



TOWN OF BURLINGTON  
PLANNING BOARD MINUTES  
FEBRUARY 18, 2021

**RECEIVED**

By Town Clerk's Office at 9:00 am, Mar 05, 2021

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

**Members Absent:** None

**Staff Present:** Planning Director Kristen Kassner, Senior Planner Elizabeth Bonventre, Assistant Planner Brady Caldwell, Principal Clerk Jennifer Gelinas, Recording Clerk Dawn Cathcart

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

On a Roll Call for attendance for the Planning Board: Chairman L'Heureux voted present, Vice Chairman Impemba voted present, Member Covino voted present, Member Espejo, Member Gaffney voted present and Member Rappaport voted present.

Chairman L'Heureux called the meeting to order at 7:00 PM. The Town of Burlington will be holding the February 18, 2021 Planning Board as a virtual/electronic meeting due to the current State of Emergency due to the COVID-19 crisis. As such, the Governor issued an Executive Order on March 12, 2020 authorizing remote meeting under M.G.L c. 30A, Section 20. Ms. Kassner stated that this meeting is being held via Cisco WebEx. 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](mailto:Planning@burlington.org) or on Facebook live.

**2. Citizen's Time**

There were no citizen's coming forward.

**3. Announcements**

Ms. Bonventre stated that the ZBRC Sign Bylaw Subcommittee will meet on Monday, March 1<sup>st</sup> at 5:30 PM via Zoom. The Land Use Committee will meet Tuesday, March 2<sup>nd</sup> at 7:00 PM via Zoom. The Transportation Committee is seeking residents input and have put out a survey to try to deal with traffic issues in Burlington.

**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**



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**MOTION** - Member Espejo made a motion to take items “7.a” and “7.b” together for discussion purposes and vote on them separately. The motion was seconded by Member Rappaport and unanimously voted 6-0.

**7.a Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.2.23 “Passenger stations; landing fields; sites, buildings, and facilities for other public services; public works structures” of the Zoning Bylaw – 41 Burlington Mall Road – Lahey Clinic Foundation Inc., Applicant**

**7.b Continued Application for Approval of a Site Plan – 41 Burlington Mall Road - Lahey Clinic Foundation Inc., Applicant**

Attorney Robert Buckley from Riemer & Braunstein LLP, Michael Slejzer from Lahey Clinic, Rick Kenin from MedFlight and Tim Williams from Allen & Major Associates appeared for the continued Special Permit and Site Plan for a new helipad at Lahey Clinic. Also in attendance was Lt. Mark Saia from the Burlington Fire Department to answer any questions from the Board. Attorney Buckley stated that the outstanding item from the last meeting was the flight pattern. Mr. Williams stated that they have presented an updated flight pattern. They typically follow Rt. 128 and the actual flight path has been drastically reduced over the neighborhoods. Mr. Kenin stated that a site visit was conducted and an inspection of the vegetation and buildings will keep the flight pattern out of the neighborhoods with the helicopter turning before Mall Road.

Member Gaffney stated that his main concern was the flight path over the neighborhood. The FAA plan showed the flight path going over the neighborhood and now this one doesn't so what has changed. Attorney Buckley stated that this plan is more precise and the helicopter doesn't go past Mall Road. Ms. Kassner stated that the FAA plan is a general plan but this updated plan is an actual plan based on what is on the ground. Member Gaffney asked if the residents in the nearby neighborhoods were notified. Ms. Kassner replied that no additional notification was given. Member Gaffney also investigated the parking passes for seniors. They get 250 passes for every 6 months so that averages out to 2 passes a day and they are only for 1 hour. He would want that enhanced. Attorney Buckley stated that is not appropriate for the Planning Board approval. Member Gaffney disagreed. This benefits Lahey and they should provide a benefit to the community. Attorney Buckley stated that this provides a time critical service to every patient that has to utilize it.

Chairman L'Heureux stated that the Town of Burlington has been asking Lahey to move the helipad to their site. She agrees that there should be a better service for vouchers for the seniors and this should be looked at but doesn't believe it should be tied to this approval. Attorney Buckley stated that the Planning Board should send a letter to the Select Board and asked them to update the pilot agreement. Chairman L'Heureux also requested that Attorney Buckley speak with his clients about updating the vouchers now.

Clerk Raymond joined the meeting at 7:22 PM.

There were no questions from the audience.



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**MOTION** - Member Covino made a motion to close the public hearing on these matters. The motion was seconded by Member Rappaport and unanimously voted 7-0. On a roll call vote: Chairman L'Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, Member Espejo voted Yes and Member Rappaport voted Yes.

