



Town of Burlington  Planning Board

Minutes of the Planning Board Meeting of September 7, 2006

1. Chairman Raymond called the Regular Planning Board Meeting to Order at 7:30 p.m. with Vice Chairman Cummings, Member Clerk Impemba, and Members DeFrancesco, Covino, Fay, and Hyde present, with the Pledge of Allegiance.

2. **Minutes**

MOTION – To accept the minutes of July 20, 2006, as submitted.

APPROVED: 5-0-2 (Members DeFrancesco and Impemba abstained)

3. **Citizens Time** (No One Spoke)

4. **Chairman Comments & Announcements**

- a. Mr. Fields announced that there will be a 9-11 Ceremony on Monday September 11, 2006, from 9:50 a.m. to 10:30 a.m. at the memorial flag pole across from the Fire Station. There will be a procession from police station to the memorial at 9:55 a.m.
- b. Mr. Fields announced a free workshop for Strategies for the Environmentally-Friendly Development to Reduce Stormwater Run-off on Wednesday, September 13, 2006, at the Medford Public Library from 10:00 a.m. to 12:00 p.m.
- c. Mr. Fields announced that Municipal Truck Day will be Sunday, September 17, 2006, from 10:00 a.m. to 3:00 p.m. on the Town Common.
- d. Mr. Fields announced that the next Route 3A Committee meeting will be Tuesday, September 19, 2006 at 8:30 a.m. in the Town Hall Annex.
- e. Mr. Fields announced that Town Meeting will convene on Monday, September 25, 2006 at 7:30 p.m. at Burlington High School.
- f. Mr. Fields announced that the Massachusetts Federation of Planning and Appeals Boards Fall Conference will be Saturday, October 28, 2006, from 9:00 a.m. to 4:00 p.m. at the Crowne Plaza in Worcester.
- g. Mr. Fields distributed the Citizen Planner Training Collaborative fall course schedule.
- h. Chairman Raymond reminded the public that the State Primary will be Tuesday, September 19, 2006

5. **Legal Notices of Interest** (None)

6. **Non-Approvals**

- a) Request for endorsement of a Plan Believed Not to Require Approval – 110 Muller Road – Woodland Farm Subdivision – Aldo Gallinelli, applicant.

Mr. Gallinelli was present to explain his intent to sell one existing house to his daughter, but also did not intend to build the road for at least two years. Therefore lots B and C need to be combined to retain frontage on Muller Road. The Town of Lexington is requiring a 25' rear setback for his existing house, even though that setback is in Burlington. The plan also reflects a lot line adjustment to achieve this setback.

MOTION – The Planning Board hereby endorses an Approval Not Required plan entitled “Plan of Land Burlington/Lexington Massachusetts”, dated April 20, 2006, revised to September 6, 2006, prepared by VTP Associates, Inc., reflecting a consolidation of lots B and C, and a lot line revision between lots A and J. The applicant shall submit four copies of the endorsed plan to the Planning Board office within four (4) weeks of this decision.

APPROVED: 7-0-0

7. **Matters of Appointment:**

MOTION – To take item “i” out of order.

- i. Continued Public Meeting – Application for Approval of a Site Plan Waiver – 97 Cambridge Street, Pass & Weisz -Edward Pass, Applicant

No testimony was taken on this matter.

MOTION – To continue this matter to the Planning Board meeting of September 21, 2006, as requested by the applicant’s attorney in a letter dated September 6, 2006.

APPROVED: 7-0-0

- a. Presentation – Update by the Northwest Park Redevelopment Committee

Robert Buckley, Todd Freemont-Smith, Adele Olivier, Phil Pennatore, Melissa Cushing, and Frank DiPietro were present. The proponents presented a powerpoint presentation outlining a concept for a mixed use redevelopment of the property. Mr. Freemont-Smith explained that their vision for the southerly portion of the office park is a vibrant, mixed used surrounding a public space. The mixed use could include retail, restaurant, office, residential, and hotel. The northerly portion would remain mostly office, but with some limited options for hotel, restaurant and accessory services. A concept involving a larger housing component was eliminated at the request of the Town Meeting Members participating on the committee. The proposal anticipates future access to the land-locked parcel if the Town would like an access point to it at some time.

