



TOWN OF BURLINGTON  
PLANNING BOARD MINUTES  
APRIL 1, 2021

**RECEIVED**

By Town Clerk's Office at 9:09 am, Apr 16, 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 the Meeting to Order**

Chairman L'Heureux called the meeting to order at 7:01 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](mailto:Planning@burlington.org) or on Facebook live.

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

Clerk Raymond joined the meeting at 7:03 PM.

**MOTION** - Clerk Raymond made a motion to take item "7.n" out of order for discussion purposes. The motion was seconded by Member Espejo and unanimously voted 6-0-0.

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

**MOTION** - Member Espejo made a motion to continue this matter to the planning board meeting of April 15, 2021 as requested in an email by the applicant dated April 1, 2021. The motion was seconded by Member Gaffney and unanimously voted 7-0-0. 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.

**2. Citizen's Time**

*Monte Pearson, Town Meeting Member, Precinct #3 and Chairman of the Land Use Committee* – Mr. Pearson stated that he is very upset on how the Richardson Road development is going. The Board of Selectmen voted on March 11, 2019 to support this with no public hearing. It then went to the State for approval and then back to the Board of Selectmen on January 13, 2020 for final approval from them again with no public hearing. It is now at the ZBA and there is finally going to be public input but it is so far into the process that it's wrong. If this gets approved, there will be an apartment building with 24 units in a single family home neighborhood. They are requesting 37 waivers.

Vice Chairman Impemba joined the meeting at 7:12 PM.



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Mr. Pearson asked how can the Board of Selectmen bypass the residents. This is not a democratic process. He is asking The Planning Board members and viewers to contact the Board of Selectmen and ask that they ask the ZBA to deny the project.

Chairman L'Heureux stated that the Planning Board was not involved in this application and from her understanding they have not submitted a complete application. They will wait until there is a complete application before weighing in with our advice. This is a 40B application that doesn't go to the Planning Board. It goes from the Board of Selectmen to the State then to the ZBA. Ms. Kassner stated that she will be helping the ZBA in organizing departmental comments.

### **3. Announcements**

Ms. Bonventre stated that the ZBRC Sign Bylaw Subcommittee will meet on April 5<sup>th</sup> at 5:30 PM via Zoom. Early voting for Town Elections is April 5<sup>th</sup> through April 9<sup>th</sup> at Grandview Farm Hall during office hours. The Annual Town Elections will be on April 10<sup>th</sup> from 8:00 AM to 8:00 PM at the Burlington High School. A Housing Choice Legislation Update with Town Counsel will be held via WebEx on April 14<sup>th</sup> at 12:00 PM and the Zoning Bylaw Review Committee will meet on April 14<sup>th</sup> at 6:30 PM via Zoom.

Member Espejo stated that there was a rally last night to support the Asian Americans and Pacific Islanders communities. It was nice to see the community come in support.

Ms. Kassner stated that the EDC Director will be holding a Town Center Place Making Playbook on April 21<sup>st</sup> at noon time on 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 Continued Public Hearing – To amend the South Avenue I Planned Development (PD) District Zoning By-Laws Use Table to permit the integration of new uses applicable to Parcel C only – Robert Bendetson, Trustee of the Bendetson-Portsmouth Realty Trust, u/d/t dated November 25, 1981, Thomasville Limited Partnership and Burlington Crossing Retail Business Condominium Trust**

Attorney Robert Buckley and Attorney Kristen Hung from Riemer & Braunstein LLP appeared for the continued public hearing for a zoning change for the South Avenue PDD. Attorney Buckley stated that this PDD was done in the 1990s and it was very limited in the uses of a retail, restaurant and hotel only. Long's Jewelers is the only tenant in the three buildings. They have not had any responses to the market and they would like to include the uses allowed in the GB district. There will be no dimensional changes and any potential tenant would require a permit from the Planning Board.



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Ms. Kassner stated that this article expands the uses on this site. The current PDD is very narrow but she is very comfortable with the GB uses since we are looking to diversify.

Member Covino asked if the existing parking would support a medical office or gym. Ms. Kassner replied yes, the spaces are relatively small.

Member Gaffney asked why the PDD was so restrictive. Ms. Kassner stated that she was not here back then. Attorney Buckley stated that the area was in transition and the limited uses worked back then.

There were no questions from the audience.

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

**MOTION** - Member Rappaport made a motion to recommend **FAVORABLY** on the Petition to amend the South Avenue I Planned Development (PD) District Zoning By-Laws Use Table to permit the integration of new uses applicable to Parcel C only, submitted by Robert Bendetson, Trustee of the Bendetson-Portsmouth Realty Trust. The motion was seconded by Member Covino and unanimously voted 7-0-0. On a roll call vote: Chairman L'Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond, Member Covino voted Yes, Member Gaffney voted Yes, Member Espejo voted Yes and Member Rappaport voted Yes.

