



TOWN OF BURLINGTON  
PLANNING BOARD MINUTES  
APRIL 15, 2021

**RECEIVED**

By Town Clerk's Office at 9:35 am, May 07, 2021

**Members Present:** Chairman Barbara G. L'Heureux, Vice Chairman Joseph Impemba (Late Arrival), Clerk Paul R. Raymond (Late Arrival), Ernest E. Covino, Michael Espejo

**Members Absent:** William Gaffney and Brenda Rappaport

**Staff Present:** Planning Director Kristen Kassner, Senior Planner Elizabeth Bonventre, Assistant Planner Brady Caldwell, Principal Clerk Jennifer Gelin

**1. Call the Meeting to Order**

Chairman L'Heureux called the meeting to order at 7:01 PM. The Town of Burlington will be holding the April 15, 2021 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. Bonventre 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](mailto:Planning@burlington.org) or on Facebook live.

On a Roll Call for attendance for the Planning Board: Chairman L'Heureux voted present, Member Covino voted present, and Member Espejo voted present. Ms. Kassner stated that we need to wait for a quorum before we can vote on any issues.

**3. Announcements**

Ms. Bonventre stated that Patriots Day is April 19<sup>th</sup> and all town offices will be closed. The Sculpture Park Subcommittee will meet on April 20<sup>th</sup> at 7:30 AM via Zoom. The ZBRC will meet on April 30<sup>th</sup> at 6:00 PM via Zoom. The Board of Appeals will meet on April 20<sup>th</sup> at 7:30 PM via WebEx. The ZBRC Sign Bylaw Subcommittee will meet on May 3<sup>rd</sup> at 5:30 PM via Zoom. The Local Housing Partnership is meeting on April 29<sup>th</sup> at 6:00 PM and they will be discussion setting up a municipal housing trust fund.

Member Espejo stated that Metro Planning Council has a scholarship, the Charles W. Eliot II Scholarship for graduating seniors who will be going to school to improve the environment, housing, Economic Development, Transportation, etc. The deadline is May 5<sup>th</sup> and the information can be found at [www.mapc.ma/eliotapp](http://www.mapc.ma/eliotapp).

Member Covino stated that the affordable housing account as substantial money in it. The committee is worried about accountability so they will be meeting to discuss how to setup a municipal housing trust fund.

Vice Chairman Impemba joined the meeting at 7:07 PM.

**MOTION** - Member Covino made a motion to take item "7.r" out of order for discussion purposes. The motion was seconded by Vice Chairman Impemba and unanimously voted 4-0-0. On a roll call vote: Chairman L'Heureux voted Yes, Vice Chairman Impemba voted Yes, Member Covino voted Yes, and Member Espejo voted Yes.



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**7.r 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 May 6, 2021 as requested in an email by the applicant dated April 14, 2021. The motion was seconded by Member Covino and unanimously voted 4-0-0. On a roll call vote: Chairman L’Heureux voted Yes, Vice Chairman Impemba voted Yes, Member Covino voted Yes, and Member Espejo voted Yes.

**2. Citizen’s Time**

*David Miller of 19 Gloria Circle* – Mr. Miller stated that there is a safety issue on Gloria Circle. The workers for the General Walker Estates are parking along the street at the end of Gloria Circle and it is making it very difficult to get out of the street. Chairman L’Heureux asked that staff contact the Safety Officer to look at the issue.

**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 Continued Public Hearing – To amend the Network Drive at Northwest Park Planned Development (PD) District Zoning By-Laws to permit the integration of new residential uses and associated dimensional standards, parking requirements and site amenities.– Nordblom Development Company and its affiliate Network Drive Lot 10 Owner LLC**

Attorney Robert Buckley and Attorney Kristine Hung from Riemer & Braunstein LLP and Todd Fremont-Smith from Nordblom Development appeared for the continued public hearing for the zoning change at Network Drive. Attorney Buckley stated that they have met with Land Use and the ZBRC and had a subcommittee meeting with this Board. They are proposing that 1 unit be designated as affordable.

Ms. Kassner stated that this proposal will maintain the historical integrity of the Kent house and they also discussed pedestrian connections and the affordable component.

