



TOWN OF BURLINGTON
PLANNING BOARD MINUTES
JUNE 17, 2021

RECEIVED

By Town Clerk's Office at 9:16 am, Sep 03, 2021

Members Present: Chairman Brenda Rappaport, Vice Chairman William Gaffney, Ernest Covino, Michael Espejo, Joseph Impemba, and Barbara G. L'Heureux

Members Absent: None

Staff Present: Senior Planner Elizabeth Bonventre, Assistant Planner Brady Caldwell, and Principal Clerk Jennifer Gelinis (On WebEx)

1. Call the Meeting to Order

Chairman Rappaport called the meeting to order at 7:00 PM. The Town of Burlington will be holding the June 17, 2021 meeting of the Planning Board as a hybrid meeting due to the expiration of the State of Emergency that was issued due to the Covid-19 virus on March 12, 2020.

Ms. Bonventre stated that the option for remote participation via WebEx is being provided as a courtesy to the public. The meeting will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. 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.b" through "7.i" together and out of order for discussion purposes. The motion was seconded by Member L'Heureux and unanimously voted 7-0-0.

7.b Continued Public Hearing - Application for Approval of a Special Permit pursuant to 12.1.5 "PD Special Permit" of the Zoning Bylaw Provisions – 25 Network Drive – The Nordblom Company, Applicant

7.c Continued Public Hearing - Application for Approval of a Special Permit pursuant to 1.5.1 "Light manufacturing or processing plants" of the Northwest Park PDD Bylaw Provisions – 25 Network Drive – The Nordblom Company, Applicant

7.d Continued Public Hearing - Application for Approval of a Special Permit pursuant to 1.5.2 "Laboratories engaged in research experimental and testing activities including, but not limited to, the fields of biology, chemistry, electronics, engineering, geology, medicine and physics subject to the Planning Board making the findings set forth in Section 8.3.7.4 of the Zoning By-Laws and subject to the applicable rules and regulations of the Board of Health." of the Northwest Park PDD Bylaw Provisions – 25 Network Drive – The Nordblom Company, Applicant

7.e Continued Public Hearing - Application for Approval of a Special Permit pursuant to 1.5.3 "Wholesale trade and warehousing" of the Northwest Park PDD Bylaw Provisions – 25 Network Drive – The Nordblom Company, Applicant

7.f Continued Public Hearing - Application for Approval of a Special Permit pursuant to 1.6.7 "Discharges from manmade structures into the wetlands" of the Northwest Park PDD Bylaw Provisions – 25 Network Drive – The Nordblom Company, Applicant



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7.g Continued Public Hearing - Application for Approval of a Special Permit pursuant to 1.7.5 “Accessory Health Club located entirely within a commercial or residential facility” of the Northwest Park PDD Bylaw Provisions – 25 Network Drive – The Nordblom Company, Applicant

7.h Continued Public Hearing - Application for Approval of a Special Permit pursuant to 1.7.19 “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 Northwest Park PDD Bylaw Provisions – 25 Network Drive – The Nordblom Company, Applicant

7.i Discussion – Application for Approval of a Minor Engineering Change – 15, 25, 35, 45 & 95 Network Drive – Nordblom Company, Applicant

MOTION - Clerk Raymond made a motion to continue these matters to the Planning Board meeting of July 15, 2021 as requested in an email by the applicant’s attorney dated June 16, 2021. The motion was seconded by Member Covino and unanimously voted 7-0-0.

MOTION - Clerk Raymond made a motion to take item “7.o” out of order for discussion purposes. The motion was seconded by Member L’Heureux and unanimously voted 7-0-0.

7.o Continued Public Hearing – Application for Approval of an amendment to a Definitive Subdivision Plan – 4 & 5 Redmond Street – Murray Hills, Incorporated, Applicant

MOTION - Member L’Heureux made a motion to continue this matter to the Planning Board meeting of July 15, 2021 as requested in an email by the applicant dated June 15, 2021. The motion was seconded by Member Espejo and unanimously voted 7-0-0.

