



TOWN OF BURLINGTON
PLANNING BOARD MINUTES
NOVEMBER 05, 2020

RECEIVED

By Town Clerk's Office at 9:08 am, Nov 20, 2020

Members Present: Vice Chairman Joseph Impemba, Clerk Paul R. Raymond, Ernest E. Covino, William Gaffney, Michael Espejo and Brenda Rappaport

Members Absent: Chairman Barbara G. L'Heureux

Staff Present: Planning Director Kristen Kassner, Senior Planner Elizabeth Bonventre, Assistant Planner Brady Caldwell, Principal Clerk Jennifer Gelinis, Recording Clerk Dawn Cathcart

1. Call Planning Board Meeting to Order

On a Roll Call for attendance: Vice Chairman Impemba voted present, Clerk Raymond voted present, Member Covino voted present, Member Espejo voted present, Member Gaffney voted present and Member Rappaport voted present.

Vice Chairman Impemba called the meeting to order at 6:30 PM. The Town of Burlington will be holding the November 5, 2020 Planning Board as a virtual/electronic meeting due to the current State of Emergency due to the COVID-19 crisis. As such, the Governor issued an Executive Order on March 12, 2020 authorizing remote meeting under M.G.L c. 30A, Section 20. Ms. Kassner stated that this meeting is being held via Cisco WebEx. 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.

2. Executive Session

MOTION - Mr. Covino made a motion to enter into Executive Session, per G.L. c. 30A, § 21(a)(3), in order to discuss/consider strategy with respect to litigation in the matter of General Walker Estates, LLC v. L'Heureux, et al., Land Court Docket No. 20 MISC 000342 where an open meeting may have a detrimental effect on the litigating position of the Planning Board and the Chair so declares, and to reconvene in Regular Session at the conclusion of the Executive Session as is authorized by G.L. c. 30A, § 21(b)(4). The motion was seconded by Member Espejo and unanimously voted 6-0. On a roll call vote: Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, Member Espejo voted Yes and Member Rappaport voted Yes.

The meeting was reconvened at 7:18 PM.

3. Citizen's Time

There were no citizen's coming forward.

4. Announcements

Ms. Bonventre stated that the mandatory water ban is still in effect. Please see the town website for more detailed information. The Citizen Planner Training Collaborative has their fall workshops. If anyone is interested just let staff know. The new Town of Burlington website goes live on November 9th. The Sculpture Park Committee is meeting on November 10th at 7:30 AM via Zoom. All Town offices will be closed on November 11th for Veteran's Day and November 26th and 27th for Thanksgiving. The Northwest Park Housing Committee will meet on November 12th at 1:00 PM via WebEx. The Town has hired a new Inspector of Buildings, Mark Dupell, he will start later this month.



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Clerk Raymond asked that the new Inspector of Buildings come to a meeting so we can meet him. Ms. Kassner stated that we will schedule him sometime in December.

5. Legal Notices of Interest

There were no legal notices.

6. Non-Approvals

There were no non-approvals.

7. Administrative Matters

There were no administrative matters.

8. Matters of Appointment

8.a Continued Public Hearing – Application for Approval of an amendment to a Definitive Subdivision Plan – 108 Muller Road – Edward & Yelena Ivitskaya, Applicant

MOTION - Member Covino made a motion that the Planning Board hereby mutually agrees and endorses a “Form S” to extend the statutory deadline to file the decision from November 10, 2020 to December 4, 2020 and further to continue this matter to the Planning Board Meeting of November 19, 2020 as requested by the Applicant’s attorney in an email dated November 4, 2020. The motion was seconded by Member Espejo and unanimously voted 6-0. On a roll call vote: Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, Member Espejo voted Yes and Member Rappaport voted Yes.

8.b Continued Public Hearing - Application for Approval of a Special Permit pursuant to Section 4.2.6.20.1 “Massage Therapy” of the Zoning Bylaws –75 Middlesex Turnpike (Burlington Mall) – Tina Bodywork, Applicant

Shengnan Chan and Wayne, her translator appeared for the continued Special Permit for massage therapy at 75 Middlesex Turnpike.

