



TOWN OF BURLINGTON  
PLANNING BOARD MINUTES JANUARY 16, 2020

**RECEIVED**

By Town Clerk's Office at 10:05 am, Apr 03, 2020

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

**Members Absent:** Brenda Rappaport

**Also Present:** Planning Director Kristen Kassner and Senior Planner Elizabeth Bonventre

**1. Call Planning Board Meeting to Order**

Ms. L'Heureux called the meeting to order at 7:01 PM.

MOTION - Mr. Gaffney made a motion to take item "7.h", "7.i" together and out of order for discussion purposes. The motion was seconded by Mr. Covino and unanimously voted 5-0.

**7.h 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, Inc. - Applicant**

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

MOTION - Mr. Gaffney made a motion to continue these matters to the Planning Board meeting of February 6, 2020 as requested by the Applicant's engineer in a memo dated January 16, 2020. The motion was seconded by Mr. Covino and unanimously voted 5-0.

Ms. Kassner stated that she received a memo from the applicant's engineer Frank DiPietro. They have found a place in Wilmington and they will be moving their fabrication to this new location. The business at 376 Cambridge Street will remain their showroom. They are still working out if there will be any outside storage.

MOTION - Mr. Gaffney made a motion to take item "7.j" out of order for discussion purposes. The motion was seconded by Mr. Raymond and unanimously voted 5-0.

**7.j Continued Public Hearing – Application for Approval of Special Permit Pursuant to Section 4.3.2.22.2 “Solar Energy System, Ground-Mounted” of the Zoning Bylaws – 50 Margaret Street – Northeast Solar Services d/b/a Revolusun - Applicant**

MOTION - Mr. Gaffney made a motion to continue this matter to the Planning Board meeting of February 6, 2020 as requested by the Applicant in a phone conversation on January 13, 2020. The motion was seconded by Mr. Raymond and unanimously voted 5-0.

**2. Citizens' Time**

*Monte Pearson, Town Meeting Member Precinct #3 and Chair of the Land Use Committee* – Mr. Pearson stated that the Land Use Committee has voted to endorse the idea of creating a Town wide solar advisory committee to look at creating bylaws to address solar and would like a member of the



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Planning Board to be on the committee. Ms. L'Heureux asked if this committee would focus on just solar or would all alternative energies be looked at. Mr. Pearson replied that it will focus on solar. Ms.

L'Heureux stated that they are interested and will address this at a future meeting.



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**9.a.i Withdrawal – 108 Muller Road – Staff**

**Does Not Recommend Action At This Time**

Ms. Kassner that this item was discussed with Town Counsel and there needs to be some issues worked out so this item will not be discussed tonight and no action will be taken.

Mr. Espejo joined the meeting at 7:07 PM.

**3. Announcements**

Ms. Bonventre stated all town offices will be closed for Martin Luther King, Jr. Day – Monday January 20<sup>th</sup>.

The Sculpture Park Subcommittee Meeting will be Tuesday January 21<sup>st</sup> at 7:30 AM at the Principal's<sup>th</sup> Conference Room at Burlington High School. Town Meeting will be Monday January 27 at 7:00 PM at the Performing Arts Center at Burlington High School. The deadline for Zoning Warrant Articles for May Town Meeting is Tuesday February 11<sup>th</sup>. The last day to register to vote for the Presidential Primary is Wednesday February 12<sup>th</sup>. The Zoning Bylaw Review Committee will meet on Wednesday February 12 at 6:00 PM – Town Hall Annex Basement and the last day to return papers for the Town<sup>th</sup> Election is Friday February 14 at 5:00 PM at the Town Clerk's Office at Town Hall.

Ms. Kassner stated that there will be a Town Meeting information session on BCAT. She is going to work with the Town Clerk to get the information out.

Mr. Covino stated that the Zoning Bylaw Review Committee meeting has been changed to February 5<sup>th</sup>.

Mr. Impemba wanted to pass on condolence to Muriel O'Brien and her family for the tragic loss of her son in a fire.

**4. Legal Notices of Interest** There were no legal notices.

**5. Non-Approvals**

There were no non-approvals.