**7.b Continued Public Hearing – To amend the Network Drive at Northwest Park Planned Development (PD) District Zoning By-Laws to permit the integration of new residential uses and associated dimensional standards, parking requirements and site amenities.– Nordblom Development Company and its affiliate Network Drive Lot 10 Owner LLC**

Attorney Robert Buckley and Attorney Kristen Hung from Riemer & Braunstein LLP and Todd Fremont-Smith from Nordblom Development appeared for the continued public hearing for the zoning change at Network Drive. Attorney Buckley stated that there have been numerous attempts to save the Kent cottage over the years but it is a tough site and the area is surrounded by a Conservation Restriction. They are proposing a zoning change to allow up to 9 residential units. This will include 2 units in the Kent Cottage. Attorney Buckley stated that zoning cannot determine “for sale” units but they will send a letter of intent that the units will be for sale to Town Meeting.

Ms. Kassner stated that last meeting the Board wanted to investigate pedestrian connections and an affordable component. There will be a subcommittee discussion next week.

Vice Chairman Impemba commended Nordblom to try to save the Kent Cottage but he would like to see 1 unit in the Kent Cottage used for historic public access. Attorney Buckley stated that they will look into this.

**Monte Pearson, Town Meeting Member, Precinct #3 and Chairman of the Land Use Committee** – Mr. Pearson stated that his committee is skeptical of the proposal. Any project that saves the Kent Cottage but does not preserve public access, his committee is not in favor of. They are also concerned with the wetlands. There should be a lot more discussion before Town Meeting. Chairman L'Heureux stated



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that this is not a detailed plan, if approved this would go through a rigorous process through the Planning Board as well as Conservation. Mr. Pearson stated that perhaps the applicant should meet with his committee. Attorney Buckley stated that they would be happy to meet with the Land Use Committee.

Attorney Buckley stated that this is a very difficult site with site constraints and he respectfully disagree that there is value of keeping the structure. Chairman L'Heureux agreed that we want to preserve old houses.

**MOTION** - Member Rappaport made to continue this matter to the Planning Board Meeting of April 15, 2021. The motion was seconded by Member Espejo and unanimously voted 7-0-0. 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.c Continued Public Hearing - To amend the Zoning Bylaw Article V and Article VII as they pertain to Floor Area Ratio (FAR) and Parking Structures & Garages – Planning Board, Applicant**

Ms. Kassner stated that this article promotes Life Science uses. This article deals with FAR and Building to Ground percentage for Parking Structures and Garages. She is proposing to bifurcate the article and continue the discussion of FAR to the June 3<sup>rd</sup> Planning Board meeting.

**MOTION** - Member Covino made a motion to bifurcate the proposed FAR Article (Article V of the Zoning Bylaws) and Building to Ground Area Percentage (Article VII of the Zoning Bylaws). Further to continue the portion of the article relating to Article V, F.A.R. to the Planning Board meeting of June 3, 2021. The motion was seconded by Clerk Raymond and unanimously voted 7-0-0. 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.

Ms. Kassner stated that for parking structures were not counted in the Building to Ground percentage. The article for the Café Escadrille included the Building to Ground percentage for the parking structure with the BG zone. The question does it apply to all zones. This article clarifies that it is only for the BG zone.

Member Gaffney asked why it is not included in all zoning district because we could gain green space. Ms. Kassner stated that it would make a lot of areas non-conforming. Member Gaffney stated that those areas would be grandfathered. He would want to see how it impacts other areas and if additional green space could be gained. Ms. Kassner stated that surface parking is not included in the Building to Ground percentage so we are penalizing business if they want to build structured parking if it is included in the percentage because that would reduce the square footage in the building but they could pave the entire site for parking. We need to look at incentives for green space.

Member Covino stated that more discussion is needed. We had analysis done for the BG zones when the Café Escadrille article was proposed.

Clerk Raymond stated that he would want to hear from the Land Use Committee on this issue. Clerk Raymond added that back in the day, parking structures were considered unsafe.



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Vice Chairman Impemba stated that the size of the building is limited by the number of parking spaces. Ms. Kassner stated that all buildings are limited by dimensional regulations including parking. This article is not changing where structured parking could be built. There would be less building if structured parking counts towards the Building to Ground percentage. Vice Chairman stated that we should always look at creating open space. Sites should not allow extra sf in buildings and then be able to add structured parking for additional parking. There should be an incentive that if structured parking is used then open space is provided.