Ms. Bonventre stated that at the last meeting, there was concern from the Building Department that the treatment rooms had doors. In the latest plan, the doors have been removed and there is a condition that there will be no doors or curtains on these rooms. Wayne agreed to the conditions.

Member Espejo asked if there rooms without the doors are used for treatment and will treatment be done anywhere else in the location. Wayne replied that the rooms are used for treatment and the open area is used for reflexology.

There were no questions from the audience.

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



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MOTION - Member Covino made a motion to approve the request of Shengnan Chou for a Special Permit pursuant to Section 4.2.6.20.1 “Massage Therapy” of the Burlington Zoning Bylaw to permit the operation of a business office, foot reflexology, and bodywork practice within a 1,630 +/- square foot tenant space within the Burlington Mall said property is within the General Business (BG) zoning district located at 75 Middlesex Turnpike, subject to the terms and conditions contained in exhibit “A” attached. The motion was seconded by Clerk Raymond and unanimously voted 6-0. On a roll call vote: Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, Member Espejo voted Yes and Member Rappaport voted Yes.

MOTION - Member Covino made a motion to take items “c” through “k” together for discussion purposes. The motion was seconded by Clerk Raymond and unanimously voted 6-0. On a roll call vote: Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, Member Espejo voted Yes and Member Rappaport voted Yes.

8.c Public Hearing - Application for Approval of a Special Permit pursuant to Section 4.2.7.1 “Light Manufacturing or processing plants, prototype manufacturing” of the Zoning Bylaws – 300 Summit Drive – The Gutierrez Company, Applicant

8.d Public Hearing - Application for Approval of a Special Permit pursuant to Section 4.2.7.1.1 “Research and Development” of the Zoning Bylaws –300 Summit Drive – The Gutierrez Company, Applicant

8.e Public Hearing - Application for Approval of a Special Permit pursuant to Section 4.2.7.4 “Laboratories engaged in research, experimental and testing activities including, but not limited to, the fields of chemistry, electronics, engineering, geology, non-biologic medicine and physics” of the Zoning Bylaws –300 Summit Drive – The Gutierrez Company, Applicant

8.f Public Hearing - Application for Approval of a Special Permit pursuant to Section 4.2.7.4.1 “Life Science laboratories engaged in research, prototype manufacture, experimental and testing activities including, but not limited to, the fields of pharmaceuticals, biomedical technologies and engineering, life systems technologies, environmental and biomedical devices, subject to the Regulations of the Board of Health see additional regulations in Article X, Section 10.5.0. Biosafety Level 4 (BL-4) laboratories, as defined by the Centers of Disease Control and Prevention, are prohibited in Burlington” of the Zoning Bylaws –300 Summit Drive – The Gutierrez Company, Applicant

8.g Public Hearing - Application for Approval of a Special Permit pursuant to Section 4.2.7.4.2 “Life Science laboratories engaged in the manufacture of life science technologies and medicines for commercial production to the market including, but not limited to, the fields of pharmaceuticals, biomedical technologies and engineering, life systems technologies, environmental, biomedical devices, subject to the Regulations of the Board of Health, see additional regulations in Article X, Section 10.5.0. Biosafety Level 4 (BL-4) laboratories, as defined by the Centers of Disease Control and Prevention, are prohibited in Burlington” of the Zoning Bylaws –300 Summit Drive – The Gutierrez Company, Applicant



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8.h Public Hearing - Application for Approval of a Special Permit pursuant to Section 4.3.2.9 “Parking garages and/or parking structures for more than three (3) vehicles, including both enclosed and open garages and structures, above and below ground” of the Zoning Bylaws –300 Summit Drive – The Gutierrez Company, Applicant

8.i Public Hearing - Application for Approval of a Special Permit pursuant to Section 4.3.2.15 “Storage and Disposal of oils and fuels/petroleum products” of the Zoning Bylaws –300 Summit Drive – The Gutierrez Company, Applicant

