lots. Mr. Fremont-Smith replied yes.

Vice Chair Gaffney asked if a bridge could be built to the land lock property. Clerk Raymond stated that the trails are accessible and doesn't think they should be paved.

David Webb, Land Use Committee – Mr. Webb stated that the less impervious surface the better. They should look at avoiding fossil fuels.

MOTION - Member Espejo made a motion to continue this matter to the Planning Board meeting of March 17, 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.

MOTION - Member Espejo made a motion to take items "7.e" and "7.f" together for discussion purpose. 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.e Continued 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

7.f Continued 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, and Jeff Feldman from Root Development appeared for the continued public hearing to rezone the properties on Cambridge Street to TCM. Attorney Vaughn stated that the TCOD was created in 2006 and MFD was allowed until 2010. This proposal is to create a new sub-district that allows for mixed use on about 3.1 acres.

Mr. Carbone stated that this project keeps in track with the Master Plan. The proposal is for a mixed-use development with 98 units and 170 parking spaces. There will be large green space and covered parking. The top drive entrance will be entrance only. The retail space will face Cambridge Street. They are not tied to the retail aspect and could do all residential.



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Member Espejo stated that he would like to see a project specific traffic study. This area has bad traffic now and is concerned with adding more but he appreciates the effort. Attorney Vaughn stated that we are before the Planning Board now for the zoning change to all for MFD. We would need to come back for the Special Permit and that would have the specific traffic details.

Vice Chair Gaffney stated that he would also like the traffic documents and perhaps this is being rushed for Town Meeting. Has it been determined that this would not be spot zoning? Chair Rappaport stated that we did discuss this with Town Counsel. Ms. Kassner stated that there are similar uses around it and an MFD project is directly abutting this property. Chair Rappaport asked staff to reach out and verify with Town Counsel. Vice Chair Gaffney asked that the density be looked at. Ms. Kassner stated that the Planning Board makes the recommendation to Town Meeting. Vice Chair Gaffney stated that this is a very important zoning change and this is a very difficult site.

Member L'Heureux stated that she is also concerned with the timing. A traffic study is very important and asked what we are trying to do. What is the need to fill? We need affordable senior housing. Her biggest concern is the density. Traffic in this area is an enormous issue. She would like them to look at other options like townhouses. She is not sure if traffic entrance rules could be enforced. She is glad that they are using sustainability items.

Member Covino stated that we are to make a recommendation to Town Meeting to allow the zoning change and asked if we need to call out the number of units. Ms. Kassner stated that you don't have to state the exact number of units. You can look at what the use is and how will it be built out.

Mr. Carbone stated that they would sign a development agreement including doing a traffic study. They could look at a mix of townhouses and apartments. We can also look at doing just residential. Chair Rappaport stated that our main concern is we want minimal impacts.

Member Impemba stated that we should look at by-right uses vs. what is being proposed. We want this property to be redeveloped.

Chair Rappaport stated that the Town has approached the owner, and it was not a viable option per the Select Board. Just for the record, there are only 2 units left at the Building 19 site.

Member L'Heureux appreciates the applicant's flexibility and agrees that the development agreement is a good idea but is concerned with the timing issue and this going to the May Town Meeting.

John Iler – Mr. Iler stated that this is a false choice, this option or a big retail option. We need more investigation and we need to look at the maximum number of units per acre. This should be known before it goes to Town Meeting.

Craig Foster – Mr. Foster stated that he is very concerned with traffic. The only retail site is the Rogers Piano site; the others have single family homes. Is this proposal legal due to Town Meeting removing the MFD from the overlay? How will this affect Town services? Ms. Kassner stated that the overlay district allows common uses where single family homes are now. The overlay also allows for single family, two and three families. When MFD was previously allowed, it did have a density cap. Chair Rappaport asked staff to look at this.

Clerk Raymond stated that this is a unique site.



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MOTION - Member Espejo made a motion to continue these matters until the Planning Board meeting of March 17, 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.

MOTION - Member Espejo made a motion to take items "7.h" through "7.k" 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.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 – 4 Burlington Woods Drive – The Gutierrez Company, Applicant

7.i Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.11 “Generation or storage of hazardous waste, limited to the volumes classified as a very small quantity generator (VSQG)” of the Zoning Bylaws – 4 Burlington Woods Drive – The Gutierrez Company, Applicant

7.j 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 – 4 Burlington Woods Drive – The Gutierrez Company, Applicant

7.k Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.3.2.15 “Storage and disposal of oils fuels/petroleum products” of the Zoning Bylaws – 4 Burlington Woods Drive – The Gutierrez Company, Applicant

Scott Weiss from the Gutierrez Company appeared for the Site Permits at 4 Burlington Woods Drive. Mr. Weiss stated that the building was original built in 2016. In 2018 a Special Permit was issued for lab use. In 2020, the building renovation was started. This is fully leased and has been approved by the Board of Health. A Minor Engineering Change was needed because the tenants need liquid nitrogen tanks. They will be added out back.

