



TOWN OF BURLINGTON
PLANNING BOARD MINUTES
MAY 06, 2021

RECEIVED

By Town Clerk's Office at 11:50 am, Jun 21, 2021

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

Members Absent: None

Staff Present: Planning Director Kristen Kassner, Senior Planner Elizabeth Bonventre, Assistant Planner Brady Caldwell, Principal Clerk Jennifer Gelinis

1. Call the Meeting to Order

Chairman L'Heureux called the meeting to order at 7:00 PM. The Town of Burlington will be holding the April 15, 2021 Planning Board as a virtual/electronic meeting due to the current State of Emergency due to the COVID-19 crisis. As such, the Governor issued an Executive Order on March 12, 2020 authorizing remote meeting under M.G.L c. 30A, Section 20. Ms. Bonventre stated that this meeting is being held via Cisco WebEx. 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.

On a Roll Call for attendance for the Planning Board: Chairman L'Heureux voted present, Vice Chairman Impemba voted present, Member Rappaport voted present, Member Covino voted present, and Member Gaffney voted present.

1.b Reorganization of the Planning Board

Chairman L'Heureux stated that they will table the reorganization of the Board until there is a full board.

Member Espejo joined at 7:03 PM.

MOTION - Member Gaffney made a motion to table item 1.b until there is a full board. The motion was seconded by Member Covino and unanimously voted 6-0-0. On a roll call vote: Chairman L'Heureux voted Yes, Vice Chairman Impemba voted Yes, Member Rappaport voted Yes, Member Gaffney voted Yes, Member Covino voted Yes, and Member Espejo voted Yes.

Clerk Raymond joined the meeting at 7:04 PM.

MOTION - Member Covino made a motion to take items "7.j", "7.k", "7.l", "7.m" and "7.n" together and out of order for discussion purposes. The motion was seconded by Member Rappaport and unanimously voted 7-0-0. On a roll call vote: Chairman L'Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, Member Rappaport voted Yes and Member Espejo voted Yes.

7.m Public Hearing - Application for Approval of a Special Permit pursuant to 12.1.5 "PD Special Permit" of the Zoning Bylaw – 1 North Avenue – Desktop Metal Inc., Applicant

7.n 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 – 1 North Avenue – Desktop Metal Inc., Applicant



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7.o Public Hearing - Application for Approval of a Special Permit pursuant to 1.5.2 “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 Northwest Park PDD Bylaw Provisions – 1 North Avenue – Desktop Metal Inc., Applicant

7.p 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 – 1 North Avenue – Desktop Metal Inc., Applicant

7.q Public Hearing - Application for Approval of a Special Permit pursuant to 1.5.5 “Generation or storage of hazardous waste limited to the volumes classified as very small quantity generator.” of the Northwest Park PDD Bylaw Provisions – 1 North Avenue – Desktop Metal Inc., Applicant

MOTION - Member Covino made a motion to continue these matters to the Planning Board meeting of May 20, 2021 as requested in an email by the applicant dated May 4, 2021. The motion was seconded by Member Rappaport and unanimously voted 7-0-0. On a roll call vote: Chairman L’Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, Member Rappaport voted Yes and Member Espejo voted Yes.

MOTION - Member Rappaport made a motion to take items “7.o,” “7.p,” “7.q,” and “7.r” together and out of order for discussion purposes. The motion was seconded by Member Covino and unanimously voted 7-0-0. On a roll call vote: Chairman L’Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, Member Rappaport voted Yes and Member Espejo voted Yes.

7.o Public Hearing - Application for Approval of a Special Permit pursuant to 6.1.1.2 “Expansion of a nonconforming use” of the Zoning Bylaws – 207 Cambridge Street – Phase Zero Design, Applicant

7.p Public Hearing - Application for Approval of a Special Permit pursuant to 4.3.2.15 “Storage and disposal of oils and fuels/ petroleum products” of the Zoning Bylaws – 207 Cambridge Street – Phase Zero Design, Applicant

7.q Public Hearing - Application for Approval of a Special Permit pursuant to 4.3.2.16 “Storage of hazardous and toxic materials/chemicals for retail sale” of the Zoning Bylaws – 207 Cambridge Street – Phase Zero Design, Applicant

7.r Discussion – Application for Approval of a Minor Engineering Change – 207 Cambridge Street – Phase Zero Design, Applicant

Ms. Bonventre stated that these hearings are for O’Reilly’s Auto Parts. They have been working with the property owner to update the Site Plan and get that approved before this applicant can proceed.