8.j Public Hearing - Application for Approval of a Special Permit pursuant to Section 7.2.6 “Special Permit for increasing the maximum parking space requirements for non-specific Non-Residential and Non-Educational Uses” of the Zoning Bylaws –300 Summit Drive – The Gutierrez Company, Applicant

8.k Application for Approval of a Site Plan – 300 Summit Drive - The Gutierrez Company, Applicant

Attorney Robert Buckley from Riemer & Braunstein LLP, Scott Weiss from the Gutierrez Company, Will Park from SMMA and Matthew Heil, LSP with Sanborn, Head and Associates, Inc. appeared for the public hearings for 300 Summit Drive. Attorney Buckley stated that if these permits are approved they will still have to go through the Board of Health process once a tenant is found.

Mr. Weiss stated that that in the Life Science industry speed to delivery is very important. Even in these times, this is an active market. The proposed building will be 4 stories and have parking below. There will be an emergency access on the north side of the building that will have a walking/bike path. The Board of Health has approved the project and they are before Conservation. They have made some minor changes to drainage and erosion controls at their request and hope to get approval at their next meeting.

Ms. Kassner stated that Life Science use has a lighter demand on traffic and parking. This is still under review of the supplemental documents including traffic reports and storm water management.

Clerk Raymond stated that there is a street off the parking lot to goes to Rt. 128 access. He asked that the applicants to go back to the State and have them reconsider giving us the access road.

Member Covino asked if this last building completes the campus. Mr. Weiss replied yes. Member Covino asked if getting the special permit before a tenant is normal. Mr. Weiss replied that they have done that with 4 Burlington Woods and Millipore. They are still pursuing tenants for 4 Burlington Woods.

Member Gaffney stated that the access road goes right to Rt. 3 North and asked what is prohibiting the State from completing this. Member Gaffney asked that large plantings be added along the highway side of the building and no graphics are on the construction fence.

Vice Chairman Impemba asked if multiple tenant spaces have been looked at in the 4 Burlington Woods building. Mr. Weiss replied yes, they are looking at multiple small tenants instead of 1 large one to fill up the space. Vice Chairman Impemba agreed that the ramp option should be looked at.

Mr. Weiss stated that they have spoken to Mass DOT multiple times and were told that the ramp would absolutely never be used because it does not meet the Highway standards but they can ask again.



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MOTION - Member Covino made a motion to continue this matter to the Planning Board Meeting of November 19, 2020. The motion was seconded by Member Espejo and unanimously voted 6-0. On a roll call vote: Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, Member Espejo voted Yes and Member Rappaport voted Yes.

9. Minutes –October 15, 2020

MOTION - Member Covino made a motion to approve the Planning Board minutes of October 15, 2020 as submitted. The motion was seconded by Member Espejo and unanimously voted 6-0. On a roll call vote: Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, Member Espejo voted Yes and Member Rappaport voted Yes.

10. Other Business

10.a Discussion

10.a.i Staff Updates: - Stormwater; Economic Development; Town Meeting

Ms. Kassner stated that the Stormwater regulations are being updated by the Conservation staff. They will be sending a redline copy for review. This is a general bylaw change and we will be discussing at the next meeting.

Ms. Kassner stated that the Economic Development Director would like to come at the next meeting to do a quick update.

Ms. Kassner stated that the warrant for the January 2021 Town Meeting closed on October 29th. They are submitting 2 articles. The first is for the wireless bylaw. They are working on a draft and will start with red flagging the parts of the bylaw that conflict with Federal guidelines. The second article is random house keeping clean up including the section numbers in the Definition section.

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

There was no new business.



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MOTION - Member Espejo made a motion to adjourn the November 6, 2020 Planning Board meeting at 8:32 PM. The motion was seconded by Member Covino and unanimously voted 6-0. On a roll call vote: Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, Member Gaffney voted Yes, Member Espejo voted Yes and Member Rappaport voted Yes.

*Respectfully Submitted by Dawn Cathcart,
Recording Clerk*