Minutes of the Planning Board
Meeting of April 4, 2019

1. Chairman Kelly called the April 4, 2019 Regular Planning Board Meeting to order at 7:05 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 Raymond, and Member Clerk L’Heureux

Members Absent: Member Gaffney and Member Impemba

Also Present: Planning Director Kassner, Senior Planner Morris

Continuances (7:05 pm)

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

APPROVED: 5-0-0

h) Continued 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

No testimony was taken on this matter.

MOTION – To continue this matter to the Planning Board meeting of April 18, 2019 as requested by applicant’s attorney in an email dated April 4, 2019.

APPROVED: 5-0-0

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

APPROVED: 5-0-0

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

l) Continued 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

No testimony was taken on this matter.

MOTION – To continue these matters to the Planning Board meeting of May 16, 2019 as requested by applicant in an email dated April 1, 2019.

APPROVED: 5-0-0

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

APPROVED: 5-0-0

m) *Discussion – Application for Approval of a Minor Engineering Change to a subdivision roadway – 36 Mill Street – Beverly Van Nostrand, Applicant

No testimony was taken on this matter.

MOTION – To continue this matter to the Planning Board meeting of May 2, 2019 as requested by applicant in an email dated April 1, 2019.

APPROVED: 5-0-0

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

APPROVED: 5-0-0

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

No testimony was taken on this matter.

MOTION – To continue this matter to the Planning Board meeting of May 16, 2019 as requested by applicant in an email dated April 1, 2019.

APPROVED: 5-0-0
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.

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.

Item ‘6.a’ was taken out of order.

a) Sculpture Park Committee (7:11pm)

Johnathan Sachs and Member L’Heureux spoke about the composition and mission of the Sculpture Park Committee. The mission statement for the committee was distributed to the Planning Board members and the Sculpture Park Committee is requesting the Planning Board formally accept this committee as a subcommittee of the Planning Board. The members of committee would be appointed by the Planning Board.

Planning Board commented:
  - Appoint a member from the Burlington Cultural Commission and Beautification Committee
  - Money has been set aside for sculptures, and to access those funds a committee must be formed
  - The Dog Park has two committees: Burlington Dog Park Committee and the Friends of the Burlington Dog Park; similarly the sculpture park may do the same
• Nordblom’s pledge money for the sculptures has a term limit, but the company is open to expanding that term

No public comment was offered.

MOTION – To create a Sculpture Park Committee as a subcommittee of the Planning Board.

APPROVED: 5-0-0

MOTION – To appoint the following people to the Sculpture Park Committee:
  • Johnathan Sachs, Town Meeting Member, 3 Year Term
  • Barbara L’Heureux, Planning Board, 3 Year Term
  • Vacant, School Committee, 2 Year Term
  • Vacant, Recreation Commission, 2 Year Term
  • Michael Wick, Library Trustees, 3 Year Term
  • Vacant, Board of Selectmen, 2 Year Term
  • Robert Buckley, Business Community Member, 3 Year Term

APPROVED: 5-0-0

3. Announcements  (7:27pm)

  • Planning Board welcomed town council Lisa Mead of Mead, Talerman & Costa, LLC
  • Town Elections – Saturday, April 6 at 8am to 8pm – Burlington High School
  • Starting April 1 - Full Outdoor Watering Ban
  • (General) Bylaw Review Committee – Tuesday, April 9 at 6:45pm – Town Hall Annex Basement
  • Zoning Bylaw Review Committee – Wednesday, April 24 at 6pm – Town Hall Annex basement
  • Household Hazardous Waste Day – Saturday, April 13 at 8:30am to Noon – Francis Wyman School
  • Member Raymond thanked the public for all their support for his wife Jane Raymond who admitted to the hospital, and subsequently released

4. Legal Notices of Interest

  None

5. Non-Approvals

  None

6. Administrative Matters

  None

7. Matters of Appointment

MOTION – To take items ‘7.a’ thru ‘7.c’ together for discussion purposes. (7:32pm)
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.

MOTION – To continue these matters to the Planning Board meeting of April 18, 2019 at or after 7:00 pm.

APPROVED: 5-0-0

d) *Public Hearing – Petition to amend the Zoning Bylaw, Article XII “Planned Development District” and to create a new section 12.5.0 “Existing Planned Development Districts” to modify the review process for Planned Development Districts – Submitted by the Zoning Bylaw Review Committee, Applicant (7:40pm)

Applicant Representatives:

| Ed Parsons | Member | Zoning Bylaw Review Committee |

Planning Director Kassner summarized the amendment, noting the insertion of the Zoning Bylaw Review Committee into the review process, and referencing the current PDDs in the zoning bylaws. She recommended the Zoning Bylaw Review Committee and Land Use Committee codify their duties to ensure procedurally applicants know what process to follow.