**MOTION** - Member Covino made a motion to approve the request of Lahey Clinic Foundation, Inc. for a special permit pursuant to Section 4.2.2.23 "Passenger stations; landing fields; sites, buildings, and facilities for other public services; public works structures" of Article IV of the Zoning Bylaw of the Town of Burlington, to allow for the construction and use of a 3,025 square foot elevated helipad and a 325 square foot expansion of the existing MRI service building with additional site improvements located in the General Industrial (IG) and Water Resources (WR) zoning districts at 41 Burlington Mall Road contained in Exhibit "A" attached. The motion was seconded by Member Rappaport and unanimously voted 7-0. On a roll call vote: Chairman L'Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, Member Espejo voted Yes and Member Rappaport voted Yes.

**MOTION** - Member Covino made a motion to approve the request of Lahey Foundation, Inc. ("Applicant") for approval of a Site Plan Application, for property located at 41 Burlington Mall Road ("Premises"), to permit the construction of a 3,025 square foot elevated helipad and a 325 square foot expansion of the existing MRI service building with additional site improvements as reflected on the Site Plan entitled "Site Improvement Plans for Lahey Hospital & Medical Center Elevated Helipad & MRI Building Addition" prepared by Allen & Major Associates, Inc., dated December 9, 2020 consisting of eleven (11) sheets ("Site Plan"). The project is subject to the following terms, revisions, and conditions. The motion was seconded by Member Espejo and unanimously voted 7-0. On a roll call vote: Chairman L'Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, Member Espejo voted Yes and Member Rappaport voted Yes.

Chairman L'Heureux asked that Attorney Buckley reach out to his client regarding updating the senior vouchers program and report back to Staff. She would also like Staff to draft the letter to the Select Board regarding the same issue.

**7.c Continued Public Hearing – Application for Approval of an Amendment to a Definitive Subdivision Plan – 4 & 5 Redmond Street – Murray Hills, Incorporated, Applicant**

Chairman L'Heureux stated that a site visit occurred and we have met a couple of times on this matter. She is still waiting to see a plan showing that this subdivision can be built out without any waivers.

David Romero and Phyllis Etsell appeared for the continued public hearing for 4 & 5 Redmond Street. Ms. Etsell stated that they will do a brief presentation and the proof plan was emailed to staff. Ms. Kassner stated that the proof plan was received today by email but there may be some confusion on what we are looking for. A proof plan shows what can be built out through the regulations without waivers. It then can be compared with the proposed plan with waivers and show that the project would be better with the waivers. Ms. Etsell stated that our original plan was to come off of Redmond Street but the Conservation Commission asked us to look at coming off of Raymond Road. The impacts to



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the resource areas were greatly increased, so they are back to their original plan of accessing the two lots from Redmond Street.

Mr. Romero stated that this project would create ~230' of new pavement with the required drainage, sewer and water would service both houses. The roadway would be 20' in width and they are proposing no sidewalks. They did perform test pits and found a location that the infiltration system would work.

Clerk Raymond would like to do a site walk from this side of the project once the snow melts.

There were no questions from the audience.

**MOTION** - Member Rappaport made a motion that the Planning Board hereby agree to mutually extend the statutory timeline to file a decision to May 11, 2021 and agrees to endorse a FORM S. The motion was seconded by Member Gaffney and unanimously voted 7-0. On a roll call vote: Chairman L'Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, Member Espejo voted Yes and Member Rappaport voted Yes.

**MOTION** - Clerk Raymond made a motion to continue this matter to the Planning Board Meeting of March 18, 2021. The motion was seconded Member Rappaport and unanimously voted 7-0. On a roll call vote: Chairman L'Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, Member Espejo voted Yes and Member Rappaport voted Yes.

**MOTION** - Member Espejo made a motion to take items "7.d" through "7.h" together for discussion purposes. The motion was seconded by Member Covino and unanimously voted 7-0.

**7.d Continued Public Hearing - \*Application for Approval of a Special Permit pursuant to Section 12.1.5 "PD Special Permit" of the Zoning Bylaw – 174 Middlesex Turnpike – Nordblom Company, Applicant**

**7.e Continued Application for Approval of a Special Permit pursuant to Section 1.6.7 "Discharge from manmade structure into the wetlands" of the Northwest Park Planned Development District Bylaw – 174 Middlesex Turnpike – Nordblom Company, Applicant**

**7.f Continued Application for Approval of a Special Permit pursuant to Section 1.7.5 Accessory Health Club located entirely within a commercial or residential facility" of the Northwest Park Planned Development District Bylaw – 174 Middlesex Turnpike – Nordblom Company, Applicant**

**7.g Continued Application for Approval of a Special Permit pursuant to Section 1.7.6 "Dry Cleaning (drop off and pick up only)" of the Northwest Park Planned Development District Bylaw – 174 Middlesex Turnpike – Nordblom Company, Applicant**

