1. Chairman Kelly called the January 17, 2019 Regular Planning Board Meeting to order at 7:00 p.m. in the Main Hearing Room of the Burlington Town Hall, 29 Center Street.

Members Present: Member Covino, (Member Gaffney), Vice Chairman Perna, Chairman Kelly, Member Clerk L’Heureux, and (Member Impemba)

Members Absent: Member Raymond

Also Present: Planning Director Kassner, Senior Planner Morris

Continuances (7:01 pm)

MOTION – To take items ‘7.h’ thru ‘7.j’ together and out of order.

APPROVED: 4-0-0

h) Continued Discussion – Application for Approval of a Minor Engineering – 62 Cambridge Street – Herb Chambers Cambridge Street, LLC, Applicant

i) Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.5.10 Automobile Dealership which may include integrated structured parking of the Zoning Bylaws – 64 Cambridge Street – Herb Chambers Cambridge Street, LLC, Applicant

j) Continued Public Hearing – Application for Approval of a Site Plan – 64 Cambridge Street – Herb Chambers Cambridge Street, LLC, Applicant

No testimony was taken on this matter.

MOTION – To continue this matter to the Planning Board meeting of February 7, 2019 as requested by applicant’s attorney in an email dated January 17, 2019.

APPROVED: 4-0-0

Planning Director Kassner noted a subcommittee on these items is set up for Thursday, January 24 at 1pm, and requested that Planning Board members let staff know that they will be attending.
2. **Citizens Time**

No one spoke.

3. **Announcements** *(7:02 pm)*

- Martin Luther King Day - Monday, January 21 – Town Hall Offices will be closed
- Town Meeting – Monday, January 28, 2019 at 7:30pm – Performing Arts Center, Burlington High School
  - Planning Board articles of interest: Mooney Road reconfiguration, and Life Sciences bylaw amendment
- Life Science Panel Discussion on January 16 was informative, and broadcasted on Facebook live
  - Member Covino encourages residents with any expertise to reach out (even if its for a brief time) to the appropriate board or committee, similar to the way Ed Parsons has done for the Planning Board’s Life Science Article

4. **Legal Notices of Interest**

   None

5. **Non-Approvals**

   None

6. **Administrative Matters**

   a) *Discussion – Application for Approval of a Minor Engineering Change – 12 Wilmington Road – Elge Plumbing & Heating Co. Inc., Applicant *(7:06 pm)*

   **Applicant Representatives:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brian McCarthy</td>
<td>Engineer</td>
<td>R.J. O’Connell &amp; Associates</td>
</tr>
<tr>
<td>James Driscoll</td>
<td>Owner</td>
<td>Elge Plumbing &amp; Heating, Co. Inc.</td>
</tr>
</tbody>
</table>

   Senior Planner Morris explained the request for a 60 kW gas generator. Staff recommended moving the generator out of the residential buffer area. He requested the Planning Board discuss the best location for the generator.

   The Planning Board commented:
   - Not against a concrete wall
   - Noise dampening enclosure

   Mr. McCarthy explained the site limitation. Moving the generator from the proposed location would eliminate either parking or inhibit the travel aisle. He agreed to explore sound attenuation options such as landscaping and fencing. The generator specs say it will produce 65 decibels.
Planning Director Kassner suggested a condition that staff reviews the sound attenuation prior to installation.

*Member Gaffney arrived to the meeting at 7:20pm.*

Vice Chairman Perna read the departmental reports into the record.

No public comment was offered.

**MOTION** – To approve the Minor Engineering Change, requested by Elge Plumbing & Heating Co. Inc., for the property located at 12 Wilmington Road.

**APPROVED: 5-0-0**

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b) Continued Discussion – Application for Approval of a Minor Engineering Change – 30 Burlington Mall Road – Kindercare School, Applicant (7:23 pm)

**Applicant Representatives:**

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<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>David Romero</td>
<td>Engineer</td>
<td>Commonwealth Engineering, Inc.</td>
</tr>
</tbody>
</table>

Vice Chairman Perna read the departmental reports into the record.

Mr. Romero explained the request to install a catch basin to alleviate a drainage issue. He noted a revision to plans that the Applicant would maintain the catch basin.

Planning Director Kassner noted the changes are a catch basin, pipe, and vertical granite curbing. The development team met with Conservation and Engineering staff regarding who owns the right of way (ROW) and the drainage system design. Conservation suggested adding some vegetation in the neighbor’s yards to help alleviate some of the flooding. Planning Staff has no concerns.

*Member Impemba arrived to the meeting at 7:28pm.*

Planning Board Commented:

- Disappointed that a representative from Kindercare did not attend the meeting because of the neighbors complaints

Shadi Bakhtiari, 44 South Bedford Road, spoke in support of the plan as long as the runoff doesn’t go across her lawn.