Mr. Parson’s and the Planning Board staff support the amendment.

No public comment was offered.

MOTION – The Planning Board recommends favorably to Town Meeting the petition to amend the Zoning Bylaw, Article XII “Planned Development District” and to create a new section 12.5.0 “Existing Planned Development Districts” to modify the review process for Planned Development Districts.

APPROVED: 5-0-0
MOTION – To take items ‘7.e’ thru ‘7.g’ together for discussion purposes. (7:50pm)

APPROVED: 5-0-0

e) *Public Hearing – Petition to amend the Zoning Bylaw, Article VII Section 8.4.0 “Wireless Communication Facilities” to include small cell wireless facilities – Submitted by the Planning Board

f) *Public Hearing – Petition to amend the Special Permit Rules and Regulations to include design standards for utilities, such as Small Wireless Communication Facilities (SWCF) – Submitted by the Planning Board

g) *Public Hearing – Petition to amend the Site Plan Rules and Regulations to include design standards for utilities, such as Small Wireless Communication Facilities (SWCF) – Submitted by the Planning Board

Planning Director Kassner explained the FCC put out a strict mandate that went into effect January 14, 2019, but gave communities until April 14, 2019 to adopt design guidelines for Small Wireless Communication Facilities (SWCF). In working with a consultant and committee, the Site Plan and Special Permit design rules and regulations for SWCF were drafted. Staff recommended voting on this because of the deadline, and continuing the petition to define SWCF.

Planning Board commented:
- Applicant justify location if its in a undesirable area
- Applicant explained the efficiency of the technology
- Applicant address the affects on public health
- Applicant explain the maximum power, operating power, frequency, and capacity

No public comment was offered.

MOTION – To continue item ‘7.e’ to the Planning Board meeting of April 18, 2019.

APPROVED: 5-0-0

MOTION – To adopt ‘7.f’ – Special Permit Rules and Regulations to include design standards for utilities, such as Small Wireless Communication Facilities (SWCF) amendment and ‘7.g’ - amend the Site Plan Rules and Regulations to include design standards for utilities, such as Small Wireless Communication Facilities (SWCF) amendment submitted by the Planning Board.

APPROVED: 5-0-0

i) Continued Public Hearing – Application for Approval of a Definitive Subdivision Plan – 108 Muller Road – Edward and Yelena Ivitskaya, Applicant (8:21pm)
Applicant Representatives:

<table>
<thead>
<tr>
<th>Thomas Murphy</th>
<th>Attorney</th>
<th>Shea, Murphy &amp; Gulde</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alan Nelson</td>
<td>Engineer</td>
<td>AC Nelson Cartography</td>
</tr>
<tr>
<td>Edward Ivitskaya</td>
<td>Owner</td>
<td>108 Muller Road</td>
</tr>
<tr>
<td>Yelena Ivitskaya</td>
<td>Owner</td>
<td>108 Muller Road</td>
</tr>
</tbody>
</table>

Mr. Murphy gave an update:
- Access is 15 feet (the pavement is not), to mitigate that, there will be intermittent road widening for cars to stop on the shoulder and allow vehicles to pass
  - Conservation Commission administrator, John Keeley, is open to approving this
- Added a fire truck turnaround easement on the property

Senior Planner Morris read departmental reports into the record.

Planning Board commented:
- Make the driveway wider by purchasing land from a neighbor

Planning Board requested:
- Homeowners association for maintaining the driveway
- Flag the bump out locations on site

Mr. Murphy requested continuing this matter, because of the 5-member board.

No public comment was offered.

MOTION – To continue this matter the Planning Board meeting of April 18, 2019.

APPROVED: 5-0-0

8. Minutes (9:05pm)

December 6, 2018, January 3, 2019, and January 17, 2019

MOTION – To approve the Planning Board minutes of December 6, 2018, January 3, 2019, and January 17, 2019 as amended.

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

9. Other Business

a) Discussion

None.
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 9:07 pm.

**APPROVED: 5-0-0**

Respectfully Submitted,

Approved by,

Noelle Judd, Recording Clerk

Barbara L’Heureux, Member Clerk

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.