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Approved
Town Clerk:

TOWN OF BURLINGTON, MA
PLANNING BOARD MINUTES
JUNE 15, 2023

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

1. Call the Meeting of the Planning Board to Order

Chairman L'Heureux called the meeting to order at 6:32 PM. The Town of Burlington will be holding the June 15, 2023 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.

2. Announcements

Mr. Zimmerman read the announcements. The Sculpture Park Committee will meet on June 21, 2023 at 8:30 AM via Cisco Webex. All town offices will be closed on June 19, 2023 in observance of Juneteenth. The Eversource Community Conversations will take place on June 21, 2023 from 6-8 PM at Burlington Public Library. Town Shred Day will be on June 17, 2023 from 9 AM to 12 PM at the Parking lot behind Town Hall.

3. Legal Notices of Interest

There were no legal notices.

4. Non-Approvals

There were no non-approvals.

5. Administrative Matters



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5.a Discussion – Request for Approval of a Minor Engineering Change – 10 Corporate Drive – The Gutierrez Company, Applicant

Scott Weiss of The Gutierrez Company appeared before the Board.

Mr. Weiss stated that we were in front of the Board a few weeks ago to add a couple dozen electric vehicle (EV) charging spots where there was some discussion about the requirements for the handicap accessible stations. We're certainly more than willing to do whatever the Board wanted subject to the DEP requirements. However, according to the DEP requirements, those EV spaces are accessible and available for anyone to use, but are not restricted to handicap use only.

Member Impemba asked if it was possible for you to pay for one more charging station outside the grant and make it exclusive. Mr. Weiss replied that when we were finalizing the contract with Eversource we said that we'd like to strike the language that states that "we can't change the number of charging stations" to "we can't reduce the number of charging stations" to have the ability to add to them. However, they said that we can't do that because the electric service that's being provided is for those chargers only.

Chairman L'Heureux asked Member Impemba if he would feel comfortable if staff were to follow up six months and then 12 months from now to check in and to monitor whether or not there are problems with handicap accessibility. Member Impemba replied no because 33 years ago I started the Disability Access Commission as a Board of Select Member and I feel that this is a disgrace as well as a violation of the ADA.

Mr. Weiss stated that I'm more than willing to check in with DEP and get a response to this question. If such DEP requirements are to change, we're more than happy to comply with those modifications.

Member Sutherland asked if there was an option for signage. Mr. Weiss stated that according to the certification language: "accessible EV charging spaces may be used by anyone and must not be reserved for persons with disabilities. Do not install markings or signage restricting the space to those within ADA accessibility."

Member Gaffney stated that a spot can't be designated and so if we put a sign that says it's "handicap accessible," I would say that a great majority of people would stay out of that spot. Mr. Weiss replied that I could paint the spots blue and put signage that doesn't have the "handicap only" marking.

Kenneth Tigges – Chairman of Disability Access Commission: Mr. Tigges commented that he'd like to see Mr. Weiss make a precedence and do most what he could do of signage.

Chairman L'Heureux asked the Board that if we condition it as such that is going to have that signage painted on the ground and that Mr. Weiss will work out the details with staff, myself, and the Chair of the Disability Access Commission would that make everyone comfortable. The Board replied yes.



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MOTION: Member Gaffney made a motion to amend the previous approval for the request of GVI-TGC 10 Corporate Owner, LLC (“Property Owner”) for approval of a Minor Engineering Change for property located 10 Corporate Drive (“Premises”) to allow for twelve (12) new dual-port electric vehicle charging stations, supporting electric vehicle charging at 24 parking spaces, including two handicap accessible locations. In addition, five (5) existing accessible parking spaces will be relocated to be ADA/MAAB compliant and a bocce court will be added as an outdoor building amenity as reflected on the redlined site plan set entitled “10 Corporate Drive in Burlington Massachusetts (Middlesex County) Site Plan” prepared by BSC Group, dated March 31, 2022, revised to May 8, 2023 consisting of one (1) sheet, subject to the following revisions, terms, and conditions as amended. The motion was seconded by Member Covino and voted 6-0-0.

