



TOWN OF BURLINGTON, MA  
PLANNING BOARD MINUTES  
JULY 21, 2022

**Members Present:** Chairman Brenda Rappaport; Vice Chairman Barbara G. L’Heureux; Clerk William Gaffney; Paul Raymond; Ernest Covino; Joseph Impemba; and Toni Ann Natola

**Members Absent:** None

**Staff Present:** Planning Director Kristin Kassner; and Senior Planner Elizabeth Bonventre

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

Chairman Rappaport called the meeting to order at 7:01 PM. Vice Chairman L’Heureux stated that the Town of Burlington will be holding the July 21, 2022 meeting of the Planning Board as a hybrid meeting due to the current State of emergency due to the Covid-19 virus. As such, the Governor issued an executive order on March 12, 2020 authorizing remote meetings under G.L c. 30A Section 20 and extended by Chapter 22 of the Acts of 2022, including permitting remote meetings and participation, until March 31, 2023.

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

**MOTION** – Vice Chairman L’Heureux made a motion to take items “7.y,” “7.z,” “7.aa,” “7.bb,” “7.cc” together and out of order for discussion purposes. The motion was seconded by Member Impemba and voted 7-0-0.

**7.y Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.4 “Laboratories engaged in research, experimental and testing activities including, but not limited to, the fields of, chemistry, electronics, engineering, geology, non-biologic medicine and physics” of the Zoning Bylaws – 22 Terry Avenue – AP Terry, LLC, Applicant**

**7.z Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.4.1 “Life Science laboratories engaged in research, prototype manufacture, experimental and testing activities including, but not limited to, the fields of pharmaceuticals, biomedical technologies and engineering, life systems technologies, environmental and biomedical devices Biosafety Level 4 (BL-4) laboratories, as defined by the Centers for Disease Control and Prevention, are prohibited in Burlington” of the Zoning Bylaws – 22 Terry Avenue – AP Terry, LLC, Applicant**

**7.aa Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.4.2 “Life Science laboratories engaged in the manufacture of life science technologies and medicines for commercial production to the market including, but not limited to, the fields of**



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**pharmaceuticals, biomedical technologies and engineering, life systems technologies, environmental, biomedical devices Biosafety Level 4 (BL-4) laboratories, as defined by the Centers for Disease Control and Prevention, are prohibited in Burlington” of the Zoning Bylaws – 22 Terry Avenue – AP Terry, LLC, Applicant**

**7.bb Continued 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 – 22 Terry Avenue – AP Terry, LLC, Applicant**

**7.cc Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.11 “Hazardous and toxic materials/chemicals use storage, transport, disposal or discharge” of the Zoning Bylaws – 22 Terry Avenue – AP Terry, LLC, Applicant**

**MOTION** – Vice Chairman L’Heureux made a motion to continue these items to the Planning Board meeting of September 15, 2022 as requested by the Applicant’s attorney in an email dated July 20, 2022. The motion was seconded by Member Covino and voted 7-0-0.

Chairman Rappaport stated that this property will be discussed later in our agenda. They are continuing some of the special permits until a tenant is determined others will be discussed later in the agenda.

**MOTION** – Vice Chairman L’Heureux made a motion to take item “7.dd” out of order for discussion purposes. The motion was seconded by Member Raymond and voted 7-0-0.

**7.dd Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.3.2.23.2 “Solar Energy System, Ground-Mounted” of the Zoning Bylaws – 3 September Lane – Sunrun Installation Services, Applicant**

**MOTION** – Vice Chairman L’Heureux made a motion that the Planning Board hereby accepts the Applicant’s request to withdraw without prejudice the Application for Approval of a Special Permit pursuant to Section 4.3.2.23.2 “Solar Energy System, Ground- Mounted” of the Zoning Bylaw for property at 3 September Lane as requested by the Applicant in an email dated July 20, 2022. The motion was seconded by Member Raymond and voted 7-0-0.

**MOTION** – Vice Chairman L’Heureux made a motion to take item “7.ee” out of order for discussion purposes. The motion was seconded by Member Raymond and voted 7-0-0.

**7.ee Continued Public Hearing – Proposed Amendment to the Zoning Bylaw and Map – Town Center Signage Map – Zoning Bylaw Review Committee, Signage Subcommittee**

Sally Willard appeared before the Board.

Ms. Willard stated that she has two copies of the signed request to withdraw the proposed zoning bylaws that were submitted as part of a package. Some of the package has been processed but we’ll come back with more after we get over some hurdles.



