



TOWN OF BURLINGTON  
PLANNING BOARD MINUTES  
MAY 7, 2020

**RECEIVED**

By Town Clerk's Office at 9:11 am, May 26, 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 Gelinis, Recording Clerk Dawn Cathcart

**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 was not in attendance.

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. 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, 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 "7.g" out of order for discussion purposes. The motion was seconded by Mr. Impemba 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.

**7.g 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 May 21, 2020. The motion was seconded by Mr. Impemba 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.

**MOTION** - Mr. Espejo made a motion to take items "7.h" out of order for discussion purposes. The motion was seconded by Mr. Gaffney 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.

**7.h 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**

**MOTION** - Mr. Espejo made a motion to continue this matter to the Planning Board meeting of May 21, 2020. The motion was seconded by Mr. Gaffney 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.



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**MOTION** - Mr. Espejo made a motion to take items “7.i”, “7.j”, “7.k”, “7.l”, “7.m”, “7.n”, and “7.o” together and out of order for discussion purposes. The motion was seconded by Mr. Gaffney 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, Member Raymond voted yes and Member Rappaport voted yes.

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

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

**7.n 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.o 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 July 16, 2020. The motion was seconded by Mr. Raymond 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, Member Raymond voted yes and Member Rappaport voted yes.

**MOTION** - Mr. Espejo made a motion to take items “7.t” and “7.u” together and out of order for discussion purposes. The motion was seconded by Mr. Raymond 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, Member Raymond voted yes and Member Rappaport voted yes.

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



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**MOTION** - Mr. Espejo made a motion that the Planning Board requests an update from the Applicant at the next meeting regarding clean-up and screening efforts on site and to continue these matters to the Planning Board meeting of May 21, 2020 as requested in an email by the Applicant's engineer. The motion was seconded by Mr. Raymond 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, Member Raymond voted yes and Member Rappaport voted yes.

**2. Citizens' Time**

No one came forward.

**3. Announcements**

Ms. Kassner stated that the Planning Staff are all still 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. Polling hours will be 7:00 AM to 8:00 PM at the Burlington High School. Due to the State of Emergency, any voter can request a ballot in advance for Early Voting. Visit the Town Clerk's website. The Town Clerk is also looking for workers during the election. You must be 18 years old. Town Meeting has been rescheduled for June 10, 2020 at 7:00 PM in the Burlington High School Auditorium. The Federal Census is ongoing and should be filled out and the Town Census is ongoing. Ms. Kassner stated that this will be Ms. Bonventre last meeting before going on maternity leave.

Mr. Gaffney stated that he was told that helpers for the election cannot be related to any candidate on the ballot.

**4. Legal Notices of Interest**

There were no legal notices.

**5. Non-Approvals**

There were no non-approvals.

**6. Administrative Matters**

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

Taylor Dowdy, BSC Group, Town Peer Review; Ed Champy and Stephen Dresser appeared for the continued discussion of a Minor Engineering Change at 3 & 5 Dartmouth Road. Ms. Kassner stated that the Town hired BSC Group as a peer review because the issues that were coming up were outside of the expertise of Town staff. They are paid by the applicant but they work for the Town.

Mr. Dowdy stated that they started the review of this project back in February. They reviewed the plans, past correspondence, zoning bylaws, Mass DEP regulations and general engineering design as well as the updated plans submitted in November 2019. A site visit was conducted in March and provided a memo dated May 1, 2020 with 5 recommendations.



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Mr. Gaffney stated in the initial review, Item #6, it was confirmed that the lots were raised 2' higher than the approved plan. What is the remedy for this and asked if this would impact the neighbors. Ms. L'Heureux stated that the Planning Board will make the decision on what needs to happen. Mr. Dowdy stated that the 2' could impact the neighbors but he would defer to the Planning Board. Mr. Raymond stated that consultant should give us options.

Mr. Covino asked how an additional infiltration device would work. Mr. Dowdy stated that it would be a perforated pipe in a crush stone bed and would be a separate infiltration into the ground. The calculations were included for this separate system. Mr. Covino stated that he wants what is best for the neighborhood.

Ms. L'Heureux asked who would provide a statement of compliance in regards to the wall. Mr. Dowdy stated that the applicant's engineer has already provided that.

