Members Present: Chair Barbara G. L’Heureux, Vice Chair Joseph Impemba (Late Arrival), Clerk Michael Espejo, John D. Kelly, Paul R. Raymond, William Gaffney and Ernest E. Covino

Members Absent: None

Also Present: Planning Director Kristen Kassner and Senior Planner Josh Morris

1. Call Planning Board Meeting to Order

Ms. L’Heureux called the meeting to order at 7:00 PM.

MOTION - Mr. Raymond made a motion to take item “7.a” out of order. The motion was seconded by Mr. Espejo and unanimously voted 6-0

7.a 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

MOTION - Mr. Raymond made a motion to continue this matter to the Planning Board meeting of June 6, 2019 as requested by the Applicant’s attorney in an email dated May 16, 2019. The motion was seconded by Mr. Espejo and unanimously voted 6-0.

MOTION - Mr. Raymond made a motion to take items “7.c” and “7.d” out of order and together for discussion purposes. The motion was seconded by Mr. Espejo and unanimously voted 6-0.

7.c Continued Public Hearing – Application for Approval of a Special Permit Pursuant to Section 4.3.2.6 “Outside 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, Inc., Applicant

7.d Discussion – Application for Approval of Minor Engineering Change – 376 Cambridge Street – The Granite Place Inc., Applicant

Ms. Kassner stated that this project has been delayed. The Board may want to set up a subcommittee to address some of the issues. They have received emails from abutters and she wanted to let them know they are working on the issues with the applicants.

Mr. Gaffney asked why this has been delayed. Ms. Kassner stated that the application was missing some information and they are working with the applicant to remedy the issues the neighbors are having now.

MOTION - Mr. Raymond made a motion to continue these matters to the Planning Board meeting of June 6, 2019 as requested by the Applicant’s attorney in an email dated May 13, 2019. The motion was seconded by Mr. Covino and unanimously voted 6-0.

Mr. Impemba joined the meeting at 7:05.

MOTION - Mr. Raymond made a motion to take item “7.e” out of order. The motion was seconded by Mr. Gaffney and unanimously voted 7-0. The motion was seconded by Mr. Gaffney and unanimously voted 7-0.
7.e  Continued Public Hearing – Application for Approval of a Site Plan – 61 Center Street –
Town of Burlington, Applicant

MOTION - Mr. Raymond made a motion to continue this matter to the Planning Board meeting of July
18, 2019 as requested by the Applicant in an email dated May 13, 2019. The motion was seconded by
Mr. Kelly and unanimously voted 7-0.

2.  Citizens’ Time

No one came forward to speak.

3.  Announcements

Ms. Kassner stated that she spent the morning at Mary Cummings Park with representatives from
Northeastern. They are moving forward.

Ms. Kassner stated that the Community Health Fair will be May 18th from 10:00 AM to 1:00 PM at the
Burlington High School.

Ms. Kassner stated that the Special Town Meeting and May Town Meeting will be Monday, May 20th
at 7:30 PM at the High School.

Ms. Kassner stated that the Sculpture Park Committee will be meeting on May 21st at 8:00 AM in the
Town Hall Annex.

Ms. Kassner stated that all town offices will be closed for Memorial Day on May 27th.

Ms. Kassner stated that the Municipal Vulnerability Preparedness (MVP) Public Listening Session will
be Wednesday May 29th at 6:00 PM in the Main Hearing Room at Town Hall. Mr. Morris stated that
the consultant will be giving an overview of the report.

Ms. Kassner stated that the Master Plan meeting will be on June 5th from 6:00 to 8:00 PM at the Grand
View Farm Hall. They will focus on Housing and Town Center.

Ms. Kassner stated that the 61 Center Street Subcommittee meeting will meet on June 12th at 6:00 PM
on site.

Mr. Kelly stated that he has listened to other meeting and has gotten complaints from residents that the
microphones don’t work unless they are pointed right at your mouth. The Town should look into
longer or better microphones.

Mr. Covino stated that former Fire Chief Herb Crawford has passed away and he gives condolences to
the family.

Mr. Covino stated that the 40B project, The Residences at Corporate Center, is accepting applications.
The applications are available on the Board of Selectmen’s webpage.

Ms. Kassner stated that the Recording Clerk, Noelle Judd has given her resignation. She has agreed to
do the minutes remotely until a replacement can be found.
4. **Legal Notices of Interest**

There were no legal notices.