Barbara DeLuca, 33 South Bedford Street, spoke about the school pushing their parking lot snow on to the sidewalk in front of her house. Planning Staff agreed to add the condition that the Applicant can’t do that.
MOTION – To approve the Minor Engineering Change, requested by Kindercare School, for the property located at 30 Burlington Mall Road.

APPROVED: 6-0-0

7. Matters of Appointment

MOTION – To take items ‘7.b’ out of order.

APPROVED: 6-0-0

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 – 85 Middlesex Turnpike, Burlington, MA (Burlington Mall) – Cava Mezze Grill, LLC, Applicant (7:35 pm)

Applicant Representatives:

<table>
<thead>
<tr>
<th>Mark Vaughan</th>
<th>Attorney</th>
<th>Riemer &amp; Braustein, LLP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Justin Feldhouse</td>
<td>General Manager</td>
<td>Burlington Mall at Simon Property Group</td>
</tr>
<tr>
<td>Temi Fasusi</td>
<td>Design Manager</td>
<td>Cava Mezze Grill, LLC</td>
</tr>
</tbody>
</table>

Mr. Vaughan explained the request to locate a Mediterranean food restaurant at the former Sears Tire Battery Auto (TBA) Building. The restaurant is 2,500 square feet and has interior (42) / exterior (14) seats. Ms. Fasusi described the concrete barrier around the exterior seats. Senior Planner Morris noted in addition to the concrete barrier, there are also bollards that surround the exterior seating. So there are two (2) layers of protection.

Planning Board commented:
- Bus shelter on Burlington Mall Road has not been constructed
- Each exterior seating area will be designed to suit the tenant
- No TVs facing outwards
- No temporary signs
- No advertising on the umbrellas unless Board of Appeals (BOA) approves it

Planning Board requested:
- Review final design of the exterior seating prior to installation

Planning Director Kassner spoke about the entire site. As each tenant comes forward, the property owner will submit more finalized designs of the patio areas so staff can ensure things such as the travel lanes are being maintained. Also, she reminded the Applicant that final sidewalk design along Burlington Mall Road should be done soon so a timeline can be established. Mr. Vaughan noted prior to the first occupancy permit issuance for the TBA building a design for the sidewalk has to be submitted.
Vice Chairman Perna read the departmental reports into the record.

No public comment was offered.

**MOTION** – To close the public hearing on this matter.

APPROVED: 6-0-0

**MOTION** – To approve the Special Permit, requested by Cava Mezze Grill, LLC, for the property located at 85 Middlesex Turnpike.

APPROVED: 6-0-0

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*Item ‘8’ was taken out of order.*

*Member Clerk L’Heureux left the meeting at 7:56pm.*

8. **Minutes (7:56pm)**

   October 17, 2018, November 1, 2018, and November 15, 2018

**MOTION** – To approve the Planning Board minutes of October 17, 2018, November 1, 2018, and November 15, 2018 as amended.

APPROVED: 4-0-1 (Member Impemba abstained)

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**MOTION** – To take item ‘9’ out of order.

APPROVED: 5-0-0

9. **Other Business (7:58 pm)**

   a) **Discussion**

   1. **Budget**

Planning Director Kassner noted the budget is 98% salary, with step increases. Two cover sheets are before the Planning Board: 2.38% with no changes, and 6.14% with the GIS mapping. The GIS mapping is being expanded to include other modules (layers). These layers will hold other departments, such as conservation, assessors, etc., information. This funding should sit in a central account, not Planning Board’s, but that has not been sorted out. In the meanwhile, it will remain on the Planning Board’s budget.

*Member Raymond arrived to the meeting at 7:59pm.*
Member Clerk L’Heureux returned to the meeting at 7:59pm.

**MOTION** – To approve both proposed budgets, and support the GIS mapping funding by the central account.

**APPROVED: 7-0-0**

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a) Continued Public Hearing – Petition to amend the Zoning Bylaw, Article II “Definitions” and Article IV “Use Regulations” to address and define uses pertaining to Life Sciences – Submitted by the Planning Board (8:08 pm)

Planning Director Kassner handed out three (3) documents to the Planning Board: two updated versions of the article, and a table. She reviewed the documents and comments.

Planning Board discussed:
- Building design, and ceiling height
- Traffic impacts
- Parking ratios
- Kendall Square vs. Burlington

Shari Ellis, Chairman, and Betsey Hughes of the Zoning Bylaw Review Committee, participated in the discussion with the Planning Board.
- Increase building size and decrease parking justification
- Building occupancy, rather than office vs. lab space square footage in determining parking ratio

**MOTION** – To close the public hearing on this matter.

**APPROVED: 7-0-0**

**MOTION** – To recommend *favorably* to town meeting on the petition to amend the Zoning Bylaw, Article II “Definitions” and Article IV “Use Regulations” to address and define uses pertaining to Life Sciences.

