



TOWN OF BURLINGTON
PLANNING BOARD MINUTES
JUNE 4, 2020

RECEIVED

By Town Clerk's Office at 9:09 am, Jun 19, 2020

Members Present: Chair Barbara G. L'Heureux, Vice Chair Joseph Impemba, Clerk Michael Espejo, Ernest E. Covino, William Gaffney(Late Arrival), Paul R. Raymond, and Brenda Rappaport

Members Absent: None

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

1. Call Planning Board Meeting to Order

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

Ms. L'Heureux called the meeting to order at 7:00 PM. The Town of Burlington will be holding the June 4, 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 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 - Mr. Espejo made a motion to take items "7.e" out of order for discussion purposes. The motion was seconded by Ms. Rappaport and unanimously voted 6-0. On a roll call vote, Chairman L'Heureux voted yes, Vice Chairman Joseph Impemba voted yes, Member Rappaport voted yes, Clerk Espejo voted yes, Member Covino voted yes, and Member Raymond voted yes. Member Gaffney was not present.

7.e Continued Public Hearing - Application for Approval of a Special Permit pursuant to Section 4.3.2.22.2 "SolarEnergy System, Ground-Mounted" of the Zoning Bylaws -50 Margaret Street- Northeast Solar Services d/b/a Revolusun, Applicant

MOTION - Mr. Espejo made a motion to continue this matter to the Planning Board Meeting of June 18, 2020 as requested in an email by the applicant dated June 1, 2020. The motion was seconded by Mr. Covino and unanimously voted 6-0. On a roll call vote, Chairman L'Heureux voted yes, Vice Chairman Joseph Impemba voted yes, Member Rappaport voted yes, Clerk Espejo voted yes, Member Covino voted yes, and Member Raymond voted yes. Member Gaffney was not present.

2. Citizens' Time

Shari Ellis, Chair of the Zoning Bylaw Review Committee – Ms. Ellis stated that the ZBRC met last night and voted on some changes to the Escadrille articles. These changes will require amendments for Articles 38, 41, and 42 on Town Meeting floor but they were mostly clerical corrections.

3. Announcements

Mr. Gaffney joined the meeting at 7:05 PM.



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Ms. Kassner stated that the deadline for absentee ballot to be received is June 5, 2020. The Town Election will be held on June 6, 2020. Polling hours will be 8:00 AM to 8:00 PM at the Burlington High School. Town Meeting has been rescheduled for June 10, 2020 at 6:00 PM in the Burlington High School football field. The Federal Census is ongoing and should be filled out and the Town Census is also ongoing and Middlesex 3 and NEREJ are offering a Webinar series if anyone is interested. Also, at the next meeting there will be two new items: a Definitive Subdivision - Chandler Road (Mill Pond Estates) and a Special Permit & Site Plan - Burlington Mall (Common Craft Beer).

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 from the BSC Group joined the meeting. The applicant did not appear for the discussion. Mr. Dowdy stated that the applicant has submitted additional information including a video of the drainage system and they have addressed all of the concerns as stated in our initial letter. They have updated the hydro calculations to address the extra fill on 3 & 5 Dartmouth Road. The fill has reduced the amount of runoff from the approved plan. The yard is flatter which provides better infiltration. He is satisfied with the response from the applicant regarding the wall.

Mr. Impemba stated that he is still not convinced that the additional fill is better and asked if the Town witnessed the camera inspection of the drainage system. Ms. Kassner stated that the Town did not witness the video footage, we were not notified. Ms. Kassner stated that since the applicant is not here, this matter should be continued.

Ms. Kassner read the updated departmental reports. This Minor Engineering Change is just one of multiple levels of review for this subdivision. If the Minor Engineering Change gets approved with the recommendations from BSC Group, it will hopefully address the current drainage issues.

Mr. Raymond stated that he is satisfied with the peer review and his recommendation and he did a good job.

Mr. Gaffney asked if the land is flattened, is it still angled. Mr. Dowdy replied yes, that it is less steep.

Mr. Covino asked what are the ramifications of discussing this without the applicant being present.

Ms. L'Heureux replied we are asking questions to the peer reviewer so hopefully he doesn't need to attend any further meetings. Mr. Covino asked Mr. Dowdy to explain the flattening concept. Mr. Dowdy stated that by flattening out the area, they have expanded the time of concentration for the water to be absorbed into the soil which means less runoff. Mr. Covino asked if this would be better for the neighbors. Mr. Dowdy replied yes.