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**MOTION** – Vice Chairman L’Heureux made a motion that the Planning Board hereby accepts the Applicant’s request to withdraw without prejudice the Proposed Amendment to the Zoning Bylaw and Map - Town Center Signage Map - Zoning Bylaw Review Committee, Signage Subcommittee as requested by the Applicant and further agrees to open the Town Center Rules and Regulations at the meeting of August or September and take part in a discussion with the Selectboard and ZBRC regarding the process and/or committee structure to review design and signage in the Town Center. The motion was seconded by Member Covino and voted 7-0-0.

In further discussion of the motion, Member Covino stated that this Planning Board was very interested in signage in the downtown center area and when that comes about, I would appreciate it if we could get a couple of individuals to help us out.

**2. Citizens Time**

No citizens came forward.

**3. Announcements**

Ms. Bonventre read the announcements. The Sculpture Park Committee is having an online meeting on August 2 at 4:00 PM. The calling information will be on the town calendar. Celebrate Burlington Day will be on August 6 from 11 AM to 9 PM at the Town Common. The Zoning Bylaw Review Committee is having a meeting on August 10 at 6:30 PM in the Town Hall Annex Basement and via Zoom. The Transportation Committee is having a meeting on August 3 at 6:30 PM via Webex.

Chairman Rappaport clarified an article in the *Boston Globe* regarding Lord & Taylor Property. The article discussed how there was a life science change at the property. However, there is nothing definitive at this point in time. If there is any concern the residence page is not the best source to get information, please contact the Planning staff or any of the Planning Board members directly.

Chairman Rappaport stated that Planning Board member Paul Raymond has decided to retire after a 32 year tenure of service on the Planning Board. Paul has been a dedicated and passionate member since April of 1990 and it has been a pleasure to serve alongside him. The Planning Board would like to announce that there will be an open seat on the Board effective tomorrow, July 22, 2022 and we are soliciting applications for that position. Applications will be accepted From July 22 to August 1st and can be found on the Planning Board webpage at <https://www.burlington.org/301/Planning>. A retirement celebration will be at a future date which will be announced by the Planning Board. Member Impemba thanked Member Raymond for his service to the town of Burlington.

Chairman Rappaport stated that we are already starting to plan next year’s July 4 celebration and if anyone is interested in being part of that, reach out to me directly.

**4. Legal Notices of Interest**

There were no legal notices.



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**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 Site Plan – 3 Forbes Avenue - Sunil Prajapati, Applicant**

Sunil Prajapati appeared for the application at 3 Forbes Avenue.

Mr. Prajapati stated that we are ready to make some changes if required, but it will take some time and we feel that next spring will be a good time to work on those changes. There is a lot of diversity in our buildings, so we feel that the property blends nicely as it is without making any change. The proposed changes will cost a lot of money and so it will be very difficult for us to make those changes right now.

Ms. Kassner mentioned that at the last meeting, the Board members discussed having shutters across the front side of the building and the side facing Cambridge St. to be consistent in color. Also discussed was fixing the walkway and the light fixtures.

Vice Chairman L'Heureux asked for clarification purposes if the shutters will be the same across the front of the house and on the side that faces Cambridge St. Mr. Prajapati replied that there are a lot of properties in the community that don't have shutters (including the tall residential building next to us). The material is in short supply and finding labor to do the work will take a while. We can remove the shutters and make it look like building that's behind us if required or leave the things as it is. Chairman Rappaport stated that the goal with the shutters is to have it uniform / streamlined across the whole building. Since the location of the property is located in the Town Center, we're looking for a more colonial style look which will enhance the appearance of the building. Clerk Gaffney added that the intent was to have the shutters be consistent in color and design because they can always be mismatched.

Chairman Rappaport stated that there is going to be some type of a timeline where you have to complete all the proposed changes. The Board agreed with October 2023.

**MOTION** – Vice Chairman L'Heureux made a motion to close the public hearing on this matter. The motion was seconded by Member Raymond and voted 7-0-0.

**MOTION** – Vice Chairman L'Heureux made a motion to approve the request for approval of a Site Plan application of Sunil Prajapati for property located at 3 Forbes Avenue, to permit the conversion of the property into a two-family residential structure, as reflected on the plan entitled, "Plot Plan 3 Forbes Avenue Burlington, Mass.," prepared by Edward J. Farrell, dated May 21, 2021, consisting of three (3) sheets, subject to the following revisions, terms and conditions as amended. The motion was seconded by Clerk Gaffney and voted 7-0-0.



