1. Chairman Raymond called the February 6, 2014 Regular Planning Board Meeting to order at 7:32 p.m. in the Main Hearing Room of the Burlington Town Hall, 29 Center Street.

Members Present: Member Covino, Member Clerk L’Heureux, Chairman Raymond, Vice Chairman Kelly, and Member Roth.

Members Not Yet Arrived: Member Cummings, Member Impemba

Also Present: Planning Director Kassner, Senior Planner Benjamin

Member Cummings arrived to the meeting at 7:34 pm.

2. Minutes

NONE

3. Citizens Time

Attorney Robert Buckley of Riemer and Braunstein, LLP announced the state’s Community Innovation Challenge (CIC) granted the Middlesex 3 $147,500 to work on transportation coordination issues. The Middlesex 3 is scheduling a transportation summit over the next two months; the date has not been set.

Continuances

b) Continued Discussion – Application for Approval of a Minor Engineering Change – Muller Glen Subdivision – Muller Glen LLC, Applicant

No testimony taken on these matters.

MOTION - To continue this matter to the Planning Board meeting of February 20, 2014.

APPROVED: 6-0-0 (Member Impemba not yet arrived)
Vice Chairman Kelly would be opposed to the applicant attorney’s request for a subcommittee because of the amount of abutters to this application.

4. Announcements

- Medical Marijuana Discussion – Wednesday, February 12 at 7-9pm - Burlington High School in the School Committee Room
  - The date conflicts with the 3A subcommittee, Planning Director Kassner agreed to send out an email to reschedule
  - See item 9.a.2 for discussion details
- Town Election – Saturday, April 12 at 8am-8pm - Burlington High School
  - Last day to take out papers is Thursday, February 20
- Presidents Day – Monday, February 17 - Town Offices will be closed
- Chairman Raymond expressed condolences to friends and family of former planning board member Jack Gould, and former Burlington resident Harold Cohen.
- Building 19 site: back building is reoccupied as a rug store, and the front building is empty

5. Legal Notices of Interest

   NONE

6. Non-Approvals

a) *Application for Endorsement of a Plan Believed Not to Require Approval – 56 Middlesex Turnpike – Burlex Realty LLC, Applicant

Plans & Reports discussed:

No applicant representatives present.

Senior Planner Benjamin explained attorney George P. Katsarakes of the Law Offices of George P. Katsarakes, PC request to combine two abutting lots into one.

No staff comments.

No public comment was offered.

**MOTION** - To approve an endorsement of a plan believed not to require approval, requested by Burlex Realty LLC, for property located at 56 Middlesex Turnpike.

**APPROVED: 6-0-0** (Member Impemba not yet arrived)
7. Administrative Matters

a) *Discussion – Application for Approval of a Minor Engineering Change –141 South Bedford Street – Northeastern University, Applicant

Plans & Reports discussed:
- Plan entitled, “Stormwater Pollution Prevention Plan, sheet C-1.1” dated August 6, 2010, redlined and received by the Planning Department December 15, 2013, prepared by Nitsch Engineering.

Facilities manager Don Berthelette of Northeastern University, and engineer George Mackenzie of AKF represented the application.

Mr. Mackenzie explained the application is for a radiator to cool a hydraulic pump in the structural engineering lab.

*Noise:*
Mr. Mackenzie described the radiator:
- In a small structure
- No compressor noise, only fan noise
- Fans point toward the building
- Adjacent property is currently unoccupied
- Not sure the distance from the fan to the nearest resident
- No acoustical study done
- Fans run only during testing, some tests take several days, the tests are intermittent

Senior Planner Benjamin noted the noise issue is addressed in condition 3 of the approval. Member Roth would like the condition tighten to include a predictable trigger for the applicant to fix the possible noise issue or do an acoustical analysis. Planning Director Kassner agreed to adjust the condition.

