



TOWN OF BURLINGTON
PLANNING BOARD MINUTES
SEPTEMBER 16, 2021

RECEIVED

By Town Clerk's Office at 9:02 am, Oct 22, 2021

Members Present: Chairman Brenda Rappaport, Clerk Paul Raymond, Ernest Covino, Michael Espejo, Barbara G. L'Heureux and Joseph Impemba

Members Absent: Vice Chairman William Gaffney

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

1. Call the Planning Board Meeting to Order

Chairman Rappaport called the meeting to order at 7:02 PM. The Town of Burlington will be holding the September 16, 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 - Member L'Heureux made a motion to take item "8.e" out of order for discussion purposes. The motion was seconded by Member Espejo and unanimously voted 6-0-0.

8e. Continued Public Hearing – Application for Approval of an amendment to a Definitive Subdivision Plan – 4 Redmond Street – Murray Hills, Incorporated, Applicant

MOTION - Member Espejo made a motion to continue these matters to the Planning Board meeting of October 7, 2021 as requested by the Applicant in an email dated September 15, 2021. The motion was seconded by Member L'Heureux and unanimously voted 6-0-0.

2. Executive Session

There was no Executive Session.

3. Citizen's Time

No citizens came forward.

4. Announcements

Ms. Bonventre read the announcements. Household Hazardous Waste Collection Day will be held on September 18th from 8:30 AM – 12:00 PM at the Francis Wyman School. Truck Day will be held on September 19th from 10:00 AM – 2:00 PM at the Town Common. Burlington Housing Partnership will meet on September 20th at 6:00 PM via WebEx. The Board of Appeals will meet on September 21st at 7:30 PM at the Town Hall Main Hearing Room. Town Meeting will be held on September 27th at 7:30 PM via WebEx and BCAT.

5. Legal Notices of Interest

There were no legal notices.



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6. Non-Approvals

6a. Approval Not Required Application – 174 Middlesex Turnpike – Nordblom Development Company, Inc. – Applicant

Frank DiPietro from BSC Group appeared for the ANR at 174 Middlesex Turnpike. This parcel is the outparcel that was part of the LifeTime Living discussion. They are proposing cutting out this parcel. There is a proposed 4, 412 SF access easement on top of the 24,808 SF parcel for vehicles and pedestrians. Ms. Kassner stated that this does not make the existing lot non-conforming and they would have to come back to this Board before anything is proposed on this lot.

MOTION - Member L’Heureux made a motion to approve and sign an Approval Not Required (ANR) plan entitled “Approval Not Required Plan 174 Middlesex Turnpike in Burlington Massachusetts (Middlesex County),” prepared by BSC Group, dated September 14, 2021, reflecting the division of a single lot into two (2) lots. The Planning Board finds that this is a proper submission of an Approval Not Required (ANR) Plan because the combined lots maintain conformity in regards to lot size and the existing conforming frontage on Middlesex Turnpike and Fourth Avenue. The Applicant shall submit four (4) copies and an electronic PDF of the endorsed Approval Not Required (ANR) 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 Espejo and unanimously voted 6-0-0.

7. Administrative Matters

There were no administrative matters.

8. Matters of Appointment

MOTION - Clerk Raymond made a motion to take items “8.a” through “8.d” together for discussion purposes. The motion was seconded by Member L’Heureux and unanimously voted 6-0-0.

8.a Continued Public Hearing - Application for Approval of a Special Permit pursuant to 6.1.1.2 “Expansion of a nonconforming use” of the Zoning Bylaws – 207 Cambridge Street – Phase Zero Design, Applicant

8.b Continued Public Hearing - Application for Approval of a Special Permit pursuant to 4.3.2.15 “Storage and disposal of oils and fuels/ petroleum products” of the Zoning Bylaws – 207 Cambridge Street – Phase Zero Design, Applicant

8.c Continued Public Hearing - Application for Approval of a Special Permit pursuant to 4.3.2.16 “Storage of hazardous and toxic materials/chemicals for retail sale” of the Zoning Bylaws – 207 Cambridge Street – Phase Zero Design, Applicant

8.d Application for Approval of a Site Plan – 207 Cambridge Street - Federal Investment Trust, Applicant

Attorney Tom Murphy, Jim Kimball, Mo Santangelo, Property Manager, Kathy Kenton, Property Owner, and Alyssa Johnson, O’Reilly’s Auto Parts appeared for the continued public hearing for 207 Cambridge Street.



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Ms. Kassner stated that the draft landscape plan has been provided but no decision has been drafted. They still need to open with Conservation but they would like the Board to give them some direction.

Attorney Murphy stated that the landscape plan has been provided and included in that is a proposed catch basin in front that the Board of Health has approved. In the side along Cambridge Street, they are proposing bollards around the detention basins and arborvitaes in front of them, raised garden beds on either side of the stairs. In the back, they will be removing the storage bins and dumpsters and adding maple trees. They will be adding a landscape strip to close in the access from the lot in the back. These will be the responsibility of the land owner. Ms. Kassner stated that the tenant is proposing additional landscaping along the handicap ramp.

Mr. Kimball added that the left side elevation, which is the main entrance will have landscape planters also. The main entrance has handicap and regular parking spaces.

Member L'Heureux stated that she is glad that the dumpster/storage containers are gone and the remaining dumpsters will be tucked behind the building with a fence surrounding it. She would like more detail on the landscape plan.