**6. Administrative Matters**

**6.a Discussion – Application for Approval of a Minor Engineering Change – Off Wheeler Road – Jumbo Self Storage, LLC d/b/a Jumbo Capital Management – Applicant**

Attorney Robert Buckley from Riemer & Brunstein, LLP and Andy Grace from BL Company appeared for the Minor Engineering Change for Jumbo Self Storage. The Planning Board issued a Special Permit in April 2017. The Order of Conditions from the Conservation Commission was



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appealed and DEP has issued a Superseding Order of Conditions. The plan has been updated to coincide with the Superseding Order of Conditions. The Conservation Commission approved this last week.

Mr. Grace stated that there were some underground and grading changes at the request of DEP. They have enlarged the rain garden to capture more runoff, a retaining wall has been added and there is additional flood storage at a higher elevation. Attorney Buckley stated that the Conservation Restriction will stay in place.



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Ms. L'Heureux asked if the only site changes were at the request of DEP. Attorney Buckley replied yes.

Mr. Impemba read the departmental comments.

Mr. Gaffney asked what was reduced to increase the rain garden. Mr. Grace replied it was deepened and widened.

*Betsey Hughes, Town Meeting Member Precinct #7* – Ms. Hughes stated that the Blanchard area is a nice area but it routinely floods and she hopes this remediation helps. There could be no other use for the building other than storage. The Town has no guarantee that compliance to this special permit will continue in perpetuity because the developers have stated that they are going to build it and sell it. She has done research and there are 13 self-storage facilities in Burlington and Woburn area and there are none that are at capacity. She has spoken to employees and they are having issues with people living in the units, illegal drug labs, pet storage, etc. There are concerns on how the Town can monitor prohibited uses and prohibited hazardous material storage. These storage facilities generate high traffic counts and very little parking, which causes problems on the streets. In her opinion this site does not meet Section 7.2.5.7 in the Zoning Bylaw for parking. Burlington is trying to attract Class A companies and Woburn has voted to ban any more storage units from being built and there is concern of devaluating property values. We as a Town should look at prohibiting this use in the future.

Ms. L'Heureux stated that she agrees with the points being brought up but this approval is for a Minor Engineering Change only and these changes are improving the environmental issues in this area.

*Marty Pearson, Town Meeting Member Precinct #3* – Mr. Pearson asked how there could be underground parking if this is zoned IH. Attorney Buckley stated that there are only 3 parking spots underneath and the bylaw allows for a maximum of 3.

MOTION - Mr. Raymond made a motion to approve the request of a Minor Engineering Change for property located Off Wheeler Road to codify the changes made by the Department of Environmental Protection's Superseding Order of Conditions regarding modifications to the stormwater management system as reflected on the redlined site plan entitled "Permitting Documents for Proposed Self-Storage Facility Town of Burlington, Massachusetts," prepared by the BL Companies, dated October 23, 2017 and revised to December 17, 2019 consisting of eight (8) sheets, subject to the following revisions, terms, and conditions. The motion was seconded by Mr. Impemba and unanimously voted 6-0.

**6.b Discussion – Application for Approval of a Minor Engineering Change – 3 & 5 Dartmouth Road (General Walker Estates Subdivision) – General Walker Estates – Applicant**

Edward Champy, owner and Steven Dresser from Dresser, Williams and Way appeared for the Minor Engineering Change at 3 & 5 Dartmouth Road. Mr. Champy stated that they applied for Minor Engineering Change and they received the letter from the Planning Board regarding the consulting engineer and they will continue this matter. Ms. Kassner stated that the applicant could give a 5

minute summary of the proposed changes.



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Mr. Dresser stated that the driveway was changed and it no longer flowed to the catch basin or infiltration so they are proposing a new infiltration system to catch the water and a new stone trench along the driveway.



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Ms. Kassner stated that there has been a lot of conversation on this subdivision. They have met with Town Counsel and the Building Department sent a cease and desist letter. They have observed changes to the site after the occupancy permit was issued. A peer review will be done and it was sent to the applicant and potential peer reviewers. The peer review will look at grading pre and post development and the plans for the remainder of the site. Ms. L'Heureux asked if the peer review will go to the site. Ms. Kassner replied yes, a site investigation will be done.

Mr. Raymond asked if this Board approved the change to the driveway. Ms. Kassner replied no. Mr. Raymond stated that he doesn't appreciate that changes are done and then they come in to ask approval. This should be stopped and the site should be developed as approved.

Mr. Impemba stated there is Cape Cod berm proposed and asked if the water will drain to the cul-de-sac. Mr. Dresser replied that half the water will go to the cul-de-sac and half will go to the swale. There will be stone trenches and a perforated pipe on the other side of the driveway. Mr. Impemba replied that will not work if snow is piled in the area of the trench. Mr. Dresser replied that the driveway is pitched back and a stone trench can be added around the entire driveway.