Member Roth would like staff to research into the appropriate decibel (dB) level at a residential property line. Mr. Mackenzie answered city of Boston is 60 dB at the property line. Senior Planner Benjamin looked in the general bylaw, but did not find an exact number.

Mr. Mackenzie agreed to address noise issues appropriately.

*Member Impemba arrived to the meeting at 8:10 pm.*

Vice Chairman Kelly read Departmental Reports into the record:

**DEPARTMENTAL REPORTS**

<table>
<thead>
<tr>
<th>Department</th>
<th>Recommendation</th>
<th>Date Received</th>
</tr>
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<tbody>
<tr>
<td>Inspector of Buildings</td>
<td>Favorable</td>
<td>1-27-2014</td>
</tr>
<tr>
<td>DPW/ Engineering</td>
<td>No New Comment</td>
<td>1-24-2014</td>
</tr>
</tbody>
</table>
Board of Health  No New Comment  2-6-2014  
Conservation  Favorable  2-6-2014

No public comment was offered.

**MOTION** - To approve a Minor Engineering change, requested by Northeastern University, for property located at 141 South Bedford Street.

**APPROVED: 6-0-1** (Member Impemba abstained)

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**8. Matters of Appointment**

a) *Public Hearing – Application for Approval of Site Plan Waiver – 123 Cambridge Street (Burlington High School) – Burlington School Department, Applicant*

**Plans & Reports discussed:**

Member of the School Committee Thomas Murphy and Director of Facilities Craig Robinson represented the application.

Mr. Murphy continued the discussion from the Planning Board meeting of January 16, 2014.

Vice Chairman Kelly read Departmental Reports into the record:

**DEPARTMENTAL REPORTS**

<table>
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<tr>
<td>Board of Selectmen</td>
<td>Not Yet Received</td>
<td>N/A</td>
</tr>
<tr>
<td>Inspector of Buildings</td>
<td>Not Yet Received</td>
<td>N/A</td>
</tr>
<tr>
<td>DPW/ Engineering</td>
<td>Not Yet Received</td>
<td>N/A</td>
</tr>
<tr>
<td>Police Dept.</td>
<td>See Comments</td>
<td>2-4-2014</td>
</tr>
<tr>
<td>Fire Dept.</td>
<td>Approval as submitted</td>
<td>12-23-2013</td>
</tr>
<tr>
<td>Board of Health</td>
<td>No New Comment</td>
<td>1-9-2014</td>
</tr>
<tr>
<td>Conservation</td>
<td>Appearing at Con Com 2-13-2014</td>
<td>1-14-2014</td>
</tr>
</tbody>
</table>

**Sidewalks (closest to the gym): continued**
Mr. Murphy asked the Planning Board should the exit nearest the gym be changed or kept as it is in the plans. A majority of Planning Board members supported keeping the plans as is.

**Sidewalk construction:**
The Planning Board members supported the following sidewalk construction choices:
<table>
<thead>
<tr>
<th>Sidewalk</th>
<th>Curb</th>
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</thead>
<tbody>
<tr>
<td>First Choice</td>
<td>Concrete</td>
</tr>
<tr>
<td>Second Choice</td>
<td>Bituminous</td>
</tr>
<tr>
<td>Third Choice</td>
<td>Concrete</td>
</tr>
</tbody>
</table>

The applicant would choose what the sidewalk is constructed with, based on cost and available funds.

**Sidewalks toward the football field:**
Mr. Murphy explained the School Committee was against these sidewalks noting people parallel park in this area, and with a curb people would park in the street narrowing the roadway. The school committee suggests maintaining the existing paved walkway (off street) from the football field to the school. Mr. Robinson suggested working with Conservation about trimming some vegetation along the path and placing some low bollard lighting along the path (4 foot lights).

Member Impemba, Member Roth, Member Clerk L’Heureux, Member Cummings, and Member Covino support the School Committee’s suggestion.