Member Impemba stated that it is hard to figure out where the parking lot ends. There have been many site plan changes without approval of this Board. Attorney Murphy stated that it is the same Trust but the responsible party has passed so Ms. Kenton is the new principal of the trust. Member Impemba stated that he wants to create as much green space as possible in the front and on the side because this is the center of town. The parking lot is a sea of asphalt and on the left side it can be mayhem. There are no defined drive aisles and he suggested updating the landscape plan to include curbing and landscape islands to define the parking lot. Attorney Murphy stated that the adjacent property is not part of this application. Member Impemba stated that it is owned by the same LLC and should be part of this. He would also like to see some different roof lines to dress up the building. Chairman Rappaport stated that speed controls should also be added. Attorney Murphy stated that we have to make sure that we have enough parking for the tenants. Member Impemba stated that you can have speed humps with crosswalks to get the customers safely from the parking area to the store fronts.

Member L'Heureux asked if the condenser issue has been addressed. Ms. Bonventre stated that the detail has been submitted for the sound attenuation but it can't be done until this is approved and it will be added as a detail on the plan. Member L'Heureux stated that there are only 83 parking spaces required so there is some room to add additional landscaping.

Chairman Rappaport stated that they could change the 5 spaces in the front to green space and remove the bollards and agrees that they should look at roof improvements. Attorney Murphy stated that the Board of Health requires the bollards for safety.

Member Covino asked if we could add reserve parking on the plan but it could be landscaped until it is needed. Member Covino stated that the Town needs to step up and address the drainage issue in this area.

Clerk Raymond stated that there is a drainage pipe that also should be looked at.

Ms. Johnson stated that they could get rid of the parking on the Cambridge Street side and they are making an effort to make the building nicer. If they add peaks on the roof for just design, there may be an issue with the snow load. They have added an alternative to the mirror finish to the windows.



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Member L'Heureux asked that different roof options be looked at. Mr. Kimball stated that a parapet will make snow accumulate and could require that 25-30% of the roof may require reinforcement but they will look at it. Member L'Heureux stated that she is willing to trade the roof peaks for more green space in front.

Debra Walker of 18 Woodcrest Avenue – Ms. Walker asked who will be responsible for constructing the barriers around the condensers. Attorney Murphy replied that the tenant's will be responsible for construction but it will be overseen by the property owners. Ms. Walker asked how we can get a guarantee that they will follow through with this. Chairman Rappaport stated that they can't get an occupancy without our sign offs. Ms. Walker stated that she submitted a letter from 30 years ago from the property owner saying they were going to do all this stuff and nothing was done.

Cathy O'Neill of 31 Arthur Woods Avenue - Ms. O'Neill stated that she believes that O'Reilly is going to be an excellent tenant and it's good that there is someone new coming in on the owner's side but she is also concerned that they have had empty promises in the past. When NBM was approved, they did nothing that they were supposed to do. We shouldn't compromise. We should require green space and peaks on the roof. The conditions in the approval for NBM need to be enforced. Ms. O'Neill stated that she called Bay State and asked them to move the pallets back and nothing has been done.

Member L'Heureux stated that perhaps we should have a meeting with staff on this property. Ms. Kassner stated that this is why we have linked the Special Permit and the O'Reilly permits. Member L'Heureux asked if the Building Department checks with us before to make sure the conditions are met before the occupancy is issued. Ms. Kassner replied they should, but it does not happen 100% of the time.

MOTION - Member L'Heureux made a motion to continue this matter to the Planning Board Meeting of October 7, 2021. The motion was seconded by Member Espejo and unanimously voted 6-0-0.

9. Minutes – August 19, 2021 and September 2, 2021

MOTION - Member Espejo made a motion to approve the Planning Board minutes of August 19, 2021 and September 2, 2021. The motion was seconded by Member L'Heureux and voted 5-0-1. Member Impemba abstained from voting.

10. Other Business

10.a Discussion

10.a. i Discuss/Appointment to Select Board's Transportation Committee

Member L'Heureux stated that she and Member Covino spoke and she will be taking over Member Covino's spot on the Local Housing Partnership so he can be on the Transportation Committee.

Chairman Rappaport appointed Ernie Covino to the Select Board's Transportation Committee effective October 1, 2021. Chairman Rappaport appointed Barbara L'Heureux to the Local Housing Partnership effective October 1, 2021.

Ms. Kassner stated that she will forward these appointments to the Town Administrator for the formal appointment.



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10.a. ii Sculpture Park Update

Member L'Heureux stated that the unveiling went great and there is going to be a wedding held at the Sculpture Park.

10.b Correspondence

There was no correspondence.

10.c Reports from Town Counsel

There were no reports from Town Counsel.

10.d Subcommittee Reports

There were no subcommittee reports.

10.e Unfinished Business

There was no unfinished business.

10.f New Business

Member Espejo stated that the 9/11 ceremony was very moving and it was a great day to remember all the lives lost 20 years ago.

Member Espejo asked if we could ask Town Meeting for funds to hire a Zoning Enforcement Officer. Member Impemba stated that the authority is with the Building Department.

MOTION - Member L'Heureux made a motion to adjourn the September 16, 2021 Planning Board meeting at 8:31 PM. The motion was seconded by Member Espejo and unanimously voted 6-0-0.

*Respectfully Submitted by Dawn McDowell,
Recording Clerk*

Approved: 5-0-2