Vice Chair Gaffney stated that the filling of the tanks is very loud and how high are the tanks. Mr. Weiss stated that we could restrict the filling times and the tallest tank is 15' and sits on a 2' stand.

Chair Rappaport asked if these tanks are enclosed. Mr. Weiss replied they will be with bollards inside the locked fence enclosure.

MOTION - Member Espejo made a motion to close the public hearing on these matters. The motion was seconded by Clerk Raymond and 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 Gutierrez Company for a Special Permit pursuant to Section 4.2.7.9 “Hazardous and toxic materials/chemicals use storage, transport, disposal or discharge,” Section 4.2.7.11 “Generation or storage of hazardous waste, limited



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to the volumes classified as a very small quantity generator (VSQG),” Section 4.2.7.12 “Generation or storage of hazardous waste, in excess of the volumes classified as a very small quantity generator (VSQG),” and Section 4.3.2.15 “Storage and disposal of oils fuels/petroleum products” of the Zoning Bylaws subject to the terms and conditions contained in exhibit “B” 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 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 for approval of a Minor Engineering Change for property located 4 Burlington Woods Drive (“Premises”) to allow for the installation of a 3’ x 7’ concrete pad and a 6’ high black vinyl chain link fence to accommodate liquid nitrogen tanks for use by tenants as reflected on the redlined site plan entitled “4 Burlington Woods Drive, Minor Site Changes,” prepared by RJ O’Connell & Associates, Inc., dated February 2, 2022 consisting of one (1) sheet subject to the following revisions, terms, and conditions. 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.

8. Minutes – 02/03/22

MOTION - Member L’Heureux made a motion to approve the Planning Board minutes of February 3, 2022 as amended. The motion was seconded by Member Espejo and 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. Other Matters

9.a Discussion

9.a.1 MBTA Multi-Family Zoning Requirement for MBTA Communities

Chair Rappaport stated that there is a forum with Town Counsel & Development Departments and Selectboard will be 3/14 at 6:00 PM.

9.a.2 Sign Update

Chair Rappaport stated that the Building Department is doing “spring cleaning” in regards to signs. Vice Chair Gaffney stated that he will give a list of illegal signs.

9.a.3 Virtual vs. In-Person Meetings

Chair Rappaport stated that we will start going in person meetings starting on March 17th. Ms. Kassner added that they will still have a virtual option available.

9.b Correspondence

There was no correspondence.

9.c Reports from Town Counsel

There were no reports from Town Counsel.



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9.d Subcommittee Reports

9.d.i Sculpture Park Committee

Member L'Heureux stated that they are in the second call for artists that will be closing in April.

9.d.ii Housing Partnership

Ms. Bonventre stated that they had their first focus group and looking to hold two more. The goal is to be completed by June.

9.d.iii Recreation Commission

There was no update

9.d.iv Economic Development Committee

Member Espejo stated that the next meeting is March 17th.

9.d.v Transportation Committee

Member Covino stated that there was an interesting presentation of Safe Routes to School but it is more than just schools. The video of the presentation is on BCAT.

9.d.vi ZBRC Signage Subcommittee

Member Covino stated that they are meeting next Wednesday to review the Town Meeting submittals.

9.e Unfinished Business

Chair Rappaport stated that the Master Plan should be completed before the elections.

9.f New Business

Member Covino stated that a subcommittee should be setup to look at easier pedestrian and vehicle access to the land lock parcel. He will be happy to serve on this subcommittee. Vice Chair Gaffney stated that we should look to Ms. Tintocolis to get grants. Chair Rappaport stated that was a great idea. Member Espejo stated that CPA may be available for something like this.

Chair Rappaport asked that we look at the solar bylaw updates for new construction. Ms. Kassner stated that we can look at that and the PDDs haven't caught up yet.

Member Impemba asked if the 3A committee should get back together to pursue grants to get underground utilities. Ms. Kassner stated that she will set up a meeting with the Select Board and Planning Board.

MOTION - Member L'Heureux made a motion to adjourn the March 3, 2022 Planning Board meeting at 10:15 PM. 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.

*Respectfully Submitted by Dawn McDowell,
Recording Clerk*