**Public Comment:**
Senior Planner Benjamin relayed Mildred Nash, TMM Precinct Three, 39 Sunset Drive comments: she is opposed to diagonal parking noting it is unsafe.

**MOTION** - To continue this matter to the Planning Board meeting of February 20, 2014.

**APPROVED: 7-0-0**

b) *Public Hearing – Application for Approval of Special Permit pursuant to Section 1.4.7 “Restaurants, drive-thru service is prohibited” of the Northwest Park Planned Development District (Abbondanza) – 19 Third Avenue – Lyons Group, Applicant

Plans & Reports discussed:
- Design Development Plan entitled “Third Avenue Redevelopment, Third Avenue in Burlington Massachusetts (Middlesex), Building Locus Plan,” prepared by BSC Group, received on December 20, 2013 (“Third Avenue Redevelopment Plan”)

Senior Vice President of Development Todd Fremont-Smith of Nordblom Company, attorney Robert Buckley of Riemer and Braunstein, LLP, and general manager J. Baker of Scampo at the Liberty Hotel/Lyons Group represented the application.

Mr. Buckley described the restaurant as a full service 6,000 square foot Italian food restaurant with 240 seats.
Mr. Baker explained the restaurant would have limited take out, because most food does not travel well. He agreed to delegate take out parking spaces, if it was deemed necessary.

Vice Chairman Kelly read Departmental Reports into the record:

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<tr>
<td>DPW/ Engineering</td>
<td>See Comments</td>
<td>1-9-2014</td>
</tr>
<tr>
<td>Police Dept.</td>
<td>Not Yet Received</td>
<td>N/A</td>
</tr>
<tr>
<td>Fire Dept.</td>
<td>Approval as submitted</td>
<td>12-20-2013</td>
</tr>
<tr>
<td>Board of Health</td>
<td>See Comments</td>
<td>12-23-2013</td>
</tr>
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<td>Conservation</td>
<td>No New Comment</td>
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**Other Northwest Park Construction Project Updates:**

- $250,000 water fountain installed in the park common area
- Scheduled openings
  - Wegmans: November
  - The Bancroft and Kings: Spring
  - Tony C’s and Abbodanza: Summer
- Housing Construction: found land easement restrictions
  - 201 units would change to 180 units
  - Appearance would stay the same, only smaller
  - Construction starting this spring

Member Roth requested Mr. Fremont-Smith forward to staff a list of all the projects and the projected opening dates. Mr. Fremont-Smith agreed.

Member Roth mentioned the Greenleaf Way discussion from the Planning Board meeting of January 16, 2014. Mr. Fremont-Smith explained the plan is to reduce the left turn queuing lane onto Greenleaf Way, to allow more space for the northbound side of the road.

**Future Spine Road:**

Mr. Fremont-Smith explained Nordblom Company is in the Barnes and Noble’s sandwich lease. Member Clerk L’Heureux requested the Barnes and Noble landowner’s name. Mr. Fremont-Smith agreed to provide that.

No staff comments.

No public comment was offered.

**MOTION** - To close the public hearing in these matters.

**APPROVED: 7-0-0**
MOTION - To approve a Special Permit, requested by the Lyons Group, for property located at 19 Third Avenue.

APPROVED: 7-0-0

MOTION - To take items “8.c” and “8.d” together for discussion purposes.

APPROVED: 7-0-0

c) *Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.3.2.15 “Storage and disposal of oils and fuels/petroleum projects” of the Zoning Bylaws (back-up generator) – 29 Burlington Mall Road – Lahey Hospital and Medical Center, Applicant

d) *Discussion – Application for Approval of a Minor Engineering Change (back-up generator) – 29 Burlington Mall Road – Lahey Hospital and Medical Center, Applicant

Plans & Reports discussed:
• Plans titled “Lahey Health, Burlington DC Upgrade, 29 Burlington Mall Road, Burlington, MA, 01803” dated December 16, 2013, prepared by Integrated Design Group, consisting of 4 sheets.