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Mr. Espejo asked why a representative from the Town did not witness the drainage system being inspected. Ms. Kassner stated we were not notified even though the Board requested that the Town be present. Ms. Kassner added that the developer is usually responsible for the maintenance of the drainage until the subdivision is accepted. We have proposed that the developer be responsible for 2 years after the acceptance and they must inspect the drainage system every 6 months with the Town being present. Ms. L'Heureux stated that it is difficult to trust the applicant when they haven't done what we asked of them now.

Ms. L'Heureux asked that Mr. Dowdy to add the details of the grade change in writing. Mr. Dowdy replied it is in his letter of June 2, 2020 #6. Ms. L'Heureux stated that she visited the site and looked at the wall. There is a large boulder and large rock that have been dislodged so how do we know it won't continue to happen. Mr. Dowdy replied that it is a common application to hold up earth and there is not a lot of bearing weight. There are no depression areas or erosion showing. Ms. L'Heureux stated that if the wall is compromised, the fence and wall could end up in the neighbors' yard. Ms. L'Heureux stated that she would prefer vertical granite curbing instead of the Cape Cod berm.

David Miller of 19 Gloria Circle and Town Meeting Member – Mr. Miller asked if the owners of 5 Dartmouth Road realize there will now be a vertical granite curbing and a swale. There should be a drainage system installed under the driveway as a belt and suspenders solution. Mr. Miller stated that there should be an impervious barrier behind the stone wall because they are already seeing soil coming out. Mr. Dowdy stated that it is a very common application especially with walls less than 4'. Ms. L'Heureux asked how high the wall is. Mr. Dowdy stated that he did not measure it but his best guess was between 2' and 4'. Mr. Miller stated that his property is now abutting a steeper hill. Mr. Dowdy stated that the water sheds to the back of the property, not towards Mr. Miller's property. Mr. Miller stated that the 2 additional feet if better, should have been part of the original plan. Mr. Miller asked if the proposed changes and recommendations are done, it should fix the water issue. Mr. Dowdy replied it should improve the situation from the original plan. Mr. Miller stated that the Minor Engineering Change was needed because the developer didn't build it per plans and what was built was incorrect. His biggest concern is with the driveway at 5 Dartmouth was installed wrong and put water onto his property. Ms. L'Heureux asked if we could require the applicant to install an infiltration system under the driveway, tie in all the downspouts to the infiltration system in addition to the roof runoff from the gutter are connected into the infiltration system under the driveway, and then pitch the driveway correctly. Ms. Kassner replied yes, if it is justified. Mr. Dowdy stated that would need to be designed by the applicant. To be clear, a new proposed infiltration system will be installed at the end of the driveway. This is an underground system and should have the downspouts tied into it. Another infiltration system under the driveway would require them to tear up the drive way and have more disturbance and he is not sure that would accomplish anything more.

Mr. Espejo stated that he is very disappointed that the applicant is not here. It is not acceptable in his mind.

Mr. Gaffney asked if taking town a lot of trees would affect the water table. Mr. Dowdy replied yes, trees absorb a lot of the water, so if trees were taken down and impervious surface was added, it would affect the water table but they provided a design and calculations to address that.



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Ms. L'Heureux asked if the vertical granite curbing would impact the rock wall. Mr. Dowdy replied it shouldn't. Mr. Covino stated that until this new infiltration system is installed, the downspouts connected and the vertical granite curbing is installed it is an incomplete drainage system. Mr. Dowdy replied that was correct.

Tony Matarazzo of 2 Dartmouth Road – Mr. Matarazzo stated that the project engineering made a recommendation on how to fix the water issue. An independent engineer has provided recommendations to fix the issue. We should let them fix the issues and move forward.

Mr. Impemba asked what happens if the drainage is not fixed. Mr. Dowdy stated that he can't answer with a hypothetical question.

Mr. Covino asked how the water gets into the infiltration system. Mr. Dowdy stated that the curb will direct it down to a small paved swale at the end of the driveway. Mr. Covino stated that there needs to be something added to the decision so the infiltration system doesn't get blocked by snow.

