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TOWN OF BURLINGTON, MA
PLANNING BOARD MINUTES
JUNE 1, 2023

Board Members Present: Chairman Brenda Rappaport; Vice Chairman Barbara G. L'Heureux; Clerk William Gaffney; Ernest E. Covino; Joseph A. Impemba; Jessica Sutherland; and Toni Ann Natola

Board Members Absent: None

Staff Members Present: Elizabeth Bonventre, Planning Director, and Caleb Zimmerman, Assistant Planner

1. Call the Meeting of the Planning Board to Order

Chairman Rappaport called the meeting to order at 6:39 PM. The Town of Burlington will be holding the June 1, 2023 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 and extended by Chapter 22 of the Acts of 2022, including permitting remote meetings and participation, until March 31, 2023.

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.

2. Reorganization

MOTION – Member Impemba made a motion to nominate Vice Chairman L'Heureux for Chairman. The motion was seconded by Chairman Rappaport and voted 7-0-0.

MOTION – Vice Chairman L'Heureux made a motion to nominate Chairman Rappaport for Vice Chairman. The motion was seconded by Clerk Gaffney and voted 7-0-0.

MOTION – Chairman Rappaport made a motion to nominate Member Sutherland for Member Clerk. The motion was seconded by Vice Chairman L'Heureux and voted 7-0-0.

3. Announcements

Ms. Bonventre read the announcements. The Sketch a Sculpture Event will take place on June 3rd from 10 - 12 at the Burlington Sculpture Park. Winning Sketches will be displayed in the library, Refreshments by Wegmans (Maps available at Rec Dept. and Town Hall). Burlington Pride Celebration will be on June 10th from 11 AM to 2 PM on the Town Common. This family friendly event will include music, dancing, crafts and entertainment. This year's celebration is dedicated to Leo Abramov who co-founded the celebration with



TOWN OF BURLINGTON
PLANNING BOARD MINUTES
JUNE 1, 2023

his wife Kerrylynne three years ago in an effort to create a more inclusive Burlington. Leo passed away from cancer this past March. Eversource will have two Community Conversations: Wednesday, June 14th from 12-2 PM via zoom, and Wednesday, June 21st from 6-8 PM at the Burlington Public Library. Town Shred Day will be on June 17th from 9 AM to 12 PM in the parking lot behind the Town Hall. All town offices will be closed on Juneteenth (June 19th).

Member Covino stated that the Sign Bylaw Committee meeting will be on Monday via Zoom at 5:30 PM.

4. Legal Notices of Interest

There were no legal notices.

5. Non-Approvals

There were no non-approvals.

6. Administrative Matters

MOTION – Vice Chairman Rappaport made a motion to “item b” out of order for discussion purposes. The motion was seconded by Member Gaffney and voted 7-0-0.

MOTION – Vice Chairman Rappaport made a motion to table “item a” and put “item b” in front of “item a” for discussion purposes. The motion was seconded by Member Gaffney and voted 7-0-0.

6.b Discussion – Request for Approval of a Minor Engineering Change – 1 Wall Street – The Gutierrez Company, Applicant

Dan Dedinsky and Scott Weiss of The Gutierrez Company appeared before the Board.

Mr. Dedinsky stated that as part of our efforts to attract and retain tenants at 1 Wall Street, we have ongoing interior renovations as well as façade modernizations. Our minor engineering change application consists of adding 20 electrical vehicle charging stations. The handicap spaces are far away from the main entrance and so we’re planning on shifting them towards the entry as well as improving the path in and out of the building for tenants, which includes landscaping improvements. This matter is currently in front of the Conservation Commission, who have stated that they are comfortable with the proposed plans and are finalizing the species of plantings on site. There are no changes to drainage and a net reduction in impervious of approx. 500 square feet.

