



TOWN OF BURLINGTON
PLANNING BOARD MINUTES
JULY 15, 2021

RECEIVED

By Town Clerk's Office at 9:17 am, Sep 03, 2021

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

Members Absent: Joseph Impemba

Staff Present: Planning Director Kristin Kassner; Senior Planner Elizabeth Bonventre, and Principal Clerk Jennifer Gelinias (On WebEx)

1. Call the Joint Meeting of the Planning Board, ZBRC and Land Use Committee to Order

Chairman Rappaport called the joint meeting to order at 7:02 PM. The Town of Burlington will be holding the July 15, 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.

Shari Ellis, Betsey Hughes, Ed Parsons and Sally Willard joined the meeting representing the ZBRC.

Patricia O'Brien joined the meeting representing the Land Use Committee.

2. Citizen's Time

Steve Meyers of 52 Mueller Road – Mr. Meyers stated that he is upset with the Planning Board for putting a restriction on the new Tesla EV charging stations that 4 of the 12 can be used for short term parking. Tesla encourages owners not to leave their cars plugged in and are not charging then Tesla will charge them a \$1/minute. This goes against their policies. The State has even allowed Town's to charge a fine of \$50 for non EV cars using the charging spots. Mr. Meyers requested that the Planning Board change the decision and only allow EV cars to use the charging spots. Chairman Rappaport stated that this is not even built yet and if it becomes a problem they can take a look at it. Mr. Meyers stated that this Board is making a big mistake. Vice Chairman Gaffney stated that we had a lot of discussion and Tesla wanted a prime location at the Mall. If they had chosen a lesser prime location, then perhaps they would have done an EV charging only situation.

3. Matters of Appointment

3.a Public Hearing – Petition to Rezone Property to the High-Rise Industrial (IH) District – 1 Rounder Way – Submitted by David Reinfeld and Lou Frate

David Reinfeld appeared for the public hearing to discuss changing the zoning for 1 Rounder Way from IG to IH district. The property has a single 2-story 40,000 SF building with a 20,000 SF footprint. They would like to market the building for Life Science and this parcel is very close to the parcels that were rezoned to IH at the May Town Meeting.

There were no questions from the board, committees or audience.



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MOTION - Member Covino made a motion to continue this matter to the Planning Board Meeting of August 19, 2021. The motion was seconded by Member L'Heureux and unanimously voted 6-0-0.

MOTION - Member L'Heureux made a motion to take items 3.b through 3.e together for discussion purposes. The motion was seconded by Vice Chairman Gaffney and unanimously voted 6-0-0.

3.b Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 1 Wall Street – Submitted by the Gutierrez Company

3.c Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 2 Wall Street – Submitted by the Gutierrez Company

3.d Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 10 Wall Street – Submitted by the Gutierrez Company

3.e Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 20 Wall Street – Submitted by the Gutierrez Company

Scott Weisse from the Gutierrez Company appeared for the public hearing to discuss rezoning for 1, 2, 10 and 20 Wall Street to IH. Mr. Weisse stated that currently these properties are zones IG and BG. Building #1 is 192,000 SF on 6.78 acres and has a FAR of .065, Building #2 is 12,000 SF on 1.5 acres with a FAR of .18, #10 has 22,000 SF on 3 acres and has a FAR of .17 and #20 has 11,184 SF on 2.9 acres with a FAR of .41. They would like to move towards having Life Sciences allowed in these locations. They estimated the potential growth if the zoning would change and in total they could increase up to 75,000 SF. There is currently office, retail and restaurant uses on these sites and Life Science would have less traffic and less of an impact to the area.

Member L'Heureux asked if the residents behind the properties have been notified of the potential change. Mr. Weisse replied that there is a buffer parcel between them but no, they have not been notified. Ms. Kassner stated that they would advise the applicant to notify the MFD property and all residential property around them. Member L'Heureux stated that she would want to know what the big vision is for this area. A lot of people use the medical building at #20 Wall Street and they would be impacted if this changed. Chairman Rappaport stated that she would like to see the leases of the tenants.

Member Espejo asked of the occupancy rate at 10 Wall Street. Mr. Weiss stated that he doesn't know the percentages but there is about 6,000-7,000 SF of vacant space but will get the percentages.

Member Covino stated that 5 Wall Street does not fall under Gutierrez Company any longer. Mr. Weiss replied that was correct. Member Covino stated that if these were rezoned, the retail and restaurant uses would be considered pre-existing non-conforming. Ms. Kassner replied that was correct.

MOTION - Member L'Heureux made a motion to continue these matters to the Planning Board Meeting of August 19, 2021. The motion was seconded by Member Espejo and unanimously voted 6-0-0.



