

TOWN OF BURLINGTON  
PLANNING BOARD MINUTES  
APRIL 02, 2020

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

**Members Absent:** Brenda Rappaport

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

**Others Present:** Dr. Ed Weiner, Chairman of the Board of Health; Christine Mathis, Board of Health Environmental Engineer; John Warren, Attorney Robert Buckley, Attorney Kristin Hung, Anupam Ghildyal, David Miller, Maura DiTucci, Frank DiPetro, Martin Feldmann, and Shari Ellis.

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

On a Roll Call for attendance: Chairman L'Heureux voted present, Vice Chair Impemba voted present, Clerk Espejo voted present, Member Covino voted present, Member Gaffney voted present and Member Raymond voted present. Member Rappaport is absent.

Ms. L'Heureux called the meeting to order at 7:00 PM. The Town of Burlington will be holding the April 2, 2020 Planning Board as a virtual/electronic meeting due to the current State of Emergency due to the COVID-19 virus. As such, the Governor issued an Executive Order on March 12, 2020 authorizing remote meeting under M.G.L c. 30A, Section 20. This meeting is being held via Cisco WebEx. Ms. Kassner stated that the public can join the meeting via the WebEx link posted on the Town's website, can call in by dialing 408-418-9388. 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.

MOTION - Mr. Espejo made a motion to take items "6.a" out of order for discussion purposes. The motion was seconded by Mr. Covino and unanimously voted 6-0.

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

MOTION - Mr. Raymond made a motion to continue this matter to the Planning Board meeting of April 16, 2020. The motion was seconded by Mr. Covino and unanimously voted 6-0.

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

### **7.g 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**

TOWN OF BURLINGTON  
PLANNING BOARD MINUTES  
APRIL 02, 2020

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

MOTION - Mr. Espejo made a motion to continue these matters to the Planning Board meeting of April 16, 2020 as requested in an email by the Applicant’s engineer on March 28, 2020. The motion was seconded by Mr. Covino and unanimously voted 6-0.

MOTION - Mr. Espejo made a motion to take items “7.i” out of order for discussion purposes. The motion was seconded by Mr. Covino and unanimously voted 6-0.

**7.i Petition to Amend the Zoning Bylaw, Article II “Definitions” and Article IV “Use Regulations” to Address and Define Uses Pertaining to Short Term Rentals – Submitted by the Planning Board**

MOTION - Mr. Espejo made a motion to continue this matter to the Planning Board meeting of April 16, 2020. The motion was seconded by Mr. Covino and unanimously voted 6-0.

MOTION - Mr. Espejo made a motion to take items “7.j”, “7.k”, “7.l”, “7.m”, “7.n”, “7.o”, “7.p” and “7.q” together and out of order for discussion purposes. The motion was seconded by Mr. Covino and unanimously voted 6-0.

**7.j Public Hearing – Petition to amend the Zoning Bylaw, Article I.X “Administration and Procedures” as it pertains to permitting procedures – Submitted by the Planning Board**

**7.k Public Hearing – Petition to amend the Planning Board Procedural Rules and Regulations as they pertain to permitting procedures– Submitted by the Planning Board**

**7.l Public Hearing – Petition to amend the Rules and Regulations Governing the Subdivision of Land in Burlington as they pertain to permitting procedures– Submitted by the Planning Board**

**7.m Public Hearing – Petition to amend the Planning Board Special Permit Rules and Regulations as they pertain to permitting procedures– Submitted by the Planning Board**

**7.n Public Hearing – Petition to amend the Planning Board Site Plan Rules and Regulations as they pertain to permitting procedures– Submitted by the Planning Board**

**7.o Public Hearing – Petition to amend the Planned Development Rules and Regulations as they pertain to permitting procedures– Submitted by the Planning Board**

**7.p Public Hearing – Petition to amend the Planning Board Town Center Design Rules and Regulations as they pertain to permitting procedures– Submitted by the Planning Board**

**7.q Public Hearing – Petition to amend the Small Wireless Facility Design Rules and Regulations as they pertain to permitting procedures– Submitted by the Planning Board**

Ms. Kassner stated that all of these changes are relative to allowing for electronic submission.

MOTION - Mr. Espejo made a motion to continue these matters to the Planning Board meeting of April 16, 2020. The motion was seconded by Mr. Covino and unanimously voted 6-0.

TOWN OF BURLINGTON  
PLANNING BOARD MINUTES  
APRIL 02, 2020

MOTION - Mr. Espejo made a motion to take items “7.r”, “7.s”, “7.t” and “7.u” together and out of order for discussion purposes. The motion was second by Mr. Covino and unanimously voted 6-0.