2. Citizen’s Time

There were no citizen’s comments.

3. Announcements

Mr. Caldwell stated that Juneteenth will be observed on Friday, June 18th and all town offices will be closed. The ZBRC Sign Subcommittee will meet on June 21st @ 5:30 via Zoom. The Housing Partnership Committee will be meeting on June 24th at 6:00 via WebEx. All Town offices will be closed on July 5th in observance of July 4th. The Board of Appeals will be meeting on July 6th and the location will be TBD.

Member Espejo thanked all the Town Departments that kept the Town of Burlington running during the pandemic. Glad we are all back at Town Hall.

Member Covino gave condolences to Planning Director Kristin Kassner for the passing of her mother.

4. Legal Notices of Interest

There were no legal notices.

5. Non-Approvals

There were no non-approvals.



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6. Administrative Matters

There were no administrative matters.

7. Matters of Appointment

7.b Continued Public Hearing – Application for Approval of a Special Permit Pursuant to 4.2.6.9 “Fast Order Food Establishments” of the Zoning Bylaw Provisions – 75 Middlesex Turnpike (Burlington Mall) – Bennett’s Store of Burlington, MA, LLC – Applicant

Vice Chairman Gaffney stated that he did not watch the last meeting, so he is going to recuse himself.

Ms. Bonventre stated that this is a straight forward application and there are no additional comments.

Kristine Hung from Riemer & Braunstein LLP and Brendin McCord of Bennett’s Stores appeared for the Special Permit at 75 Middlesex Turnpike. Attorney Hung stated that they presented this matter at the last hearing and are here to answer any questions.

Clerk Raymond asked if there are other locations. Attorney Hung replied yes, this is not a franchise, but this will be their fourth location including Portsmouth, NH and a new store in Kennebunk, ME.

Member L’Heureux asked when is the target opening. Mr. Marques replied they hope to open in the October-November timeframe.

There were no questions from the audience.

MOTION - Clerk Raymond made a motion to close the public hearing on this matter. The motion was seconded by Member Covino and unanimously voted 6-0-0.

MOTION - Clerk Raymond made a motion to approve the request of Bennett’s Store of Burlington, MA, LLC for a Special Permit pursuant to Section 4.2.6.9 “Fast order food establishments” of the Burlington Zoning Bylaw for property located at 75 Middlesex Turnpike (Burlington Mall), subject to the terms and conditions contained in Exhibit “A” attached. The motion was seconded by Member L’Heureux and unanimously voted 6-0-0.

Vice Chairman Gaffney returned to the meeting.

MOTION - Clerk Raymond made a motion to take items “7.j” through “7.n” together for discussion purposes. The motion was seconded by Member L’Heureux and unanimously voted 7-0-0.

7.j Continued Public Hearing - Application for Approval of a Special Permit pursuant to 4.2.6.9 “Fast order food establishments” of the Zoning Bylaw Provisions – 59-63 Middlesex Turnpike – Nouria Energy, Applicant

7.k Continued Public Hearing - Application for Approval of a Special Permit pursuant to 4.4.1.11 “Discharges from manmade structures into the wetlands” of the Zoning Bylaw Provisions – 59-63 Middlesex Turnpike – Nouria Energy, Applicant

7.l Continued Public Hearing - Application for Approval of a Special Permit pursuant to 6.1.1 “Nonconforming Uses” of the Zoning Bylaw Provisions – 59-63 Middlesex Turnpike – Nouria Energy, Applicant



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7.m Continued Public Hearing - Application for Approval of a Special Permit pursuant to 6.1.2 “Nonconforming Structures and Premises” of the Zoning Bylaw Provisions – 59-63 Middlesex Turnpike – Nouria Energy, Applicant

7.n Continued Public Hearing - Application for Approval of a Site Plan – 59-63 Middlesex Turnpike – Nouria Energy, Applicant

Attorney Bill Proia from Riemer & Braunstein LLP, Luke DiStefano from Bohler Engineering, Kirsten Braun from Muller Traffic Consultants and Tom Healy from Nouria Energy appeared for the continued Special Permits and Site Plan for 59-63 Middlesex Turnpike. Attorney Proia stated that there were some issues from the last meeting including bollards, curb less sidewalks, landscaping, increasing the non-conforming use and number of pumps. They would like to address these comments.