Member Covino asked if they had a target date. Mr. Freemont-Smith said they are hoping to go before Town Meeting in January.

Member Cummings asked about the percent of retail to housing. Mr. Freemont-Smith responded that final numbers are not complete.

Member Impemba asked if they were looking at any other Town as a template. Mr. Buckley responded that they are seeking a unique look and feel.

- b. Continued Public Hearing – Petition to Amend Article VIII of the Zoning Bylaw by creating a new Section 8.5.1.1 “Intent of Town Meeting” – Petition now Submitted by TMM John D. Kelly (originally submitted by TMM Shari Lynn Ellis)

John Kelly presented his proposal to the Board and requested that the Board render a recommendation so that it may be considered at Town Meeting.

Member Hyde asked Mr. Fields for an explanation of the proposal. Mr. Fields responded that he cannot explain the amendment, that it is confusing, and that he believes that it does not achieve the intended purpose.

Member Fay suggested waiting to see if Town Counsel has any comments.

Member Impemba stated that he agreed with the concept but does not feel that this draft achieves its purpose. He feels that it is extra language that confuses the Bylaw.

Member DeFrancesco also opined that the language is too confusing and the Board should hold off on voting a recommendation until it is more clear.

There was no one present in the audience to speak on this matter.

MOTION – To continue this matter to the Planning Board meeting of September 21, 2006.

APPROVED: 7-0-0

Chairman Raymond recused himself from the following matters. Vice Chairman Cummings assumed the duties of Chair.

MOTION – To take items “c” and “d” together for discussion purposes.

APPROVED: 6-0-0 (Chairman Raymond not participating)

- c. Continued Public Hearing – Petition to Amend Article III Section 3.1.1 of the Zoning Bylaw to establish an open space district – Petition now Submitted by TMM William Beyer (originally submitted by TMM Maureen M. Ryan)
- d. Continued Public Hearing – Petition to rezone various parcels to the OS (Open Space) District - Petition now Submitted by TMM William Beyer (originally submitted by TMM Maureen M. Ryan)

Mr. Raymond explained that this is his proposal, which is now being sponsored by Town Meeting Member William Beyer simply to have it placed on the Warrant.

Mr. Raymond explained that the proposal is to have property intended for permanent use as open space to be zoned open space. No uses prohibited in the One family Dwelling (RO) District would be permitted in the Open Space District, and housing would be prohibited.

Member Hyde raised concerns over restrictions on lands gifted to the Town and the impact on the Cummings property. Mr. Raymond responded that rezoning the Cummings property should not alter any negotiations with the City of Boston on the Cummings property.

Member Impemba suggested they focus more on the concept and not so much on particular parcels.

Arthur McDonald, Wildmere Avenue, expressed concerns that the notice he received was not clear and there was no definition of open space. Mr. Fields explained that none of the zoning designations in Burlington has a definition, but Mr. Raymond has since prepared a definition, which was passed out.

Kathy Cool, Stony Brook Road, suggested getting an opinion from Town Counsel and expressed concerns over development.

Paul Valleli, Town Meeting Member from precinct 3, spoke in favor of the proposal saying that it supports the will of Mary Cummings.

MOTION – To continue these matters to the Planning Board meeting of September 21, 2006.

APPROVED: 6-0-0 (Chairman Raymond not participating)

Mr. Raymond resumed the duties as Chair.

Member Covino recused himself from the following matters.

- e Public Hearing – Petition to rezone Map 18 Parcel 1, off Carol Avenue, to the Wireless Communication Overlay District – Submitted by Omnipoint Communications Inc.

Brian Grossman and Sean Reed explained that Omnipoint is seeking to rezone this particular parcel of land to enable them to put a wireless antenna on an existing utility stanchion. This location is needed to eliminate a gap in service, which was displayed on a coverage map. There are gaps in coverage due to increased technology and greater demand.

Mr. Fields explained that they have submitted an application with the Board of Appeals, which is still pending. He is seeking to convene the Telecommunications Committee to look at this request and possible changes in the Bylaw. Member Fay agreed with him commenting on the many hours of work that the committee put in to creating the bylaw.

Member DeFrancesco questioned the apparent redundant coverage that would be provided by this location. Mr. Grossman explained that there would be some overlap, but there are important areas along Route 3A that are not covered now.