Attorney Robert Buckley of Riemer and Braunstein, LLP (substituting for attorney Mark Vaughan of Reimer & Braunstein, LLP), and project manager Griffin Ryder of Vanasse Hangen Brustlin, Inc. represented this application.

Mr. Buckley explained the purpose of the back-up generator is to ensure the hospital would be able to operate the medical records efficiently for at least one full day if there was a power failure.

Mr. Ryder explained the generator:
• 3100 gallons of diesel fuel
• The generator is exterior to the building
• Increase pervious area and decrease impervious area
• Pine trees would be used to cover the generator
• Double-wall containment tank with leak detection
  o Bollards surround the tank
• 1250 kWh

Vice Chairman Kelly read Departmental Reports into the record:

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Inspector of Buildings  No comments  N/A
DPW/ Engineering No New Comment  1-9-2014
Police Dept. No New Comment  1-28-2014
Fire Dept. Approval as submitted  12-20-2013
Board of Health See Comments  1-9-2014
Conservation No New Comment  1-14-2014

Vice Chairman Kelly had concerns about an accident penetrating the double wall containment tank. He was especially concerned since the tank is near Burlington’s water resource district. Mr. Buckley noted the project needs to go through DEP, would be regulated by the state, and regularly inspected.

Member Roth would like state of the art containment system that would be outside the normal state licensing, for the added security. Mr. Ryder explained the leak detection system that is monitored 24/7.

Member Impemba asked what happens if a leak occurs. Mr. Ryder said it would go into a catch basin and flow away from the water resource district. Vice Chairman Kelly requested the applicant have more assurance that this is the best option in the event of a spill.

The Planning Board discussed the requirements for gas station diesel tanks.

Member Roth requested a memo be sent to the Board of Health about added scrutiny for diesel tanks located near the water resource areas.

Member Covino suggested using natural gas. Mr. Ryder answered a tank of diesel fuel is more reliable. Planning Board requested the applicant have a more in depth rational about why they will not use natural gas.

No public comment was offered.

**MOTION** - To continue this matter to the Planning Board meeting of February 20, 2014.

**APPROVED: 7-0-0**

e) Continued Public Hearing – Application for Approval of a Site Plan – 11 Cambridge Street – First Choice Dental Group, Applicant

Office manager Lindsey Keane of First Choice Dental Group represented the application.

Senior Planner Benjamin continued the discussion from the Planning Board meeting of December 5, 2013. Senior Planner Benjamin spoke with engineering. The drainage system is functional; the engineer does not know where the drains go. The drain still needs a camera sent through.
Senior Planner Benjamin noted the site needs to enclose the dumpster.

Ms. Keane noted the handicap parking requirements have been met, and she submitted the snow management plan.

Ms. Keane would like a list of requirement they need to do to be in compliance. The staff agreed to review the plans, and let her know their recommendations.

Member Roth would like to understand the streetscape in this area. Senior Planner Benjamin suggested taking pictures of the area to supplement the site plan.

No public comment was offered.

**MOTION** - To continue this matter to the Planning Board meeting of March 6, 2014.

**APPROVED: 7-0-0**

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f) Continued Public Hearing – Petition to amend the Zoning Bylaw, Section 8.5.0 “Town Center Overlay Districts” and Section 8.5.8 “Design Requirements” to include Signs in Design Review – Submitted by the Planning Board on behalf of the Route 3A Committee

g) Continued Public Hearing – Petition to amend the Town Center Design Rules and Regulations by creating a new Section 9 “Signage” – Submitted by the Planning Board on behalf of the Route 3A Committee

Member Cummings updated the Planning Board about the last 3A subcommittee. There was a lot of discussion about the Mercedes dealership, but very little about signage. The item needs to be continued to allow subcommittee time to discuss signage appearance criteria.

Planning Director Kassner requested the Planning Board allow staff to allot time to assist the 3A subcommittee. The staff would put together a visual preference survey to get the ball moving. Planning Board agreed that staff would allow time for this item.