**7.h Continued Application for Approval of a Special Permit pursuant to Section 1.7.12 "Garage space or spaces and/or attached or detached structures (above and below ground and under buildings) for parking" of the Northwest Park Planned Development District Bylaw – 174 Middlesex Turnpike – Nordblom Company, Applicant**



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Attorney Robert Buckley from Riemer & Braunstein LLP, Todd Fremont-Smith and Todd Nordblom from Nordblom Company, Frank DiPietro from BSC Group appeared for the continued Special Permits for 174 Middlesex Turnpike. Attorney Buckley stated that they have provided written responses to the questions that were presented. They have finished up with Conservation and hope to have an Order of Conditions on March 11<sup>th</sup>. They will be meeting with the Board of Health on March 9<sup>th</sup> and they have also had several meetings with the Senior Affordable Housing Committee.

Mr. Fremont-Smith stated that tonight they would like to run through a few items such as traffic, the retail component, landscaping and sustainability. The Burlington Police had some concerns with the open curb cut at Life Time Fitness onto Middlesex Turnpike. They have taken the egress and made some changes to make it more defined including adding a robust landscape island, 11' drive lanes, signage and a crosswalk that is pushed back from Middlesex Turnpike. They will instruct their captive audience that the safest exit is the lights at 4<sup>th</sup> Avenue. The exit will be right hand turn only.

Member Covino stated that if the safest exit is at 4<sup>th</sup> Avenue why keep this open. Mr. DiPietro stated that this entrance gets traffic off of Middlesex. If it is used properly then it is a good egress from the site also. Member Covino stated that he would want a review period and asked what would happen if there are problems during the review period. Mr. Fremont-Smith stated that they would make it a right in entrance only.

Clerk Raymond stated that the monitoring should be in the morning hours because that is when it is busy the most.

Mr. Fremont-Smith stated that they will have to come back to the Board when a retail use is determined. They have deleted the drive-thru from the renderings. A detailed landscape plan has been submitted and the area along Middlesex Turnpike will be heavily landscaped. They are also committed to work on the walking trails around the entire site and have committed to that with the Conservation Commission. The building will be LEED certified, there will be a MBTA bus stop on site, there will be EV charging stations and PV roof top installation and they will be looking at possible solar car ports in the future.

Member Gaffney stated that most of his questions have been answered but he had a follow up question about underground parking for the senior affordable units. He didn't understand what the statement based on the market condition would dictate if they had a covered parking space. Mr. Nordblom stated that the parking is based on market conditions. At the Huntington apartments, the affordable units do not get covered parking. All 2 bedroom units, get 1 covered parking space but not the 1 bedroom units unless they rent it. Member Gaffney stated that he would want that in the agreement that the senior affordable units get 1 covered parking space. Chairman L'Heureux asked of the 23 senior affordable units, how many are 1 and how many are 2 bedrooms. Mr. Nordblom replied he is not exactly sure but it is approximately close to a 50% split. Chairman L'Heureux agreed with Member Gaffney and the seniors should have a covered parking space. Ms. Kassner asked for a unit count breakdown with the parking matrix in the existing apartment buildings now. Member Gaffney asked if the Life Time Fitness membership is one per unit or per person. Mr. Fremont-Smith replied it is one membership per unit and if another resident wants one it is discounted. Member Gaffney stated that it should be free for up to 2 seniors. Chairman L'Heureux stated that they could decline the membership. Attorney Buckley stated that the Life Time Fitness membership was not even part of Town Meeting approval. Member Gaffney replied that was correct, but now it is.



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Member Rappaport stated that she agrees with the covered parking space for seniors is more important than a membership at Life Time Fitness. Mr. Fremont-Smith stated that all units are treated the same.

Member Covino also agreed with the covered parking and that should be in the agreement for the senior affordable units. As far as the membership for Life Time Fitness, as long as they are treated the same he is ok with it.

Vice Chairman Impemba asked if the membership differs between 1 and 2 bedrooms. Mr. Nordblom replied no, there is one membership per unit regardless of the number of bedrooms.

There were no questions from the audience.

**MOTION** - Member Rappaport made a motion to continue this matter to the Planning Board Meeting of March 4, 2021. The motion was seconded by Member Gaffney and unanimously voted 7-0. On a roll call vote: Chairman L'Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, Member Espejo voted Yes and Member Rappaport voted Yes.

**MOTION** - Clerk Raymond made a motion to take items "7.i" through "7.n" together for discussion purposes. The motion was seconded by Member Gaffney and unanimously voted 7-0.