**7.r Continued Public Hearing - Petition to amend the Zoning Bylaw, Article II “Definitions” and Article IV “Use Regulations” to address and define uses pertaining to Parking Structures – Submitted by Escadrille Realty, LLC**

**7.s Continued Public Hearing - Petition to amend the Zoning Bylaw, Article V “Dimensional Regulation Schedule” as it pertains to parking structures – Submitted by Escadrille Realty, LLC**

**7.t Continued Public Hearing - Petition to amend the Zoning Bylaw, Article VII “Parking Structures” to modify the requirements for parking garages – Submitted by Escadrille Realty, LLC**

**7.u Continued Public Hearing - Petition to rezone property to the General Business (BG) District – 1-3 Ray Avenue – Ray Avenue Trust, Applicant**

MOTION - Mr. Espejo made a motion to continue these matters to the Planning Board meeting of April 16, 2020 as requested by the Applicant’s attorney in an email dated April 1, 2020. The motion was seconded by Mr. Covino and unanimously voted 6-0.

**2. Citizens’ Time**

No one came forward.

**3. Announcements**

Ms. Kassner stated that on Monday, March 23, 2020, Governor Baker issued a “stay home” directive advising that all non-essential workplace function and operation be performed remotely to the extent possible. After consulting with the Burlington Board of Health, non-essential employees in the Town of Burlington are being directed to work remotely beginning Tuesday, March 24, 2020 until April 7, 2020 or until otherwise directed by the Town Administrator. The Town’s Police, Fire, and Public Works departments have all been deemed essential by the Governor and are continuing to serve the community in their usual capacity. The Planning Staff are all working remotely. As always, will still be available via e-mail at [Planning@Burlington.org](mailto:Planning@Burlington.org) Staff’s office phones have all been forwarded to our cell phones including the main office line at 781-270-1645. Ms. Kassner stated that the Town Election has been moved to June 6, 2020 and the Town Meeting has be rescheduled for June 10, 2020.

**4. Legal Notices of Interest**

There were no legal notices.

**5. Non-Approvals**

There were no non-approvals.

TOWN OF BURLINGTON  
PLANNING BOARD MINUTES  
APRIL 02, 2020

**6. Administrative Matters**

**7. Matters of Appointment**

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

**7.a Continued Public Hearing - Application for Approval of Special Permit pursuant to Section 12.1.5 “PD Special Permit” of the Zoning Bylaws –20 North Avenue – VulcanForms, Inc., Applicant**

**7.b Continued Public Hearing - Application for Approval of a Special Permit pursuant to Section 1.5.1 “Light Manufacturing or Processing Plants” of the Zoning Bylaws –20 North Avenue – VulcanForms, Inc., Applicant**

**7.c Continued Public Hearing - Application for Approval of a Special Permit pursuant to Section 1.5.2 “Laboratories engaged in research experimental and testing activities including, but not limited to, the fields of biology, chemistry, electronics, engineering, geology, medicine and physics subject to the Planning Board making the findings set forth in Section 8.3.7.4 of the Zoning Bylaws and subject to the applicable rules and regulations of the Board of Health” of the Zoning Bylaws –20 North Avenue – VulcanForms, Inc., Applicant**

**7.d Continued 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 Zoning Bylaws –20 North Avenue – VulcanForms, Inc., Applicant**

**7.e Continued Public Hearing - Application for Approval of Special Permit pursuant to Section 1.5.5 “Generation or storage of hazardous waste limited to the volumes classified as very small quantity generator” of the Zoning Bylaws –20 North Avenue – VulcanForms, Inc., Applicant**

**7.f Continued Discussion – Application for Approval of a Minor Engineering Change – 20 North Avenue – VulcanForms, Inc. Applicant**

Attorney Kristine Hung and Attorney Robert Buckley from Riemer & Braunstein LLP, Frank DiPetro from the BSC Group Martin Feldmann, John Warren, Anupam Ghildyal and Maura DiTucci from VulcanForms appeared to discuss a Special Permit for 20 North Avenue. Also joining for discussion was Dr. Weiner and Ms. Mathis from the Board of Health. Attorney Hung stated that VulcanForms is relocating their corporate headquarters to Burlington. They are applying for Special Permits and a Minor Engineering Change. The Minor Engineering Change includes installing an argon gas tank outside with a fence and bollards and installing an overhead door and installing a chiller unit for the HVAC. They have met with the Board of Health and their subcommittee and they have approved the project with a list of conditions. The applicant has agreed with all the proposed Board of Health conditions. They are also going to apply to the Board of Selectmen for a flammable storage license. Ms. Hung stated that the Fire Department and Building Department have conducted site visits. The

TOWN OF BURLINGTON  
PLANNING BOARD MINUTES  
APRIL 02, 2020

Building Department requested a code review and that was delivered to the Building Department and there were no issues.