Mr. Brady stated that there are no additional department comments and the Conservation Commission is waiting on the approval of the Site Plan before they approve in case there are any changes.

Attorney Proia stated that the number of gas dispensers does not drive the traffic count in their opinion and it does not increase the non-conformity. The proposed plan improves the site including circulation and environmental issue. The raised sidewalks have been a safety issues for their customers and Wegman’s sidewalk near the store is very similar.

Mr. DiStefano stated that as far as landscaping, they have added bump out on the left side with additional landscaping but that landscape strip is very narrow. They have also added an additional landscape island so an additional 250 SF of landscape has been added. The parking spaces in the front and side of the building will be painted black to match the pavement and have a contrast to the sidewalk.

Ms. Braun stated that they are expanding the existing gas station and store area. Most of the traffic will be pass by traffic and will already be on the road system and most will come from Rt. 95. There will be little impact to Middlesex Turnpike. The proposed design processes customers more efficiently especially with 3 driveways. The overall increase in traffic will range from .2% to 3% during peak times.

Member Impemba stated that there will be an increase of traffic we only have 4 cars and now there could be 6. Ms. Braun replied yes, because they are going from a gas station to a super gas station with food and convenience store not just because of the two extra pumps. We hope people will buy gas and then go into the store.

Mr. Healy stated that they will not build a gas station with less than 6 pumps. The goal is to get customers to spend more money. Most people will get gas and then leave their car at the pumps and go into the store. With 6 pumps we will be able to handle traffic easier at peak times. There is also the unknown of what will happen with EV in the next 10 years. They have spent a lot of time with their insurance agents discussing claims with the raised sidewalks. In the last 3 years there have been 34 instances with people tripping over the sidewalk. The bollards have been proposed to prevent vehicles from going into the building.

Member L’Heureux stated that 6 pumps means there will be 12 vehicles, not just 6 vehicles. Mr. Healy replied that was correct but cars will be parked there if customers go into the store.



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Member Espejo asked for clarification, that you believe curb less sidewalks are safer than raised sidewalks. Mr. Healy stated that they only have 2 new stations with curb less sidewalks but other national chains are moving in this direction. These are also ADA compliant.

Chairman Rappaport asked how many stations these 34 accidents occurred on. Mr. Healy replied that they control 140 stations.

Vice Chairman Gaffney stated that he asked for additional landscaping in the front and nothing was added. He asked instead of bollards, could planters be added to add landscaping and the bollards could be inside of the planters. He would also like details of what type of landscaping would be in the bump outs. Mr. DiStefano stated that the landscaping plan identifies the plantings. Vice Chairman Gaffney stated that signs should be prohibited on the polls and on the plan, there is a note on the plan for a free standing sign but it says a variance is needed. Mr. Healy stated that they are not proposing a free standing sign and if there is a note on the plan that is an error and should be removed. There is not enough room in the front for planters. The bollards only take up 6" but a planter would require more room than what they have. Customers also tend to use those planters for trash and ashtrays so they do not work. Vice Chairman stated that response proves his point, this site is overbuilt at the detriment of enhancing the site. He would also like a condition that no video screens are allowed at the pumps.

Member L'Heureux stated that the two other sites in Burlington that are under the applicants control have had issues with temporary signs and she would like to make clear temporary signs are not allowed. Mr. Healy replied that they will address this. Member L'Heureux stated that she doesn't agree that an increase number of pumps will not increase traffic and agrees with Vice Chairman Gaffney that this site is overbuilt. This is a non-conforming use and the goal is make non-conforming uses go away to increase them. She would not be in favor of this proposal.