No public comment was offered.

**MOTION** - To continue this matter to the Planning Board meeting of March 20, 2014.

**APPROVED: 7-0-0**

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h) Continued Public Hearing – Petition to amend the Planning Board Rules and Regulations Governing Planned Development Districts – Submitted by the Planning Board

Planning Director Kassner explained there are some modification and additions that need to go into the PDD rules and regulations, such as the use table template, special condition template, zoning template, fee structure, and review process.
The Planning Board discussed how the PDD rules and regulations would correspond with the bylaw, and the newly written PDD process.

**MOTION** – To continue this matter to the Planning Board meeting of March 20, 2014.

**APPROVED: 7-0-0**

**9. Other Business**

   a) **Discussion**

   1. **Master Plan**

   Planning Director Kassner announced there is a recommendation from staff and the subcommittee for the Cecil Group to move forward with Phase 1. The Planning Board and staff discussed the Cecil group’s qualifications.

   **MOTION** – To allow staff to negotiate the scope and contract with the Cecil Group to move forward with the Master Planning process.

   **APPROVED: 7-0-0**

   2. **Medical Marijuana Discussion**

   Chairman Raymond announced any citizen who has a recommendation for an appropriate spot for a dispensary to call the Planning Department (781) 270-1645.

   Senior Planner Benjamin would have a map of Burlington for this discussion, which shows the 1000 feet buffer from where children congregate, and the 500 feet buffer from churches.

   Member Clerk L’Heureux mentioned some discussion would occur about having a possible buffer zone around residential districts.

   3. **Orange Leaf**

   a. **Iron fence/signage**

   Member Impemba pointed out Orange Leaf put an iron fence between them and Gigi’s Roast Beef and Pizza. This prevents pedestrian traffic between storefronts, which is against the 3A subcommittee concept and it was not in the approved site plan.

   Member Cummings cited the Planning Board meeting of December 6, 2012, where Gigi’s Roast Beef and Pizza agreed to Member Roth’s request to match their signage to the neighboring Orange Leaf. This has not occurred.
Member Roth suggested inviting both owners to a 3A subcommittee meeting to facilitate an agreement.

b. Traffic circulation: Center Street into parking lot

Member Cummings asked about the removal of a curb to allow traffic to flow off Center Street into the parking lot. Planning Director Kassner referenced:

- The January 17, 2013 Planning Board meeting where contractor Tom Peluso of Peluso Enterprises informed the Planning Board that the landlord was not interested in getting involved with changes to the parking lot

Member Clerk L’Heureux requested inviting the Building 19 owner to the same 3A subcommittee to discuss this matter.

4. Audi Burlington – 62 Cambridge Street

Chairman Raymond continued his discussion from the Planning Board meeting of November 21, 2013. He pointed out the Audi dealership recently unloaded and reloaded car carriers on Cambridge Street. Member Covino informed the Planning Board the police have spoken to all 3 dealerships (Herb Chamber Kia of Burlington, 93 Cambridge Street; Herb Chambers Honda of Burlington, 33 Cambridge Street; and Audi Burlington, 62 Cambridge Street).

Planning Board members request a letter be sent to the dealerships, with the Police Department copied on the letter. Planning Board staff agreed to draft that letter.

5. Planning Board Meeting of February 20, 2014

Member Cummings will be absent.

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

1. PDD Amendment Bylaw

Chairman of the Land Use Committee Monte Pearson noted the Land Use Committee is constructing an addition to the PDD amendment bylaw. The addition would have a point at which the entire application would need to go through the full PDD process.

Chairman of the L.U.C. Pearson suggested a subcommittee with L.U.C. and Planning Board members to discuss this item.

MOTION – To adjourn at 11:16 p.m.
Minutes accepted at the Planning Board meeting on 5-1-2014.

Minutes filed with the Town Clerk on October 29, 2014.

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.