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3.f Public Hearing – To Amend the Zoning Bylaw by Renaming the High-Rise Industrial (IH) District – Planning Board, Applicant

Ms. Kassner stated that this district is misleading. This district allows for buildings to be higher than IG by 10' and the height is controlled by the proximity to the residential district. They have been discussion names and some examples are IG2, Innovation Science, Business Life Science, Commercial Industrial, etc. They are also working with the Economic Development Director to see what key words would be helpful if companies are looking for Life Science.

Member Covino stated that he suggested IG2 to keep it simple and in general terms.

Member L'Heureux agreed to keep in general but she likes the Innovation Science district.

Ms. Bonventre stated that she has been investigating other municipalities zoning names and most are general like IG1, IG2. We need to make a decision by the next meeting so we can forward this for Town Meeting.

Ms. Hughes stated that it's great to rename this district because it is very misleading.

MOTION - Clerk Raymond made a motion to continue this matter to the Planning Board Meeting of August 19, 2021. The motion was seconded by Member Covino and unanimously voted 6-0-0.

4. Call the Planning Board Meeting to Order

Chairman Rappaport thanked all the committee members for attending and called to order the Planning Board meeting at 8:00 PM.

MOTION - Clerk Raymond made a motion take item "10.j" out of order for discussion purposes. The motion was seconded by Member L'Heureux and unanimously voted 6-0-0.

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

MOTION - Member Espejo made a motion to continue this matter to the Planning Board meeting of August 19, 2021 and further the Planning Board agrees to mutually extend the Statutory Deadline to file the decision (Subdivision Form S) to September 9, 2021 endorsed by the Applicant on July 15, 2021. The motion was seconded by Member L'Heureux and unanimously voted 6-0-0.

5. Citizen's Time

There were no citizen's comments.

6. Announcements

Ms. Bonventre stated that the Board of Appeals will be meeting on July 20th with the location TBD. The Citizen Planner Training Collaborative is hosting a webinar on Drafting Zoning Amendments on July 21st at 6:00 – via Zoom. The Burlington Housing Partnership Committee will be meeting on July 22nd at 6:00 via WebEx. The ZBRC Sign Subcommittee will be meeting on July 26th at 5:30 via Zoom. The Sculpture Park Committee will be meeting on August 3rd at 10:00 at Burlington Sculpture Park (between the Police Station and Grandview Farm). Celebrate Burlington Day will be held on August 7th from 11:00 to 7:00 at the Town Common.



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Member L'Heureux stated that the stone bench project should be completed tonight at the Sculpture Park. The Sculpture Park Committee will also be hosting some events during Burlington Days.

7. Legal Notices of Interest

There were no legal notices.

8. Non-Approvals

There were no non-approvals.

9. Administrative Matters

There were no administrative matters.

10. Matters of Appointment

10.a Public Hearing – Application for Approval of a Special Permit Pursuant to 4.2.6.9 “Fast Order Food Establishments” of the Zoning Bylaw Provisions 68-110 Burlington Mall Road — Laws 7, Inc. (d/b/a Teriyaki Madness), Applicant

Kristine Hung from Riemer & Braunstein LLP, Tony Nasser and Langdon Laws appeared for the Special Permit at 68-110 Burlington Mall Road. Attorney Hung stated that the applicant has taken over the space previously occupied by Upper Crust Pizza. It is approximately 1,500 SF with 30 seats. There are no exterior seating proposed. They are not proposing any changes to the exterior. There will be dedicated parking spaces and they will install the odor control system. They offer a menu of fresh Asian fusion and the majority of their business is take out and catering. Mr. Nasser stated that the majority of the menu items are rice and noodle bowls that customers can customize.

Ms. Kassner stated that they have reviewed the application and they have no concerns.

Vice Chairman Gaffney stated that no temporary signs can be installed.

There were no questions from the audience.

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 6-0-0.

MOTION - Member L'Heureux made a motion to approve the request of Laws 7, Inc. for a Special Permit pursuant to Section 4.2.6.9 “Fast order food establishments” of the Burlington Zoning Bylaw for property located at 68-110 Burlington Mall Road, subject to the terms and conditions contained in Exhibit “A” attached. The motion was seconded by Member Espejo and unanimously voted 6-0-0.

MOTION - Clerk Raymond made a motion to take item “10.b” through “10.i” together for discussion purposes. The motion was seconded by Member Espejo and unanimously voted 6-0-0.

10.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

10.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



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10.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

10.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

10.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

10.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

10.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

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

Robert Buckley from Riemer & Braunstein LLP, Todd Fremont-Smith and Marissa Valentino from BSC Group appeared for the public hearings for 25 Network Drive. Mr. Fremont-Smith stated that they had a site walk with staff yesterday and they are proposing adding sidewalks where possible, and a 3’ bike lane. The site has large grass areas, raised vegetable gardens and bee hives. There is a lot of outside spaces for activities and indoor activities. They have agreed to add pedestrian walking signs on the sidewalks and for the hiking trails. Mr. Fremont-Smith stated that they have a signed Letter of Intent with a tenant for half of the building.