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**7.b Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.6.9 “Fast Order Food Establishments” of the Zoning Bylaws – 3 Old Concord Road – Arnold Construction & Design, LLC, Applicant**

Arnold C. Seo, General Contractor, appeared for the application at 3 Old Concord Rd.

Ms. Bonventre stated that there are no seats being proposed as part of this application since there are a set number of seats at the food court. The applicant is seeking to expand the footprint of the food court within the existing building with the addition of Oh! K-Dog (a Korean inspired hotdog fast order restaurant).

Clerk Gaffney asked if there is any way to get the owner of the restaurant to come before the Board to see if we can figure out what to do with regard to parking because the site is completely out of control. Vice Chairman L’Heureux stated that it would be a good idea for the staff to reach out to the owners of H Mart to start a conversation about possibly reconfiguring the parking lot at the site so that it’s more efficient and effective. Ms. Kassner replied that we can put in a condition as part of this Special Permit to work with them on a parking management plan which is common with most multi-tenant areas in the town to ensure that their employees are parked in the outer areas or working with the neighboring properties.

**MOTION** – Vice Chairman L’Heureux made a motion to close the public hearing on this matter. The motion was seconded by Clerk Gaffney and voted 7-0-0.

**MOTION** – Vice Chairman L’Heureux made a motion to approve the request of Arnold Construction and Design (“Applicant”) for Special Permit pursuant to Section 4.2.6.9 “Fast Order Food Establishment” of Article IV of the Town of Burlington Zoning Bylaws, to permit the operation of a fast order food establishment with zero (0) dining seats and expansion of the existing food court within the confines of the building for property located in the General Business (BG) and Aquifer (A) District at 3 Old Concord Road subject to the terms and conditions contained in exhibit “A” attached and as amended. The motion was seconded by Clerk Gaffney and voted 7-0-0.

**7.c Public Hearing – Application for Approval of a Special Permit pursuant to Section 3.7 “Restaurants” of the 90 Middlesex Turnpike Planned Development District Zoning Provisions – 92 Middlesex Turnpike – Strega Burlington, LLC, Applicant**

Attorney Mark Vaughn from Riemer & Braunstein and Kim Dinsmoore (attending remotely), Executive Vice President at PPX Hospitality, appeared for the application at 92 Middlesex Turnpike.

Mr. Vaughn stated that they are here before the Board to amend an existing Special Permit to replace Strega for Smith & Wollensky as the operator. The parent company, PPX Hospitality, which owns Strega, Legal Sea Foods, and Smith & Wollensky have determined after a lot of consideration that this particular site would be a more appropriate setting for Smith & Wollensky. There are two locations presently in Massachusetts (Boston and Wellesley) and this would be the third location in the state. They are excited about the opportunity to reposition this for the brand. From a site perspective, there will be no changes to the building and the seating will remain the same (only the interior cosmetic improvements to accommodate the





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look and feel of Smith & Wollensky). We will also adhere to all conditions of the previous special permit including parking management.

Ms. Kassner and Chairman Rappaport asked why they chose Burlington as a third location in Massachusetts. Ms. Dinsmoore replied that Legal Sea Foods (being in our umbrella) has been in Burlington for a few years and we're really excited about the renovation that we're doing there and to be able to get back open for the community. When we initially looked at the space, we considered expanding Strega. However, given that the building was once a steakhouse in the past and was quite successful, we felt it was a more natural fit to put Smith & Wollensky there instead.

Vice Chairman L'Heureux asked when Legal Sea Foods is going to reopen. Ms. Dinsmoore replied that it will most likely reopen around mid-autumn.

**MOTION** – Vice Chairman L'Heureux made a motion to close the public hearing on this matter. The motion was seconded by Member Covino and voted 7-0-0.

**MOTION** – Vice Chairman L'Heureux made a motion to approve the request of Strega Burlington LLC ("Applicant") for Special Permit pursuant to Section 3.7 "Restaurants" of the 90 Middlesex Turnpike Planned Development District Zoning Provisions, to update the restaurant operator from Strega Burlington LLC to Strega Burlington LLC d/b/a Smith and Wollensky for property located in the 90 Middlesex Turnpike Planned Development District and Aquifer (A) District at 92 Middlesex Turnpike subject to the terms and conditions contained in exhibit "B" attached. The motion was seconded by Member Covino and voted 7-0-0.