5.b Discussion – Request for Approval of a Minor Engineering Change – 1 Wall Street – The Gutierrez Company, Applicant

MOTION: Member Gaffney made a motion to amend the previous approval of the request of The Gutierrez Company (“Property Owner”) for approval of a Minor Engineering Change for property located 1 Wall Street (“Premises”) to allow for landscape and hardscape modifications to enhance the primary building entrances and attractiveness of the site, as well as provide a better ingress experience for current and future tenants. This will include the addition of electric vehicle charging stations at twenty (20) spaces. These changes reduce impervious area by 454 +/- sq ft., and result in the loss of one parking space to facilitate handicap accessibility to two EV charger spaces as reflected on the redlined site plan set entitled “1 Wall Street Burlington, MA Permit Drawings” prepared by Michael D’Angelo Landscape Architecture, dated May 20, 2023 consisting of two (2) sheets, subject to the following revisions, terms, and conditions as amended. The motion was seconded by Member Covino and voted 6-0-0.

6. Matters of Appointment

6.a Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.12 “Commercial boarding, care, and treatment of birds, fish, and animals” of the Zoning Bylaws – 68-110 Burlington Mall Road - Fresh Pups, LLC d/b/a Splash and Dash Groomerie and Boutique, Applicant

Attorney Mark Vaughn of Riemer & Braunstein; and AJ Bowman appeared before the Board.

Attorney Vaughns stated that Mr. Bowman and his partners are looking to open a dog grooming service business that will be located at Burlington Marketplace. There are no changes to the exterior. Their hours would be 8 AM to 5 PM Monday through Saturday (not open on Sundays). There's no overnight boarding of dogs. They are responsible for all waste and clean up.

Mr. Bowman stated that this is a new franchise that is expanding across the country right now. We’re going to be opening 10 locations in Greater Boston. Maintaining and keeping the front of our storefront clean will be part of our daily routine.



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Member Sutherland asked if drop-offs / pickups will be spread throughout the day. Mr. Bowman replied yes. Member Sutherland then asked what would be your max amount of dogs at any given point. Mr. Bowman replied approximately 30 dogs. If they're not being worked on, they'll be in a kennel.

Chairman L'Heureux asked how are you going to direct people to the landscaped island(s) for dogs to relieve themselves. Mr. Bowman replied that we'll provide them with instructions on a map. Chairman L'Heureux then asked how long an appointment is. Mr. Bowman replied between 2-4 hours.

Member Sutherland then asked will you be verifying vaccinations. Mr. Bowman replied no.

Member Covino asked if there are any health concerns. Mr. Zimmerman replied that Christine Mathis, the Environmental Engineer, had no concerns.

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

MOTION: Member Gaffney made a motion to approve the request of Fresh Pups LLC d/b/a Splash and Dash Groomerie and Boutique for approval of a Special Permit, pursuant to Section 4.2.6.12 "Commercial boarding, care and treatment of birds, fish and animals" of the Town of Burlington Zoning Bylaw to allow for the operation of a dog grooming facility to be located in an existing 1,630 +/- sq ft tenant space, to be known as Splash and Dash Groomerie and Boutique, for property located at 68-110 Burlington Mall Road in the General Business (BG) and Aquifer (A) Districts as written. The motion was seconded by Member Covino and voted 6-0-0.

7. Minutes

MOTION: Member Gaffney made a motion to accept the Planning Board minutes of June 1, 2023. The motion was seconded by Member Covino and voted 4-0-2.

8. Other Matters

8.a Discussion

Transportation Demand Management:

Ms. Bonventre stated that companies with 10,000 additional square feet would require transportation demand management measures. We would have to see proof of that on an annual basis and so it would be a revolving thing.

Schedule a joint meeting with Land Use and Zoning Bylaw Review Committee for September Town Meeting Zoning Articles:



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Ms. Bonventre stated that the joint meeting will be scheduled for July 20, 2023.

8.b Correspondence

There was no correspondence.

8.c Reports from Town Counsel

There were no reports from Town Counsel.

8.d Subcommittee Reports

There were no Subcommittee Reports.

8.e Unfinished Business

There was no unfinished business.

8.f New Business

There was no new business.

MOTION: Member Gaffney made a motion to adjourn the June 15, 2023 Planning Board Meeting at 7:32 PM. The motion was seconded by Member Sutherland and voted 6-0-0.

*Respectfully Submitted by Eric Bergeron,
Recording Clerk*