Chairman L’Heureux asked for specificity about the landscaping improvements. Mr. Dedinsky replied that there are 17 trees right now that are either dead or invasive non-native, and we’re planning on removing those 17 trees and replacing them with 23 trees as well as hundreds of shrubs and other ground cover. The



TOWN OF BURLINGTON
PLANNING BOARD MINUTES
JUNE 1, 2023

purpose is really to open up the entrance and we've had comments from tenants stating that it's hard to find the front door of the building. We're also adding an outdoor seating area.

Vice Chairman Rappaport asked how many handicap parking spaces remain. Mr. Zimmerman replied 11 spaces. Vice Chairman Rappaport then asked if there is some type of barrier / protection for those sitting outside. Mr. Dedinsky replied that we're not adding any seating in front of the building, and it's protected by a drop off.

Member Gaffney asked how many charging stations were there. Mr. Dedinsky replied there's 10 charging stations; each one has two cords on it.

Member Natola and Member Impemba asked if there are any charging stations in handicapped parking spaces. Mr. Dedinsky replied that there are two spaces that are fully ADA compliant with the full route to the building.

Chairman L'Heureux asked if they would be marked handicapped. Mr. Weiss replied that the handicap charging accessible spaces will be indicated that they are handicap accessible, but they're usually not handicapped only (not restricted).

Member Impemba stated that the problem is that there are more people out there who are not handicapped and would prevent the handicapped people from using them. I suggest you put a charging station between two spots and one of them is a designated handicap spot and one of them isn't, but it's accessible so that you can at least guarantee one of those spots is going to be a handicapped spot. Mr. Weiss replied that we're following the utility company which is also dictated by DEP as to how the spaces are laid out. They want accessible spaces but not restricted spaces because the intent is to make the chargers available as much as possible. Mr. Weiss stated that I'm confident we can mark them and designate them with a handicap emblem on the ground.

Chairman L'Heureux asked if we can write in the decision that two of the charging stations are designated handicapped spaces and we condition it that way. If there's a problem with the DEP, you'll come back to us, and we'll redress it.

Member Gaffney asked if the replacement trees will be planted in similar locations as the non-native invasive trees. Mr. Dedinsky replied yes.

MOTION – Vice Chairman Rappaport made a motion to approve the request of The Gutierrez Company (“Property Owner”) for approval of a Minor Engineering Change for property located 1 Wall Street (“Premises”) to allow for landscape and hardscape modifications to enhance the primary building entrances and attractiveness of the site, as well as provide a better ingress experience for current and future tenants. This will include the addition of electric vehicle charging stations at twenty (20) spaces, with two (2) spaces



TOWN OF BURLINGTON
PLANNING BOARD MINUTES
JUNE 1, 2023

being handicapped. These changes reduce impervious area by 454 +/- sq ft., and result in the loss of one parking space to facilitate handicap accessibility to two EV charger spaces as reflected on the redlined site plan set entitled “1 Wall Street Burlington, MA Permit Drawings” prepared by Michael D’Angelo Landscape Architecture, dated May 20, 2023, consisting of two (2) sheets, subject to the following revisions, terms, and conditions as amended. The motion was seconded by Member Covino and voted 7-0-0.

MOTION – Vice Chairman Rappaport made a motion to return to “item a” for discussion purposes. The motion was seconded by Member Covino and voted 7-0-0.

6.a Discussion – Request for Approval of a Minor Engineering Change – 10 Corporate Drive – The Gutierrez Company, Applicant

Mr. Weiss stated that the majority of this work is to add 24 parking spaces that would have EV chargers by dual station (12 new chargers being added). They’re all on the south side of the existing building and then associated with that we do have the relocation of existing parking spaces that we have found to not be ADA compliant (the slope of the driveway was too steep). We’ve also added a bocce court outside the building. I would also understand that the same condition being in place here to make the handicap space reserved and not just accessible.

Member Covino stated that we should send a letter to the DEP and ask them to be aware of the handicap spaces.

Member Gaffney asked if the charging stations are generic. Mr. Weiss replied yes, they are open chargers presumably to any EV.