**MOTION** – Vice Chairman L'Heureux made a motion to take items "7.d," 7.e," and 7.f" together for discussion purposes. The motion was seconded by Member Covino and voted 7-0-0.

**7.d Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.6.14 "Establishments for contractors in such services as, but not limited to, building, building maintenance, plumbing, landscaping, electrical, masonry, carpentry, well drilling" of the Zoning Bylaws – 30 Winn Street – Lexington Lawn Care, Applicant**

**7.e Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.3.2.6 "Outdoor storage of supplies and equipment incidental to permitted uses, subject to requirements for location, lighting, screening, fencing, cover and safety precautions" of the Zoning Bylaws – 30 Winn Street – Lexington Lawn Care, Applicant**

**7.f Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.3.2.7 "off-street outdoor overnight parking of freight-carrying or material-handling vehicles and equipment or buses" of the Zoning Bylaws – 30 Winn Street – Lexington Lawn Care, Applicant**

Attorney Thomas Murphy and Robert Burge appeared for the application at 30 Winn Street.

Mr. Murphy stated that the intended use for the property as discussed at the previous Board meeting is extra space for his client's equipment and trucks. The plan is to have a couple of trucks at the site there overnight



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and when his employees arrive in the morning, they will leave their cars on site, get into the trucks, and go off and do their work for the day. They will come back at the end of the day where they will put the trucks and tools/equipment away, take their cars and go home. Since the last meeting, we have produced an updated site plan showing some of the site improvements, including the addition of vegetation along the right side of the building and some planters on the right side of the parking lot to try to bring some color. There are three parking spaces parallel to the building on the left side, a garage door on the front left, parking space for another car to park outside the garage door, as well as handicap space. The rear of the building is very narrow between the back of the building and the property line. The plan is to put a white vinyl six-foot fence along the property line which will match up with the existing fence already there from the abutters.

Ms. Bonventre mentioned a comment made from the Conservation Commission to make sure that anytime equipment is being refueled to do so inside the building because of the adjacent wetland area. Mr. Murphy replied that is a condition and won't be a problem because we don't intend to do any of that on site.

Ms. Kassner stated that there was discussion about a temporary storage container in the rear during construction, but that will not be approved and has been taken off the site plan. Ms. Kassner then asked what will be parked in the three spaces in the evening. Mr. Murphy replied that it will be one of the trucks. It's a relatively small garage and depending on how many trucks go back there on a given night, we might have to park one of the trucks outside.

Vice Chairman L'Heureux asked if it would be possible for us to condition the number of vehicles that could be parked overnight and on weekends so that it doesn't grow to be too many. Ms. Kassner replied yes.

Member Covino asked the applicant if they had another site in Burlington. Mr. Burge replied no, the other site is in Chelmsford.

**MOTION** – Vice Chairman L'Heureux made a motion to close the public hearing on this matter. The motion was seconded by Member Covino and voted 7-0-0.

**MOTION** – Vice Chairman L'Heureux made a motion to approve the request of Lexington Lawn Care ("Applicant") for Special Permit pursuant to Sections 4.2.6.14 "Establishments for contractors..." 4.3.2.6 "Outdoor storage of supplies..." and 4.3.2.7 "Off-street outdoor overnight parking..." of Article IV of the Town of Burlington Zoning Bylaws, to permit the operation of a landscaping company for property located in the General Business (BG District at 30 Winn Street subject to the terms and conditions contained in exhibit "C" as amended. The motion was seconded by Member Covino and voted 7-0-0.

**7.g Public Hearing – Application for Approval of a Special Permit pursuant to Section 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 Planned Development (PD) District Bylaw provisions – 63 Second Avenue – LeMaitre Vascular, Inc., Applicant**



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Ed Walsh and Mark Pelletier of Maugele DeStefano Architects appeared for the application at 63 Second Ave.

Mr. Pelletier stated that they're seeking a Special Permit for modifications within the existing building at 63 Second Avenue. The building is currently 21,000 sq. feet and has a light manufacturing clean room with warehouse space inside. The existing clean room is 9,000 sq. feet and they're seeking to increase the space by 2,500 sq. feet. To accomplish this, they plan on eliminating three labs as well as some office space in order to increase product flow. The plans don't include any plumbing. Additionally, there is no change to the occupancy use.

Ms. Bonventre commented that the applicant is simply expanding lab space in an area that had been office use.

Clerk Gaffney asked what the cleanroom classification is. Mr. Pelletier replied that it is ISO 7. Clerk Gaffney then asked if they are going to be adding additional HEPA filters for the cleaning. Mr. Pelletier replied that they plan on adding one additional rooftop unit to handle the additional volume.