Clerk Raymond joined the meeting at 7:15 PM.

Vice Chairman Impemba stated that he is in favor of this moving forward but asked instead of the affordable unit, could the money be taken to start a historical fund to purchase historical properties for preservation. Chairman L’Heureux stated that the affordable unit was at her request. Attorney Buckley stated that they are indifferent to which option is chosen. Attorney Buckley added that the value of a “for sale” unit is different than a rental unit. They will send a letter of intent to Town Counsel prior to Town Meeting stating their intent is to have the units for sale and that the Kent Cottage will be preserved.



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Clerk Raymond stated that building is important to save but he would like to hear from Land Use. Attorney Buckley stated that they did attend a meeting with Land Use and they were open to the concept. Mr. Fremont-Smith stated that they are going to check with the Historic Commission also.

Member Covino stated that he would be open to this as long as the Historic Commission thinks there is value with saving the Kent Cottage. The ZBRC took a straw vote is in favor but are waiting on the decision of the Planning Board prior to an official vote. Member Covino stated that he is concerned that the two other buildings are so close to Kent Cottage and would like them to look at making the Kent Cottage more prominent. The connection to the sidewalks is very important and he would agree with Vice Chairman Impemba regarding the fee instead of the affordable unit. The ZBRC also stated that the language in the article should say up to 9 units. Attorney Hung stated that they spoke with Town Counsel regarding this and they are agreeable to the change.

Member Espejo stated that he is in favor of this proposal and he has no preference with the affordable unit or fee.

Chairman L'Heureux stated that she is ok with this project and she is ok if the fee goes into a historical fund.

There were no questions from the audience.

**MOTION** - Member Espejo made a motion to close the public hearing on this matter. The motion was seconded by Member Covino and unanimously voted 5-0-0. On a roll call vote: Chairman L'Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, and Member Espejo voted Yes.

**MOTION** - Member Espejo made a motion to recommend **FAVORABLY** on the Petition to amend the Network Drive at Northwest Park Planned Development (PD) District Zoning By-Laws to permit the integration of new residential uses and associated dimensional standards, parking requirements and site amenities submitted by Nordblom Development Company and its affiliate Network Drive Lot 10 Owner LLC. The motion was seconded by Member Covino and voted 4-0-1. On a roll call vote: Chairman L'Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond abstained, Member Covino voted Yes and Member Espejo voted Yes.

**MOTION** - Member Espejo made a motion to take items "7.c", "7.d", "7.e", "7.f", "7.g", "7.h", "7.i", "7.j", and "7.k" together for discussion purposes. The motion was seconded by Member Covino and unanimously voted 5-0-0. On a roll call vote: Chairman L'Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, and Member Espejo voted Yes.

**7.c Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 20 South Avenue – Submitted by the Planning Board**

**7.d Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 40 South Avenue – Submitted by the Planning Board**

**7.e Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 70 Blanchard Road – Submitted by the Planning Board**



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**7.f Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 76 Blanchard Road – Submitted by the Planning Board**

**7.g Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 78 Blanchard Road – Submitted by the Planning Board**

**7.h Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 80 Blanchard Road – Submitted by the Planning Board**

**7.i Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 20 Blanchard Road – Submitted by the Planning Board**

**7.j Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 99 South Bedford Street – Submitted by the Planning Board**

**7.k Continued Public Hearing – Petition to rezone property to the High-Rise Industrial (IH) District – 111 South Bedford Street – Submitted by the Planning Board**

Ms. Kassner stated the name of the district, High Rise Industrial is a misnomer. This is similar to IG except buildings are allowed to go to 90' instead of 80', underground parking structures are allowed and Life Science is an allowed use. There are 3 different clusters; Cluster A is on the Middlesex Turnpike, Cluster B is on Blanchard Street and Cluster C is on South Bedford Street. A lot of these buildings were built in the 1970s-1980s and have reached their usefulness. Most sites also have .2 to .5 FAR. They understand that there are issues on Blanchard Street such as traffic, lack of sidewalks, lack of bike lanes but the goal is to expand Life Sciences and they typically like to cluster. The rezone of these areas is the first step and they are trying to unlock State funding resources. The intersection at South Bedford is on the State TIP list to improve traffic bottlenecks, flooding, add sidewalks and bike paths, and reduce traffic cut-through through the neighborhood.