Mr. Espejo stated that from our November 21<sup>st</sup> meeting, the neighbor was concerned with the telephone pole that was supposed to be moved and asked what the status of that was. Mr. Champy stated that the pole will be removed once they get the underground service in for 4 Dartmouth.

Mr. Covino stated that it will be difficult to build the house because of the drainage and it is sloped back towards the house. They should look at a higher barrier or drainage between the house and driveway. Mr. Champy stated that they will do whatever needs to be done.

Mr. Champy stated that the Occupancy was issued and he disagrees that the site was altered after that. We agree that we can't do whatever we want and it was our mistake for moving forward and we will accept the consequences.

Ms. L'Heureux asked why there is an excavator at Francis Wyman road site. Mr. Champy stated that it is not ours. Ms. L'Heureux stated that it is your property and it needs to be moved. Ms. L'Heureux stated that she is highly disappointed with this project. There have been many meetings that neighbors have come to us for help and the neighbors have not been treated with respect. We have learned a lot of terrible lessons. The cease and desist should not be lifted until this project is built as approved. There needs to be a meeting with all departments off camera. She disagrees with the applicant that grading was done after the occupancy permit was issued.

Mr. Raymond asked if the grading issue on the house with the occupancy permit has been resolved. Ms. Kassner replied no that will be part of the peer review.

MOTION - Mr. Raymond made a motion to continue this matter to the Planning Board meeting of February 6, 2020. The motion was seconded by Mr. Espejo and unanimously voted 6-0.

**6.c Discussion – Application for Approval of a Minor Engineering Change – 75 Middlesex**



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**Turnpike (Burlington Mall) – Bellwether Properties of MA, Applicant**

Attorney Mark Vaughn from Riemer & Brunstein, LLP, Justine Feldhouse of Bellwether Properties, and Sarah Ebotte of VHB appeared for the Minor Engineering Change at the Burlington Mall.

Attorney Vaughn stated that these changes are proposed for the entrance to the food court. They are proposing to expand the sidewalk, add patio pavers for future outdoor seating and stamped concrete crosswalks. They also have a plan for generic short term parking (15 minute) spaces.

Ms. Ebotte stated that they have added three sections of patio pavers that are 12' deep and 8' of sidewalk alongside of it. This will allow for restaurants to request outdoor seating in the future. There will be 26' drive aisles and stamped concrete crosswalk. There will also be 4 parallel parking spaces in front of Lord and Taylor and additional landscaping that will increase the permeable area by 1,600 SF.

Ms. Kassner asked how many parking spaces are being lost overall. Ms. Ebotte replied seven spaces. Ms. Kassner stated that there is a concern with the parallel parking spaces especially in that area. The aisle is 24' at the closest point and that is a little tight. She would recommend removing the parallel spaces. Ms. Kassner stated that there should be a site visit to look at the short term parking spaces with a more detailed discussion.

Mr. Impemba read the department comments. Mr. Impemba stated that the handicap parking spaces are all in one row and should be spread out to be closer to the door. He is not sure that these spaces meet the law because the handicap spaces are supposed to be the spaces closest to the door.

Mr. Espejo asked how high the bollard fence would be. Attorney Vaughn stated that is a place holder, a final design would come to the Planning Board. Mr. Feldhouse stated that they are getting requests from the restaurants for outside seating.

Mr. Gaffney stated that if the 4 parallel spaces are removed, there will be 11 spaces lost in this area. Ms. Ebotte replied that was correct. Mr. Gaffney asked how many short term parking spaces are proposed in this area. Attorney Vaughn replied 8. Mr. Gaffney stated that would mean there would be 18 designated parking spaces and we are losing 11 more. Mr. Gaffney stated that the Police and security should not have 2 dedicated spaces and they can park anywhere they want. The Pizzeria Regina reserved parking spots should be part of the grouped short term parking spaces.

Ms. L'Heureux stated that the 4 parallel spaces should be removed and the handicap spaces should be split up over several rows, not just in one row. The short term parking spaces should be a separate discussion. She agrees the Police and security should be removed and Pizzeria Regina should be included with the generic short term spaces. As far as the proposed building entrance improvements, they look great. Ms. L'Heureux asked when construction would start. Mr. Feldhouse stated that they are hoping to start after the construction is completed on the other side but there may be a few weeks of overlap. Ms. L'Heureux stated that there should be a condition that it cannot start until the other side is completed.