Ms. Kassner read into the record an email from Laurie Langone of 3 Williams Circle. She also stated that they received emails from Reginald Griffin and Tony Matarazzo but both residents are on the webinar.

Reginald Griffin of 25 Gloria Circle – Mr. Griffin stated that he did send a letter for the record and he will let those comments stand. He did ask if they are going to fix a low spot in the cul-de-sac they should make the radius larger so large trucks (Fire trucks, trash trucks, etc.) can go around the circle without having to do 7 point turns. Mr. Champy stated that happened in the original cul-de-sac, not the new one. Mr. Dresser stated that the new cul-de-sac meets the turnaround guidelines. Mr. Griffin asked if the irrigation system was installed over infiltration system, would that compromise the infiltration system. Mr. Dowdy stated that is it common to have irrigation systems because the amount of water from a sprinkler system only goes to the roots of the grass so it mostly remains on the surface no more than 12" down. Mr. Gaffney asked if there is a maximum output from the irrigation allowed and does it have a governor. Mr. Dowdy stated that he is not sure how this system works. Mr. Gaffney asked if we can add a condition that there can only be certain amount of output during a period of time. Ms. Kassner stated that we can take note and ask the question.

Tony Matarazzo of 2 Dartmouth Road – Mr. Matarazzo stated that his email depicts his concerns and most of them did not fall under what was reviewed by the Peer Reviewer so he can wait until the next meeting.

David Miller of 19 Gloria Circle and Town Meeting Member – Mr. Miller stated that in the new cul-de-sac does not allow trucks to go around the landscape island. Ms. Kassner stated that this will be logged and we can get an answer. Mr. Miller stated that the 2' grade increase is significant and asked what is going to be done. This should not be allowed to stand and it sets a bad precedent that contractors can do whatever they want. The 2' additional grade should be removed. Ms. L'Heureux stated that she tends to agree and this will be discussed. Mr. Miller stated that the houses and driveways at 3 and 5 Dartmouth were not as shown on the approved plans. There are 2 downspouts that are not connected and the driveways were done that were not on the approved plans. Mr. Miller stated that regrading will direct more water towards the abutters. Mr. Dowdy stated that area drains towards Dartmouth Road. Mr. Dresser stated that water flows to the catch basin on University Ave.



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They have also eliminated pavement which will reduce runoff. Ms. L'Heureux stated that this should be added to the inspection list.

Mr. Miller asked if the peer reviewer looked at 5 Dartmouth Road from his property. Mr. Dowdy replied no. He walked along the top and bottom of the rock wall. Mr. Miller stated that the wall is collapsing and there are boulders missing. There is nothing holding the driveway up at 5 Dartmouth Road. Ms. L'Heureux asked if the wall was stable. Mr. Dresser stated that he is not aware of any boulders coming out. The wall is only 2' high and is not holding up the driveway at 5 Dartmouth Road. Ms. L'Heureux stated that she has visited the site and the wall is a significant wall and more than 2' in height. Mr. Miller stated that the boulders are not interlocked. Mr. Dresser stated that he is a PE and the wall is not a collapsible event. Mr. Dowdy stated that a structural engineer should look at the wall. Ms. L'Heureux stated that should be added to the list of things to be addressed.

Mr. Miller stated that there is a discrepancy on the plan with a 4-bay or a swale. Mr. Dowdy stated that the November 2019 plan showed that water was directed into a 4-bay but the plans submitted in April 2020 shows the 4-bay has been replaced with a small infiltration system. Mr. Miller stated that there is water that is pooling by the swale. Mr. Dresser stated that the calculation show it can handle all the water from the driveway. Mr. Miller asked if this includes snow. Mr. Dresser replied yes. Mr. Miller stated that if the system fails than the abutters get flooded, not the new house. This needs to reduce the risk to abutters. The developer has shown that they can't do normal maintenance so how can the abutters depend on a homeowners association to keep up with maintenance. He has lived at this house for 40 years and there has been no water in the back yard but since 3 & 5 Dartmouth Road were built there has been water. We are at this point because the developer did not do what was on the approved plans. The drainage should be between 3 & 5 Dartmouth Road instead of the back. Mr. Dowdy stated that the Cape Cod burm is 4" high but they could change it to 6" vertical curbing. Ms. L'Heureux stated that action items to look at is vertical granite curbing, infiltration under the driveway and sloping the driveway away from the abutters. Mr. Miller stated that there are a lot of issues that were on site and wondered how this was signed off for occupancy including the location of the driveways and downspouts not connected. Ms. Kassner stated that she will answer this but she needs to look at the timing of when things occurred. Ms. L'Heureux stated that we can take this and try to figure out what happened but also use this as a learning exercise of what can be done better in the future. The biggest issue is that there are still outstanding issues with this site.