Member Espejo stated that at the last meeting, someone in the audience talked over him and he wanted to let the residents know that if someone has an issue to reach out to him at any time. He has since spoken with Town Meeting Members from Precinct #7 and he understands the concerns of the residents in the area. He wants to keep the momentum with biotech and he is in favor of Clusters A & C.

Member Covino asked if we should reach out to the State to get help on infrastructure. He would be in favor the zoning changes. Member Covino added that the ZBRC is not going to take a position on the rezoning articles.

Clerk Raymond stated that the name of the district should be changed. He understands that biotech has less density but there are a lot of wetlands in Cluster C. He would be agreeable to changing Cluster A.

Ms. Kassner stated that Land Use has supported these articles.

Vice Chairman Impemba stated that the extra 10' on the building is fine but he is concerned with unintended consequences. There is no guarantee that Life Science business will go into these buildings and it could add additional traffic if it was a typical office building. He is concerned with Cluster B.

Ms. Kassner stated that most of these properties are at .5 FAR now and all uses except for Life Science requires a .25 FAR in regards to additional growth. Vice Chairman Impemba asked if there could be a



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minimum height requirement per floor. Ms. Kassner stated that would have to be a text amendment, not in a rezoning.

Chairman L'Heureux stated that she is agreement with changing Clusters A and C but we should hold off on Cluster B until the full board can weigh in.

Robert Duffy, owner of 76, 78 and 80 Blanchard Street – Mr. Duffy stated that they have Life Science businesses in offices they have in Waltham and they require less density, less parking and pay more rent. The model is usually a small office with lab spaces. Cluster B will have less parking if office use changes to Life Science. Member Espejo asked what the occupancy of these buildings is now. Mr. Duffy replied #78 is full and the height of the building is 80', #76 is a 2-story building that is empty and #80 is a 2-story building that is about 85% full. Ms. Kassner stated that these sites are limited by FAR and with the extra height in the buildings, it allows for more green space.

**MOTION** - Member Espejo made a motion to continue Items 7.e through 7.h (Cluster B) to the Planning Board Meeting of May 6, 2021. The motion was seconded by Member Covino and unanimously voted 5-0-0. On a roll call vote: Chairman L'Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, and Member Espejo voted Yes.

Vice Chairman Impemba asked if FAR includes wetlands. Ms. Kassner replied it does. Vice Chairman Impemba stated that if someone buys a property next to one of these parcels and it has wetlands on it, they could make the buildings larger. Ms. Kassner stated that they are still limited by the FAR. The sites are already built on and there are no wetlands adjacent to Cluster A and C.

Clerk Raymond stated that the name of the zoning district should be fixed first. Chairman L'Heureux stated that we can't change the name because that would be a text amendment. Ms. Kassner agrees that it needs to be fixed, we just can't do it for this Town Meeting. The district already exists.

**MOTION** - Member Covino made a motion to continue Items 7.c, 7.d, 7.i, 7.j and 7.k to the Planning Board Meeting of May 6, 2021. The motion was seconded by Clerk Raymond and unanimously voted 5-0-0. On a roll call vote: Chairman L'Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, and Member Espejo voted Yes.

**7.b Continued Public Hearing - To amend the Zoning Bylaw Article V and Article VII as they pertain to Floor Area Ratio (FAR) and Parking Structures & Garages – Planning Board,**

**Applicant**

Ms. Kassner stated that last September we added Section 7.2.71 to the bylaw but did not clarify that structured parking was considered in the building SF for the BG district only. This would affect other districts. This disincentives building parking structures and eliminates potential green space. This allows us to give the applicants more flexibility and promotes green space. Ms. Kassner stated that the Land Use Committee voted favorably.

There were no questions from the audience.

**MOTION** - Member Covino made a motion to close the public hearing on this matter. The motion as seconded by Member Espejo and unanimously voted 5-0-0. On a roll call vote: Chairman L'Heureux



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voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, and Member Espejo voted Yes.