**MOTION** – Vice Chairman L'Heureux made a motion to close the public hearing on this matter. The motion was seconded by Member Raymond and voted 7-0-0.

**MOTION** – Vice Chairman L'Heureux made a motion to approve the request of LeMaitre Vascular, Inc. ("Applicant") for Special Permit pursuant to Section 1.5.2 "Laboratories engaged in research..." of the Northwest Park Planned Development District Bylaw Provisions, to permit the operation of a laboratory within the building for property located in the Northwest Park Planned Development District and Water Resources (WR) District at 63 Second Avenue subject to the terms and conditions contained in exhibit "D". The motion was seconded by Member Covino and voted 7-0-0.

**7.h Public Hearing – Application for Approval of a Special Permit pursuant to Section 1.7.19 "Storage of oils and fuels/petroleum products including storage for on-site heating purposes and landscaping maintenance equipment (in excess of 50 gallons)" of the Northwest Park Planned Development (PD) District Bylaw provisions – 51 North Avenue – American Tower, LLC, Applicant**

Attorney Edward Pare of Brown Rudnick appeared for the application at 51 North Ave.

Mr. Pare stated that American Tower is proposing to install a backup power generator within the enclosed area for cellular equipment. Initially for T-Mobile's use, the new generator will be servicing other carriers in the area and at the compound. They're proposing to install a precast 6x8 cement pad adjacent to T-Mobile's installation. They have already received approval from the Conservation Commission since the majority of the compounds are within the 100 ft. buffer zone. They are not planning to do anything with the wireless facility (i.e., tower antennas).

Chairman Rappaport asked to put a condition into the approval that any equipment that is not being used at this point in time be removed within 30 days of the generator being installed.





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Clerk Gaffney asked if there will be any changes with the fencing already there. Mr. Pare replied no, and that all the work is being done inside the existing fence.

Member Covino asked if this tower is capable of handling more than two carriers. Mr. Pare replied that there are four carriers located there currently.

**MOTION** – Vice Chairman L’Heureux made a motion to close the public hearing on this matter. The motion was seconded by Member Covino and voted 7-0-0.

**MOTION** – Vice Chairman L’Heureux made a motion to approve the request of American Tower (“Applicant”) for Special Permit pursuant to Section 1.7.19 “Storage of oils/petroleum products...” of the Northwest Park Planned Development District Bylaw Provisions, to permit the location of a diesel emergency generator within the existing cellular equipment enclosure for property located in the Northwest Park Planned Development District and Water Resources (WR) District at 51 North Avenue subject to the terms and conditions contained in exhibit “E” as amended. The motion was seconded by Member Covino and voted 7-0-0.

**MOTION** – Vice Chairman L’Heureux made a motion to take items “7.i” through “7.o” together for discussion purposes. The motion was seconded by Member Covino and voted 7-0-0.

**7.i Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 6.1.2.1 “Nonconforming Structures and Premises” of the Zoning Bylaws – 1 Burlington Mall Road – Pyramid Burlington Management LLC on behalf of RB Hotel Burlington LLC, Applicant**

**7.j Continued Public Hearing - Application for Approval of a Site Plan – 1 Burlington Mall Road – Pyramid Burlington Management LLC on behalf of RB Hotel Burlington LLC, Applicant**

**7.k Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.4.2 “Life Science laboratories engaged in the manufacture of life science technologies and medicines for commercial production to the market including, but not limited to, the fields of pharmaceuticals, biomedical technologies and engineering, life systems technologies, environmental, biomedical devices Biosafety Level 4 (BL-4) laboratories, as defined by the Centers for Disease Control and Prevention, are prohibited in Burlington” of the Zoning Bylaws – 1 Burlington Mall Road – Lincoln Property Company, Applicant**

**7.l Continued 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 – 1 Burlington Mall Road – Lincoln Property Company, Applicant**

**7.m Continued 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 – 1 Burlington Mall Road – Lincoln Property Company, Applicant**



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**7.n Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.3.2.15 “Storage and disposal of oils and fuels/ petroleum products” of the Zoning Bylaws – 1 Burlington Mall Road – Lincoln Property Company, Applicant**

**7.o Continued Public Hearing - Application for Approval of a Site Plan – 1 Burlington Mall Road – Lincoln Property Group, Applicant**

Attorney Robert Buckley from Riemer & Braunstein; Attorney Paul Alphen from Alphen & Santos; Jim Noonan from Lincoln Property Company; Spiro Cantonis from Pyramid Development; Mark Wixted from Bohler Engineering; and Michael Liu, Senior Partner at The Architectural Team, Inc. appeared for the application 1 Burlington Mall Rd.