Mr. Matarazzo stated that the new cul-de-sac has an island in the middle of it and the trucks do have issues getting around it. This was brought up multiple times during pre-approval and as well as to the traffic officer. There is now electricity under it. Mr. Dresser asked if there were problems with trucks in the old cul-de-sac. Mr. Matarazzo replied no, because there was no island in the middle. Mr. Dresser stated that it is a 40' radius as the approved plan showed and the landscape island was a Planning Board requirement. Mr. Matarazzo stated that with the old cul-de-sac the water would flow down the street. Mr. Matarazzo asked that the regrading at the old cul-de-sac be done in conjunction with the removal of the extra utility pole. He would also like to know what is being done with 4 Dartmouth Road before the regrading is done. Mr. Dresser agreed that the regrading will be done with the removal of the utility pole.





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Mr. Impemba stated that there are so many issues he doesn't know where to start. The grading and drainage needs to be addressed and all the concerns from the neighbors need to be addressed. If the drainage fails, then the neighbors will be impacted. Mr. Impemba stated that the 2' increased grade is not in compliance with the approved plans and it was done after the fact. The 2' should be removed unless the consultant thinks it will not impact the neighbors. The 6" vertical granite should also be looked at.

Mr. Espejo stated that he walked Mr. Miller's back yard. There is definitely a question of the stability of the wall and he has seen the pooling of the water.

Mr. Covino asked why the 2' was added. Mr. Dresser stated that it was not required for construction but it was done to give a nicer back yard. The 2' does not affect drainage. There is only a 4-8% change in slope which is not a big change. The new owners have installed a sprinkler system and nice fence. Mr. Covino stated that we need to know the significance of the 2' and what it means to the drainage and asked Mr. Dowdy to look at it. Ms. L'Heureux stated that it was done after the sign off. Mr. Champy disagreed, it was done prior to occupancy. Ms. L'Heureux stated that we need to determine the effects of the 2' and asked if we have heard from the people who live in the house now. Ms. Kassner replied no. They were sent letters in August and were notified of the peer review.

Mr. Raymond stated we he started with the Planning Board, developers did what they wanted. We have tightened up the process and they need to come in and ask for Minor Engineering Changes. There is no excuse for developers to do something not on the approved plans. Everyone has phones and communication is easy. We should insist that the developer go by the originally approved plans unless there is proof that the changes are better.

Mr. Gaffney asked if the only options are to leave as is or have them remove it. Ms. Kassner stated that we need to determine what the best elevation for the neighbors is. Mr. Gaffney asked the consultant what he had seen for examples of remedies. The peer reviewer should look at this and let us know what the best option is.

Ms. L'Heureux stated that there are so many issues. The 2' grade was added after occupancy and that is egregious. This needs to be investigated and have it determined if this is same or worse as the original plan. If it is the same, then it should be removed and if it is better for the neighbors we should discuss it. We also need to make sure that developers cannot do what they want and then come in and ask. A structural engineer should look at the wall and we should look at the new cul-de-sac and find out what trucks cannot get around the circle. The driveways were changed from the original plan and we need to see what the impacts are from those changes. The driveway changes including vertical granite curbing and connecting the downspouts should be looked at. As well as the slope going the correct way and the infiltration system under the driveway.