**MOTION** - Member Espejo made a motion to recommend **FAVORABLY** on the Petition to amend the Zoning Bylaw Article VII as it to building to ground area percentage for Parking Structures & Garages, submitted by the Planning Board. The motion was seconded by Clerk Raymond and unanimously voted 5-0-0. On a roll call vote: Chairman L’Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, and Member Espejo voted Yes.

**7.1 Continued Public Hearing - Application for Approval of a Special Permit pursuant to 4.2.6.10 “Restaurants” of the Zoning Bylaw – 10 Wall Street – Waterville Business Development, LLC (d/b/a X-Golf Burlington), Applicant**

Attorney Kristine Hung from Riemer & Braunstein LLP and John Langevin from X-Golf Burlington appeared for a Special Permit at 10 Wall Street.

Ms. Kassner stated that we have no issues with this permit.

There were no questions from the audience.

**MOTION** - Clerk Raymond made a motion to close the public hearing. The motion was seconded by Member Espejo and unanimously voted 5-0-0. On a roll call vote: Chairman L’Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, and Member Espejo voted Yes.

**MOTION** - Member Espejo made a motion to approve the request of one (1) Special Permit pursuant to Section 4.2.6.10 “Restaurants” of the Burlington Zoning Bylaw, to permit the operation of a restaurant and indoor golf simulator facility by the name of X-Golf, for property located in the General Business (BG) District located at 10 Wall Street, subject to the terms and conditions contained in exhibit “A” attached. The motion was seconded by Member Covino and unanimously voted 5-0-0. On a roll call vote: Chairman L’Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, and Member Espejo voted Yes.

**MOTION** - Member Covino made a motion to take items “7.m” through “7.q” together for discussion purposes. The motion was seconded by Member Espejo and unanimously voted 5-0-0. On a roll call vote: Chairman L’Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, and Member Espejo voted Yes.

**7.m Public Hearing - Application for Approval of a Special Permit pursuant to 12.1.5 “PD Special Permit” of the Zoning Bylaw – 1 North Avenue – Desktop Metal Inc., Applicant**

**7.n 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 – 1 North Avenue – Desktop Metal Inc., Applicant**

**7.o 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-**



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**Laws and subject to the applicable rules and regulations of the Board of Health.” of the Northwest Park PDD Bylaw Provisions – 1 North Avenue – Desktop Metal Inc., Applicant**

**7.p Public Hearing - Application for Approval of a Special Permit pursuant to 1.5.4 “Hazardous and toxic materials/chemical use storage, transport, disposal or discharge.” of the Northwest Park PDD Bylaw Provisions – 1 North Avenue – Desktop Metal Inc., Applicant**

**7.q Public Hearing - Application for Approval of a Special Permit pursuant to 1.5.5 “Generation or storage of hazardous waste limited to the volumes classified as very small quantity generator.” of the Northwest Park PDD Bylaw Provisions – 1 North Avenue – Desktop Metal Inc., Applicant**

Kevin Lee, Holly Lynch, and Andrew Jeffery appeared for Special Permits at 1 North Avenue. Mr. Jeffery stated that this new procedure is to take sawdust and input into the 3D printing machines to make objects such as decorative objects for interior design, trays, lamps, wooden tiles, etc.

Ms. Kassner stated that Forest was acquired by Desktop Metals. They are still working with the Board of Health and Building departments. Ms. Kassner stated that Desktop Metals has been a draw for other 3D printing companies.

There were no questions from the Board or from the audience.

**MOTION** - Clerk Raymond made a motion to continue these matters to the Planning Board Meeting of May 6, 2021. The motion was seconded by Member Covino and unanimously voted 5-0-0. On a roll call vote: Chairman L’Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, and Member Espejo voted Yes.

Clerk Raymond asked if we are doing the reorganization of the Board. Chairman L’Heureux stated that we are going to wait until there is a full Board present. Clerk Raymond congratulated Vice Chairman Impemba. Clerk Raymond also mentioned the well written Letter to the Editor by Chairman L’Heureux regarding the 40B project and asked if we can do anything about it. Ms. Kassner stated that it is in a holding pattern right now. The ZBA may be discussing it next Tuesday but they are nowhere close to a decision being granted.

Clerk Raymond stated that Microsoft has recently acquired Nuance Technologies of Burlington for billions of dollars.