Ms. Kassner stated that there are drainage issues, Conservation issues and items that have not been permitted on this site and all those issues need to be addressed before new tenants get approval. Ms.



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Kassner added that if there are abutters who would like to be notified of meetings or changes, they should call or email the office and they can be added to the list.

Debra Walker of 18 Woodcrest Avenue – Mrs. Walker stated that the compressors are still an issue and asked if that has to wait until August and when is the Site Plan due. Ms. Bonventre stated that the owner is motivated to get these issues addressed and she hopes to have the Site Plan by the end of the month but she can't guarantee it. Ms. Walker stated that the compressors should be addressed now.

Member Gaffney stated that the compressors are not permitted and shouldn't be on the approved plan. Ms. Kassner stated that the compressors should be shown on a proposed Site Plan will be submitted to the Planning Board for approval. If they don't get approved then they will be removed. They asked the property owner to do a Site Plan for the entire site for approval so we have an up to date Site Plan regardless of what tenants are proposed. They are working on the plans for sound attenuation to be included in the Site Plan submission. Member Gaffney asked if the tenant should come in for the compressors. Ms. Kassner replied that they would rather have the property owner because they are responsible. Member Gaffney stated that no work should be done until we approve it.

Chairman L'Heureux asked if an enforcement order could be sent giving them a set timeframe to provide the Site Plan and sound attenuation plan and if the timeframe is not met they are to be removed. Ms. Kassner replied that they could do that.

Vice Chairman Impemba stated that the property owner is responsible and asked if we have a current Site Plan. Ms. Kassner replied yes from 1994. Vice Chairman Impemba stated that there are other buildings owned by other people but they share the same driveways and parking and asked if they should be included. Ms. Kassner replied it is a Site Plan for this site.

MOTION - Member Covino made a motion to continue this matter to the Planning Board meeting of August 19, 2021 as requested in an email by the applicant dated April 30, 2021. The motion was seconded by Member Rappaport and unanimously voted 7-0-0. On a roll call vote: Chairman L'Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, Member Rappaport voted Yes and Member Espejo voted Yes.

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

7.s Continued Public Hearing – Application for Approval of an amendment to a Definitive Subdivision Plan – 4 & 5 Redmond Street – Murray Hills, Incorporated, Applicant

MOTION - Member Espejo made a motion to continue this matter to the Planning Board meeting of May 20, 2021 as requested in an email by the applicant dated May 4, 2021. The motion was seconded by Member Covino and unanimously voted 7-0-0. On a roll call vote: Chairman L'Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, Member Rappaport voted Yes and Member Espejo voted Yes.



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MOTION - Member Covino made a motion to take item 1.b off the table. The motion was seconded by Member Raymond and unanimously voted 7-0-0.

1.b Reorganization of the Planning Board

Chairman L'Heureux will open the floor for nominations for Chairman.

Chairman L'Heureux nominated Member Rappaport for the position of Chairman. There were no other nominations for Chairman so nominations for Chairman were closed.

MOTION - Chairman L'Heureux made a motion to nominate Member Rappaport for the position of Chairman. The motion was seconded by Member Raymond and unanimously voted 7-0-0. On a roll call vote: Chairman L'Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, Member Rappaport voted Yes and Member Espejo voted Yes.

Vice Chairman Impemba nominated Member Gaffney as Vice Chairman. There were no other nominations for Vice Chairman so nominations for Vice Chairman were closed.

MOTION - Vice Chairman Impemba made a motion to nominate Member Gaffney for the position of Vice Chairman. The motion was seconded by Member Espejo and unanimously voted 7-0-0. On a roll call vote: Chairman Rappaport voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, Member L'Heureux voted Yes and Member Espejo voted Yes.

Member L'Heureux nominated Clerk Raymond as Clerk. There were no other nominations for Clerk so nominations were closed.

MOTION - Member L'Heureux made a motion to nominate Member Clerk Raymond for the position of Member Clerk. The motion was seconded by Member Covino and unanimously voted 7-0-0. On a roll call vote: Chairman Rappaport voted Yes, Vice Chairman Gaffney voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Impemba voted Yes, Member L'Heureux voted Yes and Member Espejo voted Yes.

Member L'Heureux thanked the members for stepping up for these positions.

Member Covino thanked Member L'Heureux for her leadership these past few years in a very tough time. Member L'Heureux stated that the staff made the job easy because they do a great job.