Mr. Champy stated that the peer review provided no definitive answers. There is not a blanket 2' in the backyard it was only raised in some spots. They could also do something around the yard to alleviate any water issues and they would be open to discuss different solutions. The fill was brought in before the occupancy. Mrs. L'Heureux stated that town officials and neighbors state otherwise, and she believes them. The stone wall can be replaced. He would ask that the peer review look at the swale on their property before going onto Mr. Miller's land. Mr. Champy asked if he can go in and clean out



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the catch basins and put in the silt sacks as outlined by the peer review. We are hesitant because of the cease and desist. Ms. L'Heureux stated that there is a dumpster that is overflowing, and trash is onsite that needs to be taken care of. Ms. Kassner stated that any maintenance of the drainage should be allowed to move forward but she will check with the Building Department, Engineering Department and Conservation. Ms. L'Heureux stated that there is a lot more to discuss.

Mr. Impemba stated that the wall should be addressed right now. Ms. Kassner stated that the drainage should be addressed first but the wall can be addressed at the next meeting.

**MOTION** - Mr. Raymond made a motion to continue to allow the developer to perform the recommendations of the BSC Group in the memo dated May 1, 2020, Recommendation #5a, 5b and 5c as well as remove the trash and overflow dumpster. 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.

**MOTION** - Mr. Espejo made a motion to continue this matter to the Planning Board meeting of May 21, 2020. 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.

## **7. Matters of Appointment**

Mr. Espejo made a motion to take items "7.a" and "7.b" together for discussion purposes. 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, Member Raymond voted yes and Member Rappaport voted yes

### **7.a Public Hearing – Application for Approval of a Special Permit Pursuant to Section 4.2.6.10 “Restaurants” of the Zoning Bylaws – 75 & 85 Middlesex Turnpike (Burlington Mall) – Parm Burlington, LLC. – Applicant**

### **7.b Public Hearing – Application for Approval of a Site Plan– 75 & 85 Middlesex Turnpike (Burlington Mall) – Parm Burlington, LLC. – Applicant**

Attorney Mark Vaughn from Riemer & Brunstein, LLP, Julia Pei from Parm Burlington, LLC, Garrett Singer, Joselyn Gambone from VHB and Justin Feldhouse representative of the Burlington Mall appeared for the Special Permit and Site Plan for 75 & 85 Middlesex Turnpike. Attorney Vaughn stated that Parm restaurant has 4 other sites in NY but this will be the first in Massachusetts. Chicken Parmesan is their famous dish. This is a corner location at the Burlington Village site. There will be 120 seats inside and 46 seats outside on two outdoor patios. The patios will have a retractable canopy with planter box walls and bollards. These will most likely be removed in the winter. Attorney Vaughn stated that the outside patio space was approved before when the site was expanding but it was not with a site specific tenant.

Ms. Pei is a business developer for Major Food Group. They have 21 restaurants in New York, Las Vegas and Hong Kong. Parm started out in 2010 as a sandwich shop and now it is a bigger family friendly restaurant.



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Ms. Kassner stated that they have not received all staff comments yet and Town Counsel has recommended that we do not open and close a hearing within the same night. Ms. Kassner read the staff comments that they did receive. An odor control system will be required. Attorney Vaughn stated that the Board of Health gave their comments today.

Mr. Impemba asked how bollard would be installed. Mr. Singer stated that the planter box is constructed with a faux wood product and the bollards are inside. They will meet all the DSM requirements. Mr. Impemba stated that this has nothing to do with the application, but he is concerned that there are no parking lot lights on in the back parking lots. Mr. Feldhouse stated that they did pull the lighting back, but it should not be dark especially next to the building. He will check on that tomorrow and the lights will be on until midnight.

Mr. Espejo asked if the design allows for flexibility for social distancing. Mr. Feldhouse stated that they are waiting on the Governor's guidance. Mr. Singer stated that he specializes in restaurants and this design allows for personal space.

Mr. Covino stated that he is glad to see the sidewalk is moving along and he has no questions.

Mr. Gaffney asked why there isn't a kid's menu. Ms. Pei stated that they will have a kid's menu at this location. Mr. Gaffney stated that the rendering shows 2 signs on one side and there can only be one. Attorney Vaughn understands that, and one will be removed. Mr. Gaffney asked if there will be a gate added to the outside so people cannot leave with alcohol. Mr. Singer replied there is gates on each outside area. Mr. Gaffney stated that there can be no signage on the awning or umbrellas and that should be added as a condition. Mr. Gaffney asked if there is neon on the signs. Mr. Singer replied yes, it is our intention but if they are not allowed, they will go in another direction. Mr. Gaffney asked if the bollard would also be removed in the winter. Mr. Singer replied yes. Mr. Gaffney stated that he would like to see a detailed landscape plan. Ms. Kassner stated that the outside areas were approved but the Board can request specific landscaping.