MOTION – Vice Chairman Rappaport made a motion to approve the request of GVI-TGC 10 Corporate Owner, LLC (“Property Owner”) for approval of a Minor Engineering Change for property located 10 Corporate Drive (“Premises”) to allow for twelve (12) new dual-port electric vehicle charging stations, supporting electric vehicle charging at 24 parking spaces, including two handicap restricted locations. In addition, five (5) existing accessible parking spaces will be relocated to be ADA/MAAB compliant and a bocce court will be added as an outdoor building amenity as reflected on the redlined site plan set entitled “10 Corporate Drive in Burlington, Massachusetts (Middlesex County) Site Plan” prepared by BSC Group, dated March 31, 2022, revised to May 8, 2023 consisting of one (1) sheet, subject to the following revisions, terms, and conditions as amended. The motion was seconded by Member Covino and voted 7-0-0.

7. Matters of Appointment

MOTION – Vice Chairman Rappaport made a motion to take items “7.a” through “7.i” together for discussion purposes. The motion was seconded by Member Sutherland and voted 7-0-0.



TOWN OF BURLINGTON
PLANNING BOARD MINUTES
JUNE 1, 2023

- 7.a Public Hearing – Application for Approval of an Amendment to a Definitive Subdivision Plan – District Avenue and Park Place – NEEP Investors Holdings, LLC, Applicant**
- 7.b Public Hearing – Application for Approval of a Special Permit pursuant to 12.1.5 “PD Special Permit Requirements” of the Zoning Bylaws – 0, 100, 350, 600, 700, 800, 1200, 1500, 1600, 1700, 2400 District Avenue – National Development, Applicant**
- 7.c Public Hearing – Application for Approval of a Special Permit pursuant to 4.1 “Light manufacturing or processing plants” of the Zoning Bylaws – 0, 100, 350, 600, 700, 800, 1200, 1500, 1600, 1700, 2400 District Avenue – National Development, Applicant**
- 7.d Public Hearing – Application for Approval of a Special Permit pursuant to 4.2 “Laboratories engaged in research, experimental and testing activities... of the Zoning Bylaws – 0, 100, 350, 600, 700, 800, 1200, 1500, 1600, 1700, 2400 District Avenue – National Development, Applicant**
- 7.e Public Hearing – Application for Approval of a Special Permit pursuant to 4.4 “Hazardous and toxic materials/chemical use storage, transport, disposal or discharge” of the Zoning Bylaws – 0, 100, 350, 600, 700, 800, 1200, 1500, 1600, 1700, 2400 District Avenue – National Development, Applicant**
- 7.f Public Hearing – Application for Approval of a Special Permit pursuant to 4.5 “Generation or storage of hazardous waste limited to the volumes classified as very small quantity generator” of the Zoning Bylaws – 0, 100, 350, 600, 700, 800, 1200, 1500, 1600, 1700, 2400 District Avenue – National Development, Applicant**
- 7.g Public Hearing – Application for Approval of a Special Permit pursuant to 4.12 “Biotechnology – Research, development and manufacturing... of the Zoning Bylaws – 0, 100, 350, 600, 700, 800, 1200, 1500, 1600, 1700, 2400 District Avenue – National Development, Applicant**
- 7.h Public Hearing – Application for Approval of a Special Permit pursuant to 5.7 “Discharges from manmade structures into the municipally zoned wetlands of the Zoning Bylaws – 0, 100, 350, 600, 700, 800, 1200, 1500, 1600, 1700, 2400 District Avenue – National Development, Applicant**
- 7.i Public Hearing – Application for Approval of a Special Permit pursuant to 6.16 “Storage of oils and fuels/petroleum products including storage for on-site heating purposes and landscaping maintenance equipment (in excess of 50 gallons)” of the Zoning Bylaws – 0, 100, 350, 600, 700, 800, 1200, 1500, 1600, 1700, 2400 District Avenue – National Development, Applicant**

Attorney Mark Vaughn of Riemer & Braunstein; and Katie Snyder of National Development appeared before the Board.