Mr. Buckley stated that Lincoln Property Company is going to be constructing a SPEC building because they're of the belief that Burlington has become an epicenter for life-science and that some of the major companies in this field have relocated from the greater Cambridge area. Mr. Buckley then highlighted the key issues discussed at the recent subcommittee meeting, which included (1) site circulation, (2) appropriate screening for the building, and (3) off-site mitigation measures.

Mr. Alphen stated that one of the main concerns by the Board at the previous meeting was screening around the penthouse, and that there was a request to see if we could make the screen with plantings on it. Contact was made with HVAC engineers, and they advised against doing that because of the significant capacity required for the HVAC units. They did not want the possibility of plants and/or other materials getting into the equipment. Architects put together plans for an alternative type of screening that would be as attractive as possible notwithstanding that from many perspectives you won't be able to see the rooftop screen.

Mr. Liu stated that the screen around the equipment in the life science building is perforated because the equipment inside has to breathe. We can custom design the screen and we look forward to working with the Board to determine what pattern makes the most sense for this particular building and would be the most interesting visually.

Vice Chairman L'Heureux commented that the applicant(s) were informed at the subcommittee meeting that the patterns on the screening should in no way be used as a sign.

Mr. Alphen stated that there was some discussion at the subcommittee meeting about the beautification of Mall Rd. as well as pedestrian accommodations on and off the site. Regarding the signalization at the intersection of Cambridge and Mall Rd., traffic engineers reported to us that the current signals are sufficient for the purpose they are intended, and for our proposed additional development they contain their proper technology. There will be continuous discussion regarding the beautification of the median and the replacement of the yellow signal poles with a more colonial-looking design that appears in other parts of Mall Rd.

Ms. Kassner stated that the reason why we don't have a decision is that we are awaiting test pit data to make sure all the stormwater and environmental improvements will work out as well as issues pertaining to



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handicap accessibility and signals at the intersection. A second subcommittee meeting for this item will be scheduled prior to the Planning Board meeting of August 18, 2022. Ms. Kassner then asked for clarification regarding the height of the building plus the screening. Mr. Wixted replied that the building is 64 feet, and the screening would be approximately 26 feet (dependent upon the final selection of equipment).

Clerk Gaffney stated that the main concern is the pedestrian activity between the hotel parking lot and the entrance into the Marriott. The addition of a speed table might calm the traffic with people coming in and trying to get to work on time. Mr. Buckley responded by stating that there's probably more traffic going by that side entrance today than when this project is completed because the lower lot is being used for satellite parking. He added that the vegetation along Cambridge St. will remain the same, and that the impervious area will be reduced. Clerk Gaffney responded that the Satellite parking is illegal and not approved by the planning board.

**MOTION** – Vice Chairman L’Heureux made a motion to continue these matters to the Planning Board Meeting of August 18, 2022. The motion was seconded by Member Covino and voted 7-0-0.

**MOTION** – Vice Chairman L’Heureux made a motion to take items “7.p” through “7.v” together for discussion purposes. The motion was seconded by Member Covino and voted 7-0-0.

**7.p Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.4 “Laboratories engaged in research, experimental and testing activities including, but not limited to, the fields of, chemistry, electronics, engineering, geology, non-biologic medicine and physics” of the Zoning Bylaws – 3 Burlington Woods Drive – GI ETS Burlington I LLC, Applicant**

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

**7.r Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.4.2 “Life Science laboratories engaged in the manufacture of life science technologies and medicines for commercial production to the market including, but not limited to, the fields of pharmaceuticals, biomedical technologies and engineering, life systems technologies, environmental, biomedical devices Biosafety Level 4 (BL-4) laboratories, as defined by the Centers for Disease Control and Prevention, are prohibited in Burlington.” of the Zoning Bylaws – 3 Burlington Woods Drive – GI ETS Burlington I LLC, Applicant**



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**7.s Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.9 “Hazardous and toxic materials/chemicals use storage, transport, disposal or discharge” of the Zoning Bylaws – 3 Burlington Woods Drive – GI ETS Burlington I LLC, Applicant**

**7.t Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.12 “Generation or storage of hazardous waste, in excess of the volumes classified as a very small quantity generator (VSQG)” of the Zoning Bylaws – 3 Burlington Woods Drive – GI ETS Burlington I LLC, Applicant**

