



TOWN OF BURLINGTON
PLANNING BOARD MINUTES
MARCH 04, 2021

RECEIVED

By Town Clerk's Office at 9:04 am, Mar 19, 2021

Members Present: Chairman Barbara G. L'Heureux, Vice Chairman Joseph Impemba (Late Arrival), 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 Gelinis

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 March 04, 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 or on Facebook live.

MOTION - Member Covino made a motion to take items "7.c" through "7.g" out of order and together. The motion was seconded by Member Espejo and unanimously voted 5-0.

7.c 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.d 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.e 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.f 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.g 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

Vice Chairman Impemba joined the meeting at 7:03 PM.



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MOTION - Member Covino made a motion to continue these matters to the Planning Board Meeting of March 18, 2021 as requested by the applicant's attorney in an email dated March 3, 2021. The motion was seconded by Member Rappaport and unanimously voted 6-0. On a roll call vote: Chairman L'Heureux voted Yes, Vice Chairman Impemba voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, Member Espejo voted Yes, and Member Rappaport voted Yes.

2. Citizen's Time

There were no citizen's coming forward.

3. Announcements

Ms. Bonventre stated that the ZBRC will meet on Wednesday, March 10th at 6:30 PM via Zoom. The ZBRC Sign Bylaw Subcommittee will meet on Monday, March 15th at 5:30 PM via Zoom. The Housing Partnership will be meeting on March 11th at 6:00 PM via WebEx.

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 Public Hearing – Application for Approval of a Special Permit pursuant to Section 3.7 “Restaurants” of the New England Executive Park Zoning Provisions – 100 & 300 District Avenue – Row 34, Applicant

Attorney Mark Vaughn from Riemer & Braunstein LLP, and Bill Kennedy appeared for the Special Permit for Row 34 at 100 & 350 District Avenue. Attorney Vaughn stated that this site is the current Island Creek Oyster Bar. This has been a challenging year for restaurants and they have already closed one restaurant in Boston. They owners would like to change the restaurant to Row 34. This will focus primarily on seafood but have a lower price point. There are currently Row 34 restaurants in Boston and Portsmouth, NH. There will be no seat count change or outside changes and minor interior upgrades. This is under the same ownership just a different name.

Ms. Kassner stated that there is a partial ownership change but nothing else is changing so they do have a draft decision written.

Vice Chairman Impemba stated that he went an adjacent restaurant the other night and there are 8 prime parking spaces behind the restaurant marked as take out only for a taco place. These were not approved by this Board.

Clerk Paul Raymond joined the meeting at 7:12 PM.



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Attorney Vaughn stated that the take out spots will not continue with this new restaurant. Chairman L'Heureux stated that they should be removed now. Attorney Vaughn stated that the taco kitchen is part of the Island Creek Oyster Bar and is still in operation for now. Vice Chairman Impemba stated that they shouldn't be taking 8 prime spots and they should be removed. Mr. Kennedy stated that the purpose of those spots was to provide contact less takeout of a ghost kitchen. Ms. Kassner stated we can add an agreement or condition regarding take-out spaces but 8 spaces seem a bit much. We could work with the applicant and the Chair to come up with a plan for take-out parking spaces. Chairman L'Heureux stated that regardless the spaces should be removed now.

Shore Gregory joined the meeting. Mr. Gregory stated that the ghost kitchen is still operating and they can reduce the number of spaces. Chairman L'Heureux stated that it's the number but also the location of them. Attorney Vaughn stated that they can be easily moved and will work with Ms. Kassner and the Chair to come up with the best location and number of spaces. Vice Chairman Impemba would want that to happen now, not when Row 34 comes in. Chairman L'Heureux asked that the applicant call the office and schedule a meeting for Monday.

Member Gaffney stated that there should be strong standard language in our permits that any changes in parking including temporary or take out parking must come back before the Planning Board. Ms. Kassner agreed especially when there are shared parking spaces such as this location. We will tighten up the language and send it to the members for approval. Member Gaffney asked why there are two addresses on the permit. Mr. Gregory stated that 300 District Avenue is our address for this location. Member Gaffney stated that the permit should only reference this address.

MOTION - Member Gaffney made a motion to approve the request of Row 34 for a special permit pursuant to Section 3.7 "Restaurants" of the New England Executive Park Zoning Provisions of the Town of Burlington, to allow for the renaming and partial ownership change from Island Creek Oyster Bar to Row 34, no exterior changes are proposed, property located in the Planned Development District and Water Resources (WR) zoning districts at 300 District Avenue contained in Exhibit "A" attached as amended. The motion was seconded by Member Covino 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.