Ms. L'Heureux asked if the planters will be removed during winter. Attorney Vaughn replied that they want to have the flexibility to be removable. Ms. L'Heureux asked if there would be heaters. Attorney Vaughn stated that there will be no installed heaters, but they may have portable heaters on chilly nights.

**MOTION** - Mr. Espejo made a motion to continue this matter to the Planning Board meeting of May 21, 2020. The motion was seconded by Mr. Gaffney 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.

**MOTION** - Mr. Espejo made a motion to take items "7.c", "7.d", "7.e" and "7.f" together for discussion purposes. The motion was seconded by Mr. Gaffney 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.





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**7.c Continued Public Hearing – Application for Approval of a Special Permit Pursuant to Section 4.3.2.22 “Drive-through” of the Zoning Bylaws – 150 Lexington Street – Arista Development, LLC, Inc., Applicant**

**7.d Continued Public Hearing – Application for Approval of a Special Permit Pursuant to Section 4.4.1.11 “Discharges from Manmade Structures Into the Wetlands” of the Zoning Bylaws – 150 Lexington Street – Arista Development, LLC, Inc., Applicant**

**7.e Continued Public Hearing – Application for Approval of a Special Permit Pursuant to Section 6.1.2.1 “Nonconforming Structures and Premises” of the Zoning Bylaws – 150 Lexington Street – Arista Development, LLC, Inc., Applicant**

**7.f Continued Public Hearing – Application for Approval of a Site Plan – 150 Lexington Street – Arista Development, LLC, Inc., Applicant**

Attorney Mark Vaughn from Riemer & Brunstein, LLP, Doug Benoit from Arista Development, Samantha Bergner from Citizen’s Bank, Ron Mueller, Bill Lorign and Phil Henry appeared for the continued special permits for 150 Lexington Street. Attorney Vaughn stated that this site is the parking lot for Kohl’s. They are proposing to build a 2,700 SF small retail branch of Citizen’s Bank. They have done a parking analysis for the site. On Friday’s the Islamic Center uses some of the parking in this lot for overflow parking. They have added landscaping to help with the traffic flow.

Mr. Henry stated that they are going to disturb 1 acre of the 11 acres on site. This is all impervious surface. They will be reducing the impervious surface by 8,500 SF. There will be 347 parking spaces left after construction. They have modified the area to define the Lexington Street access. They have added landscaping at the main entrance. There will be 1 way access on the last drive aisle closest to the wetlands. Mr. Gaffney stated that currently there is no access on the last drive aisle and now it’s going to be 1 way. Attorney Vaughn stated that the original plan showed 2 way access but it has been reduced to 1 way. This provides a better option for a cut through. They have connected a sidewalk from the building to the municipal sidewalk. They have met with Conservation onsite yesterday and there will be a broad cleanup of the debris. They will also extend the fence to the Lexington Street right of way and relocated the fence closer behind the 12 new parking spaces. We are able to mitigate peak flow and volume and an O&M plan will be included.

Mr. Lorign presented the architectural rendering. Typically, they go to a colonial style building but this design is more modern.

Ms. Kassner stated that safety is the biggest concern in this parking lot, so they have added stop lines and stop signs at the aisle break. They have added landscaping to improve the corner on Lexington Street and they have added landscape islands at the Burlington Mall Road cut through. The drainage is still being looked at. Ms. Kassner read the departmental reports.

Mr. Covino asked why the ATM is not attached to the building. Ms. Bergner stated that moving the ATM allows people to use it instead of a teller and they are not limited to bank hours. It also helps with social distancing and allows for better queuing on site. Mr. Benoit stated that the location of the ATM allows for better queuing, allows for better parking along the building and helps with site light issues.