**7.u Public Hearing – Application for Approval of a Special Permit pursuant to Section 6.1.2.1 “Nonconforming Structures and Premises.” of the Zoning Bylaws – 3 Burlington Woods Drive – GI ETS Burlington I LLC, Applicant**

**7.v Public Hearing – Application for Approval of a Site Plan – 3 Burlington Woods Drive – GI ETS Burlington I LLC, Applicant**

Michael Manship from Vivo Architecture, Joe Imparato from GI Partners, Greg Lusky from Leggat McCall Properties, Attorney Mark Vaughn from Riemer & Braunstein, and Mark Wixted from Bohler Engineering appeared for the application at 3 Burlington Woods Drive.

Mr. Vaughn stated that the building at 3 Burlington Woods Dr. was built back in 1985, and that his client purchased the building earlier this year with the intention of converting it for life-science and office use. The building's footprint is not changing. Prior to this meeting, Mr. Vaughn along with Ms. Kassner, Ms. Bonventre, as well as Conservation Commission staff, visited the site to make a few modifications. This included a pedestrian sidewalk connection that would allow for employees/visitors and additional landscape islands.

Ms. Kassner stated that they are doing modifications in the loading dock area and will be adding a stormceptor system to pre-treat parking lot runoff. The Board needs to make a Section 6 finding for the parking to remain because the site is overparked despite the applicant reducing parking spaces. We could look at potentially adding green spaces and native shade trees, but we're pleased that they are looking to add pedestrian accessibility to the site.

Member Covino asked if there is any thought about reducing the parking since the site is over parked according to the zoning bylaw and we have to make a Section 6 finding. Mr. Vaughn replied that we are reducing the parking by 81 spaces.

Vice Chairman L'Heureux asked for clarification purposes that the addition of shade trees is included in the conditions. Ms. Bonventre replied yes.

Mr. Vaughn thanked Member Raymond for his years of service to the Town of Burlington.

**MOTION** – Vice Chairman L'Heureux made a motion to close the public hearing on this matter. The motion was seconded by Member Covino and voted 7-0-0.



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**MOTION** – Vice Chairman L’Heureux made a motion to approve the request of GI ETS Burlington I, LLC (“Applicant”) for Special Permit pursuant to Sections 4.2.7.4 “Laboratories engaged in research...” 4.2.7.4.1 “Life Science laboratories engaged in research...” 4.2.7.4.2 “Life Science laboratories engaged in the manufacture of...” 4.2.7.9 “Hazardous and toxic materials...” 4.2.7.12 “Generation or storage of hazardous waste...” 6.1.2.1 “Nonconforming structures and Premises” of Article IV of the Town of Burlington Zoning Bylaw allow for the conversion of an existing office building into a life sciences building for property located in the General Industrial (IG) Zoning District at 3 Burlington Woods Drive subject to the terms and conditions contained in exhibit “F” as attached. The motion was seconded by Member Covino and voted 7-0-0.

**MOTION** – Vice Chairman L’Heureux made a motion to approve the request for approval of a Site Plan application of GI ETS Burlington I, LLC, (“Property Owner”) for property located at 3 Burlington Woods Drive (“Premises”), to convert the existing office building for life science use including enclosing a portion of underbuilding parking, construction of loading docks and additional site improvements, as reflected on a plan entitled, “GI Partners Proposed Building Conversion Parcel 41-98-5 3 Burlington Woods Drive, Town of Burlington, Middlesex County, Massachusetts,” (“Site Plan”) prepared by Bohler, dated April 3, 2022, revised to July 15, 2022, consisting of four (4) sheets, subject to the following revisions, terms and conditions as printed. The motion was seconded by Member Covino and voted 7-0-0.

**MOTION** – Vice Chairman L’Heureux made a motion to take items “7.w” and 7.x” together for discussion purposes. The motion was seconded by Member Covino and voted 7-0-0.

**7.w Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.1 “Light manufacturing or processing plants, prototype manufacturing” of the Zoning Bylaws – 22 Terry Avenue – AP Terry, LLC, Applicant**

**7.x Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.1.1 “Research and Development” of the Zoning Bylaws – 22 Terry Avenue – AP Terry, LLC, Applicant**

Kevin McCall, CEO of Paradigm Capital Advisors, and Attorney Kristine Hung from Riemer & Braunstein appeared for the application at 22 Terry Avenue.