Member Covino stated that he thought that was a clarification. Ms. Kassner stated that the article was not specific enough to BG only and it could be considered in other districts. The article in September was a broad change.

Chairman L'Heureux stated that we should continue to work on the language.

Attorney Buckley stated that Building to Ground percentage is not a controlling factor, FAR is critical when designing a building.

**MOTION** - Member Espejo made a motion to continue this matter to the Planning Board meeting of April 15, 2021. The motion was seconded by Member Gaffney and unanimously voted 7-0-0. 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 take items "7.d", "7.e", "7.f", "7.g", "7.h", "7.i", "7.j", "7.k" and "7.l" together for discussion purposes. The motion was seconded by Member Espejo and unanimously voted 7-0-0. 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.d Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 20 South Avenue – Submitted by the Planning Board**

**7.e Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 40 South Avenue – Submitted by the Planning Board**

**7.f Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 70 Blanchard Road – Submitted by the Planning Board**

**7.g Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 76 Blanchard Road – Submitted by the Planning Board**

**7.h Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 78 Blanchard Road – Submitted by the Planning Board**

**7.i Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 80 Blanchard Road – Submitted by the Planning Board**

**7.j Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 20 Blanchard Road – Submitted by the Planning Board**



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**7.k Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 99 South Bedford Street – Submitted by the Planning Board**

**7.l Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 111 South Bedford Street – Submitted by the Planning Board**

Ms. Kassner stated the abutters were notified within 300' of the properties. These changes will help older buildings transition to new uses. There are three clusters. Cluster A includes the AMC Cinemas and Extended Stay Hotel. They are looking to reposition this area and both of the uses are allowed in IH. Cluster B includes 70, 76, 78 and 80 Blanchard Street. They are looking to attract other uses such as Azzur. Cluster C is the area of South Bedford Street/Blanchard Road. This group has a lot of older buildings. The State has a One Stop for Growth program and there are a lot of grants for infrastructure and other projects. Wheeler Road needs a lot of work. They have sent a letter of interest for State funding. Ms. Kassner added that the name of the district is misleading, High Rise Industrial District allows for 90' high buildings with underground parking. The difference in height in the existing zone is 80' vs. 90'.

Vice Chairman Impemba stated that we need to look at the density difference in existing vs. purposed.

Member Covino stated that IH attracts Life Science and allows for underground parking. Ms. Kassner replied that is correct. The buildings there now are way over FAR and the sites are pretty well paved now. Member Covino stated that he doesn't think density would be an issue.

Member Gaffney stated that most of the buildings in Cluster C are one story buildings but with this change they could be multi-stories 90' high. Blanchard Road cannot handle more traffic and the intersection at Cambridge Street and South Bedford Street needs a lot of improvements especially with Northeastern University. Ms. Kassner stated that Northeastern got us to 25% design and that intersection is now in the State TIP program queue. The improved intersection is the key to redevelopment. Ms. Kassner stated that the buildings could be built higher with the current zoning. Member Gaffney stated that we should wait for the intersection improvements before the zoning change. Ms. Kassner stated that we can get attention from the State if we are improving the corridor. There are a lot of empty offices.

Member Espejo stated that he is fully in favor. We need to be pro-active to generate interest in Life Science.

Member Rappaport stated that she is in favor of the change but it may be premature. We should look at what is allowed in the existing zoning vs. what is proposed with the new zoning. If this is not approved, can the letter of intent still be sent to the State. Ms. Kassner replied yes, it is stronger if we show what we are doing to improve the area. Regardless of the zoning change, we need to look at roadway improvements, bike paths and sidewalks. Member Rappaport stated that she would like to vote on each cluster separately.

Chairman L'Heureux stated that the traffic is her biggest concern. She is not concerned with the purposed new uses or the 10' extra height for buildings. The site could be redeveloped now under the current zoning and going from 1 story to 80' in height is possible. An office use would cause more traffic than a Life Science use in a 90' building. It's a gamble. She does like the idea of voting on the cluster's separately.



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Monte Pearson, Town Meeting Member, Precinct #3 and Chairman of the Land Use Committee – Mr. Pearson stated that the infrastructure should be looked at first before zoning. The traffic is bad at South Bedford Road and Wheeler Road.

Member Covino asked if we should reach out to abutters more than 300'. Mr. Caldwell stated that they mailed out over 110 notifications. Clerk Raymond stated that there is conservation land near the intersection. Ms. Kassner stated that they have worked through that.

