1. Chairman Kelly called the March 7, 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, Vice Chairman Perna, Chairman Kelly, Member Clerk L’Heureux, and Member Impemba

Members Absent: Member Gaffney, Member Raymond

Also Present: Planning Director Kassner, Senior Planner Morris

Continuances (7:01 pm)

MOTION – To take item ‘7.n’ out of order.

APPROVED: 5-0-0

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

No testimony was taken on this matter.

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

APPROVED: 5-0-0

MOTION – To take item ‘7.o’ out of order.

APPROVED: 5-0-0

o) 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 – 376 Cambridge Street – The Granite Place, Applicant
No testimony was taken on this matter.

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

**APPROVED: 5-0-0**

**MOTION** – To take item ‘7.p’ out of order.

**APPROVED: 5-0-0**

p) Continued Public Hearing – Application for Approval of a Site Plan – 61 Center Street – Town of Burlington, Applicant

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

**APPROVED: 5-0-0**

### 2. Citizens Time

No one spoke.

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

- Day Light Savings Time – Sunday March 10, 2019
- Citizen Planner Training Collaborative Annual Conference – Saturday, March 16 – Hogan Center, Holy Cross  
  - Members interested in attending should contact staff
- Planning Board wished Member Raymond a Happy Birthday
- Planning Board expressed condolences to the friends and family of Jack Lahey, former Board of Selectmen

Well-attended meetings:
- Municipal Vulnerability Preparedness Grant Program: Community Workshop – Wednesday, March 6 at 10 to 2pm at the Grandview Farm
- Community Preservation Act Meeting – Wednesday, March 6 at 7pm at the Town Hall Annex

### 4. Legal Notices of Interest

None

### 5. Non-Approvals

None
6. **Administrative Matters**

None

7. **Matters of Appointment**

a) *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) – Caffe Nero Americas Inc., Applicant (7:08pm)*

**Applicant Representatives:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bruce Kidder</td>
<td>Head of Construction</td>
<td>Caffe Nero Americas LTD</td>
</tr>
<tr>
<td>Justin Feldhouse</td>
<td>General Manager</td>
<td>Simon Property Group</td>
</tr>
</tbody>
</table>

*Member Gaffney arrived to the meeting at 7:10pm.*

Mr. Kidder explained this would be their second location at the mall. It will have 56 seats inside and 56 seats outside.

Planning Director Kassner noted the application was reviewed, and staff has no issue. The outdoor seating would be within the previously approved areas. In future, there will be a meeting between Simon Mall’s full team and the town departments to ensure the mall is developing in the right direction.

Vice Chairman Perna read departmental reports into the record.

**Planning Board Commented:**

- Add vegetation (such as ornamental trees) to dress up the property view from Burlington Mall Road
- Final Burlington Mall Road sidewalk plan has not been submitted
- The patios will be designed by the tenant, and must be within the permitted space – if it goes outside of it, the applicant will need to return for a minor engineering change
- During the winter, the patio will be deconstructed, including the seats, planters, and fencing
- The patios around this building should have design continuity

**Planning Board requested:**

- Use pavers rather than concrete
- Add trees
- No additional signage on the planters
- TVs must face the interior, not the street

No public comment was offered.

**MOTION** – To require Simon Property to choose the patio pavers for their tenants and ensure each patio is complementary to one another.
APPROVED: 6-0-0

MOTION – To close the public hearing.

APPROVED: 6-0-0

MOTION – To approve the special permit, as requested by Caffe Nero Americas Inc., for the property located at 85 Middlesex Turnpike, Burlington MA (Burlington Mall)

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 – 68-110 Burlington Mall Road – Cookie Monstah Co. Applicant (7:54pm)

Applicant Representatives:

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
<th>Company</th>
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<tbody>
<tr>
<td>Lauren Rogers</td>
<td>Property Owner</td>
<td>Linear Retail</td>
</tr>
<tr>
<td>Melisa Gale</td>
<td>Business Owner</td>
<td>Cookie Monstah</td>
</tr>
<tr>
<td>Scott Linneman</td>
<td>Business Owner</td>
<td>Cookie Monstah</td>
</tr>
</tbody>
</table>

Ms. Rogers noted the business would have 14 interior seats and 4 exterior seats. Ms. Gale explained the dough would come from their Danvers commissary, and baked on site.