Member Gaffney recused himself from this hearing and will not be voting.



TOWN OF BURLINGTON
PLANNING BOARD MINUTES
JUNE 1, 2023

Attorney Vaughn stated that I think we're at a spot based on the last meeting that there was a comfort level with everything that was before the Board. I think the staff wanted more opportunity to develop and come up with appropriate decision conditions that memorialized the commitments that we had made previously in terms of mitigation, the Mall Road beautification, etc. There was also a discussion at the prior hearing about the bike lanes on District Ave about whether or not we should have them. Based on discussions with staff on that topic, I think it was felt that it would be best to not have those committed to at this time, but rather that there would be a commitment that we would continue to explore it if we were to come up with an opportunity in the future to provide something.

Ms. Bonventre stated that staff had a meeting with the applicant on Tuesday where we went through the draft decision and discussed the order of operations. We decided that the first mitigation item would be getting a plan from the landscape architect regarding all of the Mall Road median and how that should be handled. Next, when they begin the first building, they're going to actually implement that plan along their frontage with Mall Road. The second phase, the riverwalk, will be completed. Ms. Snyder added that the completion of the third phase is if there was a trigger for coming back on the bike question.

Ms. Bonventre asked when wayfinding would happen. Ms. Snyder replied that it's part of the first phase and then we would adopt and upgrade the wayfinding to each of the future buildings. Ms. Bonventre then asked if there is still going to be bicycle parking and facilities on the first floor. Ms. Snyder replied yes.

Member Natola asked if the bicycle facility on the first floor for rentals. Ms. Snyder replied that it would be intended to be used for bike storage but done in a way that we can sort of celebrate and activate that first floor.

Member Impemba and Vice Chairman Rappaport asked the Planning staff to reach out to see if there is still a bike path committee.

Member Sutherland stated that I would like to see something that encourages bike riding because of how this plan stands now, even though there's a bike storage. By removing the bike lanes, I think the likelihood of bikers feeling safe in that area is slim and just with the benefits of what biking brings to an area like employment and there are studies about how it leads to an increase in retail sales.

Chairman L'Heureux suggested adding signs that read: "bike friendly roadway" (for example).

MOTION – Vice Chairman Rappaport made a motion to close the public hearing on these matters. The motion was seconded by Member Covino and voted 6-0-0.

MOTION – Vice Chairman Rappaport made a motion to approve the request of National Development on behalf of NEEP Investors Holdings, LLC for an Amendment to a Definitive Subdivision pursuant to the Planning Board's Subdivision Rules and Regulations relating to roadways within The District Burlington. Said Amendment requests approval of the following: i) modification of the District Avenue cul-de-sac right-



TOWN OF BURLINGTON
PLANNING BOARD MINUTES
JUNE 1, 2023

of-way, to modify lot lines, to create a new lot off of District Avenue and improvements within the right-of-way limits including, but not limited to curb line and sidewalk adjustments, curb cuts/driveway connections and utility connections on District Avenue and Park Place/Road A, as detailed on the Subdivision Plans entitled “Subdivision of Lot 30 on LC Plan 31049K, and Lot 58 on LC Plan 31049R in Burlington, Massachusetts” and “The District Burlington Modified Master Plan” prepared by Vanasse Hangen Brustlin, Inc., dated January 27, 2023, prepared by VHB, Inc., dated April 12, 2023 subject to the following terms and conditions as amended. The motion was seconded by Member Covino and voted 6-0-0.