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Ms. Kassner stated that there needs to be relief with a Section 6 finding. Attorney Vaughn stated that that the Kohl's building is a pre-existing non-conforming structure with the building setbacks. They are improving the open space since it is less than 40%. The parking is being reduced and technically they have less parking than what is required in the bylaw. Ms. Kassner stated that the parking requirement is based on 100% of the building area of Kohl's but there is a lot of space inside the store that should not be counted such as storage. They have no issues with the Section 6 finding.

Mr. Impemba stated that this parking lot has so many accidents and is glad they are trying to improve it. He is disappointed that the colonial style building was not the chosen design. His preference is to have a colonial style building.

Mr. Espejo asked why you are moving only a ½ mile down the road. Ms. Bergner stated that their current space is oversized of what they need. They would like to be more integrated into the overall retail in the area. Mr. Espejo stated that the parking needs to be coordinated with the Islamic Center.

Mr. Covino asked if there are other Citizen's Banks in the area. Ms. Bergner stated that the closest one is on Rt. 62. Mr. Covino asked if the pedestrian route is safe. Attorney Vaughn replied yes. Mr. Covino stated that the poured concrete should be vertical granite curbing.

Mr. Raymond stated that they are turning a dead spot into something useful. He would like a more colonial type design. He would also like to make sure that the water is treated before it goes into the brook.

Mr. Gaffney stated that the 1 way should be kept closed. Mr. Gaffney stated there should be no traffic going through that section, it should stay a dead end. If that opens up, you will have a direct cut through traffic, even if it is one way. Mr. Gaffney stated that he could not support this with that opened up for traffic, it provides a calming element as a dead end. The building is in the wrong place and should be moved back. There is no good way to hide the trash. There should be trees on the west side of the building and along the sidewalks. Mr. Gaffney stated if there are charging stations, there should be no advertising like Wegmans and the Cinemas. Mr. Gaffney agreed with a more colonial style design because there are residential neighbors up Lexington Street. Mr. Gaffney asked that they look at different fence material other than chain link.

Ms. L'Heureux stated that there are 2 fronts to this building and actually all 4 sides should be activated. The dumpster location is not ideal. The crosswalk going across the drive-thru lane is concerning. She would like to see the landscaping details. Ms. L'Heureux asked if there will be dedicated parking spaces. Ms. Bergner stated that in the lease there are 4 spaces dedicated to the bank. Ms. L'Heureux asked if there is an ATM inside. Mr. Lorigin replied yes and it is in a vestibule. Ms. L'Heureux stated that there are turtles that currently come up the riverbank that should be considered. Attorney Vaughn stated that they met last week with Conservation and there is riverfront that they have to address. They would have a challenge if they tried to move the building closer to the riverfront. Ms. L'Heureux asked what the distance is from the drive-thru to Lexington Street. Mr. Henry replied it was about 50'. Ms. Bergner stated that the rendering is a new prototype in the urban areas but they are not opposed to a colonial look. Ms. L'Heureux asked if the notification could be expanded up Lexington Street to Hope Lane and Laurel Hill Lane. Attorney Vaughn would agree to that. Mr. Impemba stated that he can see how this is detrimental to the neighborhood of Lexington area. Ms. L'Heureux stated that there should be a plan in place to deal with the Islamic Center



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parking. Attorney Vaughn stated that there is no formal agreement between the center and the property owner. Ms. Bergner stated that they can work with the property owner on this issue.

Mr. Caldwell stated that there are two comments on Facebook. The first is that a lot of people cut through this site and traffic is a concern. They also mentioned that there is a lot of overflow parking from the Islamic Center.

Shari Ellis, Chair of the ZBRC and Town Meeting Member – Ms. Ellis typed into the comment section. She disagrees with Mr. Impemba. This area is definitely a modern style area and a colonial type building will be out of place in this area.

Mr. Henry stated that the curb type in the site is concrete and granite. The curbing will match the existing curbing. Mr. Covino stated that he did not mean them to replace the monolithic pour sidewalks for the sidewalk.

**MOTION** - Mr. Gaffney made a motion to have the Planning Board meeting go past 11:00 PM. The motion was seconded by Mr. Espejo 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.

Mr. Henry stated that this is a better design. There are wetlands in the back of the property so we have to maintain the distance.