Jack Kelly, Town Meeting Member from precinct 3, inquired about line of sight requirements, which were confirmed by Mr. Grossman.

Florence Carow, Town Meeting Member from precinct 6, informed the Board that she worked with the Telecommunications Committee and found this very upsetting after all the work that was done to create the bylaw.

Patricia Farrell, Jonathan Road, questioned why they cannot use sites that are already in the Wireless Communication District.

MOTION – To continue this matter to the Planning Board meeting of September 21, 2006.

APPROVED: 6-0-0 (Member Covino not participating)

- f Public Hearing – Petition to rezone Map 54 Parcel 3-11, 35 Ray Avenue, to the Wireless Communication Overlay District – Submitted by Nextel Communications of the Mid-Atlantic, Inc.

Phil Leeds explained that Nextel is seeking to rezone this particular parcel of land to enable them to install 6 antennas on a utility stanchion to hopefully eliminate gaps in service. He explained that he has been in the wireless industry for ten years and he has seen an increase in demand and technology in the last five years.

Chairman Raymond suggested getting together with the Telecommunications Committee and looking at possible changes in the Bylaw.

Jack Kelly, Town Meeting Member from precinct 3, questioned that after looking at the topographical maps that the proposed antennas would benefit mostly Woburn. Mr. Leeds explained that sections in both towns would be better covered, but was not sure about what percent of Burlington as compared to Woburn.

Mrs. Farrell, Jonathan Road, questioned why they cannot use the existing tower on Blanchard Road that is nearby and already in the Wireless Communication District. Mr. Leeds explained that he would look into that and find out why that was not an option.

Paul Valleli, Town Meeting Member from precinct 3, asked if using older technology would eliminate the gaps in service.

MOTION – To continue this matter to the Planning Board meeting of September 21, 2006.

APPROVED: 6-0-0 (Member Covino not participating)

Member Covino returned to the meeting.

- g Public Meeting – Application for Approval of a Site Plan Waiver – 13 Ray Avenue - Brestyan's American Gymnastics Club, Applicant

Denis Sullivan explained to the Board that his client, Mihai Brestyan, is a well known gymnastics coach, and is seeking a change in use to allow for a gymnastics training facility. All the changes proposed are inside the building to accommodate training equipment. They are anticipating no more than 60 students at any time, which can be accommodated by the existing 41 parking spaces.

Mr. Fields noted the site has been neglected but recommends favorably.

Member Cummings read the Department Comments into the record:

Department	Recommendation	Date Received
Board of Selectmen		
Inspector of Buildings	Favorable/see comments	August 15, 2006
DPW/ Engineering	Favorable	August 15, 2006
Police Dept.	Favorable/see comments	August 14, 2006
Fire Dept.	See w/modifications	August 24, 2006
Board of Health	Favorable w/conditions	August 25, 2006
Conservation		

There was no one present in the audience to speak on this matter.

MOTION - The Planning Board finds that this is a proper request for a Site Plan Waiver, since there is an approved Site Plan on file, and minimal proposed exterior changes are proposed to accommodate the proposed change in use.

APPROVED: 7-0-0

MOTION - To approve the request for approval of a Site Plan Waiver for property located at 13 Ray Avenue to allow for a change in use from office and warehouse to a recreational facility for gymnastics training, pursuant to Section 4.2.2.12 of the Zoning Bylaw within an existing building, as reflected on the plan entitled, "Site Plan, 13 and 21 Ray Avenue, Burlington, MA", said site plan prepared by Raymond Engineering Service, dated September 9, 1983, revised to January 25, 1985, subject to the following terms and conditions:

1. All previous conditions of approval affecting the property shall continue to apply, except as may be specifically modified by this decision.
2. The applicant and/or property owner shall trim the overgrown vegetation at the curb-cuts to ensure safe sight distances in both directions. A circulation pattern for drop off and pick up shall be reviewed and approved by the Planning Director and the Safety Officer. There shall be no street parking for employees or patrons of this facility.
3. The applicant and/or property owner shall re-stripe the parking lot according to the plan to ensure visibility of the parking spaces. Wheel stops shall be reinstalled. The Planning Board recommends that the parking lot be resealed, or the parking lot must be resurfaced within 2 years of this approval.
4. The two dumpsters in the loading dock must be removed prior to the issuance of an occupancy permit.