**MOTION** - Member Covino made a motion to continue this matter to the Planning Board Meeting of April 15, 2021. The motion was seconded by Member Rappaport and unanimously voted 7-0-0. 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.m Public Hearing - Application for Approval of a Special Permit pursuant to 4.2.6.10 "Restaurants" of the Zoning Bylaw – 10 Wall Street – Waterville Business Development, LLC (d/b/a X-Golf Burlington), Applicant**

Attorney Mark Vaughn from Riemer & Braunstein LLP and John Langevin from X-Golf Burlington appeared for a Special Permit at 10 Wall Street. Attorney Vaughn stated that this is a new restaurant concept. This is the former Chuck E Cheese site. This will be a restaurant with 7 indoor golf simulators. This is in the BG zone and there are no alterations planned for outside except to relocate an entrance door. They have applied for an insignificant change for this. Mr. Langevin stated that there are 30 franchises in the US and they hope to have 50 by the end of the year. The food is mostly appetizers that are frozen and cooked in a convection oven.

Ms. Kassner stated that they would like to have a little more information on the restaurant portion of the business. They need to look at odor control system because it is old and may need to be updated. The virtual golf aspect of the business is intriguing.

Member Espejo asked what the hours of operation are. Mr. Langevin replied roughly between 10:00 AM to 10:00 PM but the hours may vary during the winter time when it is the busy time.

Vice Chairman Impemba asked what type of meals will be served. Attorney Vaughn stated that this establishment will serve a casual menu of appetizers and liquor.

Chairman L'Heureux asked if this will have a full liquor license. Attorney Vaughn replied yes. Chairman L'Heureux asked if this would be open for everyone or would it be limited to 21. Mr. Langevin stated that they are planning on opening it up to everyone and their servers will be TIPS certified.

There were no questions from the audience.

**MOTION** - Member Covino made a motion to continue this matter to the Planning Board Meeting of April 15, 2021. The motion was seconded by Member Rappaport and unanimously voted 7-0-0. 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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**7.o Continued 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**

Chairman L’Heureux stated that the applicant has requested that this be withdrawn. There are outstanding issues that need to be dealt with. Ms. Kassner stated that they will be reaching out to the applicant but a lot of the issues are with the property owner. The drainage plan is coming in and O’Reilly’s have to come in with a Special Permit Site Plan. The owner is trying to get into compliance and the tenant be still be working with the Building Department to screen the condensers.

Member Gaffney stated that there were 5 condensers installed without permits. Ms. Kassner stated that will be part of the Site Plan. Member Gaffney stated that it is not typical but he likes the fact that the entire site being addressed. Ms. Kassner stated that the property owner will need to file a Site Plan for drainage but will coordinate the entire site. When a tenant comes in they require an updated record site plan for a property. All the items that were not approved by the Planning Board would need to be approved by the Planning Board or they need to be removed.

**MOTION** - Member Espejo made a motion that the Planning Board hereby accepts the request of India Food Market, LLC to withdraw the Application for Special Permit pursuant to Section 4.2.6.2.1 “Supermarket” of the Burlington Zoning Bylaw for property at 207 Cambridge Street (Units C and D), without prejudice, as requested by the Applicant in an email dated March 24, 2021.. The motion was seconded by Member Rappaport and unanimously voted 7-0-0. 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.p Public Hearing Continue Public Hearing- Application for Approval of a Special Permit pursuant to 4.3.2.8 “Maintenance shops, power plants, machine shops and similar structures to support permitted uses” of the Zoning Bylaw – 60 Blanchard Road – Azzur Clean-Rooms-On-Demand-Burlington LLC, Applicant**

Ms. Kassner stated that the Azzur has decided to go with the natural gas generator and not move forward with a cogenerating plant.

**MOTION** - Member Covino made a motion that the Planning Board hereby accepts the request of Azzur Clean-Rooms-On-Demand-Burlington, LLC to withdraw the Application for Special Permit pursuant to Section 4.3.2.8 “Maintenance shops, power plants, machine shops and similar structures to support permitted uses” of the Burlington Zoning Bylaw for property at 60 Blanchard Road without prejudice, as requested by the Applicant’s attorney in an email dated March 29, 2021. The motion was seconded by Member Gaffney and unanimously voted 7-0-0. 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.

**8. Minutes – March 18, 2021**

**MOTION** - Member Espejo made a motion to approve the Planning Board minutes of March 18, 2021. The motion was seconded by Member Covino and voted 7-0-0. On a roll call vote: Chairman





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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.

**9. Other Business**

**9.a Discussion**

There was no discussion.

**9.b Correspondence**

There was no correspondence.

**9.c Reports from Town Counsel**

There was no report 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 Covino made a motion to adjourn the April 1, 2021 Planning Board meeting at 9:31 PM. The motion was seconded by Member Rappaport and unanimously voted 7-0-0. 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*