Mr. Covino agreed that the handicap parking should be spread out and not in a row. Ms. Ebotte stated that they created a protective sidewalk. Mr. Covino asked that on Sheet C1, it should be marked as a



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future patio. We need an overall plan for short term parking. He agrees that the parallel parking spaces need to be removed and the handicap parking spaces spread out along the aisles.

Mr. Feldhouse stated that the short term parking is grouped in blocks of 8 around the mall at each entrance area. There was a misunderstanding between Pepe Pizza and Simon and the dedicated spots are in their lease. Attorney Vaughn stated that there are 8 spots for Pepe's. They could leave 4 spots for Pepe's and 4 generic spots. Mr. Feldhouse added that the former Building Inspector told them we could add the spots.

Mr. L'Heureux stated that there are 4 blocks of 8 generic short term parking spaces which is 32 spaces. Then the Cheesecake Factory has 4 spaces, the bank has 4 spaces and Nordstrom has 1 space. Then the police have 2 spaces, security has 2 spaces and Pizzeria Regina needs 2 spaces. Ms. L'Heureux stated that the police and security spaces need to go away. Mr. Feldhouse stated that the police requested the spaces because they don't want to park in the fire lane when conducting normal business. Ms. L'Heureux stated that the blocks of 8 should be blocks of 6 short term parking spaces and when the leases are re-negotiated for the businesses that have dedicated spaces they should be removed.

Mr. Feldhouse stated that employees are told to park in the employee area away from the building and escorts are provided if requested. Mr. Impemba stated that security and police can park in the short term parking spaces. Mr. Gaffney added that he doesn't understand why the electric car charging stations have to be closest to the building. They should be furthest away.

Ms. L'Heureux stated that the plan should be amended to remove the 4 parallel parking spaces, reconfigure the handicap parking spaces to be the closest to the building, the 4 blocks of 8 short term parking should be changed to 4 blocks of 6 short term parking spaces except where Pepe Pizza signs are that block will stay 8 with half of Pepe Pizza signs being changed to generic short term parking signs, the police and security spaces should be removed, and the Nordstrom spot should be removed. This would leave 36 generic short term parking spaces. Ms. Kassner stated that they should talk with the police before removing their spaces and we should look at the dedicated spaces that the Board has approved as well as the leases that include dedicated short term parking before the plan is finalized. Ms. L'Heureux stated that she will work with staff on the master short term parking plan.

MOTION - Mr. Gaffney made a motion to approve the request of a Minor Engineering Change for property located at 75 Middlesex Turnpike (Map 52, Parcel 2) adjacent to the Food Court entrance to expand and enhance the existing sidewalk, modify vehicular circulation, reconfigure parking spaces (loss of 11), designation of short-term parking spaces, and the installation of new stamped concrete crosswalks as reflected on the site plan entitled "Burlington Mall Entry 1 Improvements 5 Burlington Mall Road 1100 Middlesex Turnpike Burlington, Massachusetts," prepared by VHB, dated December 11, 2019, consisting of thirteen (13) pages, subject to the following revisions, terms, and conditions as amended with Ms. L'Heureux to work with staff on a master short term parking plan. The motion was seconded by Mr. Covino and unanimously voted 6-0.

## **7. Matters of Appointment**



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

**7.a Public Hearing - Application for Approval of a Special Permit pursuant to Section 1.5.1 “Light manufacturing or processing plants” of the Northwest Park Planned Development District zoning provisions –164 Middlesex Turnpike – Poly 6 Technologies, Inc., Applicant**

**7.b Public Hearing - Application for Approval of a Special Permit pursuant to Section 1.5.2 “Laboratories engaged in research experimental and testing activities...” of the Northwest Park Planned Development District zoning provisions –164 Middlesex Turnpike – Poly 6 Technologies, Inc., Applicant**

**7.c Public Hearing - Application for Approval of a Special Permit pursuant to Section 1.5.4 “Hazardous and toxic materials/chemical use storage, transport, disposal or discharge” of the Northwest Park Planned Development District zoning provisions –164 Middlesex Turnpike – Poly 6 Technologies, Inc., Applicant**