5. **Non-Approvals**

There were no non-approvals.

6. **Administrative Matters**

7. **Matters of Appointment**

7.b **Continued Public Hearing – Application for Approval of a Definitive Subdivision – 108 Muller Road – Edward and Yelena Ivitskaya, Applicant**

Attorney Thomas Murphy from appeared for the continued public hearing for the definitive subdivision at 108 Muller Road. Attorney Murphy stated that this is a 2 lot subdivision. They have received a variance for frontage. The biggest concern was access to the new house and having 3 homes use a 15’ right of way that has 11’ of pavement. There is a right of way to Cormier Road that is about 40’. They are proposing flipping the location of the new house and existing house. This would require the lot lines to be adjusted. The new house will have no access to the 15’ and will only use Cormier Road. This would require the applicant to paved the 15’ driveway and reconfigure the drainage calculations for the Board of Health.

Ms. Kassner stated that they took pictures of where the driveway comes off of Cormier Road. There are two trees that will remain and the driveway will go between the trees and veer off to the left. This seemed like the best option and addresses most of the Board’s concerns. The approval can be conditioned on the Board of Health approval, the driveway being installed as easterly on the lot as possible and adding a deterrent to people not to use the 15’ right of way. Ms. Kassner added that the uplands requirement can be met.

Mr. Covino asked if the two existing Cormier Road residents were aware of this change. Attorney Murphy stated that the original plan showed all the right of ways but it was originally going to be accessed from Muller Road. The abutters received notification of the original hearing. The right of way is also on both deeds. Ms. Kassner stated that the original plan showed a gravel driveway and not it will be paved.

Mr. Gaffney stated that Lot B is to the west and the ZBA approved the frontage. Now a portion of Lot A will be for the new house. Mr. Gaffney stated that the neighbors should have been notified because the lot line relocation is now greatly affecting them. Mr. Gaffney suggested a white vinyl fence or other feature on either side of the driveway that is agreed upon by the neighbors to help block any headlights.

Mr. Impemba asked if there will be a barrier so no one will cut through to the 15’ right of way. Ms. Kassner replied yes, it could be boulders, plantings, etc. It would be up to the owners to decide. Mr. Impemba stated that abutters may have the right to use it so they would have to be careful about blocking it. Attorney Murphy stated that technically they have rights but if it was grassed lawn and not connected, he can’t see people driving over the lawn. They can work with staff on options.
Mr. Raymond asked where the frontage of Lot A is. Ms. Kassner replied it is still off of Muller Road. Mr. Raymond stated that doesn’t make sense. Mr. Gaffney stated that he doesn’t believe the ZBA understands the impacts of their decisions. Ms. L’Heureux stated that perhaps we can have a joint educational meeting with the ZBA and Planning Board.

Mr. Kelly asked if this requires an ANR. Ms. Kassner replied no, this is a subdivision in front of the Board and the Board determines access and lot lines as part of the decision. Mr. Kelly asked if the elevation is higher on the new house than the original location. Attorney Murphy replied yes but only by a couple of feet. Ms. Kassner added that the new area is flatter.

Mark Petro, future property owner – Mr. Petro stated that he would prefer not having a 6’ fence at the driveway because it would create a tunnel effect and it would not affect the other house due to the higher elevations. Ms. L’Heureux stated that a condition could be added to work with the neighbors for the best solution.

**MOTION -** Mr. Covino made a motion to close the public hearing on this matter. The motion was seconded by Mr. Gaffney and unanimously voted 6-0-1 (Mr. Espejo abstained).

**MOTION -** Mr. Covino made a motion pursuant to Section 2.5 of the Planning Board Rules and Regulations Governing the Subdivision of Land, and pursuant to MGL Chapter 41, Section 81-R, the Planning Board hereby considers the following Waivers requested by the applicant from the Subdivision Rules and Regulations, including a waiver of full subdivision frontage for proposed Lots A and B, for the plan entitled “Definitive Subdivision of Land in Burlington, MA. Muller Rd” submitted by Edward and Yelena Ivitskaya, on January 3, 2019, said plan prepared by A.C. Nelson Cartography, dated March 1, 2019, and further revised herein, consisting of two (2) sheets. The motion was seconded by Mr. Gaffney and unanimously voted 6-0-1 (Mr. Espejo abstained).