MOTION - Member L'Heureux made a motion to appoint Vice Chairman Gaffney as Planning Board representative to the Recreation Commission. The motion was seconded by Chairman Rappaport and unanimously voted 7-0-0. On a roll call vote: Chairman Rappaport voted Yes, Vice Chairman Gaffney voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Impemba voted Yes, Member L'Heureux voted Yes and Member Espejo voted Yes.

2. Citizen's Time

There were no citizen's comments.



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3. Announcements

Ms. Bonventre stated that the National Planning Conference is being held virtually from May 5th -7th. The May Town Meeting will be held on May 10th at 7:30 PM via WebEx and BCAT and the Northwest Park Housing Committee will be meeting on Thursday, May 13th at 12 noon.

Member L'Heureux gave a Sculpture Committee update. There will be a new sculpture coming to the park that is being donated by a local resident in memory of her parents. The DPW has started moving boulders for them to be changed into stone benches. That project should start in May.

Ms. Kassner stated that the zoning articles for Town Meeting will probably be heard on the second Monday. The budget will be dealt with on the first night.

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

7.a Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 20 South Avenue – Submitted by the Planning Board

7.b Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 40 South Avenue – Submitted by the Planning Board

7.c Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 70 Blanchard Road – Submitted by the Planning Board

7.d Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 76 Blanchard Road – Submitted by the Planning Board

7.e Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 78 Blanchard Road – Submitted by the Planning Board

7.f Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 80 Blanchard Road – Submitted by the Planning Board



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7.g Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 20 Blanchard Road – Submitted by the Planning Board

7.h Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 99 South Bedford Street – Submitted by the Planning Board

7.i Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 111 South Bedford Street – Submitted by the Planning Board

Chairman Rappaport and Vice Chairman Gaffney both stated that they have reviewed the last meeting and have signed the required Mullen forms.

Ms. Kassner reviewed the presentation that has been reviewed over the last few meetings.

Clerk Raymond stated that he would be agreeable to approving Cluster A but not the other two.

Member Impemba stated that he asked a question at the last meeting if there are any wetlands adjacent to these parcels that could be purchased and added to the parcels in the cluster to create more floor area. Ms. Kassner stated that there is no land abutting Cluster A and the buildings in this cluster would most likely be torn down and rebuilt. In Cluster B there is no opportunity to expand on any other site. In Cluster C, these are old buildings but there is no additional room to expand on other parcels. There are no unbuildable parcels that are adjacent to any parcels shown in the three clusters.

Vice Chairman Gaffney stated that he is concerned with making Blanchard Road a corridor. The current conditions are not good. We should wait until the intersection improvements are completed before we look at this cluster. He is not sure that putting this zoning district against Mary Cummings Park is a good idea. Vice Chairman Gaffney asked how high the Nokia building is. Ms. Kassner stated that it is about 5 floors and the height limit next to residential is 45'. Life Science also has less people which means less traffic. Vice Chairman Gaffney asked if the trailers next to this cluster are RO zoning. Ms. Kassner replied no, they are IH zoned. Vice Chairman Gaffney asked if the residential units in the PDD count for the height restriction setbacks. Ms. Kassner replied no.

Member Covino stated that if this is approved, any applicant would still need to come to the Planning Board for approval to address traffic, height of the building, mitigation, etc. Ms. Kassner replied that was correct.

Clerk Raymond stated that intersection is bad and Northeastern did not do what they were supposed to do.

Mark Woods, Town Meeting Member Precinct #7 – Mr. Woods stated that Blanchard Road has no sidewalks, no bike paths, no public transportation, no shoulders and it floods. The road needs to be fixed before anything new is added.

David Webb, Town Meeting Member Precinct #7 – Mr. Webb asked if there has been any input from the Board of Health in regards to contamination. Ms. Kassner stated that she spoke with Ms. Lumenello, Ms. Mathis and Dr. Weiner and they will be meeting next Tuesday. The Board of Health rules and regulations have been updated to handle the protocols for Life Science and it is a very regulated operation.



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Robert Duffy, owner of 76, 78 and 80 Blanchard Street – Mr. Duffy stated that they have Life Science businesses in offices they have in Waltham and they require less density, less parking and pay more in rent. They are great tenants.

Clerk Raymond stated that he would agree to changing Cluster A due to the amenities surround it but not B & C due to the bad infrastructure and close to houses.