5. An additional bollard shall be placed on the front side of the gas meter on the east side of the building.
6. Handicapped ramp railings shall be repaired or replaced, subject to the approval of the Inspector of Buildings.
7. The railing at the emergency egress on the east side of the building shall be repaired or replaced as required by the inspector of buildings.
8. The applicant and/or property owner shall comply with all building and fire safety codes, and all recommendations and conditions of the Inspector of Buildings and Fire Department pertaining to such codes. Sprinkler system shall be relocated in conformance with NFPA 13. The fire alarm system shall be reviewed and approved by the Fire Department. The applicant shall be considered advised of the requirement to obtain a Dumpster Permit from the Fire Department pursuant to 527 CMR 34:03, for any permanent dumpster. All required permitted confined spaces shall comply with 29 CFR 1910.146 and shall be listed with the Fire Department. Vegetation in the rear of the building shall be trimmed pursuant to 5.2.0 of the Zoning Bylaw to provide emergency access.
9. Prior to any demolition or renovation, the applicant shall inspect and remove all hazardous building components from the portion being remodeled. Hazardous building components include, but are not limited to, fuels, solvents, storage tanks, mercury switches, Freon, dielectric fluids, fluorescent light tubes, and asbestos. The applicant shall submit to the Board of Health an inspection report that outlines the number and type of materials observed. The applicant should also submit to the Board of Health a copy of the disposal or recycling records for all hazardous building components and complete a Pre-Demolition/Pre-Renovation Checklist.
10. A dumpster shall be used during the building renovation process to contain waste construction materials and debris. The applicant and/or property owner shall ensure the proper disposal of all such material and debris.
11. All handicapped parking shall be properly posted in accordance with the requirements of the Americans with Disabilities Act. All handicapped accessibility improvements shall comply with the Massachusetts Architectural Access Board Rules and Regulations.
12. The applicant and/or property owner shall be considered advised of the Department of Environmental Protection (DEP) moratorium restricting changes in use and increases of discharge into existing sewer lines.
13. The applicant and/or property owner prior to issuance of a final certificate of occupancy shall inspect the drainage system and clean and repair as necessary to restore proper function.
14. The applicant and/or property owner shall prepare and submit to the Planning Board a snow removal management plan. There shall be no use of salts or other de-icing chemicals or compounds on the property, except for calcium chloride, pursuant to Article XIV Section 4.4 of the General Bylaw. Further, snow removal operations shall not involve the storage and stockpiling of snow adjacent to any on-site wetlands areas.

15. Any proposed construction activity within 100' of any wetland or resource area shall be submitted to the Conservation Commission for review and approval. The applicant and/or property owner shall comply with all conditions of the Order of Conditions issued by the Conservation Commission. In the event that the conditions of the Conservation Commission necessitate any revision to the approved Site Plan, the applicant and/or property owner shall be required to submit a revised plan for Planning Board approval in accordance with the Planning Board's Site Plan Rules and Regulations.
16. The applicant and/or property owner shall revise the approved Site Plan, and submit one mylar and one set of revised prints of such Plan for endorsement by the Planning Board within two (2) weeks of this approval. Upon endorsement of the revised mylar and plans by the Planning Board, the applicant shall produce an additional five (5) sets of blue or black line prints from the endorsed mylar within two (2) weeks of such endorsement

APPROVED: 7-0-0

- h Continued Public Meeting – Application for Approval of a Site Plan Waiver – 17 Terry Avenue - Storage Unlimited – Terry Avenue LLC, Applicant, (originally submitted by Anthony Tambone)

Mark Vaughan informed the Board that Storage Unlimited has been sold to Platinum Storage. David Scott is the manager and Carla Baxter is the regional manager. They are proposing to enclose an area in the back of the property with a 6' stockade fence for the temporary storage of automobiles and recreational vehicles. He explained that there would be a written agreement with each owner that no car would have more than 5 gallons of gas in the vehicle.

Member Fay explained that initially he was opposed to the idea but they have put a lot of effort into complying with the Town's concerns and he now feels that it is an excellent proposal.

Paul Valleli, Town Meeting Member from precinct 3, asked about the lighting fixtures. Mr. Vaughan explained that the lights would be on a timer but that that he would have to get back to the Board on the exact type of light.

