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Approved:
Town Clerk:

TOWN OF BURLINGTON, MA
PLANNING BOARD MINUTES
OCTOBER 6, 2022

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

1. Call the Meeting of the Planning Board to Order

Vice Chairman L'Heureux called the meeting to order at 7:15 PM. The Town of Burlington will be holding the October 6, 2022 meeting of the Planning Board as a hybrid 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 meetings under G.L c. 30A Section 20 and extended by Chapter 22 of the Acts of 2022, including permitting remote meetings and participation, until March 31, 2023.

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.

Statement regarding meeting conduct:

Vice Chairman L'Heureux made a brief statement about public participation in our meetings. We welcome the opinions and suggestions of all members of the Burlington community both during Citizens' Time and for each Public Hearing that is on our agenda list. We want decisions to reflect the views of not just our Board members but the values held by the community members who we represent. However, there are rules that must be followed before speaking: you must be recognized by the Chairman. Once recognized, we ask each individual to identify themselves by name for the town's records. Crass, rude, and demeaning language as well as profanity will not be tolerated at any point, and is inappropriate for this forum. If the Chairman determines that any individual has broken these rules, they will be asked to stop speaking or muted if online. During the Citizens' Time portion, questions or concerns may be voiced but no member of the board or staff present is required to answer directly. If someone is behaving in such an unruly manner that aligns with breaking any of these rules, you will be asked to leave. If you continue to resist, a police officer will be called to remove you from the meeting. If you are online, you will be removed from the meeting.

Member Impemba joined the Planning Board meeting at 7:19 PM.

Clerk Gaffney joined the Planning Board meeting at 7:20 PM.



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2. Public Participation Time

George Basler – Mr. Basler asked how much the Sculpture Park Committee had spent in the previous three years. Vice Chairman L’Heureux replied that she doesn’t have Sculpture Park numbers in front of her, and if you would like to submit a question to the Sculpture Park Committee, we could respond back to you via email.

3. Announcements

Ms. Bonventre read the announcements. Columbus Day is on October 10, 2022, and all town offices will be closed. The Zoning Bylaw Review Committee will have a meeting on October 12, 2022 at 6:30 PM via Zoom. On October 3, 2022 there was a Purple Tree Lighting on the Common for Domestic Violence Awareness Month. Saheli (a domestic violence organization in Burlington) will have an Awareness Walk on October 22, 2022 at 9:00 AM on the Town Common.

4. Legal Notices of Interest

There were no legal notices.

5. Non-Approvals

There were no non-approvals.

6. Administrative Matters

There were no administrative matters.

7. Matters of Appointment

7.a Public Meeting – Application for Approval of a Site Plan Waiver – 64A Middlesex Turnpike – NStar Electric

Philip Barthel, Kenneth Collette (attending remotely), and Donna M. Picot (attending remotely) from Eversource Energy appeared for the application.

Mr. Collette stated that Eversource Energy is seeking a Site Plan Waiver in accordance with Section 9.3.1.1 of the Town of Burlington’s zoning bylaws. The Board recently approved a Special Permit for this location in February 2022. Eversource requests a slight modification to the already approved site plan: the placement of a prefabricated battery storage hut within the fence line of the station as indicated on the modified plan.

Mr. Barthel stated that it's going to be a 12 x 20 prefabricated structure on a concrete foundation. It'll be located behind the existing control house, the majority of the structure will not be visible at all from Middlesex Turnpike, and it will not impact the ongoing mitigation efforts that were part of the original approval. The fence installation is ongoing because there are certain safety requirements that we must follow in order to install a fence at an active substation, but we do anticipate the fence to be completely installed by November 11th or shortly thereafter. There’s no difference in terms of the amount of batteries or voltage. We consulted with the Conservation Commission that there are no impacts to wetlands. The hut itself will



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include several safety features: fire detection and alarm system, H2O monitoring alarm system (both of these are monitored 24/7 by a dispatch center). Air inlet and outlet ventilation fans with an HVAC system will maintain a constant temperature.

Ms. Bonventre and Member Impemba stated that a Site Plan Waiver is something that you believe doesn't substantially change the relationship of the structure to the site or to abiding properties. This is because a Site Plan can be extensive and very expensive to get done.

Clerk Gaffney asked what the height of the building is. Mr. Barthel replied roughly 23 feet. Clerk Gaffney then asked why wasn't this anticipated when you came before the Board earlier this year. Mr. Barthel replied that we have several project teams working on various items and weren't able to coordinate when this originally came before the Board.

