



TOWN OF BURLINGTON, MA
PLANNING BOARD MINUTES
MAY 19, 2022

Members Present: Chairman Brenda Rappaport; Vice Chairman William Gaffney; Clerk Paul Raymond; Ernest Covino; and Barbara G. L'Heureux

Members Absent: None

Staff Present: Planning Director Kristin Kassner (attending remotely); and Senior Planner Elizabeth Bonventre

1. Call the Meeting of the Planning Board to Order

Chairman Rappaport called the meeting to order at 7:02 PM. The Town of Burlington will be holding the May 19, 2022 meeting of the Planning Board as a hybrid 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 meetings under G.L c. 30A Section 20.

Ms. Bonventre stated that the option for remote participation via WebEx is being provided as a courtesy to the public. 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 – Clerk Raymond made a motion to take item “7.d” out of order for discussion purposes. The motion was seconded by Vice Chairman Gaffney and unanimously voted 5-0-0.

7.d Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.3.2.23.2 “Solar Energy System, Ground-Mounted” of the Zoning Bylaws – 3 September Lane – Sunrun Installation Services, Applicant

MOTION – Clerk Raymond made a motion to continue this item to the Planning Board meeting of June 2, 2022. The motion was seconded by Member Covino and unanimously voted 5-0-0.

MOTION – Clerk Raymond made a motion to take items “7.l” through “7.r” out of order and together for discussion purposes. The motion was seconded by Member Covino and unanimously voted 5-0-0.

MOTION – Member L'Heureux made a motion to postpone the opening of Special Permits (Section 6.1.2.1 “Nonconforming Structures and Premises” of the Zoning Bylaws), and the Site Plan application Hearings for property located at 1 Burlington Mall Road of Pyramid Burlington Management LLC on behalf of RB Hotel Burlington LLC, Applicant until the meeting of June 2, 2022 as requested by the Applicant's attorney in an email dated May 16, 2022. The motion was seconded by Member Covino and unanimously voted 5-0-0.



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MOTION – Member L’Heureux made a motion to postpone the opening of Special Permit (4.2.7.4.2 “Life Science laboratories engaged in the manufacture of life science technologies and medicines for commercial production...”, 4.2.7.9 “Hazardous and toxic materials/chemicals use storage...”, 4.2.7.12 “Generation or storage of hazardous waste, Section 4.3.2.15 “Storage and disposal of oils and fuels/ petroleum products) and the Site Plan application Hearings for property located at 1 Burlington Mall Road of the Lincoln Property Company, Applicant until the meeting of June 2, 2022 as requested by the Applicant’s attorney in an email dated May 16, 2022. The motion was seconded by Vice Chairman Gaffney and unanimously voted 5-0-0.

2. Citizens Time

No citizens came forward.

3. Announcements

Ms. Bonventre read the announcements. The Burlington Community Health Fair will be held on May 21 at the Town Common from 10:00 AM to 1:00 PM. The ZBRC Sign Subcommittee will meet on May 23 at 5:30 PM via Zoom. The Joint Meeting with the Selectboard to appoint the new member of the Planning Board will occur on May 23 at 6:00 PM in the Main Hearing Room. The Sculpture Park Committee will meet on May 24 at 4:00 PM in the Town Hall Annex Basement Meeting Room. On Memorial Day, May 30, all town offices will be closed, however, the Flag Raising will occur at 8:00 AM on the Town Common and then the official Memorial Day Ceremony will begin at 10:00 AM at the Chestnut Hill Cemetery.

Chairman Rappaport stated that the Planning Board extends their sincerest condolences to Jack Kelly and his family as his wife recently passed away. Member Covino thanked those in the community who expressed condolences on the passing of his wife last month.

4. Legal Notices of Interest

There were no legal notices.

5. Non-Approvals

5.a Application for Endorsement of a Plan Believed Not to Require Approval – 1 Burlington Mall Road – Lincoln Property Company, Applicant

Attorney Robert Buckley from Riemer & Braunstein appeared for the approval not required at 1 Burlington Mall Rd.

Mr. Buckley stated that the property owner is seeking to divide the existing lot into two new parking lots when construction is finished. The creation of the new lot will allow for the development of a new life science facility. The lower parking lot has been associated with the Marriott Hotel since its inception but is seldom used. Mr. Buckley added that the reason they’re doing this prior to the opening of the hearings on the



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Site Plan Special Permits is to permit the division of the property to two parking lots so they could file a Notice of Intent with the Conservation Commission.