MOTION - Mr. Covino made a motion to continue this matter to the meeting of June 18, 2020. The motion was seconded by Mr. Espejo and unanimously voted 7-0. On a roll call vote, Chairman L'Heureux voted yes, Vice Chairman Impemba voted yes, Clerk Espejo voted yes, Member Gaffney voted yes, Member Covino voted yes, Member Raymond voted yes, and Member Rappaport voted yes.

7. Matters of Appointment

MOTION - Mr. Espejo made a motion to take items "7.a", "7.b", "7.c" and "7.d" together for discussion purposes. The motion was seconded by Ms. Rappaport and unanimously voted 7-0. On a roll call vote, Chairman L'Heureux voted yes, Vice Chairman 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 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.b 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.c 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.d 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 Lorigin and Phil Henry appeared for the continued special permits for 150 Lexington Street. Attorney Vaughn stated that the plans have been revised to include comments from the Planning Board including pedestrian access and landscaping and comments from a meeting they had with Ms. Kassner and Sargent McDonough regarding the cut through and traffic safety.



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Mr. Mueller stated that in the existing conditions a barrier has been placed to try to prevent the cut through. This does not work because now people are using the main parking lot to use as a cut through. There are more accidents in the Kohl's parking lot than any other retail location. They are proposing to re-route the cut through traffic along the perimeter of the lot and add speed prohibitions along the way such as stop signs and speed humps.

Mr. Henry stated that some other changes that have been included in the new plan includes: installation of a speed table for the crosswalk across the drive-thru lane that will level up 3" to a 10' walk way then level down 3"; a new pedestrian crosswalk has been added to the end of the drive-thru lane and a sidewalk has been added to the west of the building to connect to the sidewalks on Lexington Ave. They will also be adding stop signs at the internal intersections and curb cuts and all existing stop bars and lettering will be refreshed. Mr. Mueller added that they are also improving site lines by removing overgrown vegetation from both Lexington Street and Meadow Brook.

Mr. Henry stated that they have also made changes to the landscaping to include: the arborvitaes have been eliminated near the ATM; additional rhododendrons to cover the transformer and flowering plants and grasses have been added on the pie shape landscape island. They have marked the existing trees that will be removed and these trees will be transplanted elsewhere. They are also adding 7 shrubs along the drive-thru. The applicant presented the curbing layout and landscape renderings.

Mr. Impemba stated that with the new cut through it will encourage people to cut through the property. He also thinks that the entire parking lot should be seal coated so the new stop lines will stand out. Attorney Vaughn stated that they spent a lot of time with Sgt. McDonough and there is no way to prevent the people from using the cut through so they want to make it as safe as they can. Mr. Impemba asked if there are stop signs along the cut through. Mr. Mueller replied yes, there are 4. Mr. Impemba stated that the roadway should be addressed in its entirety including adding a center line from Meadow Brook to Lexington Street. Ms. Kassner stated that in the decision, there is a condition to add delineations to make this safer to be reviewed by Staff, the Chair and Sgt. McDonough. These could include a median strip, stop signs; replace speed bumps with speed humps. Mr. Impemba stated that there should be a stop sign right near the corner of Kohl's.

Mr. Gaffney stated that we also need to look at the traffic coming from Lexington Street and stop signs coming that way. Mr. Gaffney asked if there are site lights at the crosswalks. Mr. Henry replied yes they are low profile lights at each end of the drive-thru. Mr. Gaffney stated that the bollards should be black and not the bright yellow. Mr. Gaffney stated that the data of the accidents would be helpful. Ms. Kassner stated that the majority of the accidents occur at the intersection of the aisle off of Mall Road and the cut through.

Mr. Raymond stated that he likes the cut through and thinks it is a good idea.

Mr. Espejo stated that he still doesn't believe that a bank belongs in the middle of the parking lot. He likes the cut through but is still concerned with the pedestrian cross walks.

Ms. Rappaport asked if there will be a bike rack. Mr. Henry replied no. Ms. Rappaport stated that there should be to encourage pedestrian and bike access.



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Mr. Covino stated that he likes the cut through. Mr. Covino asked if the curbing of the new islands would be vertical granite curbing and the concrete casting will be with the sidewalk. Ms. Kassner stated that on the plan shown, slope granite curbing will remain and the precast curbing will be changed to vertical granite curbing.

