Minutes of the Planning Board  
Meeting of March 21, 2019

1. Chairman Kelly called the March 21, 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 Raymond, Member Clerk L’Heureux, and Member Impemba

Also Present: Planning Director Kassner, Senior Planner Morris

Member Raymond stated for the record that he watched the BCAT recording of the last meeting (March 7, 2019) and is eligible to vote on all matters.

Continuances (7:01 pm)

MOTION – To take items ‘7.a’ thru ‘7.c’ out of order and together for discussion purposes.

APPROVED: 5-0-0

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

b) 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

c) 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.

Member Covino arrived to the meeting at 7:02pm.

MOTION – To continue these matters to the Planning Board meeting of April 4, 2019 as requested by applicant’s attorney in an email dated March 21, 2019.

APPROVED: 6-0-0
2. **Citizens Time**

No one spoke.

3. **Announcements** *(7:03pm)*

- Town Elections – Saturday, April 6 at 8am to 8pm – Burlington High School
- Mamma Mia! – March 22, 23, 29 and 30 at 7:30pm & March 31 at 2pm - Burlington High School Auditorium
- Chairman Kelly stated a candidate is accusing the Planning Board of not complying with MGL Chapter 41 Section 81A
  - Chairman Kelly explained his interpretation of the law, and how the Planning Board does comply

4. **Legal Notices of Interest**

None

5. **Non-Approvals**

None

6. **Administrative Matters**

None

7. **Matters of Appointment**

d) *Public Hearing – Application for Approval of a Special Permit pursuant to Section 6.1.1.1 “Alteration of a Nonconforming Use” of the Zoning Bylaws – 336 Cambridge Street – Lin Y. Xu, et al, Applicant (7:09pm)*

**Applicant Representatives:**

| Thomas Murphy | Attorney       | Shea, Murphy & Gulde |

Mr. Murphy explained the home was built in 1820. This was part of 328 & 330 Cambridge Street parcel until summer 2018 when it was sold to the applicant. This parcel is zoned IG, but since 1820 it has been used as a 3 family home, with a commercial office space. The building inspector confirmed this is a grandfathered non-conforming use. The applicant is requesting to restore the building, and put an addition on it. By putting the addition on the building they are altering the pre-existing non-conforming use, and require a special permit. There is sufficient parking under the bylaw (9 spaces).

*Member Gaffney arrived to the meeting at 7:13pm.*

Mr. Murphy explained what the applicant has done so far:
• Obtained an enhanced site plan, which he will submit to the Planning Board staff
• Met with Historical Commission last week; the Commission is glad the applicant is saving the house

Vice Chairman Perna read the departmental reports into the record.

Planning Director Kassner commented this house is a qualified pre-existing non-conforming. In 2016 the law was modified on qualified pre-existing non-conforming structures; if it existed longer than the enforcement period then it can hold the status of legal non-conforming, rather than proving it existed before zoning. She will have more comments when the site plan comes in.

Planning Board commented:
• It can be proved this use was never abandoned
• Not in favor of vinyl siding
• In favor of adding vegetation such as trees
• Consult with the Historical Commission about the outside appearance of the building
• Explore the curb cut details
• Cell antenna project was presented to the BOA; it was explained at that time that no residences resided at that building
• Add plaque/sculpture explaining the historical significance of the building; partner with the sculpture committee to accomplish goal

Member Covino suggested at the Planning Board retreat, explore the zoning technique of different zoning on the same sites.

Mike Tredeau, 12 Myrna Street, Member of the Historical Commission, noted so far, the commission is glad the historical character is being maintained. There is a hearing next week regarding a demolition delay for that barn that dates back to 1820.

Michael Murray, Jr. (on behalf of Michael Murray, Sr.), 340 Cambridge Street, requested an enhanced landscape buffer between this property and his father’s. Ensure the headlights are screened between this property and his father’s. And requested details on the sidewalk and curbing situation.

Bradford Coleman, 19 Phyllis Avenue, clarified the back-story about the site.

MOTION – To continue this matter the Planning Board meeting of April 4, 2019.

APPROVED: 7-0-0

e) Continued Public Hearing – Application for Approval of a Definitive Subdivision Plan – 108 Muller Road – Edward and Yelena Ivitskaya, Applicant

Applicant Representatives:
Mr. Murphy gave an update:
- Extending the driveway to Cormier Road; departments were concerned about it becoming a cut through and prefer to keep it the way it is
- Add a fire hydrant to the shared driveway

Planning Director Kassner noted after the fire hydrant and modification to the driveway discussion with the departments, there was another meeting with the BOH staff Kristine Mathis, where she requested reviewing any changes to the plans.

Vice Chairman Perna read the departmental reports into the record.

Planning Board commented:
- No additional houses; not enough frontage and wetlands prevent that
- Bring access from Cormier Road up to the house, and not connect to the existing access driveway
- Homeowners agreement

Planning Board requested:
- Add a comment to the plans that no more houses could be added to this subdivision
- Check with town council regarding building the connection to Cormier Road, but not connect it to the existing driveway

No public comment was offered.

MOTION – To continue this matter the Planning Board meeting of April 4, 2019.

APPROVED: 7-0-0

8. Minutes

None

9. Other Business (9:28 pm)

a) Discussion

1. 61 Center Street Subcommittee

BOS request two members of the Planning Board serve on that subcommittee.
MOTION – To appoint Member Covino, and either Member Impemba or Member Gaffney to the 61 Center Street subcommittee.

APPROVED: 7-0-0

2. 160 Cambridge Street

Planning Director Kassner explained the Planning Board was asked to confirm the process they went through. The letter shows support to offer as many affordable housing units as possible. Planning Board members can submit comments to the staff.

3. Small Cell Communication

Planning Director Kassner noted the meeting with Donna Brewer went well. They discussed design guidelines, application process, number of installation, etc. This will come before the Planning Board April 4, 2019.

4. Planning Board budget

Way and Means subcommittee approved the budget with a 2-0-0 vote. The Planning Board staff will present the budget to the Ways and Means Committee.

5. 328 & 300 Cambridge Street Subcommittee Meeting

Staff agreed to send out the notes from that meeting.

6. Lanterns in the Downtown overlay

Member Impemba suggested having a spec for the lanterns to give applicants to ensure they match up the corridor. Planning Director Kassner suggested prohibited internally lit signs as well.

   b) Correspondence
      None.
   c) Reports from Town Counsel
      None.
   d) Subcommittee Reports
      None.
   e) Unfinished Business
      None.
   f) New Business
      None.

MOTION – To adjourn at 9:51 pm.

APPROVED: 7-0-0
Minutes accepted at the Planning Board meeting of September 19, 2019.

Minutes filed with the Town Clerk on October 30, 2019.

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.