Member L'Heureux asked if the parking lot where the Marriott Hotel is located requires an easement. Mr. Buckley replied that there will be an easement for purposes of access. There is access to the site off Burlington Woods Dr. but that will not be the principal access.

Vice Chairman Gaffney asked if the address for the Marriott Hotel will change. Mr. Buckley replied that there will likely be a change in the address to either 1A or 1B Burlington Mall Rd.

MOTION – Member L'Heureux made a motion to approve and sign an Approval Not Required plan entitled “Approval Not Required Plan of Land Burlington Mall 1 Burlington Mall Road Lot 98, Map 41 Town of Burlington, Middlesex County, Commonwealth of Massachusetts,” prepared by Control Point Associates Inc., dated April 5, 2022 reflecting the subdivision of Assessors Parcel 90-41-0 into Lot 1 (193,109 sq. ft.) and Lot 2 (452,115 sq. ft.). The Planning Board finds that this is a proper submission of an Approval Not Required Plan. The Applicant shall submit four (4) copies and an electronic PDF of the endorsed Approval Not Required Plan to the Planning Board office within four (4) weeks of this approval. Proof of recording with the Registry of Deeds shall be provided to the Planning Department upon completion. The motion was seconded by Member Covino and unanimously voted 5-0-0.

6. Administrative Matters

6.a Discussion – Application for Approval of a Minor Engineering Change – 12 A Street – Knight Construction, Applicant

Java Joshi and Hetal Joshi appeared to discuss the application at 12 A Street.

Mr. Joshi stated that they are the co-founders of Academy of Creative Arts which provides 30+ different programs. They are seeking to install a handicapped ramp for access to the lower level and to create two double doors at the lower level for handicap entry/exit. Currently, there is an existing handicapped ramp, which provides access to the upper level. Access to the lower level, where many of the student performances are held, is only accessible via an internal stairwell. Those with mobility issues, like grandparents, find it challenging to get on the lower level during recitals and therefore unable to view performances. Mr. Joshi added that the proposed ramp has been revised to maintain the existing mature tree.

Chairman Rappaport asked if they had contacted the neighboring property owner regarding the proposal. Mr. Joshi replied that there is little to no contact with the neighboring property owner(s) since classes are typically taught in the evenings and on weekends when the neighboring property owner(s) are not operating.

Chairman Rappaport asked how far the ramp is from the property line. Ms. Bonventre replied that there is no setback requirement and since this is a minor engineering change it does not require an Abutters List like a Special Permit or Site Plan.



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MOTION – Member L’Heureux made a motion to approve the request of a Minor Engineering Change for property located at 12 A Street to add new handicapped entry ramp with access to two egresses to the ground floor as reflected on the redlined plan entitled “Proposed Path for Entry,” prepared by LALA Engineers, dated July 7, 2019, revised to May 12, 2022 consisting of one (2) sheets, subject to the following revisions, terms, and conditions as printed. The motion was seconded by Member Covino and unanimously voted 5-0-0.

7. Matters of Appointment

MOTION – Member L’Heureux made a motion to take items “7.a” and “7.b” together for discussion purposes. The motion was seconded by Member Covino and unanimously voted 5-0-0.

7.a Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.9 “Hazardous and toxic materials/chemicals use storage, transport, disposal or discharge” of the Zoning Bylaws – 20 Blanchard Road – Stilla Technologies, Inc., Applicant

7.b Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.11 “Generation or storage of hazardous waste, limited to the volumes classified as a very small quantity generator (VSQG)” of the Zoning Bylaws – 20 Blanchard Road – Stilla Technologies, Inc., Applicant

Attorney Kristine Hung from Riemer & Braunstein and Andrew Hoskins, Technical and Application Scientist at Stilla Technologies, appeared for the application at 20 Blanchard Rd.

Ms. Hung stated that Stilla Technologies is a life science medical device company headquartered in Paris that develops, manufactures, and sells specific instrumentation to research laboratories enabling high performance genetic research studies. They have been operating in Beverly, Massachusetts since 2019 and are looking to expand their operations into Burlington to be used primarily as a product demonstration and customer training center. 20 Blanchard Rd. was recently rezoned into the Innovation (I) Zoning District and the applicant is seeking to occupy approximately 7,500 sq. ft. in the building. Ms. Hung added that since none of the chemicals that will be used are regulated agents, they don’t need a Biological Safety Permit and so the Board of Health has signed off on it.