Ms. Kassner stated that the big items that are in the draft decision include: the gas easement, a trip generator report should be done to see if a vehicle signal or pedestrian access light is required at the site drive, sidewalks on the original approved subdivision roadway need to be constructed, bike lane markings will be added on ring road. There should be signs added at the trails that they are only available from dawn to dusk. There should be markings added to the sidewalks at 15 Network Drive that go to North Ave for the internal walking loops. A transportation demand management memo should be provided and a park wide net vs. gross parking numbers calculation provided.

Member Covino stated that there were some issues with conservation areas for the sidewalks. Mr. Fremont-Smith replied that there are some conservation issues so they will install the sidewalks where feasible.



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Vice Chairman Gaffney asked if they could add hardware for the bike path. Ms. Valentino stated that there is not enough room to add a physical barrier, they are only proposing markings on the pavement. Vice Chairman Gaffney stated that typically we don't approve projects that we don't know who the tenant is so we should hold off until we know. Mr. Fremont-Smith stated that as soon as we can make it public, we will notify the Board and we have to appear before the Board of Health and come back to this Board for the actual tenant permit. Attorney Buckley stated that they will be coming back before this Board for the type of chemicals that will be used by the tenant.

There were no questions from the audience.

MOTION - Member L'Heureux made a motion to close the public hearing on these matters. The motion was seconded by Vice Chairman Gaffney and unanimously voted 6-0-0.

MOTION - Member Covino made a motion to approve [INSERT MOTION HERE] as amended. The motion was seconded by Member L'Heureux and unanimously voted 6-0-0.

Member Covino stepped away.

MOTION - Member L'Heureux made a motion to approve the MEC [INSERT MOTION HERE] The motion was seconded by Member Espejo and unanimously voted 5-0-0.

11. Minutes – None

12. Other Business

12.a.1 68 Wilmington Road Definitive Subdivision Extension of Time

MOTION - Member L'Heureux made a motion that the Planning Board hereby agrees to extend the statutory time to complete the 68 Wilmington Road Definitive Subdivision from December 11, 2016 to July 14, 2022. The motion was seconded by Member Espejo and unanimously voted 5-0-0.

12.a.2 Board Retreat – July 22nd (Town Hall Annex Meeting Room or Grandview (if available))

Chairman Rappaport stated that this meeting will be held to discuss goals and what the Board wants to accomplish for this upcoming year. The start time will be 6:30 PM.

Member Covino rejoined the meeting.

12.a.3 Discuss/Appointment to Select Board's Transportation Committee

Ms. Kassner stated that the Select Board has asked for a Planning Board representative for their new Transportation Committee. She will get more information such as scope, goals, meeting day, duration of committee, etc.

12.a.4 Northwest Park Housing Committee Update

Ms. Bonventre stated that they have been meeting to discuss the Northwest Park project. They have talked about terms and conditions and the marketing plan. They hired a housing consultant to present a report to the Select Board. They have also asked Nordblom to give an update to Town Meeting. Member L'Heureux stated that the State has regulations that the affordable units cannot be strictly for Burlington Seniors.



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12.a.5 Housing Partnership Update

Member Covino stated that they are trying to hire a consultant to get Affordable Housing Assessment done. They will look to Town Meeting to get funding to hire the consultant. Member Covino stated that if the Community Preservation Act is passed for Burlington, that will also help.

Vice Chairman Gaffney stated that he has an update for the Recreation Committee. He thanked Member Clerk Raymond for all his years on this committee. The ADA compliant walking path to the pool is complete. There will be a ribbon cutting ceremony for the new maintenance building on July 26th at 9:00 AM.

12.a.6 Sculpture Park Update

Member L'Heureux stated that the committee has been approached by a Burlington resident to donate another sculpture. The Select Board has approved it and they hope to have the unveiling at Burlington Days. They also have another person who is interested in joining the committee.

MOTION - Member L'Heureux made a motion to appoint David Norden as a member of the Sculpture Park Committee. The motion was seconded by Member Espejo and unanimously voted 6-0-0.

12.a.7 Airbnb's and Other Short Term Rentals

This item will be discussed during the retreat.

12.a.2 Illegal Signage

This item will be discussed during the retreat.

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

Member Covino stated that he would like to be reappointed to the ZBRC as the Planning Board representative. Chairman Rappaport reappointed Member Covino as the Planning Board representative on the ZBRC.

Member Covino asked if the start time for the retreat could be moved to 7:00 PM because of another meeting he is attending.

9.f New Business

There was no new business.

MOTION - Member L'Heureux made a motion to adjourn the July 15, 2021 Planning Board meeting at 9:10 PM. The motion was seconded by Member Espejo and unanimously voted 6-0-0.



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*Respectfully Submitted by Dawn Cathcart,
Recording Clerk*