



RECEIVED

By Town Clerk's Office at 11:19 am, Nov 17, 2023

Approved:
Town Clerk:

TOWN OF BURLINGTON, MA
PLANNING BOARD MINUTES
OCTOBER 5, 2023

- Board Members Present:** Vice Chairman Brenda Rappaport; William Gaffney; Ernest E. Covino; Toni Ann Natola; and Clerk Jessica Sutherland
- Board Members Absent:** Chairman Barbara G. L'Heureux and Joseph A. Impemba
- Staff Members Present:** Elizabeth Bonventre, Planning Director, and Caleb Zimmerman, Planner & Development Coordinator

1. Call the Meeting of the Planning Board to Order

Vice Chairman Rappaport called to order the October 5, 2023 meeting of the Planning Board at 6:32 PM. We have one member participating remotely tonight and as such all motions will be taken via roll call vote.

MOTION: Vice Chairman Rappaport voted yes, Member Gaffney voted yes, Member Covino voted yes, Member Natola voted yes, and Clerk Sutherland voted yes.

Vice Chairman Rappaport stated that the Town of Burlington will be holding the October 5, 2023 meeting as a hybrid meeting. The governor issued an executive order on March 12, 2020 authorizing remote meetings under G.L c. 30A Section 20 and extended by Chapter 2 of the Acts of 2023, including permitting remote meetings and participation, until March 31, 2025.

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.

MOTION: Clerk Sutherland made a motion to take item "6.a" out of order for discussion purposes. The motion was seconded by Member Gaffney and voted 5-0-0. On a roll call vote, Vice Chairman Rappaport voted yes, Member Gaffney voted yes, Member Covino voted yes, Member Natola voted yes, and Clerk Sutherland voted yes.

6.a Continued Discussion – Request for Approval of a Minor Engineering Change – 186 Middlesex Turnpike – Life Time Fitness, Applicant

MOTION: Clerk Sutherland made a motion to continue this matter to the planning board meeting of October 19, 2023 as requested by the Applicant's engineer in an email dated October 4, 2023. The motion was seconded by Member Gaffney and voted 5-0-0. On a roll call vote, Vice Chairman Rappaport voted yes, Member Gaffney voted yes, Member Covino voted yes, Member Natola voted yes, and Clerk Sutherland voted yes.

2. Public Participation



TOWN OF BURLINGTON, MA
PLANNING BOARD MINUTES
OCTOBER 5, 2023

No citizen's came forward.

Member Impemba arrived at the Planning Board meeting at 6:35 PM.

3. Announcements

Mr. Zimmerman read the announcements. Indigenous Peoples Day will be on October 9 and all town offices will be closed. The Zoning Bylaw Review Committee will meet on October 11 at 6:00 via Zoom. Trucktober will be held on October 14 from 11 AM to 2 PM on the Town Common. There will be food trucks, inflatables, and live music. There will also be a Power Wheel Derby for Burlington kids ages 2-8. Town-Wide Shred Day will be on October 28 from 9 AM to noon at the Town Hall parking lot. Halloween Spooktacular & Candy Crane Drop will be on October 28 from 2:30 PM to 7 PM at Simonds Park. This is for Burlington residents only and pre-registration is required.

4. Legal Notices of Interest

There were no legal notices of interest.

5. Non-Approvals

There were no non-approvals.

6. Administrative Matters

There were no administrative matters.

7. Matters of Appointment

7.a Public Hearing - Application for Approval of a Special Permit pursuant to 4.2.6.9 "Fast Order Food Establishments" of the Zoning Bylaws – 10 Wall Street – Eggholic, Applicant

Ms. Bonventre stated that the applicant is Eggholic, a fast order Indian food restaurant. This restaurant will be in the plaza at 10 Wall Street in the store formerly occupied by Subway. Staff have no parking concerns with regard to this application.

MOTION: Clerk Sutherland made a motion to close the public hearing on this matter. The motion was seconded by Member Gaffney and voted 6-0-0. On a roll call vote, Vice Chairman Rappaport voted yes, Member Gaffney voted yes, Member Covino voted yes, Member Natola voted yes, Member Impemba voted yes, and Clerk Sutherland voted yes.