Mr. Hoskins stated that the basis for their technology is chip-based chemistry with a sample that makes an oil and water emulsion which is the reason for this Special Permit. They’re glad to be moving into such an opportunistic area and so expanding the company into Burlington made sense.

Clerk Raymond commented that he is optimistic about the future development of the Burlington commercial sector after reading an article in the local newspaper which stated that because one of the Cambridge groups relocated here, Burlington has become the go-to place for bio-technology.



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MOTION – Clerk Raymond made a motion to close the public hearing on this matter. The motion was seconded by Member L’Heureux and unanimously voted 5-0-0.

MOTION – Clerk Raymond made a motion to the request of a Special Permit pursuant to **Section 4.2.7.9 “Hazardous and toxic materials/chemicals use storage, transport, disposal or discharge” and Section 4.2.7.11 “Generation or storage of hazardous waste, limited to the volumes classified as a very small quantity generator (VSQG)”** of the Zoning Bylaws, to permit the operation of a medical device company, with office, research and development, and life science lab by the name of Stilla Technologies, Inc. on property located within the **Innovation (I) Zoning District at 20 Blanchard Road**, subject to the terms and conditions. The motion was seconded by Member L’Heureux and unanimously voted 5-0-0.

7.c Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.6.12 “Commercial boarding, care, and treatment of birds, fish, and animals” of the Zoning Bylaws – 112 Burlington Mall Road – Rarebreed Veterinary Partners, Applicant

Nick Collins (attending remotely) and Jim Baron (attending remotely) from Rarebreed Veterinary Partners (“Rarebreed”) appeared for the application at 112 Burlington Mall Rd.

Mr. Collins stated that they are seeking a Special Permit to operate a Veterinary Urgent Care Clinic that is in the same building as the Duluth Trading Company within the General Business (BG) Zoning District. The existing commercial tenant space is approximately 3,250 sq. ft. Similar to human urgent care, veterinary urgent care seeks to treat illness or injuries that are not life threatening but require medical attention that can’t wait for regular veterinarian hours. The proposed clinic will have four exam rooms for veterinary review to make sure the animals are cared for. The clinic will also include a treatment and prep area as well as a surgery and procedure area with recovery spaces. The x-ray room is properly shielded according to Massachusetts state guidelines and any hazardous or medical waste is properly disposed of by a dedicated surface that will be disposed of off-site. There will be no changes to the exterior of the building, everything will be interior. They anticipate having between 7-10 regular staff members with the ability to serve about 3-5 patients at any given time. There will be no long-term boarding or holding in this space (only short-term).

Ms. Bonventre asked if there will be any transport vehicles. Mr. Collins replied that the only vehicle that would be regular would be for medical waste disposal or for delivery services (i.e., medications).

Chairman Rappaport asked what was meant by “short-term boarding.” Mr. Collins replied that it would be less than 24 hours. Mr. Baron commented that the clinic will not do any overnight care. If applicable, the animal will be transferred to another hospital/facility with overnight hours. Chairman Rappaport asked if there is any size/weight limit of animals that they would treat and/or any specific species that they will not treat. Mr. Baron replied that the clinic will mainly treat dogs and cats. Any other species will depend on the veterinarians that will be on call at that time or whether they specialize in a particular species. Any animal they wouldn’t cover will be referred to another hospital. Chairman Rappaport also asked if the clinic would



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treat any wild animal (i.e., rabbit or fox) that was found, for example, on the side of the road. Mr. Baron replied that as long as the animal is not life-threatening, the veterinarian's inclination would be to help it and then try and find the right long-term solution for it.

Member L'Heureux asked if there will be any outdoor area for the animals who might need to relieve themselves during their visit. Mr. Baron replied that they don't, but the kennel area where they will be kept has pads. Member L'Heureux wanted to clarify that you don't need to book an appointment and instead, you could walk in. Mr. Baron replied that is correct but there is an option to book an appointment online. Mr. Baron stated that the location of the clinic in a shopping center area is ideal because it allows visitors to have something else to do if they have to wait.