Mr. Feldmann stated that he is President and CEO of VulcanForms. VulcanForms is a manufacturing company of complex parts for defense, aviation and medical components. They use gas to mold the metal powder by fusion to create a layer by layer of metal components. Then use 3D printers to complete the model. They chose Burlington because there is a cluster of 3D metal companies and it is a great location.

Ms. Kassner stated that it is always a challenge with new technologies coming in on what is required for review and permits. The Board of Health has been involved and their review along with the Fire and Building Departments have been very in depth.

Ms. Mathis stated that they did extensive research and held a subcommittee meeting. They are comfortable with the conditions that were agreed to. Dr. Weiner stated that there were substantial conditions attached to their approval and if there are any questions, we can try to answer them.

Ms. Bonventre read the department comments.

Mr. Covino asked if the Board of Health is satisfied that the conditions the BOH has asked the PB to include will protect the public. Dr. Weiner replied yes, the conditions that they have required will be appropriate and safe. Ms. Mathis stated that that part of condition #1 was that they provide modified plans. Those have been provided. There is also a condition that an inspection will be required prior to occupancy.

Mr. Raymond stated that as long as the Board of Health is ok with the application, he is ok.

Mr. Impemba agreed but asked if anyone reached out to the Town of Waltham to see if there were any issues. Dr. Weiner stated that they did an independent review and most municipalities do not have an Environmental Engineer on staff. Ms. Mathis stated that they have had many conversations with the Fire Department. They work with metal powders and they have an initial inspection prior to the Board of Health meeting. The operation was very limited in Waltham versus what they are going to use here.

Attorney Hung read an email from Captain Mike Hannifin to Town Administrator Paul Sagarino.

Mr. Gaffney asked what the high intensity light is shown on the plan. Mr. DiPetro stated that has been on the building for a long time but will check with Nordblom about changing it. Mr. Gaffney would like it changed to an LED light.

Ms. L'Heureux stated that she is so grateful that we have a professional Board of Health.

Attorney Buckley stated that VulcanForms wanted to come to Burlington to be around the cluster of new technology similar to theirs. This will be the nucleus of Research and Developer for VulcanForms.

There were no questions from the audience.

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. On a Roll Call vote: Chairman L'Heureux voted Yes, Vice Chair Impemba voted Yes, Clerk Espejo voted Yes,

TOWN OF BURLINGTON  
PLANNING BOARD MINUTES  
APRIL 02, 2020

Member Covino voted Yes, Member Gaffney voted Yes and Member Raymond voted Yes. Member Rappaport is not present.

MOTION - Mr. Espejo made a motion to approve the request of VulcanForms, Inc. for a Special Permit pursuant to Section 1.5.1 “Light Manufacturing or Processing Plants”, Section 1.5.2 “Laboratories engaged in research experimental and testing activities including, but not limited to, the fields of biology, chemistry, electronics, engineering, geology, medicine and physics subject to the Planning Board making the findings set forth in Section 8.3.7.4 of the Zoning Bylaws and subject to the applicable rules and regulations of the Board of Health”, Section 1.5.4 “Hazardous and toxic materials/chemical use storage, transport, disposal or discharge” and Section 1.5.5 “Generation or storage of hazardous waste limited to the volumes classified as very small quantity generator” of the Northwest park PDD Zoning Provisions and Bylaws and Section 12.1.5 “PD Special Permit” of the Zoning Bylaws to allow for the operation of an additive manufacturing process and storage of materials including metal powders and for the installation of an exterior Argon Gas tank at 20 North Avenue in the Northwest park Planned Development District and Water Resources (WR) Districts, subject to the terms and conditions contained in exhibit “A”. The motion was seconded by Mr. Covino and unanimously voted 6-0. On a Roll Call vote: Chairman L’Heureux voted Yes, Vice Chair Impemba voted Yes, Clerk Espejo voted Yes, Member Covino voted Yes, Member Gaffney voted Yes and Member Raymond voted Yes. Member Rappaport is absent.