**MOTION -** Mr. Covino made a motion pursuant to Section 2.4 of the Planning Board Subdivision Rules and Regulations, the Planning Board hereby finds that the Definitive Subdivision Plan application submitted by Edward and Yelena Ivitskaya, for the creation of one (1) additional building lot to be a complete and proper submission. The motion was seconded by Mr. Raymond and unanimously voted 6-0-1 (Mr. Espejo abstained).

**MOTION -** Mr. Covino made a motion to approve the Definitive Subdivision Plan entitled, “Definitive Subdivision of Land in Burlington, MA. Muller Road” submitted by Edward and Yelena Ivitskaya, on January 3, 2019, said plan prepared by A.C. Nelson Cartography, dated November 23, 2018, revised to March 1, 2019, as further revised herein, consisting of one (1) sheet to be revised as conditioned herein, reflecting the creation of one (1) additional building lot, subject to the following terms, revisions, and conditions as amended.” The motion was seconded by Mr. Raymond and unanimously voted 6-0-1 (Mr. Espejo abstained).

8. **Minutes**

There are no minutes to approve.
9. **Other Matters**

9.a **Discussion**

i. **Sculpture Park Committee Appointments**

Mr. L’Heureux stated that she would like to appoint the following three members to the Sculpture Park Committee. They are George Ratkovich from the Schools, Nick Priest from the Board of Selectmen and Kevin Sheehan from the Recreation Department.

**MOTION** - Mr. Covino made a motion to appoint George Ratkovich, Nick Priest and Kevin Sheehan to the Sculpture Park Committee. The motion was seconded by Mr. Espejo and unanimously voted 7-0.

Mr. Kelly asked if Mr. Ratkovich was a Burlington resident. Ms. L’Heureux replied she didn’t know but it shouldn’t matter because he is representing the schools.

ii. **1 Wheeler Road**

Ms. L’Heureux stated that 1 Wheeler Road is before the ZBA now. This is the site of the former Ski House and Harvey Windows. They are proposing to tear it down and build a new building. They are requesting a high tower for signage. There is ample space for signs on the side of the building. It looks like the sign tower is about 73’ high. Mr. Kelly asked if a roof signs are allowed in that zone. Ms. Kassner stated that in a BG zone, you cannot do a roof sign. They could apply for a variance if they wanted to do a wall sign that was above the roof line of the tenant space. Ms. Kassner stated that it looks like the building is 40.4’ and the sign is about 73’. The sign as proposed cannot be approved, but if they incorporated the signs into the round tower on the corners of the building, it would require a different variance.

Ms. L’Heureux stated that she would like to send a letter that the ZBA not grant the proposed variance as submitted. If the applicant comes in with signage on the round structures on the corner of the building, it should not go about 2’ of the roof line. She is also concerned with the intensity of the lights for the signs. Mr. Kelly stated that the regulations should not be more than 90 lumens. Ms. Kassner stated that the letter will send the lighting requirements.

Ms. Kassner stated that they are also increasing the impervious surface from 58% to 62&. Ms. L’Heureux stated that she would be against that unless they propose substantial landscaping. This will be a vast improvement of what is there now.

Ms. Kassner stated that she will draft a letter addressing, opposition to the sign tower as proposed; if building signs are proposed, then should be no higher than 2’ above the roof line and similar to the round towers on the proposed building; the regulations for lighting; and concerns over the increased impervious surface and the need for additional landscaping or the like.

Mr. Gaffney asked if monument signs are allowed. Ms. Kassner replied no they are not allowed in this zone. Ms. Kassner stated that she understands the owner asking for the signs because he wants visibility for the site and it is only a 22,000 SF building. Ms. Kassner stated that she will send out the draft language tomorrow for review.
MOTION - Mr. Kelly made a motion to authorize the Chair to sign the letter to the ZBA regarding 1 Wheeler Road. The motion was seconded by Mr. Covino and unanimously voted 7-0.

9.b Correspondence
There were no correspondences.

9.c Reports from Town Counsel
There were no reports from Town Counsel.

9.d Subcommittee Reports
There were no subcommittee reports.

9.e Unfinished Business
There was no unfinished business.

9.f New Business
There was no new business.

MOTION - Mr. Covino made a motion to adjourn the May 16, 2019 Planning Board meeting at 8:11 PM. The motion was seconded by Mr. Gaffney and unanimously voted 7-0.

Respectfully Submitted by Dawn Cathcart,
Recording Clerk