Vice Chairman Gaffney asked in the unfortunate event there may be a cadaver will a medical waste service provide the final disposition or is there something different. Mr. Baron replied that they have a separate crematory service that would pick up the cadaver.

MOTION – Member L'Heureux made a motion to close the public hearing on this matter. The motion was seconded by Member Covino and unanimously voted 5-0-0.

MOTION – Member L'Heureux made a motion to approve the request of a Special Permit pursuant to **Section 4.2.6.12 “Commercial boarding, care, and treatment of birds, fish, and animals”** of the Zoning Bylaws, to permit the operation of a veterinary clinic providing preventative and wellness care, outpatient sick and emergency care, outpatient dental and surgical care, in an existing tenant space for property located in the **General Business (BG) District at 112 Burlington Mall Road (Unit J)**, subject to the terms and conditions. The motion was seconded by Vice Chairman Gaffney and unanimously voted 5-0-0.

MOTION – Member L'Heureux made a motion to take items “7.d” and “7.j” together for discussion purposes. The motion was seconded by Member Covino and unanimously voted 5-0-0.

7.d Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.1 “Light manufacturing or processing plants, prototype manufacturing” of the Zoning Bylaws – 22 Terry Avenue – AP Terry, LLC, Applicant

7.e Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.1.1 “Research and Development” of the Zoning Bylaws – 22 Terry Avenue – AP Terry, LLC, Applicant

7.f Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.4 “Laboratories engaged in research, experimental and testing activities including, but not limited to, the fields of, chemistry, electronics, engineering, geology, non-biologic medicine and physics” of the Zoning Bylaws – 22 Terry Avenue – AP Terry, LLC, Applicant



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- 7.g Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.4.1 “Life Science laboratories engaged in research, prototype manufacture, experimental and testing activities including, but not limited to, the fields of pharmaceuticals, biomedical technologies and engineering, life systems technologies, environmental and biomedical devices Biosafety Level 4 (BL-4) laboratories, as defined by the Centers for Disease Control and Prevention, are prohibited in Burlington” of the Zoning Bylaws – 22 Terry Avenue – AP Terry, LLC, Applicant**
- 7.h Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.4.2 “Life Science laboratories engaged in the manufacture of life science technologies and medicines for commercial production to the market including, but not limited to, the fields of pharmaceuticals, biomedical technologies and engineering, life systems technologies, environmental, biomedical devices Biosafety Level 4 (BL-4) laboratories, as defined by the Centers for Disease Control and Prevention, are prohibited in Burlington” of the Zoning Bylaws – 22 Terry Avenue – AP Terry, LLC, Applicant**
- 7.i Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.9 “Hazardous and toxic materials/chemicals use storage, transport, disposal or discharge” of the Zoning Bylaws – 22 Terry Avenue – AP Terry, LLC, Applicant**
- 7.j Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.11 “Hazardous and toxic materials/chemicals use storage, transport, disposal or discharge” of the Zoning Bylaws – 22 Terry Avenue – AP Terry, LLC, Applicant**

Kevin McCall, CEO of Paradigm Capital Advisors, and Attorney Kristine Hung from Riemer & Braunstein appeared for the application at 22 Terry Avenue.

Ms. Hung discussed with her client that they would like to put the Special Permits dealing with toxic chemicals/hazardous materials on hold but proceed with the research and development, and light manufacturing after listening to the concerns presented by the Planning Board members from the previous meeting. Ms. Hung noted that her client is actively marketing the property to several possible tenants, and they are not just targeting the life science community (i.e., for R&D or robotics uses). If there is a tenant that needs those types of Special Permits then they will be back before the Planning Board and Board of Health to explain in greater detail the specificity/type of materials that they will be using, and how they will store, maintain, and dispose of chemicals/hazardous materials. Ms. Hung added that they're not doing any exterior modifications to the site, but they are going to do some aesthetic enhancements to the property like buffering up some of the landscaping.

Ms. Bonventre replied that the Planning Board will need an updated plan to codify what is going to be done aesthetically to the building. Chairman Rappaport stated that she is in favor of pulling back the Special Permits and thanked the applicant for hearing the Board's concerns.



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Ms. Bonventre mentioned that the front door of the building is actually a side door on the front left corner, and they are formalizing the door to make it more welcoming.

