



TOWN OF BURLINGTON, MA
PLANNING BOARD MINUTES
JANUARY 5, 2023

Board Members Present: Chairman Brenda Rappaport; Vice Chairman Barbara G. L'Heureux; Clerk William Gaffney; Ernest E. Covino; Joseph A. Impemba; Jessica Sutherland; and Toni Ann Natola

Board Members Absent: None

Staff Members Present: Elizabeth Bonventre, Senior Planner (attending remotely), and Caleb Zimmerman, Assistant Planner

1. Call the Meeting of the Planning Board to Order

Chairman Rappaport called the meeting to order at 7:02 PM. The Town of Burlington will be holding the January 5, 2023 meeting of the Planning Board as a hybrid meeting due to the current State of emergency due to the Covid-19 virus. As such, the Governor issued an executive order on March 12, 2020 authorizing remote meetings under G.L c. 30A Section 20 and extended by Chapter 22 of the Acts of 2022, including permitting remote meetings and participation, until March 31, 2023.

Mr. Zimmerman stated that the option for remote participation via WebEx is being provided as a courtesy to the public. The public can join the meeting via the WebEx link posted on the Town's website, or they can call in by dialing 617-315-0704. The meeting is being broadcast live on BCAT, and on cable networks and residents can email questions to Planning@burlington.org or on Facebook live.

MOTION – Vice Chairman L'Heureux made a motion to take items “7.c,” “7.d,” “7.d,” “7.e,” and “7.f” together and out of order for discussion purposes. The motion was seconded by Member Covino and voted 7-0-0.

7.c Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.4 “Laboratories engaged in research, experimental and testing activities including, but not limited to, the fields of, chemistry, electronics, engineering, geology, non-biologic medicine and physics” of the Zoning Bylaws – 22 Terry Avenue – AP Terry, LLC, Applicant

7.d Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.4.1 “Life Science laboratories engaged in research, prototype manufacture, experimental and testing activities including, but not limited to, the fields of pharmaceuticals, biomedical technologies and engineering, life systems technologies, environmental and biomedical devices Biosafety Level 4 (BL-4) laboratories, as defined by the Centers for Disease Control and Prevention, are prohibited in Burlington” of the Zoning Bylaws – 22 Terry Avenue – AP Terry, LLC, Applicant



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7.e Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.4.2 “Life Science laboratories engaged in the manufacture of life science technologies and medicines for commercial production to the market including, but not limited to, the fields of pharmaceuticals, biomedical technologies and engineering, life systems technologies, environmental, biomedical devices Biosafety Level 4 (BL-4) laboratories, as defined by the Centers for Disease Control and Prevention, are prohibited in Burlington” of the Zoning Bylaws – 22 Terry Avenue – AP Terry, LLC, Applicant

7.f Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.9 “Hazardous and toxic materials/chemicals use storage, transport, disposal or discharge” of the Zoning Bylaws – 22 Terry Avenue – AP Terry, LLC, Applicant

7.g Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.11 “Generation or storage of hazardous waste, limited to the volumes classified as a very small quantity generator (VSQG)” of the Zoning Bylaws – 22 Terry Avenue – AP Terry, LLC, Applicant

MOTION – Vice Chairman L’Heureux made a motion to continue this matter to the Planning Board Meeting of February 2, 2023 at the request of the Applicant’s attorney in an email dated January 3, 2022. The motion was seconded by Member Impemba and voted 7-0-0.

2. Public Participation Time

Sunil Prajapati of 3 Forbes Avenue – Mr. Prajapati stated that democracy is when government is of the people, by the people, and for the people. Unfortunately, I do not believe that the government sitting in this room is such because my request has taken over two years to approve, and my efforts to join this government were dismissed using undemocratic methods. The Planning Board has enforced a long list of burdens on me without any merit after a long delay. My efforts to join this board were dismissed using undemocratic methods because my yearlong efforts were dismissed last month as the board would rather work with lawyers rather than town citizens. I would have been treated differently if my demographics were different so I am here to file a complaint of race discrimination against this government. I have not come here tonight before this Board just to file a complaint, but also to improve things for the future. I humbly request the Planning Board to please work with me to find a solution and improve things for the future.

3. Announcements

Mr. Zimmerman read the announcements. The Select Board is meeting on January 9, 2023 at 6:00 PM at the Town Hall Main Hearing Room. The Zoning Bylaw Review Committee will meet on January 11, 2023 at 6:30 PM via Zoom. All town offices will be closed on Martin Luther King Jr. Day (January 16, 2023). Town Meeting will be held at the Burlington High School auditorium on January 23, 2023 at 7:00 PM. The Blanchard/Wheeler Road Visioning Public Meeting will be held on January 25, 2023 at 6:00 PM via Zoom.



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4. Legal Notices of Interest

There were no legal notices.

5. Non-Approvals

There were no non-approvals.

6. Administrative Matters

There were no administrative matters.