Vice Chairman L'Heureux asked what is the height of the building that it is behind. Ms. Picot replied that the building is lower than the existing control house.

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

MOTION – Clerk Gaffney made a motion that pursuant to Section 9.3.1.1 “Waived Requirements” of the Town of Burlington Zoning Bylaw the Planning Board hereby finds that this is a proper submission of a Site Plan Waiver as there is an approved Site Plan on file and the addition of the proposed battery hut does not substantially change the relationship of the structure to the site and to abutting properties. The motion was seconded by Member Covino and voted 6-0-0.

MOTION – Clerk Gaffney made a motion to approve the request of NSTAR Electric Company d/b/a Eversource Energy (“Applicant”) for approval of a Site Plan Waiver Application, for property located at 64A Middlesex Turnpike (“Premises”), to permit the installation of a 12’ x 20’ foot battery hut on a concrete pad for the relocation of the existing 125VDC battery system as reflected on the Site Plan entitled “Mobile Transformer Installation – Eversource Energy” prepared by Tighe & Bond, Inc., dated February 11, 2022 and revised June 9, 2022, consisting of three (3) sheets (“Site Plan”). This project is subject to the following terms, revisions, and conditions attached. The motion was seconded by Member Covino and voted 6-0-0.

MOTION – Clerk Gaffney made a motion to take items “7.b” and “7.c” together for discussion purposes. The motion was seconded by Member Covino and voted 6-0-0.

7.b Continued Public Hearing – Petition to amend the Zoning Bylaw, Article III “Districts”, Article IV “Use Regulations”, and Article VIII “Overlay Districts (8.5.0 Town Center)” to create a new zoning District “Town Center Multifamily (TCM)” – Submitted by the Planning Board



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7.c Continued Public Hearing – Petitions to rezone property to the Town Center Multifamily (TCM) District –137, 137 R, 138, 139, 139A, 169, 171, 173-175, 185, 207, 209, 211, 276 Cambridge Street; 25, 26, 30, 36 Grant Avenue; 1 Kinney Avenue; 17, 18, 20, 21, 22, 24 Terry Avenue – Submitted by the Planning Board

Ms. Bonventre stated that there are certain deadlines that we need to adhere to with regard to MBTA communities. We recommend that a subcommittee be established and to work toward an Action Plan that includes both the Town Center and other areas of Burlington that we would want to identify as possibilities to meet the MBTA Communities compliance criteria.

- Statutory requirements (under M.G.L. Chapter 40A, Section 3A) include: (1) zoning must allow multifamily housing “as of right”, (2) zones must be of “reasonable size”, min. of 50 acres total, (3) min. gross density of 15 units per acre, (4) no age restrictions, and (5) it is suitable for families with children.

We are considered an adjacent community because we don’t have a transit terminal (bus stops don't count as a station). We don't have a requirement that it has to be within certain feet of a station, but the right thing to do is keep things close enough to public transit so that people don't have to use a car. The deadline to submit an Action Plan is January 31, 2023, and the deadline to submit the District Compliance Application is December 31, 2024.

One of the reasons why we’re doing this is not because we want to opt into a program, rather because if we don't comply with these regulations, we lose out on grant opportunities from the state. Since 2008, Burlington has received over \$7 million in MassWorks Funding and \$175,000 in Housing Choice and other Economic Development Programs. Additionally, there are statistics showing that there's a lot of out migration from people who don't have to work physically anywhere because they can't afford housing and so there’s an imperative for this.

For clarification, Ms. Bonventre stated that it’s not like 40B where we have to have a certain number of units, the requirement is that we prove to the state that a certain number of units could be built. We will need to provide the state with a GIS analysis looking at land use where units could be built. In other words, we need to prove that this density is possible.

Member Impemba and Clerk Gaffney asked if there’s data available on funding from MassWorks. Ms. Bonventre replied that she will send an email.

Member Covino asked what is existing that's 15 units per acre, because 15 units per acre is 7.5 times what we have for single-family houses right now. Ms. Bonventre replied that she will share with the group a spreadsheet.

Vice Chairman L’Heureux and Clerk Gaffney volunteered to be a part of the subcommittee.



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MOTION – Clerk Gaffney made a motion to continue this matter to the Planning Board Meeting of October 20, 2022. The motion was seconded by Member Covino and voted 6-0-0.