Member L'Heureux stated that a neighbor wanted to know if the side fencing was going to be removed since the fencing across the front of the property has already been removed. Mr. McCall replied that they will certainly consider that but will also plant evergreen spruce as well as maple trees along Terry Avenue to enhance the streetscape. Vice Chairman Gaffney inquired about landscaping enhancements on the right side of the property. Mr. McCall replied that they will plant arborvitaes in the loading dock area to minimize any visual impacts.

Member Covino asked if one of the three loading doors was for the dumpster. Mr. McCall replied that the roll-up door on the right gives access to interior space where a dumpster is placed. Currently, there are two dumpsters outside temporarily because they have been doing demolition of the interior of the building.

Janet Ostlund of 3 Dale St. – Ms. Ostlund stated that she was very concerned that so few people were notified about the bio-hazardous materials because a lot of people walk their dogs near the property. Member L'Heureux replied that anyone who is listening to contact our office at 781-270-1645 and let our staff know that they want to be informed of all the Planning Board's meetings regarding 22 Terry Ave. or any other properties in this area that they're concerned about. Ms. Bonventre and Member Covino commented that email (Planning@burlington.org) is the easiest method of communication. Ms. Ostlund asked if a petition would be acceptable. Chairman Rappaport replied yes.

MOTION – Member L'Heureux made a motion to continue this matter to the Planning Board meeting of June 2, 2022. The motion was seconded by Member Covino and unanimously voted 5-0-0.

9. Minutes

No minutes to approve.

10. Other Matters

10.a Discussion

10.a.i 24 Terry Avenue

Ms. Kassner recalled an earlier Board meeting from March 2019 in which an applicant was required to construct a sidewalk, plant landscaping trees, and install a light on Long St. before June 2022. An email was sent out earlier this year outlining that whole discussion and the requirement for the applicant to make sure that it was completed by June.

Additionally, there are three reserve spaces at this site that are under parked. In their decision, the Planning Board stated that it was acceptable to permit less than the minimum parking requirements (reduction from 63



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to 60). The applicant has stated that 60 spaces on the premises are more than adequate to serve their current and future needs. They recognized that the proposed site plan includes a parking contingency area off Long St. which should be held in reserve and could be constructed to accommodate additional parking spaces. The applicant did submit a letter to the Board, but that letter does not outline any need or change for why they need to build out these particular spaces. Ms. Kassner recommended the Board to send a letter to the Conservation Commission outlining any of the Board's concerns as well as ensuring that the applicant provides the need for build out.

Member L'Heureux stated that we should ask them to commit to a certain date as to when those will all be completed because the neighbors have waited long enough. Chairman Rappaport replied that when the Planning Board discusses adding a date, it should be 60-90 days after they meet to give them time to obtain any approvals that are required so that we're not giving them a hard date that they can't comply with.

Clerk Raymond expressed concern of the fact that Long St. lacks a sidewalk because pedestrians walking there could get hit by a vehicle due to the heavy traffic.

10.a.ii Open Seat Confirmation Process

Chairman Rappaport stated that the Open Seat Confirmation Process will be held at the Select Board Meeting on May 23, 2022 at 6:00 PM.

10.b Correspondence

There was no correspondence.

10.c Reports from Town Counsel

There were no reports from Town Counsel.

10.d Subcommittee Reports

10.d.i Sculpture Park Committee

Member L'Heureux stated that the Town Meeting approved the Committee's warrant request and will be meeting in the next 10 days to make final selections for the next installation which will occur later this summer.

10.d.ii Recreation Commission

Vice Chairman Gaffney stated that applicants have come before the Recreation Commission regarding pickleball. Network Dr. is going to be adding three or four new buildings and it would be beneficial to the town to build pickleball courts there as well. There is a lot of pressure on Burlington courts because other towns are reserving their courts for only their residents.



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10.e Unfinished Business

There was no unfinished business.

10.f New Business

Vice Chairman Gaffney stated that a resident brought to his attention the PFOS water treatment plant construction that's going on and that an entire side of trees were removed.

MOTION – Member L'Heureux made a motion to adjourn the May 19, 2022 Planning Board meeting at 8:36 PM. The motion was seconded by Vice Chairman Gaffney and unanimously voted 5-0-0.

*Respectfully Submitted by Eric Bergeron,
Recording Clerk*