MOTION - Mr. Espejo made a motion to approve the request for approval of a Minor Engineering Change for property located at 20 North Avenue to install a new 20’ overhead door, a 5’x6.25’ concrete pad for a new Argon gas tank with fence enclosure, and additional site improvements as reflected on the redlined site plan entitled “Vulcan Forms Minor Engineering Change 20 North Avenue in Burlington Massachusetts (Middlesex County) Site Development and Use Plan” prepared by BSC, dated January 31, 2020 consisting of one (1) sheet and interior floor plans entitled “VulcanForms Building #29 20 North Avenue Burlington, MA,” prepared by Mangel Architects dated March 14, 2020 consisting of two (2) sheets, subject to the following revisions, terms, and conditions as amended. The motion was seconded by Mr. Covino and unanimously voted 6-0. On a Roll Call vote: Chairman L’Heureux voted Yes, Vice Chair Impemba voted Yes, Clerk Espejo voted Yes, Member Covino voted Yes, Member Gaffney voted Yes and Member Raymond voted Yes. Member Rappaport is absent.

**8. Minutes – 01/02/20, 01/16/20 and 02/06/20**

Mr. Impemba stated that he has not had a chance to review the minutes.

MOTION - Mr. Espejo made a motion to approve the Planning Board minutes of January 02, 2020 as submitted. The motion was seconded by Mr. Covino and voted 3-0-3. On a Roll Call vote: Chairman L’Heureux voted Yes, Clerk Espejo voted Yes and Member Covino voted Yes. Vice Chair Impemba Abstained, Mr. Raymond Abstained and Mr. Gaffney Abstained. Member Rappaport is absent.

MOTION - Mr. Espejo made a motion to approve the Planning Board minutes of January 16, 2020 as submitted. The motion was seconded by Mr. Covino and voted 5-0-1. On a Roll Call

TOWN OF BURLINGTON  
PLANNING BOARD MINUTES  
APRIL 02, 2020

vote: Chairman L'Heureux voted Yes, Clerk Espejo voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, and Member Raymond voted Yes. Vice Chair Impemba Abstained. Member Rappaport is absent.

MOTION - Mr. Espejo made a motion to approve the Planning Board minutes of February 6, 2020 as submitted. The motion was seconded by Mr. Covino and voted 5-0-1. On a Roll Call vote: Chairman L'Heureux voted Yes, Clerk Espejo voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, and Member Raymond voted Yes. Vice Chair Impemba Abstained. Member Rappaport is absent.

**9. Other Business**

**9.a Discussion**

**9.a.i. Planning Board Signatures**

MOTION - Mr. Espejo made a motion that the Planning Board hereby assigns the Chairman to sign any required documents on the entire Planning Board's behalf, including but not limited to documents associated with Special Permits, Site Plans and Subdivisions. This shall remain in place for the length of the COVID-19 State of Emergency to the next regularly scheduled Planning Board meeting proceeding the declaration that the State of Emergency has ended in Massachusetts. The motion was seconded by Mr. Covino and unanimously voted 6-0. On a Roll Call vote: Chairman L'Heureux voted Yes, Vice Chair Impemba voted Yes, Clerk Espejo voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, and Member Raymond voted Yes. Member Rappaport is absent.

**9.a.ii. Minor Engineering Changes**

MOTION - Mr. Espejo made a motion that during the length of the COVID-19 State of Emergency, the Planning Board hereby temporarily modifies the process to review Minor Engineering Changes. During this temporary period, Minor Engineering Changes will be reviewed by Town Staff and approved by the Planning Board Chairman. In some cases where the Minor Engineering Change is broader in scope the Chairman at their discretion may require the application be reviewed and approved by the full Planning Board. The motion was seconded by Mr. Covino and unanimously voted 6-0. . On a Roll Call vote: Chairman L'Heureux voted Yes, Vice Chair Impemba voted Yes, Clerk Espejo voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, and Member Raymond voted Yes. Member Rappaport is absent.

Mr. Raymond stated that if there are any questions on the change, it should be brought to the Board. Ms. L'Heureux stated that this would only be for routine things. Ms. Kassner added that all changes will have a full department review.

**9.b Correspondence**

There was no correspondence.

**9.c Reports from Town Counsel**

There were no reports from Town Counsel.

TOWN OF BURLINGTON  
PLANNING BOARD MINUTES  
APRIL 02, 2020

**9.d Subcommittee Reports**

There were no subcommittee reports.

**9.e Unfinished Business**

There was no unfinished business.

**9.f New Business**

MOTION - Mr. Espejo made a motion to adjourn the April 2, 2020 Planning Board meeting at 8:07 PM. The motion was seconded by Mr. Covino and unanimously voted 6-0.

*Respectfully Submitted by Dawn Cathcart,  
Recording Clerk*