Continued Hearing
18 Carol Ave
2018-217
The petition of David and Judith Mc Gann for property located at 18 Carol Avenue as shown on Map # 23, Parcel # 140 of the Burlington Assessor's Map. The applicant is seeking a variance to construct an in-law apartment on the left side of the existing house. The proposed addition shows 11.3 feet and the Town of Burlington`s By-laws require side setbacks to be 15 feet, Article 5, Section 5.2.0.
As shown on plans filed on November 19, 2018 and a copy of which is on file with the Town Clerk's office.

New Hearing
88 Muller Street
2019-218
The petition of Dan Reynolds for property at 88 Muller Road as shown on Map # 59, Parcel #24-0 of the Burlington Assessor’s Map. The applicant is seeking a variance to construct a one-story bedroom and sun room addition. The addition is proposed to be 13.8’ x 29.2’ requiring a variance due to the right side of the dwelling to be less than 15’-0” required sideline setbacks. The Town of Burlington requires side setbacks to be 15 feet, Article 5, Section 5.2.
In addition, the existing foundation on the right-side dwelling shows to be less than 15’-0” required for sideline setbacks ad requires relief from the Board.

As Shown on plans filed on November 29, 2018 and a copy is on file with the Town Clerk’s Office.

New Hearing
Burlington Woods
2019-219
The Petition of Philips Lighting North America Corporation for property located at 3 Burlington Woods Drive as shown on Map #41, Parcel #98-5 of the Burlington Assessor’s Map. The applicant is seeking a Special Sign Permit pursuant to Article XIII, Sections 13.1.4.2, 13.2.0 and 13.1.3.2.4 of the Zoning Bylaws to permit the replacement of the existing “Philips’ sign with a new wall sign to read “Signify” to be 35.43” in height by 145.55” in length to be located on the building elevation facing Route 128/95 at the roof line. The full sign will read “Signify Color Kinetics” including the company logo and will 70” in height and 693” in length. Article XIII, Section 13.1.3.2.4 and 13.1.4.2 permits Wall signs in the IG District above the first-floor level to a maximum size of 6’ in height and 6’ in length.

As shown on plans filed on December 18, 2018 and a copy is on file with the Town Clerk’s Office.

Discussion on the extenstion for 2-10 Wayside Road

Minutes
Adjourn
Chairman Michael Murray, Jr. called the meeting of the Burlington Board of Appeals to order at 7:30 p.m. The meeting was held in the Main Town Hall Meeting Room, 2nd Floor, and 29 Center Street, Burlington, MA.

Present: Chairman: Michael Murray Jr., Charles Viveiros, Mark Burke, John Sullivan, Brenda Rappaport, Alternate Michael Espejo
Absent: Jim Sheridan

Continued Hearing
2018-217
Carol Ave

The petition of David and Judith McGann for property located at 18 Carol Avenue as shown on Map # 23, Parcel # 140 of the Burlington Assessor's Map. The applicant is seeking a variance to construct an in-law apartment on the left side of the existing house. The proposed addition shows 11.3 feet and the Town of Burlington’s By-laws require side setbacks to be 15 feet, Article 5, Section 5.2.0.

As shown on plans filed on November 19, 2018 and a copy of which is on file with the Town Clerk's office.
Legal Notice previously read into record.

Mr. McGann reintroduced himself and his son, David McGann Jr. Applicant presented a statement explaining the reasons he is looking to put the addition on. He stated his and his wife’s health is declining and this is the best option for his family to remain in Burlington. He stated they had looked into moving the house forward as requested by the Board, however it would not work because in order to get the correct setback they would have to place the garage in the street.

Mr. Burke asked for clarification on the mistake on the plot plan, and he was informed when the surveyor for the people behind them had their land surveyed it was realized it what they thought was their land was actually 18 Susan.

Mr. McGann Jr. stated the original plot plan shows it would accommodate the setbacks, however the new one shows the angle, therefore they cannot do it. It was pointed out by looking at the house it looks to be fine, but when on paper it is crooked.

Mr. Viveiros stated according to the old plot plan (1949) they received when he bought the house, the addition would have been allowed without a variance, but according to the current plot plan you need the variance.

Mr. Murray stated the new plot plans shows one amount compared to the old plot plans, so it is obvious something has changed between the new plot plan was completed.

Open to Public
Mr. McGann’s daughter spoke and explained that the when the residents of 18 Susan Ave had their land surveyed, there were several errors made by the original surveyor and when the it was
discovered the land that they always thought was theirs, wasn’t, they let it go and didn’t fight them on it.

Mr. Murray stated there is a discrepancy between the two plot plans, however the size of the lot didn’t change. He questioned if anything was officially recorded showing the new property lines. He was told no, and he advised them to have it recorded.

Motion made and seconded to close the public hearing. All members in favor.