MOTION: Clerk Sutherland made a motion to approve the request of Eggholic for a Special Permit pursuant to Section 4.2.6.9, "Fast Order Food Establishment" of Article IV of the Zoning Bylaws of the Town of Burlington, to permit the operation of a fast casual Indian restaurant to be known as Eggholic, for property located in the General Business (BG) District at 10 Wall Street subject to the terms and conditions contained in exhibit "A" attached. The motion was seconded by Member Gaffney and voted 6-0-0. On a roll call vote, Vice Chairman Rappaport voted yes, Member Gaffney voted yes, Member Covino voted yes, Member Natola voted yes, Member Impemba voted yes, and Clerk Sutherland voted yes.



TOWN OF BURLINGTON, MA
PLANNING BOARD MINUTES
OCTOBER 5, 2023

7.b Public Hearing - Application for Approval of a Special Permit pursuant to 4.2.6.9 “Fast Order Food Establishments” of the Zoning Bylaws – 68-110 Burlington Mall Road – Just Salad, Applicant

Attorney Mark Vaughn and Jennifer Richter (remote) appeared before the Board.

Attorney Vaughn stated that the restaurant will be in the shopping plaza adjacent to the district in the store formerly occupied by B. Good. They have 70 locations, mostly along the Eastern Seaboard, but this will be the first suburban Massachusetts location with a current store in downtown Boston. They would have less seating than B. Good with 42 seats (down from 50 seats). 8 of those seats would be outside.

Ms. Richter stated that there would be no table service.

Vice Chairman Rappaport asked where the 8 exterior seats will be located. Attorney Vaughn replied that they will be located under the overhang. Ms. Bonventre stated that the seating was already permitted under B. Good.

Vice Chairman Rappaport then asked will you have some type of signage for an Uber Eats. Ms. Richter replied no.

Clerk Sutherland asked how do you plan to handle any trash left on the tables if there's no table service. Ms. Richter replied that we will have staff members disinfect and clean the tables between customers leaving. We have a shared dumpster at the rear of the building.

MOTION: Clerk Sutherland made a motion to close the public hearing on this matter. The motion was seconded by Member Gaffney and voted 6-0-0. On a roll call vote, Vice Chairman Rappaport voted yes, Member Gaffney voted yes, Member Covino voted yes, Member Natola voted yes, Member Impemba voted yes, and Clerk Sutherland voted yes.

MOTION: Clerk Sutherland made a motion to approve the request of Just Salad for a Special Permit pursuant to Section 4.2.6.9, “Fast Order Food Establishment” of Article IV of the Zoning Bylaws of the Town of Burlington, to permit the operation of a fast casual restaurant to be known as Just Salad, for property located in the General Business (BG) and the Aquifer (A) District at 68-110 Burlington Mall Road subject to the terms and conditions contained in exhibit “A” attached. The motion was seconded by Member Gaffney and voted 6-0-0. On a roll call vote, Vice Chairman Rappaport voted yes, Member Gaffney voted yes, Member Covino voted yes, Member Natola voted yes, Member Impemba voted yes, and Clerk Sutherland voted yes.

8. Minutes

There were no minutes to approve.

9. Other Matters

a. Discussion

January Town Meeting:



TOWN OF BURLINGTON, MA
PLANNING BOARD MINUTES
OCTOBER 5, 2023

Ms. Bonventre stated that bylaw articles to be considered for the Town Meeting are due on October 24, 2023. Future Bylaw Amendments to be considered include: 1) Section 8.4.1 – Wireless Communications Facilities, 2) Section 7.2.4 – Minimum and Maximum Parking Space Requirements for Residential and Educational Uses, 3) Middle Housing in the Town Center, 4) MBTA Communities, and 5) Fitness Center Uses.

Police Station Building:

Ms. Bonventre stated that I had a meeting with the Chief of Police, Paul Sagarino, and Town Counsel to look at the new location for the police station building. They decided that the best location would be on the existing Police Department parcel, but they would be taking some land from where the Sculpture Park is located. The first step in this process is to create a PDD pre-application committee as stated in our bylaw.

b. Correspondence

There was no correspondence.

c. Reports from Town Counsel

There were no reports from Town Counsel.

d. Subcommittee Reports

There were no subcommittee reports.

e. Unfinished Business

There was no unfinished business.

f. New Business

There was no new business.

MOTION: Clerk Sutherland made a motion to adjourn the Planning Board meeting at 7:06 PM. The motion was seconded by Member Gaffney and voted 6-0-0. On a roll call vote, Vice Chairman Rappaport voted yes, Member Gaffney voted yes, Member Covino voted yes, Member Natola voted yes, Member Impemba voted yes, and Clerk Sutherland voted yes.

*Respectfully Submitted by Eric Bergeron,
Recording Clerk*