**7.d Public Hearing - Application for Approval of a Special Permit pursuant to Section 1.5.6 “Generation or storage of hazardous waste in excess of the volumes classified as a very small quantity generator” of the Northwest Park Planned Development District zoning provisions –164 Middlesex Turnpike – Poly 6 Technologies, Inc., Applicant**

**7.e Public Hearing - Application for Approval of a Special Permit pursuant to Section 12.1.5 “Administrative Requirements” of the Zoning Bylaw –164 Middlesex Turnpike – Poly 6 Technologies, Inc., Applicant**

Attorney Kristine Hung from Riemer & Brunstein, LLP, Matthew Stellmaker and Ioana Knopf from Poly6 Technologies appeared for the Special Permit applications for 164 Middlesex Turnpike. Attorney Hung stated that Poly6 specializes in global aviation and 3D printing. They are currently in Boston and will be moving their operations to Burlington at 164 Middlesex Turnpike and taking the entire 2<sup>nd</sup> floor. There will be no exterior changes. They appeared and received approval from the Board of Health last week.

Mr. Stellmaker stated that they work with organic polymer. They currently have 16 employees and are looking to expand. They hope to have 30-35 employees by the end of the year. They will have their R&D team and processes and scale up with small prototypes but they will not do large scale manufacturing at this site. They are working to reduce carbon emissions on jet engines.

Ms. Kassner stated that we have a cluster of 3D printing companies that have been in Burlington for over 20 years. They are excited to have this company come into Burlington especially since we are still working on our transportation issues.

Mr. Impemba read the department comments.

There were no questions from the audience.



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MOTION - Mr. Espejo made a motion to close the public hearing on these matters. The motion was seconded by Mr. Covino and unanimously voted 6-0.

MOTION - Mr. Espejo made a motion to approve the request of Poly6 Technologies Inc. for a Special Permits pursuant to Sections 1.5.1 "Light Manufacturing ... "; 1.5.2 "Laboratories engaged in research ... "; 1.5.4 "Hazardous and toxic materials/chemical use ... "; 1.5.6 "Generation of storage of hazardous waste in excess of the volumes classified as very small quantity generator,"

of the Northwest Park PPD Zoning Provisions, and Section 12.1.5 "Administrative Requirements" of the Burlington Zoning Bylaw to permit the operation an additive manufacturing (3D Printing) firm by the name of Poly6 Technologies, for property located in the Northwest Park Planned Development District and the Water Resource (WR) District located at 164 Middlesex Turnpike, subject to the terms and conditions contained in exhibit "A" attached. The motion was seconded by Mr. Covino and unanimously voted 6-0.

MOTION - Mr. Covino made a motion to take items "7.f" and "7.g" together for discussion purposes. The motion was seconded by Mr. Espejo and unanimously voted 6-0.

**7.f Application for Approval of a Special Permit pursuant to Section 6.16 "Storage of oils and fuels/petroleum products including storage for on-site heating purposes and landscaping maintenance equipment (in excess of 50 gallons)" of the New England Executive Park Planned Development District Zoning Provisions –700 District Avenue – Charles River Development, A State Street Company – Applicant**

**7.g Discussion – Application for Approval of a Minor Engineering Change – 700 District Avenue – Charles River Development, A State Street Company - Applicant**

Attorney Mark Vaughn from Riemer & Brunstein, LLP, Patrick Burke from Charles River Development and Michael Harris from Crenshaw Construction appeared for a Special Permit and Minor Engineering Change for 700 District Avenue. Attorney Vaughn stated that Charles River Development is a software technology company specializing in financial service that has had their headquarters in Burlington for about 20 years. They were acquired by State Street Company and have expanded into the east wing. They are requesting to add a 50kw generator and 255 gallons of diesel fuel.

Ms. Kassner stated that this is a typical request and there is a standard order of conditions including screening where possible.

Mr. Impemba read the department comments.

There were no questions from the audience.

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

MOTION - Mr. Covino made a motion to approve the request of Charles River Development, A State Street Company, for a Special Permit pursuant to Section 6.16 "Storage of



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oils and fuels/petroleum products including storage for on-site heating purposes and landscaping maintenance equipment (in excess of 50 gallons)” of the New England Executive Park Planned Development District Provisions to permit the storage of 255 gallons of diesel fuel and installation of a new 50 kilowatt emergency generator at 700 District Avenue, subject to the terms and conditions contained in exhibit “B” attached. The motion was seconded by Mr. Gaffney and unanimously voted 6-0.