Mr. Impemba stated that he disagrees with Ms. Ellis and thinks this site is in entrance into a neighborhood and should be colonial style. Ms. Espejo disagrees and feels everything around this building is more modern. Mr. Covino stated that we don't have design review control except in the Town Center.

**MOTION** - Mr. Espejo made a motion to continue these matters to the Planning Board meeting of May 21, 2020. 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.

**MOTION** - Mr. Espejo made a motion to take items "7.p", "7.q", "7.r" and "7.s" together for discussion purposes. 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.

**7.p 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.q 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.r 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**



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

Attorney Thomas Murphy and Michael Murray appeared for discussion of the zoning articles. Attorney Murphy stated that since the last Planning Board meeting, both the ZBRC and Land Use Committee have voted formally to support these articles and they feel they have taken care of any unintended consequences.

Ms. Kassner stated that the definitions started with the applicant but then the ZBRC took them over and added to them. These articles were separate in the warrant. They are looking at consolidate the text amendments together and keep the re-zone article separate.

*Shari Ellis, Chair of the ZBRC* – Ms. Ellis requested that the definition article be separate because if the text article fails, the definitions should still be added. Ms. Kassner agreed to keep the definition article separate. Ms. Ellis stated that we have not discussed the green space language that Mr. Pearson proposed. The ZBRC is meeting on Monday so we need to discuss this as a whole before making a recommendation.

Ms. Kassner stated that the definitions and use table articles remain the same with no changes. Article #40 dealing with Section 5 should be removed for clarity. The article addressing Section 7 has the restrictions for the parking deck. Ms. Kassner added that the biotech bylaw has a green space requirement and that only requires the footprint of the parking structure. She recommends that should be the same for this article. Ms. Kassner added that the roll of the Planning Board is to review the articles and provide a recommendation to Town Meeting.

Mr. Gaffney stated that he heard that there will be no articles at Town Meeting except for budget articles. Ms. Kassner stated that will depend on the legislature. If the Town Meeting is held remotely, that may be true but if Town Meeting can be held in person then the articles may go forward.

Mr. Impemba stated that he prefers the total square footage but realistic it would probably be the footprint. Ms. L'Heureux stated that she would prefer the square footage. Mr. Espejo agreed with the square footage. Mr. Covino stated that he agrees with staff that it should be the same as the biotech and only require the footprint.

Attorney Murphy stated that we have demonstrated that we have at least the footprint of green space onsite now. This article would allow the Planning Board to have flexibility on large redevelopment projects. The Escadrille has enough upland green space. Attorney Murphy stated that a bylaw should not be created that requires an applicant to have another piece of property. Ms. L'Heureux stated that an applicant could purchase another piece of property near conservation and donate it to the Town. Attorney Murphy stated that it is why we have the restrictions in Section 5.

Mr. Raymond stated that this is spot zoning but it is not harmful to the Town.

Mr. Gaffney stated that he would agree with the square footage.

Attorney Murphy stated that if you require the square footage, you are actually requires 200% because it is both levels. Mr. Covino asked if we could look at 150% as a compromise.



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Mr. Gaffney asked if the design control has been looked at. Ms. Kassner replied not yet, but it would most likely go into Section 7.

Mr. Murray asked if the print deadline is next week what happens to the articles. Ms. Kassner stated that if there are changes then they will be sponsored on Town Meeting floor.

Mr. Murray asked if the Planning Board agrees to remove the article for Section 5. The Board agreed that article should be removed.

**MOTION** - Mr. Espejo made a motion to continue these matters to the Planning Board meeting of May 21, 2020. The motion was seconded by Mr. Gaffney 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.

**8. Minutes – None**

**9. Other Business**

Mr. Gaffney stated that all the landscaping has been removed from 336 Cambridge Street. They were supposed to leave the trees. Ms. Kassner stated that they can look into this.

Mr. Espejo asked what the status of the Master Plan was. Ms. Kassner stated that they were having formatting issues but hope to get it out this week.

**9.a 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**

There was no new business.

**MOTION** - Mr. Espejo made a motion to adjourn the May 7, 2020 Planning Board meeting at 12:25 AM on May 8, 2020. The motion was seconded by Mr. Gaffney 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.

*Respectfully Submitted by Dawn Cathcart,  
Recording Clerk*