Shari Ellis, Town Meeting Member – Ms. Ellis stated that she uses the cut through now and if there are too many stop signs and speed bumps she is going to go around through the parking lot like many other people will do. Mr. Mueller stated that they are not speed bumps but speed humps which are completely different. The speed humps can be driven over at 15 MPH. Ms. Kassner stated that the intention of the cut through is to have people use it but makes it as safe as possible. Mr. Impemba stated that it is not a street, it is a parking lot.

MOTION - Mr. Raymond made a motion to close the public hearing on these matters. The motion was seconded by Mrs. Rappaport and unanimously voted 7-0. 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 Rappaport voted yes and Member Raymond voted yes.

MOTION - Mr. Raymond made a motion to approve the request of Arista Development, for Special Permits pursuant to Sections 4.3.2.22 “Drive-through”, 4.4.1.11 “Discharges from manmade structures into the wetlands” and 6.1.2.1 “Nonconforming Structures and Premises” of the Zoning Bylaws at 150 Lexington Street, Burlington, MA, subject to the terms and conditions contained in exhibit “A” attached and amended. The motion was seconded by Ms. Rappaport and voted 6-1-0. On a roll call vote, Chairman L’Heureux voted yes, Vice Chair Impemba voted yes, Clerk Espejo voted no, Member Covino voted yes, Member Gaffney voted yes, Member Rappaport voted yes and Member Raymond voted yes.

MOTION - Mr. Raymond made a motion to approve the request for approval of a Site Plan application of Arista Development, LLC, for property located at 150 Lexington Street, to permit the construction of a 2,700 +/- square foot single story full service bank branch with a 1-lane remote drive-through Automated Teller Machine (ATM) and associated site and utility improvements, as reflected on a Plan entitled, “Site Plan Set for Proposed Bank 150 Lexington Street Burlington, Massachusetts 01803,” prepared by Civil Design Group, LLC, dated March 2, 2020, revised to May 28, 2020, subject to the following revisions, terms and conditions and amended. The motion was seconded by Mr. Covino and voted 6-1. On a roll call vote, Chairman L’Heureux voted yes, Vice Chair Impemba voted yes, Clerk Espejo voted no, Member Covino voted yes, Member Gaffney voted yes, Member Rappaport voted yes and Member Raymond voted yes.

8. Minutes – May 21, 2020

MOTION - Mr. Espejo made a motion to approve the Planning Board minutes of May 21, 2020 as submitted. The motion was seconded by Mr. Covino and unanimously voted 6-0-1. On a roll call vote, Chairman L’Heureux voted yes, Vice Chair Impemba abstained, Clerk Espejo voted yes, Member Covino voted yes, Member Gaffney voted yes, Member Rappaport voted yes and Member Raymond voted yes.



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9. Other Business

9.a Discussion

9.a.1 60 Blanchard Road

Ms. Kassner stated that the applicant as requested a year extension on the Site Plan and Special Permit for an office building.

MOTION - Mr. Espejo made a motion Planning Board hereby grants a one (1) year extension of time from May 25, 2020 to May 25, 2021 to complete the required Special Permits and Site Plan improvements, pertaining to parking lot layout changes and the new office building at 60 Blanchard Road, as requested by the Applicant's attorney in a letter dated May 29, 2020. The motion was seconded by Mr. Covino and unanimously voted 7-0. 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 Rappaport voted yes and Member Raymond voted yes.

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

Ms. Kassner stated that the Master Plan has been uploaded to a Google Drive but there are permission problems. They are working on getting this corrected.

9.f New Business

Mr. Impemba stated that at the new urgent care facility, there was supposed to be screening on the bollards and the bollards were supposed to be black and the screening is on the inside. Mr. Gaffney stated that on that same site, there were supposed to be faux goose neck lighting near the sign and they are not installed. Ms. Kassner stated that they will contact the owner tomorrow.

Ms. L'Heureux stated that the next meeting they will do the reorganization of the Board and all members need to be present. If you can't attend the next meeting, please let staff know.

MOTION - Mr. Covino made a motion to adjourn the June 4, 2020 Planning Board meeting at 9:55 PM. The motion was seconded by Ms. Rappaport and unanimously voted 7-0. 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 Rappaport and Member Raymond voted yes.

*Respectfully Submitted by Dawn Cathcart,
Recording Clerk*