7.b Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.6.2 “Convenience food stores, drugstores, retail stores for sale of beauty and health aids, smoking supplies, periodicals; none with the sale of food intended for consumption on the premises” of the Zoning Bylaw – 207 Cambridge Street – India Food Market, LLC, Applicant

Devendra Patil appeared for the public hearing for 207 Cambridge Street. Mr. Patil stated that he has been at this location since 2019. His current space is ~5,000 SF. The former auto parts place is empty and they are proposing to take over 6,000 SF to add to his location for an Indian grocery store. They are doing online shopping and this space would allow for storage of online orders and extra storage for the store.



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Ms. Kassner asked if the entrance for the store will change. Mr. Patil replied no and it is the same use. Ms. Kassner stated that she will need to check with the Building Department for handicap parking requirements. There is also a significant drainage issue on this site and the Board of Health has been trying to get this address with the property owner for a while now

Member Gaffney asked how much square footage would be left of the former auto parts store. Mr. Patil replied ~11,000 SF. Member Gaffney stated that this is the TCOD and should have additional landscaping and certain signage. Mr. Patil stated that they are not proposing new signage until next year. Their current sign has channel letters. Ms. Kassner stated that signs in the TCOD are not under the Planning Board control yet. We can recommend but can't require certain signage. Member Gaffney stated that we can ask for landscaping to soften the look of the area and help with drainage.

Vice Chairman Impemba asked if a certain interior square footage would trigger the TCOD requirements. Ms. Kassner replied no, there is not a square footage trigger. If there were going to be changes outside, then yes the requirements of the TCOD would be triggered but the Board can add conditions for the approval of the Special Permit.

Member Covino stated that the owner of the property needs to be here for discussions.

Debra and James Walker of 18 Woodcrest Avenue – Mrs. Walker stated that drainage on this site has been awful for years. There is now noise that is coming from new compressors and there are lights on a new shed that spill into her house. Mr. Patil stated that the lights should not be left on at night. They did add 5 new compressors for the walk-in coolers and freezers. Ms. Walker asked if this was permitted because they were never notified. Ms. Kassner stated that she doesn't recall any shed or other construction behind the building because they would have required screening. She will investigate this further. Ms. Walker stated that there is also a lot of trash out back behind the building. Ms. Kassner asked that the Walker's send their contact information to staff so we can keep them informed.

Chairman L'Heureux asked that staff visit the site and take some picture and perhaps schedule a site visit for the Board. She would also like staff to notify the property owners that they need to be present at the next meeting.

Moe Santigelo, Property Manager joined the call.

Chairman L'Heureux stated that there are a list of questions and concerns including drainage that they would like addressed at the next meeting and asked that Mr. Santigelo contact staff. They would also like to conduct a site visit. Mr. Santigelo stated that they are addressing the drainage issue in the spring and they just had their plan approved by Mass DOT. They are currently working with a landscaper. Chairman L'Heureux asked when the back platform was added. Mr. Santigelo replied sometime between 2018 and 2019. Vice Chairman Impemba would like to have the abutters notified of the site visit.

MOTION - Clerk Raymond made a motion to continue this matter to the Planning Board Meeting of March 18, 2021. 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.



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8. Minutes – February 18, 2021

MOTION - Clerk Raymond made a motion to approve the Planning Board minutes of February 18, 2021. The motion was seconded by Member Rappaport and voted 6-0-1. On a roll call vote: Chairman L'Heureux voted Yes, Vice Chairman Impemba abstained from voting, Clerk Raymond voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, Member Espejo voted Yes and Member Rappaport voted Yes.

9. Other Business

9.a.1 Discussion – Winnview Heights II Permitting Process

Ms. Kassner stated that this is a friendly 40B that was submitted in December. This is for 24-26 affordable senior housing with market rate units. They will access the site from Winnview Heights I property. They have not technically submitted a complete package because they are missing civil drawings and drainage calculations so they have been granted an extension of time. The ZBA will be having a peer review for the application and once the application is complete, there will be department comments as well as comments from Boards and Commissions. There are 2 easements on the property and they are getting Town Counsel's opinion on this.

Member Covino encouraged staff to help the ZBA where ever possible.

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

There was no new business.

MOTION - Member Rappaport made a motion to adjourn the March 4, 2021 Planning Board meeting at 8:08 PM. 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.

*Respectfully Submitted by Dawn Cathcart,
Recording Clerk*