Planning Director Kassner noted this is a dessert business. The peaks are after meal times and the business does a lot of catering. Staff has no issue with the application.

Vice Chairman Perna read the departmental reports into the record.

Planning Board commented:
- Right out/Left in entrance is being use improperly by drivers
- No temporary signs

No public comment was offered.

MOTION – To close the public hearing on this matter.

APPROVED: 6-0-0

MOTION – To approve the special permit, as requested by Cookie Monstah Co., for the property located at 68-110 Burlington Mall Road.

APPROVED: 6-0-0
MOTION – To take items ‘7.c’ thru ‘7.g’ out of order and together for discussion purposes.  
(8:08pm)

APPROVED: 6-0-0

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

Applicant Representatives:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
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</tr>
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<tbody>
<tr>
<td>Mark Vaughan</td>
<td>Attorney</td>
<td>Riemer &amp; Braunstein, LLP</td>
</tr>
<tr>
<td>David Romero</td>
<td>Project Manager</td>
<td>Commonwealth Engineering, Inc.</td>
</tr>
<tr>
<td>Amie Geary</td>
<td>Owner</td>
<td>Northern Business Machine</td>
</tr>
</tbody>
</table>

Mr. Vaughan explained this is an office supply and copying company. The request is to put an addition on the building. No additional personnel will be hired as a result of this addition. Changes to the building include adding more windows, landscape bed, continuing the roof façade, dressing up the door, screening the rooftop utilities, and noise attenuation for the utilities.

Ms. Geary noted the sidewalk seems premature, because it will lead to nowhere, and it is on town own land.

Vice Chairman Perna read the departmental reports.

Planning Director Kassner explained this is within the wetland district, and this is a non-conforming use in that section. The applicant incorporated all the requested changes on the building. Conservation Commission required storm water upgrades to improvement the resource areas. The lighting, additional vegetation and sidewalk have not been incorporated into the plans.
Planning Board commented:
- Snow storage plan was submitted
- To break up the building add black window awnings
- In favor of the sidewalk construction – bituminous with strip of grass
  - Construct sidewalk within a certain time frame – not right away
  - Town would obtain the permits for the applicant
  - If sidewalks cannot be constructed because of wetlands, then the applicant is not responsible
- Not in favor of the applicant contributing money to the town for sidewalk construction
  - Due to prevailing wages, it costs the town more to construct sidewalks
- Grant easement to the town for the lighting, rather than building out
- Location of the trees would be worked out with staff

Cathy O’Neil, 31 Arthur Woods Ave, noted the addition requested is large. She recommended working with the neighbors. She also supports adding the lights, sidewalk, and trees. Mr. Vaughan offered to add more trees to soften the building appearance to the neighbors.

Special Permits

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

**APPROVED: 6-0-0**

**MOTION** – To approve the Special Permits (item ‘7.c’ thru ‘7.f’), as requested by BAPA Corporation, for the property located at 24 Terry Avenue.

**APPROVED: 6-0-0**

Site Plan

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

**APPROVED: 6-0-0**

**MOTION** – To approve the Site Plan, as requested by BAPA Corporation, for the property located at 24 Terry Avenue.

**APPROVED: 6-0-0**

**MOTION** – To take items ‘7.k’ thru ‘7.m’ out of order and continue them to the Planning Board meeting of March 21, 2019 as requested of the applicant’s attorney. *(9:26pm)*

**APPROVED: 6-0-0**
k) Continued Discussion – Application for Approval of a Minor Engineering – 62 Cambridge Street – Herb Chambers Cambridge Street, LLC, Applicant

l) 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

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

MOTION – To take items ‘7.h’ thru ‘7.j’ together for discussion purposes. (9:26pm)

APPROVED: 6-0-0

h) *Public Hearing – Application for Approval of a Site Plan – 328 & 330 Cambridge Street – Iconic Capital, LLC. Applicant

i) *Public Hearing – Application for Approval of a Special Permit pursuant to Section 7.2.6 “Increasing the maximum parking space requirements” of the Zoning Bylaws – 328 & 330 Cambridge Street – Iconic Capital, LLC. Applicant

j) *Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.4.1.11 “Discharge from manmade structures into the wetlands” of the Zoning Bylaws – 328 & 330 Cambridge Street – Iconic Capital, LLC. Applicant