Mr. Impemba asked how many parking spaces there would be. Mr. Vaughan stated there would be about 21 parking spaces but that some vehicles would take up more than one space.

Mr. Fields explained that there would be an access path kept open for emergency purposes and that no patrons would be allowed to park their vehicles in this aisle. He also explained that there would be a fence to protect the wetlands.

Member Cummings expressed concerns that the storage of vehicles is not appropriate in the Town Center Overlay. Mr. Vaughan stated that he has tried to take the Town Center Overlay into consideration.

Member Impemba suggested high shrubs along with the fence.

The Board concurred that the matter should be continued until the Conservation Commission reviews the matter next week.

MOTION – To continue this matter to the Planning Board meeting of September 21, 2006.

APPROVED: 7-0-0

j Discussion – Application for Approval of a Minor Engineering Change – 10 New England Executive Park – Robert W. Murray, Applicant

Mark Vaughan and Phyllis Etsell explained that an administrative branch of the U.S. Government is looking to locate into this site, which has been vacant for some time. The changes include enclosure of a portion of the parking lot with a chain link fence, new doors and a carport at the rear of the building, enclosing the dumpster, and installing a series of planters for looks and security.

Member Hyde asked what type of work would be done there. Mr. Vaughan stated that it is offices for the Department of Homeland Security.

Member Cummings noted the comments of the Fire Department. Mr. Fields explained that there would be an emergency generator run by propane that needs to be protected by bollards.

MOTION - To approve the request for approval of a Minor Engineering Change for property located at 10 New England Executive Park, for the creation of an additional building entrance, enclosure of a portion of the parking lot with a chain link fence, re-striping of handicapped and standard parking spaces, placement of landscaping planters, installation of a dumpster and an emergency generator, as detailed on red-lined plans entitled, “10 New England Executive Park, Burlington, MA”, dated June 23, 1973, revised to October 21, 1993 and red-lined to August 2006, said site plans prepared by H.W. Moore Associates, Inc., subject to the following terms and conditions:

1. All previous conditions of approval shall continue to apply, except as may be specifically modified by this decision.
2. Prior to the commencement of any construction, the Applicant shall provide forty-eight (48) hours notice to the Inspector of Buildings, Conservation Administrator, and the General Development Inspector.
3. A building permit will be required for the enclosure. A Dumpster permit is required by the Fire Department pursuant to 527 CMR 34.03.
4. The post indicator valve located adjacent to the newly proposed entrance must remain accessible to emergency vehicles. The twelve foot in height car-port must provide clearance for ambulance access.
5. A flammable storage permit is required by the Fire Department for propane storage.
6. Any proposed construction activity within 100’ of any wetland or resource area shall be submitted to the Conservation Commission for review and approval. The applicant and/or property owner shall comply with all conditions of the Order of

Conditions issued by the Conservation Commission. In the event that the conditions of the Conservation Commission necessitate any revision to the approved Site Plan, the applicant and/or property owner shall be required to submit a revised plan for Planning Board approval in accordance with the Planning Board's Site Plan Rules and Regulations.

7. The applicant and/or property owner shall submit six (6) sets of revised prints of the Site Plan to the Planning Board within four (4) weeks of this approval.

APPROVED: 7-0-0

k Continued Discussion – Application for Approval of a Minor Engineering Change – 136 & 138 Cambridge Street – A.J. Rose Carpets, Applicant

Andy Boyajian explained to the Board that had had met with the subcommittee to review the plans and address their concerns. He displayed the proposed rendering, the proposed color choices, and a sample of the canopy material. He also informed the Board that he would like to move the dumpster to the back of the building.

Member Impemba indicated that the subcommittee anticipated that the canopy would be wood as opposed to the vinyl now displayed. The Board discussed the material options, and it was determined that Mr. Boyajian would use a material similar to Lexan.

Member Impemba also questioned if the EIFS would be repaired if damaged. Mr. Boyajian stated he will repair it as needed.

Member Cummings recommended crushed stone between the landscaping and the building to protect the EIFS. Mr. Boyajian explained that there was no need for the crushed stone because there will be enough room between the plants and the EIFS.