7. Matters of Appointment

7.a Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.3.1.14 (g) “Wireless Communications Facilities which are subject to Section 8.4.0 shall be permitted in the Wireless Communications Overlay Districts in accordance with the map depicting the districts and the provisions of Section 1.0 of the Zoning Bylaws” of the Zoning Bylaws” – 72 Center Street – Smartlink on behalf of AT&T, Applicant

Mark Donnelly, Construction Manager from Smartlink, appeared before the Board.

Ms. Bonventre stated that AT&T is looking to swap out antennas and to upgrade some wiring. We’ve been in contact with Town Counsel and have deemed that any rent changes or removal bond is not required for approval of this permit. To make sure that the existing emergency generator was properly permitted, we were able to find that it is still valid. Staff has no concerns with this project.

MOTION – Vice Chairman L’Heureux made a motion to close the public hearing on this matter. The motion was seconded by Member Sutherland and voted 7-0-0.

MOTION – Vice Chairman L’Heureux made a motion to approve the request of Smartlink on behalf of AT&T Wireless for a Special Permit pursuant to Section 4.3.1.14 (g) “Wireless Communications Facilities” of the Zoning Bylaws to permit the replacement of three (3) panel antennas and other supporting equipment on the existing municipal water tank, and supporting equipment cabinets and emergency power on the ground adjacent to the water tank, for property located in the One Family Dwelling (RO) District, and the Wireless Communications District (WC) located at 72 Center Street subject to the terms and conditions contained in exhibit “A” attached. The motion was seconded by Member Sutherland and voted 7-0-0.

7.b Continued Public Hearing – Petition to amend the Planning Board Town Center Design Rules and Regulations – Submitted by the Planning Board

Ms. Bonventre stated that this agenda item was originally opened in anticipation of Town Center signage amendments going to Town Meeting. Since there’s a lot of work to be done, it would be best to withdraw this



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matter for now. When we're ready, we can re-advertise it at a later date. At this time, it makes a lot of sense for us to focus on fixing up the draft sign section of the Town Center design rules and regulations.

Member Covino stated that we're going forward with sign districts rather than signs being part of the Zoning District, which didn't seem to work, so we picked the Town Center, but then realized that we can't go any further because there are no design regulations for signs in the Town District (those regulations are actually the Planning Board's design regulations and were set up so that they're just approved by the Planning Board rather than go to Town Meeting).

Sally Willard, Town Meeting Member (Precinct 4) – Ms. Willard stated that without more ideas and more formal thought on what we want to see, then there's really not a lot we can do, especially since the design rules and regulations are something that the Planning Board really has to present and approve for themselves. Once that's done, I believe that we will be ready to move forward with these articles.

MOTION – Vice Chairman L'Heureux made a motion to withdraw this matter without prejudice. The motion was seconded by Member Covino and voted 7-0-0.

8. Minutes

MOTION – Vice Chairman L'Heureux made a motion to approve the Planning Board minutes of November 3, 2022. The motion was seconded by Clerk Gaffney and voted 7-0-0.

9. Other Matters

9.a Discussion

9.a.i MBTA Communities

Ms. Bonventre stated that she would like to take a hybrid approach where we use some of the existing multi-family housing for part of the MBTA communities district and then look at other areas of town that could use a revamp or we think that could be enhanced by housing. Ms. Bonventre then encouraged the Board members to read an article from *Commonwealth Magazine* entitled "What the MBTA Communities law means for your town" which gives a good overview of what it actually means.

9.a.ii Select Board's Town Center Sign Design Committee

Chairman Rappaport stated that the Committee is looking for assistance in creating the design for the digital Town Common sign that was discussed at the previous Board meeting.

Member Covino and Chairman Rappaport volunteered to work on the Committee.

9.a.iii Planning Department Open Positions



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Ms. Bonventre stated that the open positions were posted on the Town of Burlington website and LinkedIn.

9.b Correspondence

There was no correspondence.

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

Vice Chairman L'Heureux stated that the donation of Seraph (which is the 9 ft. plexiglass blue sculpture in the Sculpture Park) has been completed.

Clerk Gaffney stated that there was discussion at the last Recreation Commission meeting about moving the pickleball courts out of Simonds Park permanently because of noise. If certain development comes before the board, there could be opportunities in that space for property to be gifted to the town for pickleball courts to replace those at Simonds. There is also a thought to move the courts temporarily to the hockey park at Simonds Park, but with \$30,000 already spent on soundproofing which was not satisfactory, and the change still may not be adequate for the neighborhood. Spending \$100,000 on a temporary situation does not make sense to him and wants to reach out to potential developers to make them aware.

Member Natola stated that the Burlington Housing Authority is currently accepting applications for an affordable three-bedroom single family home that is available for rent for a veteran. They have not been able to find a veteran and it's been empty.

MOTION – Vice Chairman L'Heureux made a motion to adjourn the January 5, 2023 Planning Board Meeting at 7:35 PM. The motion was seconded by Member Sutherland and voted 7-0-0.



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*Respectfully Submitted by Eric Bergeron,
Recording Clerk*