**APPROVED: 7-0-0**

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**MOTION** – To take items ‘7.c’ thru ‘7.g’ together for discussion purposes. (9:05 pm)

**APPROVED: 7-0-0**

c) *Public Hearing – Application for Approval of a Special Permit pursuant to Section 6.1.1.2 “Expansion of a Non-Confirming Use” of the Zoning Bylaws – 24 Terry Avenue – BAPA Corporation, Applicant*
d) *Public Hearing – Application for Approval of a Special Permit pursuant to Section 6.1.2.1 “Non-Confirming Structures and Premises” of the Zoning Bylaws – 24 Terry Avenue – BAPA Corporation, Applicant

e) *Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.4.1.11 “Discharges from manmade structures into the wetlands” of the Zoning Bylaws – 24 Terry Avenue – BAPA Corporation, Applicant

f) *Public Hearing – Application for Approval of a Special Permit pursuant to Section 8.2.0 “Wetlands District” of the Zoning Bylaws – 24 Terry Avenue – BAPA Corporation, Applicant

g) *Public Hearing – Application for Approval of a Site Plan – 24 Terry Avenue – BAPA Corporation, Applicant

**Applicant Representatives:**

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<th>Attorney</th>
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Mr. Vaughan explained the request to put a two-story addition on the building. It’s a 5,500 square foot footprint. The purpose is not to expand the business but to allow more space for the existing.

Mr. Romero noted the addition would be in an existing paved area. The project would include improvements to the storm water system, which is under review by Conservation.

Planning Board commented:
- Non-conforming premises or structure exists
- Phasing out the non-conforming uses
- Traffic issue near the residential area - tractors dropping off products, etc.

Planning Board requested:
- View of the back of the building from the neighbor’s point of view: current vs. built out
- History of the non-conforming
- Speak with applicant about employees cutting through the neighborhoods to get to work
- Trees along the edge of the property
- Criteria for expanding a non-conforming
- Speak with the building inspector regarding barbed wire

Vice Chairman Perna read the departmental reports into the record.

Catherine O’Neil, 31 Arthur Woods Ave, spoke in opposition of the application because this is a two-story addition that would be visual, and the entrance to the building is a bottleneck. Iron
Mountain Shredding Services (21 Terry Avenue) is a bad neighbor, and Storage Unlimited (17 Terry Avenue) building is too large.

Linda and James Unsworth, 17 Raymond Road, noted the applicant is a good neighbor but there is a considerable amount of noise, and trash from the applicant’s neighbors.

**MOTION** – To continue these matters to the Planning Board meeting of February 7, 2019.

**APPROVED: 7-0-0**

9. **Other Business (9:53 pm)**

   b) **Discussion**

   2. Open Space and Recreation Plan

   Senior Planner Morris spoke about the meeting with the consultant (Horsley Witten Group). The objective was to review the results of the online survey and incorporate those suggestions into the plan. The draft plan has 12 goals. He noted one goal is to make Burlington a tree city.

   3. Municipal Vulnerability Preparedness (MVP) Program

   Senior Planner Morris noted some of the action items – guidelines for drought tolerant landscaping and site design measures, increase tree planting in the business districts, consider revisions to site design requirements, and assessing the schools, senior centers, and emergency shelters. A community workshop will be scheduled for March and April, and at the end of spring there will be plan. Then Burlington will be designated by the state as an MVP community, and will be eligible to get up to $400,000/year for projects.

   4. Site violations

   Princess Jewelry – externally lit sign and illegal temporary sign

   b) **Correspondence** None.

   c) **Reports from Town Counsel** None.

   d) **Subcommittee Reports**

      1. 62/64 Cambridge Street

      Subcommittee on these items is set up for Thursday, January 24 at 1pm. Members that want to attend should contact staff.

      2. Burlington Sculpture Park Committee
Member Clerk L’Heureux attended their meeting. Jonathan Sachs, 12 Oxbow Lane, invited a representative from the New England Sculpture Association. Another meeting is set up to discuss the existing sculpture pad at New England Executive Park near Life Time Fitness.

e) **Unfinished Business**
   None.

f) **New Business**
   None.

**MOTION** – To adjourn at 10:10 pm.

**APPROVED: 7-0-0**

Respectfully Submitted, Approved by,

Noelle Judd, Recording Clerk
Barbara L’Heureux, Member Clerk

Minutes accepted at the Planning Board meeting of ________________.

Minutes filed with the Town Clerk on ________________.

All decisions are on file with the Town Clerk. All the noted documents are on file and can be viewed in the Planning Department. A DVD recording of the meeting is on file in the Planning Department.