**8. Minutes – April 1, 2021**

**MOTION** - Clerk Raymond made a motion to approve the Planning Board minutes of April 1, 2021. The motion was seconded by Member Covino and voted 5-0-0. On a roll call vote: Chairman L’Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, and Member Espejo voted Yes.

**9. Other Business**

**9.a.1 Discussion – 4 Dartmouth Road – Release of Lot 6**

Ms. Kassner stated that litigation has concluded and a motion for judgement has been filed. There was a Minor Engineering Change and an amendment to eliminate the cul-de-sac. They are actively working on 101 & 103 Francis Wyman and they have only been released for building only, not for



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sale. The lots at 4 & 6 Dartmouth Road are still being held. The applicant is requesting release of 4 Dartmouth Road for sale. All work related to the Minor Engineering Change must be completed. The applicant has given us a timeline for the construction and they are hoping to be complete 101 & 103 Francis Wyman Road by May. They are hoping to start this week on the improvements to 3 & 5 Dartmouth Road including installation of the granite curb, stone drywall and piping. They hope to finish by next week. Ms. Kassner stated that for the subdivision, they are holding lots under a covenant and they have asked for a scope of work remaining and a surety for the outstanding work. Prior to release of the las lot, they must be in full compliance with all issues.

Member Covino stated that in the workflow provided, they hope to have all the work done with 3 & 5 Dartmouth Road within 2 weeks. Ms. Kassner replied yes, that is what they have planned but they need to coordinate with the property owners and staff so they can have the right people on site to inspect. Member Covino asked if there was a P&S agreement for 4 Dartmouth Road. Ms. Kassner replied yes, and it has been extended. Member Covino asked if we could vote on this but hold it until the work under the Minor Engineering Change is complete.

David Miller of 19 Gloria Circle – Mr. Miller asked if anything has changed since the litigation has been completed. Ms. Kassner replied that nothing has changed in the design of the infiltration. Mr. Miller stated that plan for 4 Dartmouth Road shows how much this deviated from the approved plan.

Anthony Mattarazzo of 2 Dartmouth Road – Mr. Mattarazzo stated that the road was designed based on the existing house be razed and the new house facing the other way. Chairman L’Heureux stated that she understands but we can’t do anything about it according to Town Counsel.

**MOTION** - Member Covino made a motion that the Planning Board hereby releases Lot 6 (4 Dartmouth Road) from the General Walker Estates Definitive Subdivision Conditional Approval Covenant for the purpose of sale in exchange for surety to complete all remaining public improvements. The Planning Board will hold release of the lot until such time that all remaining work with the Minor Engineering Change for 3 & 5 Dartmouth Road is complete subject to approval by Town Counsel. Lots at 6 Dartmouth and 101 and 103 Francis Wyman Road remain under the covenant. The motion was seconded by Clerk Raymond and voted 4-1-0. On a roll call vote: Chairman L’Heureux voted Yes, Vice Chairman Impemba voted Yes, Clerk Raymond voted Yes, Member Covino voted Yes, and Member Espejo voted No.

Ms. Kassner stated that if Town Counsel is not ok with the vote, she will bring it back.

Ms. Kassner stated that in regards to Winnview Height II, the original application was received but they filed a follow up application to amend an easement. A question was brought up on control of an easement. The ZBA has asked for a legal opinion and that has not been provided yes. The civil plan just came in and the ZBA has requested a peer review. They hope to have an update on April 20<sup>th</sup>.

**9.b Correspondence**

There was no correspondence.

**9.c Reports from Town Counsel**

There was no report from Town Counsel.





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**9.d Subcommittee Reports**

There were no subcommittee reports

**9.e Unfinished Business**

There was no unfinished business.

**9.f New Business**

Member Covino stated that the Housing Choice presentation was very informative and should be watched.

Vice Chairman Impemba stated that there are 3 dumpsters for the apartments along the street at the old Building 19 site. Ms. Kassner will forward the information.

**MOTION** - Member Covino made a motion to adjourn the April 15, 2021 Planning Board meeting at 9:30 PM. The motion was seconded by Member Espejo and unanimously voted 5-0-0. On a roll call vote: Chairman L'Heureux voted Yes, 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*