MOTION – Vice Chairman Rappaport made a motion to approve the request of National Development for approval of a Special Permit, pursuant to Section 12.1.5 “Planned Development District” of the Zoning Bylaws and Sections 4.1 “Light manufacturing or processing plants” 4.2 “Laboratories engaged in research, experimental and testing activities...” 4.4 “Hazardous and toxic materials/chemical use...” 4.5 “Generation or storage of hazardous waste limited...” 4.12 “Biotechnology – Research, development and manufacturing...” 5.7 “Discharges from manmade structures” and 6.16 “Storage of oils and fuels/petroleum products...” of the New England Executive Park Planned Development District Zoning Provisions for property located at 0, 100, 350, 600, 700, 800, 1200, 1500, 1600, 1700, 2400 District Avenue as shown on the plan entitled “The District Burlington Modified Master Plan” prepared by Vanasse Hangen Brustlin, Inc., dated January 27, 2023 subject to the terms and conditions contained in Exhibit “A” attached as amended. The motion was seconded by Member Covino and voted 6-0-0.

Member Gaffney returned to the Board meeting at 7:29 PM.

7. Minutes

There were no minutes to approve.

8. Other Matters

8.a Discussion

Transportation Demand Management:

Ms. Bonventre stated that one of the biggest complaints we hear is about traffic and so TDM is a way to manage different modes of transportation.

With the amount of transportation / single occupancy vehicles coming into town, I think it's important that we get our businesses involved in trying to provide different options. In the past, all of our decisions had a generic TDM condition, but this would make it more official and make it part of the bylaw as well as make it more enforceable. We would be getting a yearly report on what these companies are doing and how they're managing how people get to their work so we can utilize our existing technology.



TOWN OF BURLINGTON
PLANNING BOARD MINUTES
JUNE 1, 2023

Transportation Demand Management are strategies that increase overall transportation system efficiency by encouraging a shift from single-occupant vehicle (SOV) to non-SOV modes, or by shifting auto trips out of peak periods. TDM strategies are more cost-effective than increasing roadway capacity. Other benefits include reduced air pollution, increased traffic safety, improved public health, and better urban design. The success of TDM relies on the support of the private interest. Reasons for employees to participate in a TDM program include: (1) cost savings, (2) employee attraction, and (3) tax incentives. TDM regulatory requirements are universal transit passes, parking cash-out, bicycle facility requirements, car sharing, and a transportation resource center.

Chairman L'Heureux stated that we should probably form a subcommittee. There may be ways that we can encourage businesses to work together on things that are cost-effective.

Schedule a joint meeting with Land Use and Zoning Bylaw Review Committee for September Town Meeting Zoning Article:

Ms. Bonventre then stated that we're probably going to bring forth to the September Town Meeting a bylaw requiring a certain level of TDM measures for all new projects. Other towns have done it (i.e., Cambridge, Boston, and Lexington).

Eversource Update:

Mr. Zimmerman stated that they want to get ahead of this and hear from Burlington residents, particularly those who would be affected, before they go for permits.

8.b Correspondence

There was no correspondence.

8.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



TOWN OF BURLINGTON
PLANNING BOARD MINUTES
JUNE 1, 2023

Member Gaffney stated that the Burlington Youth Soccer Association wants to put temporary lights on the soccer field at Mary Cummings Park in the fall to extend their evenings because it gets darker earlier. These lights will be gas driven and towed away on wheels at the conclusion of the season.

Member Covino asked how long do the lights stay there. Member Gaffney replied from September to November.

Ms. Bonventre stated that because they are not going to be there for a full year and are not permanent structures, they will not come before the Board.

Chairman L'Heureux asked if the consultants were going to package something to share with everyone about what their takeaways were from the charrettes. Ms. Bonventre replied that the staff had a meeting with them to look at the next steps. What I think they came away with was to look at draft zoning areas such as the Mall, Wayside, the in-between institutional use with Leahy, etc. and then come back. I will reach out to Melisa Tintocalis, Economic Development Director.

MOTION – Vice Chairman Rappaport made a motion to adjourn the June 1, 2023 Planning Board meeting at 7:56 PM. The motion was seconded by Member Sutherland and voted 7-0-0.

Respectfully Submitted by _____

, Recording Clerk