**7.i Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.1 “Light manufacturing or processing plants, prototype manufacturing” of the Zoning Bylaw – 111 Terrace Hall Avenue – SiPhox, Inc., Applicant**

**7.j Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.1.1 “Research and Development” of the Zoning Bylaw – 111 Terrace Hall Avenue – SiPhox, Inc., Applicant**

**7.k 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 Bylaw – 111 Terrace Hall Avenue – SiPhox, Inc., Applicant**

**7.l 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, subject to the Regulations of the Board of Health, see additional regulations in Article X, Section 10.5.0. Biosafety Level 4 (BL-4) laboratories, as defined by the Centers for Disease Control and Prevention, are prohibited in Burlington.” of the Zoning Bylaw – 111 Terrace Hall Avenue – SiPhox, Inc., Applicant**

**7.m 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 Bylaw – 111 Terrace Hall Avenue – SiPhox, Inc., Applicant**



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**7.n 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 Bylaw – 111 Terrace Hall Avenue – SiPhox, Inc., Applicant**

Mike Dubrovsky, Diedrik Vermevlen, Armando Paredes and Mike DeVincent appeared for the public hearings for SiPhox Inc. Mr. Dubrovsky stated that they started their company in a shared lab space in Cambridge and now they want to expand and put down roots and Burlington was a great fit. Their company minimizes optical systems such as RNA/DNA/Proteins on silicon chips. They are working on a handheld COVID-19 detection machine. This will be a single use, rapid test.

Member Gaffney stated that he is going to recuse himself from this hearing.

Mr. Dubrovsky stated that this location will house the office and small lab space but the manufacturing is outsourced and will be done elsewhere. This is a Biosafety Level 1 (BSL-1) lab and they use mild hazardous waste and no live virus is on site. The chips are very small and they produce very little waste. They have contracted with Triumvirate Environmental for their hazardous material storage and pickup. There will be no changes to the exterior of the building and all plumbing work has been done in association with the lab. They hope to have their devices to production in the summer. They have received their approval from the Board of Health.

Ms. Kassner stated that the special permit for Life Science was not needed but there is a condition that if any biological agents are used in the future they would need to come back. This application process is accelerated due to COVID-19. They have received all the department comments and all are in favor.

Member Covino asked how many employees will be onsite. Mr. Dubrovsky replied between 13-20 employees.

There were no questions from the audience.

**MOTION** - Member Espejo made a motion to close the public hearing on this matter. The motion was seconded by Member Covino and unanimously voted 6-0-1. On a roll call vote: Chairman L’Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Gaffney abstained, Member Espejo voted Yes and Member Rappaport voted Yes.

**MOTION** - Member Covino made a motion to approve to approve the request of five (5) Special Permits pursuant to Section 4.2.7.1 “Light Manufacturing or processing plants...”; Section 4.2.7.1.1 “Research and Development”; Section 4.2.7.4 “ Laboratories engaged in research...”; Section 4.2.7.9 “Hazardous and toxic material...”; and Section 4.2.7.11 “Generation or storage of hazardous waste...” of the Burlington Zoning Bylaws, to permit the operation of an photonics and microelectronics firm engaged in research, development, and prototyping of biomedical devices by the name of SiPhox, Inc. on property located within the General Industrial (IG) and Aquifer (A) Districts at 111 Terrace Hall Ave., subject to the terms and conditions contained in exhibit “B” attached. The motion was seconded by Member Rappaport and unanimously voted 6-0-1. On a roll call vote: Chairman L’Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Gaffney abstained from voting, Member Espejo voted Yes and Member Rappaport voted Yes.



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**8. Minutes – January 7, 2021, January 21, 2021 and February 4, 2021**

**MOTION** - Clerk Raymond made a motion to approve the Planning Board minutes of January 7, 2021. The motion was seconded by Member Rappaport and voted 5-0-2. Chairman L’Heureux and Member Espejo abstained from voting.

**MOTION** - Member Covino made a motion to approve the Planning Board minutes of January 21, 2021 and February 4, 2021 as amended. The motion was seconded by Member Espejo and unanimously voted 7-0.

**9. Other Business**

**9.a Discussion**

There was no discussion.

**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 Impemba wanted to thank Dr. Weiner, the Chairman of the Board of Health for advocating for the residents of Burlington trying to get the COVID-19 vaccine.

**MOTION** - Member Rappaport made a motion to adjourn the February 18, 2021 Planning Board meeting at 8:45 PM. The motion was seconded by Member Gaffney and unanimously voted 7-0. On a roll call vote: Chairman L’Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, Member Espejo voted Yes and Member Rappaport voted Yes.

*Respectfully Submitted by Dawn Cathcart,  
Recording Clerk*