MOTION - To approve the request for approval of a Minor Engineering Change for property located at 136-138 Cambridge Street, for the construction of a canopy, and façade improvements, as detailed on the red-lined plans entitled, “Site Plan 138 Cambridge Street, Burlington, MA”, said site plan prepared by GPR Associates, dated, February 2006, revised to April 27, 2006 and red-lined to July 2006, and “A.J. Rose Carpets and Flooring, New Siding and Interior Renovation, 9 Bedford Street, Burlington, MA”, said site plan prepared by Choo & Company dated March 8, 2006 revised to July 24, 2006, subject to the following terms and conditions:

1. All previous conditions of approval shall continue to apply, except as may be specifically modified by this decision.
2. The canopy and rendering shall be reasonably as depicted plan on the plan entitled “A.J. Rose Carpets and Flooring, New Siding and Interior Renovation, 9 Bedford Street, Burlington, MA”, said site plan prepared by Choo & Company dated March 8, 2006 revised to July 24, 2006, using colors shown in the color chart from the EIFS company approved by the Planning Board. The remaining sides of the building shall be painted with a neutral earth tone color, and such sides of the building shall be painted or repaired as necessary to prevent blight or a degraded appearance to the adjoining residential zoning districts.

3. All landscaping shall be installed according to the plan and attached vegetation listing, prior to the issuance of a certificate of occupancy. Alternatively, the applicant and/or property owner may provide a bond to cover the full amount of the landscaping materials and installation if weather conditions do not permit the completion of the landscaping prior to the anticipated occupancy. All landscaping shall be properly maintained in a healthy condition in perpetuity.
4. The proposed windows shall be modified to provide a grille or appearance of a grille.
5. Prior to the commencement of any construction, the Applicant shall provide forty-eight (48) hours notice to the Inspector of Buildings and the General Development Inspector.
6. All handicapped parking shall be properly posted in accordance with the requirements of the Americans with Disabilities Act. All handicapped accessibility improvements shall comply with the Massachusetts Architectural Access Board Rules and Regulations. The handicapped signage at the rear handicapped spaces must be replaced.
7. The dumpster shall be relocated to the rear of the building, final site placement to be reviewed and approved by the Planning Director. The dumpster shall be enclosed with stockade fencing at least as high as the dumpster.
8. Any proposed construction activity within 100' of any wetland or resource area shall be submitted to the Conservation Commission for review and approval. The applicant and/or property owner shall comply with all conditions of the Order of Conditions issued by the Conservation Commission. In the event that the conditions of the Conservation Commission necessitate any revision to the approved Site Plan, the applicant and/or property owner shall be required to submit a revised plan for Planning Board approval in accordance with the Planning Board's Site Plan Rules and Regulations.
9. The applicant and/or property owner shall submit to the Planning Board and Conservation Commission a snow management plan.
10. The applicant and/or property owner shall revise all pertinent sheets of the approved Site Plan, and submit one mylar and one set of revised prints of such Plan for endorsement by the Planning Board within two (2) weeks of this approval. Upon endorsement of the revised mylar and plans by the Planning Board, the applicant shall produce an additional five (5) sets of blue or black line prints from the endorsed mylar within two (2) weeks of such endorsement

APPROVED: 7-0-0

8. Other Business:

a. Discussion

1. Request for Release of the Lots in the Dennis Drive Extension Definitive Subdivision from the Conditional Approval Covenant – Phyllis Santullo, Subdivider.

Mr. Fields explained the request to release the lots for building permits.

MOTION – The Planning Board hereby authorizes the release of all lots in the Dennis Drive Extension Definitive Subdivision from the conditional Approval Covenant for building purposes only, in exchange for a surety in the amount of \$3,000.

APPROVED: 7-0-0

- b. **Correspondence** (None)
- c. **Reports from Town Counsel** (None)
- d. **Subcommittee Reports**

Route 3A Committee meeting on September 19, 2006 – 8:30 a.m. – Town Hall Annex.

- e. **Unfinished Business** (None)
- d. **New Business** (None)

MOTION – To adjourn at 12:10 A.M.

APPROVED: 7-0-0

D. Anthony Fields

D. Anthony Fields, Acting Recording Clerk

Joseph A. Impemba

Joseph A. Impemba, Member Clerk

9-21-2006

Minutes accepted at the Planning Board meeting of _____.

3-23-2009

Minutes filed with the Town Clerk on _____.