Ms. Hung stated that Paradigm Properties recently purchased 22 Terry Avenue. When we were first here before the Board, we were seeking seven Special Permits. We listened and heard the abutters and concerns that some of the Board members had since we do not have a tenant yet and potential usage of chemicals and hazardous materials. If there is a tenant that needs those types of Special Permits, then they will be back before the Planning Board to explain the chemicals that they’ll be using. As a result, we have decided to continue with five of the Special Permits and are not just targeting the life-science community but also research & development and light manufacturing. Some of the improvements to the property is the removal of the chain link fence at the front entrance, and to paint the loading dock so that it would better match the façade and reduce the visual impact.





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Mr. McCall stated that the landscape material that was growing over the windows and obscuring the visual access to the front entrance is going to be replaced. The plan calls for arborvitae trees to obscure the view of the loading docks when you're coming down Terry Avenue. A row of maple trees will be planted along Long Street, and new spruce trees will be planted at the back side of the building. There was a question as to whether or not to add a walkway down to Terry Avenue from the front entrance. However, it would be tough to make it ADA compliant because of the grade. The staff has suggested that we extend the sidewalk down to Long Street, and then across to where NBM, Inc. is putting in a new sidewalk.

Vice Chairman L'Heureux asked if the ADA compliant walkway is something that we can put in that they'll work out with staff. Ms. Hung replied yes, we're agreeable to that condition.

Member Impemba asked for lanterns along the property line until you reach the residential properties because this falls within the overlay. Member Impemba then asked if the chain link fence was going to be removed. Mr. McCall and Ms. Hung both replied that the chain link fence at this point is for security purposes for tenant(s) and that they might want something that's enclosed rather than removing it and having the parking lot open to the street. Member Impemba and Chairman Rappaport suggested a wrought iron fence replace the existing fencing along the street line but leave the chain link fence behind the spruce trees in the rear of the building.

Cathy O'Neil of 31 Arthur Woods Ave – Ms. O'Neil stated that she was very concerned about the applicant's potential usage of hazardous chemicals given the close proximity of the building to the residential neighborhood and wanted to know the position of the Board. Chairman Rappaport replied that the Board has postponed several of the Special Permits and once we do have a tenant they will be coming back before the Board regardless.

Mr. McCall stated that we have been in front of the Board of Health and will come back before them once we have a tenant in place.

**MOTION** – Vice Chairman L'Heureux made a motion to close the public hearing on this matter. The motion was seconded by Member Covino and voted 7-0-0.

**MOTION** – Vice Chairman L'Heureux made a motion to approve the request of AP Terry, LLC (“Applicant”) for Special Permit pursuant to Section 4.2.7.1 “Light manufacturing or processing plants, prototype manufacturing” and Section 4.2.7.1.1 “Research and Development” of Article IV of the Town of Burlington Zoning Bylaw allow for the conversion of an existing office building into a R&D building for property located in the General Industrial (IG) and (CBD) Central Business District at 22 Terry Avenue subject to the terms and conditions contained in exhibit “G” as amended. The motion was seconded by Member Raymond and voted 7-0-0.

## **9. Minutes**

No minutes to approve.

## **10. Other Matters**



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**10.a Discussion**

**10.a.i Zoning Amendments for September Town Meeting**

Town Center Multifamily: Ms. Kassner stated that the regulations from DHCD were supposed to have come out in June but haven't come out yet. We did submit to start the conversation at the September Town Meeting.

Groundwater Separation Bylaw: Ms. Kassner stated that we are in the process of talking with other departments and Conservation. We had to dovetail it in with the Stormwater Permit.

Smoke Shops to BT: Ms. Kassner stated that we submitted a proposal to define smoke shops separately as a standalone retailer and prohibit them from more districts.

**10.b Correspondence**

There was no correspondence.

**10.c Reports from Town Counsel**

There were no reports from Town Counsel.

**10.d Subcommittee Reports**

**10.d.i Sculpture Park Committee**

Vice Chairman L'Heureux stated that all of the new pieces for the 2022–24 collection have been installed. We are planning a celebratory event for August 20, 2022 from 10 AM to 12 PM.

**10.e Unfinished Business**

There was no unfinished business.

**10.f New Business**

There was no new business.

**MOTION** – Member Raymond made a motion to adjourn the July 21, 2022 Planning Board meeting at 9:17 PM. The motion was seconded by Member Covino and unanimously voted 7-0-0.



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*Respectfully Submitted by Eric Bergeron,  
Recording Clerk*