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

MOTION - Clerk Raymond made a motion to recommend **FAVORABLY** on the Petition to amend the Zoning Map to rezone parcels located at 20 and 40 South Avenue (Cluster A) to the High-Rise Industrial (IH) Zoning District, submitted by the Planning Board. The motion was seconded by Member Covino and unanimously voted 7-0-0. On a roll call vote: Chairman Rappaport voted Yes, Vice Chairman Gaffney voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Impemba voted Yes, Member L'Heureux voted Yes and Member Espejo voted Yes.

MOTION - Member Covino made a motion to recommend **FAVORABLY** on the Petition to amend the Zoning Map to rezone parcels located at 70, 76, 78 and 80 Blanchard Road (Cluster B) to the High-Rise Industrial (IH) Zoning District, submitted by the Planning Board. The motion was seconded by Member L'Heureux and voted 2-5-0. On a roll call vote: Chairman Rappaport voted Yes, Vice Chairman Gaffney voted No, Clerk Raymond voted No, Member Covino voted Yes, Member Impemba voted No, Member L'Heureux voted No and Member Espejo voted No. The motion failed.

MOTION - Member Espejo made a motion to recommend **FAVORABLY** on the Petition to amend the Zoning Map to rezone parcels located at 20 Blanchard Road, 99 and 111 South Bedford Street (Cluster C) to the High-Rise Industrial (IH) Zoning District, submitted by the Planning Board. The motion was seconded by Member Covino and voted 3-4-0. On a roll call vote: Chairman Rappaport voted Yes, Vice Chairman Gaffney voted No, Clerk Raymond voted No, Member Covino voted Yes, Member Impemba voted No, Member L'Heureux voted No and Member Espejo voted Yes. The motion failed.

8. Minutes – April 15, 2021

MOTION - Member Covino made a motion to approve the Planning Board minutes of April 15, 2021. The motion was seconded by Member Espejo and voted 6-0-1. On a roll call vote: Chairman Rappaport voted Yes, Vice Chairman Gaffney abstained from voting, Clerk Raymond voted Yes, Member Covino voted Yes, Member Impemba voted Yes, Member L'Heureux voted Yes and Member Espejo voted Yes.

9. Other Business

9.a.1 Reestablishing Planning Board Signature Requirements Under COVID-19

MOTION - Member L'Heureux made a motion that the Planning Board hereby assigns the Chairman to sign any required documents on the entire Planning Board's behalf, including but not limited to documents associated with Special Permits, Site Plans, and Subdivisions. This shall remain in place for



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the length of the COVID-19 State of Emergency to the next regularly scheduled Planning Board meeting proceeding that the State of Emergency has ended in Massachusetts. The motion was seconded by Vice Chairman Gaffney and unanimously voted 7-0-0. On a roll call vote: Chairman Rappaport voted Yes, Vice Chairman Gaffney voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Impemba voted Yes, Member L'Heureux voted Yes and Member Espejo voted Yes.

9.a.2 Community Planning Grant – Blanchard/Wheeler Corridor

Ms. Kassner stated that they will be pursuing a grant from the State Community One Stop for planning and infrastructure improvements along the Blanchard/Wheeler corridor and it is due in June.

9.a.3 Eversource Update

Ms. Kassner stated that they discussed this about 2 months ago and they are working on energy predictions and what we would need in the future for non-typical energy uses. With the reduction of fossil fuels they are trying to plan for the future.

9.a.4 Municipal Vulnerability Preparedness (MVP) Grant Update, Endorsement of Letter

Ms. Kassner stated that this grant will deal with the health of the Vine Brook watershed.

9.b Correspondence

There was no correspondence.

9.c Reports from Town Counsel

There was no report from Town Counsel.

9.d Subcommittee Reports

There were no subcommittee reports

9.e Unfinished Business

There was no unfinished business.

9.f New Business

Vice Chairman Gaffney stated that there was graffiti on the Winn Street underpass bridge. He emailed Mass DOT and they took care of it rather quickly.

MOTION - Member Espejo made a motion to adjourn the May 6, 2021 Planning Board meeting at 8:54 PM. The motion was seconded by Member Covino and unanimously voted 7-0-0. On a roll call vote: Chairman Rappaport voted Yes, Vice Chairman Gaffney voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Impemba voted Yes, Member L'Heureux voted Yes and Member Espejo voted Yes.

*Respectfully Submitted by Dawn Cathcart,
Recording Clerk*