Clerk Raymond stated that he missed the original meeting but watched it on BCAT. He agrees that the extra pumps will increase the non-conforming use and the building should be more esthetically pleasing.

Member Covino asked if there are any gas stations in the area that have 6 2-sided pumps. Member Espejo replied he believes the gas station next to LaCascia's does. Mr. Caldwell stated that only has 3 2-sided pumps. Member Covino asked if they could install 4 pumps now and perhaps look at adding an additional 2 at a later date. Member Covino asked if the bollards are located in the middle of the parking spaces. Mr. DiStefano replied that it will vary because they will be 5' on center.

Member Espejo asked why they are increasing the number of pumps. Mr. Healy stated that they will now be offering more in the store including real food options.

Member Impemba stated that this proposal will be more detrimental to Middlesex Turnpike and the traffic in this area. The argument that they can only build what corporate tells them is false because he has seen numerous building of chain business have a different look than what was told to us. He would want more concessions for increasing a non-conforming use that what was offered.

Chairman Rappaport can appreciate the hesitance of installing planters instead of bollards but this site will be busy and will create traffic because there is nothing else in this area.



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Mr. Healy stated that they are invested in this site for a few more years due to the lease and they are willing to invest \$4 million dollars into this site but he is not sure what else they can do to address the Board's concerns.

Attorney Proia asked that the Board accept the withdrawal of this application without prejudice.

There were no questions from the audience.

MOTION - Clerk Raymond made a motion that the Planning Board hereby accepts the Applicant's request to withdraw, without prejudice, on the applications for approval of a Special Permit and Site Plan submitted by Nouria Energy Corporation. The motion was seconded by Member Covino and unanimously voted 7-0-0.

8. Minutes –May 6, 2021, May 12, 2021, May 20, 2021 and June 3, 2021

MOTION - Member Covino made a motion to approve the Planning Board minutes of May 6, 2021, May 12, 2021, May 20, 2021 and June 3, 2021 as presented. The motion was seconded by Member Espejo and unanimously voted 7-0-0.

9. Other Business

9.a.1 Renaming the IH District

Ms. Bonventre stated that there was discussion of renaming the IH District because it really is not high rise, because it is only 10' more than what is allowed in IG. This district was modified to attract Life Science.

Clerk Raymond stated that we should have the developers come in and discuss what is needed for Life Science and make the zoning tailored to them. Ms. Bonventre stated that the Economic Development Director has been working with the developers to see how we can attract more Life Science and if Clerk Raymond has any questions, he can speak with us.

Member Covino stated that IH is more closely related to IG, so he has suggested a IG(2) district and Ms. Kassner had suggested an Innovation District. Member Impemba liked Clerk Raymond's thought and we should tailor it to Life Science and then it could be an Innovation District.

Chairman Rappaport stated that we have a place holder in the warrant for the name change and should continue to work on the name.

9.a.2 In-Person vs. Remote Meetings

Ms. Bonventre stated that the Emergency Order for remote meetings expired on June 15th but since then the Legislature has extended these acts until April 1, 2022.

Chairman Rappaport likes the in person meetings and it shortens since roll call is not required.

Member L'Heureux agreed but likes the option that if someone is out of town or not feeling well, they can still attend the meeting.

9.b Correspondence

There was no correspondence.



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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

Chairman Rappaport stated that the strategy meeting is scheduled for July 22, 2021.

9.f New Business

There was no new business.

MOTION - Member L'Heureux made a motion to adjourn the June 17, 2021 Planning Board meeting at 8:23 PM. The motion was seconded by Clerk Raymond and unanimously voted 7-0-0.

*Respectfully Submitted by Dawn Cathcart,
Recording Clerk*