**Applicant Representatives:**

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<tr>
<td>Bill Proia</td>
<td>Attorney</td>
<td>Riemer &amp; Braunstein, LLP</td>
</tr>
<tr>
<td>Jeremie Lederer</td>
<td>President</td>
<td>Iconic Capital, LLC</td>
</tr>
<tr>
<td>Frank DiPietro</td>
<td>Engineer</td>
<td>BSC Group</td>
</tr>
<tr>
<td>Chris Thomas</td>
<td>Project Manager</td>
<td>BSC Group</td>
</tr>
<tr>
<td>Emily Derrig</td>
<td>Staff Engineer</td>
<td>BSC Group</td>
</tr>
<tr>
<td>Jerry Seelen</td>
<td>Architect</td>
<td>Roth &amp; Seelen Inc.</td>
</tr>
</tbody>
</table>

Mr. Proia explained the request to remove the existing building, and replace with a single story office building. This is before the Planning Board for discharge into wetlands, and exceeding the parking ratio. Mr. Lederer stated he has a tenant for the building; they need 80 spaces for their employees and 5 visitor spaces. There is a cell lease on the site, which will be retained by a third party.

Mr. DiPietro noted there are two zonings on site: RO and IG. There will be no construction in the RO zoning. There are wetlands but the building is outside that buffer. The Applicant is doing a traffic generation study, and will submit that to staff when it is completed. Mr. Thomas explained the drainage plan. Mr. DiPietro explained the new request by the Conservation Commission that prior to approval, test pits must be done to ensure the stormwater system will work, because the new fire station on Terrace Hall Avenue had approval for the stormwater
system based on geo-tech, and when installation began, water levels were higher than expected, so the entire storm water system had to be redesigned.

Planning Director Kassner commented that staff wants to understand the parking demand by learning about the needs of the building. She requested upgrading the bus stop, adding sidewalk along the frontage of the building, screen the foundation with vegetation, and possibly a monument/sculpture for educating the public about the history of the site.

Planning Board discussed
- Historical Society has a demolition delay on this project
- Water run off from the site, and the effects on the neighbors and wetlands
- Desirable for the building to have a colonial appearance similar to the overlay
- Traffic flow on Chestnut Avenue

Planning Board requested:
- Length of time for the cell lease
- Discuss using the bus stop to reduce parking
- Add vegetative buffer between the lots
- Hold some parking spaces in reserve

Vice Chairman Perna read the departmental reports into the record.

Dana Spratt, 3 County Road, had concerns about traffic, and would like to review the study when it becomes available.

Mark Cameli, 18 Alma Road, inquired about the water run off from the site making the wetlands larger and encroach onto his property.

Robert Callahan, 16 Alma Road, had concerns about the water from this site, and the effects of that on his property. He suggested cleaning the stream and the pipe it flows into.

Malcolm Trevett, 2 Alma Road, had concerns about the backed up traffic on 3A, the buses making a left turn out of Chestnut Avenue onto 3A, and lack of sidewalks on Chestnut Avenue.

Michael Murray, Jr. (on behalf of Michael Murray, Sr.), 340 Cambridge Street, confirmed the shed would be removed, and asked that the residential buffer be included on the plans at the corner of his father’s lot.

**BCAT cut out after Member Covino’s comments about putting parking spaces in reserve**

MOTION – To continue this matter to the Planning Board meeting of March 21, 2019.

APPROVED: 6-0-0

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8. Minutes
   None
9. **Other Business (10:39 pm)**

   a) **Discussion**

   1. 5 Dartmouth Road – General Walker Estates

   **MOTION** – To release lot, subject to staff inspection.

   **APPROVED: 6-0-0**

   2. Sculpture park committee

   Member Clerk L’Heurieux reported that the Sculpture Park Committee unanimously agreed to be under the purview of the Planning Board. The committee is working on the document that will explain their mission.

   3. Gas Station – Bedford Street

   Member Impemba noted the gas pumps were abandoned, and the site was used as an auto repair. Now the gas pumps are being used again; staff agreed to explore the issue.

   4. Bauer Hockey Experience – 240 Middlesex Turnpike

   Member Gaffney noted inside the building, there is a real ice rink, which was not part of their permit. Staff agreed to explore it.

   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 10:45 pm.

   **APPROVED: 7-0-0**

Respectfully Submitted, 

Approved by,

Noelle Judd, Recording Clerk 

Barbara L’Heurieux, 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.