Motion made and seconded to grant a variance to David and Judith Mc Gann for property located at 18 Carol Avenue for a side setback to construct an in-law apartment. The variance is to reduce the setback to 11.3 feet to the side property line as shown on plot plans dated November 11, 2018.

All members voted in favor.

New Hearing
2018-218
88 Muller Rd

The petition of Dan Reynolds for property at 88 Muller Road as shown on Map # 59, Parcel # 24-0 of the Burlington Assessor’s Map. The applicant is seeking a variance to construct a one-story bedroom and sun room addition. The addition is proposed to be 13.8’ x 29.2’ requiring a variance due to the right side of the dwelling is to be less than the 15’-0” required sideline setbacks. The Town of Burlington requires side setbacks to be 15 feet, Article 5, Section 5.2. In addition, the existing foundation on the right-side dwelling shows to be less than 15’-0” required for sideline setbacks and requires relief from the Board.
As Shown on plans filed on November 29, 2018
Legal notice read into record.

Dan Reynolds introduced himself and explained he was looking to add a bedroom and sunroom to the home. It will be built on an existing foundation, however they need a variance because the foundation encroaches the setback by 1.4 feet. He added that he was informed by the Building Department the foundation would need to be structurally sound.

Mr. Vivieros asked if it was originally a 1 story addition and was informed it had been two stories.

Mr. Sullivan asked why the owners had torn down the structure and was told that it was two stories and the number of people living in the house decreased, so the house was downsized. Mr. Sullivan questioned if it was out of compliance and that was why it was torn down. He added it was not the current owners and they are not the reason why it happened.

Mr. Espejo questioned the foundation and was told the structural engineer came out and told him to build the kneewall around it.

Mr. Murray stated that knowing the history, it doesn’t appear to be the new owner’s fault. He requested the applicant to try to get the original plot plan, previous variances, and when and why it was torn down.

Public Hearing to remain open.

Motion made and seconded to continue the hearing until February 5th. All members in favor.
New Hearing  
Burlington Woods Drive  
2019-219

*The Petition of Philips Lighting North America Corporation for property located at 3 Burlington Woods Drive as shown on Map #41, Parcel #98-5 of the Burlington Assessor’s Map. The applicant is seeking a Special Sign Permit pursuant to Article XIII, Sections 13.1.4.2, 13.2.0 and 13.1.3.2.4 of the Zoning Bylaws to permit the replacement of the existing “Philips” sign with a new wall sign to read “Signify” to be 35.43” in height by 145 in length including the logo and will 70” in height and 693” in length. Article 55” in length to be located on the building elevation facing Route 128/95 at the roof line. The full sign will read “Signify Color Kinetics” including the company XIII, Section 13.1.3.2.4 and 13.1.4.2 permits Wall signs in the IG District above the first-floor level to a maximum size of 6’ in height and 6’ in length. As shown on plans filed on December 18, 2018 and a copy is on file with the Town Clerk’s Office.*

Legal notice read into record.

Attorney Vaughan introduced himself, Jeff Sara from Bratten Signs and a representor from Signify. Attorney Vaughan provided some background information on Signify and explained they were changing to Philips and they were looking for a sign to represent the change. He stated the new sign would be significantly reduced, almost a 50% reduction than what is there now.

Mr. Sullivan question what was going to happen to the Kinetics sign and was informed it would remain the same and added the lumens would be 78 per square foot, the same as the Kinetic sign.

Mr. Burke stated in the proposed renderings there is a space and wondered if the sign could be centered.

Open to the Public. No one present to speak for or against.

Motion made and seconded to close the public hearing. All members voted in favor.

Motion made and seconded to grant a Special Sign Permit to Philips Lighting North America Corporation for property located at 3 Burlington Woods Drive. The sign permit is for the replacement of the existing Wall Sign with a new Wall Sign to read “Signify” to be 35.43” in height by 145.55” in length to be located on the building elevation facing Route 128/95 at the roof line. The full sign will read “Signify Color Kinetics” including the company logo and will be 70” in height and 693” in length. As depicted on revision sign package, pages 1-3, dated 12-03-2018. The Special Sign Permit was granted with the condition the illumination is not to be greater than 90 lumens per square foot.

All members voted in favor.

**Discussion on the extension for 2-10 Wayside Road**

Attorney Vaughan stated he was in front of the Board to request an extension for the signage package for 2-10 Wayside Road. The signs are to be located on the rear of the building, facing Rte. 128. He explained that they were looking for a 6-month continuance to allow the signage to continue being processed. He reminded members the signs were approved as a package, therefor there is no need to come back to Board every time a tenant changes, as long as they are in compliance with the previous decision.

Sign Package extension was approved and extended to August 20,2019.

**Minutes** - Motion made and seconded to accept the minutes. All members in favor

**Adjourn** - Motion made and seconded to Adjourn. All members in favor.