MOTION - Mr. Covino made a motion to approve the request for approval of a Minor Engineering Change for property located at 700 District Avenue to enlarge the existing concrete pad to support a new 50 kilowatt generator and associated 255 gallon diesel fuel storage tank, as reflected on the redlined site plan entitled “New England Executive Park Renovations and Expansion Phase 1 & 2 New England Executive Park Burlington, Massachusetts,” prepared by VHB, dated July 28, 2014 and revised to March 31, 2016, subject to the following revisions, terms, and conditions. The motion was seconded by Mr. Gaffney and unanimously voted 6-0. **8. Minutes**

There were no minutes to approve.

## **9. Other Business**

### **9.a Discussion**

#### **9.a.ii Zoning Amendments Proposed by Escadrille Realty – Subcommittee Shall Be Appointed and Meet After Town Meeting Prior to the Next PB Meeting**

Ms. L’Heureux appointed Mr. Covino and herself to the Escadrille subcommittee.

#### **9.a.iii Appointment of Historical Commission Member to Sculpture Park Committee**

Ms. L’Heureux stated that the Historical Commission has asked to have a member on the Sculpture Park Committee. She hopes to have a name for the next meeting.

#### **9.a.iv Official Appointment of Brady Caldwell to the Assistant Planner Position**

Ms. Kassner stated that they had 37 applicants for the Assistant Planner position. They interviewed 3 candidates and brought 2 back in. It was a hard choice because both were stellar applicants. They would like to appoint Brady Caldwell as Assistant Planner, Grade 10 Step 4.

MOTION - Mr. Espejo made a motion to support the appointment of Brady Caldwell as Assistant Planner at Grade 10, Step 4. The motion was seconded by Mr. Covino and unanimously voted 6-0.

#### **9.a.v Building 19 ½ Sign**

Ms. L’Heureux stated that at the Board of Selectmen meeting, they voted 3-2 to allow the installation of the sign at The Shoppes at Simonds on Town property. This Board had sent several letters to the Board of Selectmen in opposition of this. This action will open the door for other businesses to put signs on Town property. Ms. L’Heureux questioned if the Board would support staff looking at appealing this process because she is not sure if this is even legal. Mr. Raymond stated that we should



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look at appealing it. He objected to the sign all along. Mr. Impemba stated that he is concerned with the precedent this is setting. There are laws in place against this and the Board of Selectmen circumvented the law and let a commercial business put a sign on Town property. A majority of the Board said that it should go through the proper channels but it was not voted that way. He would like staff to look at what can be done. Mr. Impemba added that he worked for 30 years to make the downtown center better and allowing this to happen contradicts everything the Town has been trying to do. He believes that the Board of Selectmen stretched their authority on this matter. Ms. L'Heureux stated that they have voted to give an advantage to one business over all the other businesses in Burlington.

Mr. Espejo stated that he is concerned with the viability of this project and maybe this should kick start the committee for the 3A corridor again. Mr. Espejo stated that he would like staff to investigate. Mr. Covino stated that one of the main reasons this happened is because the sign bylaw is old and businesses will find ways to go around it to help them stay in business. We need to look at the sign bylaw geographically and he is not in favor of staff investigating this further.

MOTION - Ms. L'Heureux made a motion to request that staff look into any legal action the Board may take relative to the sign that was approved by the Board of Selectmen for The Shoppes at Simonds. The motion was seconded by Mr. Impemba and voted 5-1 in favor. Mr. Covino voted opposed.

### **9.a.vi Winnview Heights II**

Ms. L'Heureux stated that at the Board of Selectmen's meeting they also voted on Winnview Heights as a friendly 40B. There was no discussion but they did vote on it. During the friendly 40B at Corporate Drive, there was a collaboration process with other Boards and departments but this one had no details. Ms. Kassner stated that about a year ago there was a vote for a proposed 40B off of Richardson Road. It was about 20 units with 6 affordable and it would be 55+. She believes that the Selectmen voted in support to send it to the State as a DHCD eligible location.

Mr. Raymond stated that he is concerned with density in that area.

### **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**



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There was no new business.

MOTION - Mr. Gaffney made a motion to adjourn the January 16, 2020 Planning Board meeting at 9:50 PM. The motion was seconded by Mr. Espejo and unanimously voted 6-0.

*Respectfully Submitted by Dawn Cathcart,  
Recording Clerk*