7.d Continued Public Hearing – Petition to amend the Rules and Regulations Governing the Subdivision of Land in Burlington – Submitted by the Planning Board

Ms. Bonventre proposed that we amend the Rules and Regulations to include the most revised groundwater and stormwater requirements that passed at the September Town Meeting. We'll provide the Board members with drafts at a future meeting, get the vote, and update our Rules and Regulations so that any new subdivisions would have to comply.

MOTION – Clerk Gaffney made a motion to continue this matter to the Planning Board Meeting of October 20, 2022. The motion was seconded by Member Covino and voted 6-0-0.

7.e Continued Public Hearing – Petition to amend the Planning Board Town Center Design Rules and Regulations

Sally Willard, Town Meeting Member (Precinct 4) – Ms. Willard stated that the Signage Subcommittee and the Zoning Bylaw Review Committee have met several times and have drafted “signage districts” that we would like to add to the array of overlays that we have. There are two things that we feel are incredibly important to have: (1) a signage section in the design Rules and Regulations for the Town Center overlay, and (2) a committee who is charged with reviewing design because we don't think that everything needs to come back to the Planning Board.

Member Covino stated that signs are a big part to the appearance of the Town Center. However, since this Board does not have sign approval authority, I would assume that the committee would not be advisory to this Board, rather they'd be advisory to the building inspector or the Board of Appeals. The building inspector usually approves the signs by-right.

Ms. Willard stated that we were prepared to come forward with a proposed bylaw which would establish a permanent committee that would be essentially what the 3A committee was. I have a general bylaw amendment that could be used as a starting point for that. We felt very strongly that this should really be an advisory committee to the Planning Board.

MOTION – Clerk Gaffney made a motion to continue this matter to the Planning Board Meeting of October 20, 2022. The motion was seconded by Member Covino and voted 6-0-0.

8. Minutes

MOTION – Clerk Gaffney made a motion to approve the Planning Board minutes of June 2, 2022. The motion was seconded by Member Impemba and voted 4-0-2. Clerk Gaffney and Member Sutherland abstained from voting.



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9. Other Matters

9.a Discussion

9.a.i Planning Board 2023 Meeting Schedule

2023 Meeting Schedule was postponed to the next Planning Board Meeting.

9.a.ii Diversity, Equity, and Inclusion (DEI) Committee Update

Vice Chairman L'Heureux stated that she had a productive meeting with the DEI Committee, and they have offered their expertise to the Planning Board as well as other Boards in Town to help us ensure that we're providing a fair, equitable, and welcoming experience to everyone involved. The Select Board is currently working on adopting new language for their mission statement, so I would like to suggest to this Board that we wait and see what language the Select Board adopts. I will get back to the DEI Committee and inform them that the Planning Board is open to scheduling a training session at a date that we'll have to agree on at some point in the future.

Clerk Gaffney commented that his day job with a Fortune 500 company has been doing diversity, equity, and inclusion training for many years. If you haven't been exposed to this type of training, it's very beneficial.

9.a.iii CPTC Training Opportunities

Ms. Bonventre stated that we have money for online training (CPTC Training) for Board members.

9.a.iv Planning Department Staffing

Planning Director Appointment:

MOTION – Member Covino made a motion to hire Elizabeth Bonventre as the new Planning Director. The motion was seconded by Clerk Gaffney and voted 6-0-0.

MOTION – Member Covino made a motion to waive a 15-day waiting period for Ms. Bonventre's appointment as the new Planning Director. The motion was seconded by Clerk Gaffney and voted 6-0-0.

Senior Planner Search:

Vice Chairman L'Heureux stated that a subcommittee will need to be formed to help conduct interviews for the vacant Senior Planner position.

9.b Correspondence

There was no correspondence.

9.c Reports from Town Counsel

There were no reports from Town Counsel.

9.d Subcommittee Reports



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There were no Subcommittee Reports.

9.e Unfinished Business

There was no unfinished business.

9.f New Business

Clerk Gaffney stated that Dunkin' Donuts in the center of town still has a trash container closer to Shaw's that's taking up 2-3 parking spots in the lot. Ms. Bonventre replied that she'll reach out to the Building Department.

MOTION – Clerk Gaffney made a motion to adjourn the October 6, 2022 Planning Board Meeting at 8:22 PM. The motion was seconded by Member Impemba and voted 6-0-0.

*Respectfully Submitted by Eric Bergeron,
Recording Clerk*