MINUTES OF THE MEETING OF THE BOARD OF APPEALS
BURLINGTON, MA
November 20, 2018

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., Mark Burke, John Sullivan, Brenda Rappaport. Alternates Jim Sheridan and Michael Espejo

Chairman Murray introduced Michael Espejo as the new alternate on the Board.
He congratulated John Sullivan to being appointed a full-time member.
He asked if anyone would like to make appoint a clerk to replace Mr. Paccione.
Motion made and seconded to appoint Mark Burke. Members voted in favor.

New Hearing
Rahway Road
2016- 213

The petition of William Withercombe for property located at 20 Rahway Road as shown on Map #16, Parcel #136 of the Burlington Assessor's Map. The applicant is seeking a variance to construct an open front porch addition. The addition is proposed to be 6.0' x 18.7' requiring a variance due to the front set back being 21 feet from the existing house, and the Town of Burlington's By-laws require front setbacks to be 25 feet, Article 5, Section 5.2.0.

As shown on plans filed on September 27, 2018 and a copy of which is on file with the Town Clerk's office.

Legal noticed read into record
Brian and Melissa Grzelak introduced themselves and explain they were looking to fix the crumbling steps and add an on an open front porch. They explained the covering will prevent rain dripping onto the steps and prevent some of the crumbling. He added there would be railings even though it was not necessary, but more for the safety of elderly relatives. He provided pictures to the Board.

Mr. Sheridan asked about the property line, if it was from the retaining wall and was told they thought it was from the street. Mr. Murray clarified it would be from approximately the wall, pavement is about 5 or 6 feet from there.
Ms. Rappaport asked for clarification of the placement of the porch in terms of where the door and window are.
Mr. Burke asked questions regarding the hardship and asked about uniqueness of the property.

Mrs. Grzelak stated the structure would not obstruct a view or interfere with the neighbors. Mr. Grzelak added the house is actually back from the overhang and the porch would only go 2 feet beyond the overhang and 1 foot beyond the stairs.

Board of Appeal Members: Chairman: Michael Murray, Jr., Charles Viveiros, vice-chairman, Mark Burke, Brenda Rappaport, John Sullivan and alternates Jim Sheridan and Michael Espejo
Mr. Burke asked for construction plans and Mr. Grzelak can email them to them.  
Mr. Sullivan reviewed the measurements and stated the stairs would be 2 ft overhang 2 feet and  
stair 4 feet from the house.  He asked if the second floor was out in by them because that would  
have needed a variance because it doesn’t meet the setback.  The homeowners stated it was done  
previously.  

Mr. Murray explained the criteria for a hardship and it sounds like it is more they want it.  
Mrs. Grzelak stated the steps go in to the setback and was informed stairs is an exception to the  
setback verses a porch.  

Hearing open to the Public:  
Brian Gilligan from Fiona Rd stated he didn’t feel it would be block view because it is only a  
simple covering with poles.  It is a dead-end street.  

Hearing to remain open  
Members pointed out: they would like to see plans.  
Mr. Murray responded to the abutter stating that this is more than replacing the stairs, they are  
asking for a farmer’s porch, therefore it is not a minor adjustment, and this is the reason there are  
setbacks in the town.  Mr. Murray stated he would look into some rules and they may want to  
look into other options.  

Mr. Sullivan stated there is not a set back on stairs if there is no roof, however there is rarely a  
hardship for a farmer’s porch.  He pointed out it was mention there is only 2 entrances to the  
house and this is the main one and it is exposed to elements and the back is not useable, that they  
may be able to describe a hardship, however they would still need a variance.  

Motion made and seconded to continue the hearing until December 18th.  
All members voted in favor.  

**New Hearing**  
**Cambridge Street**  
2018-214  

The petition of Peter Chantiles for property located at 78 Cambridge Street shown on Map#41,  
Parcel # 95 as shown on the Burlington Assessor’s Maps.  The applicant is seeking a Special  
Sign Permit to install a Free-Standing Directory Sign proposed to be 4’-0” x 4.58’ located on the  
front right (southerly side) corner to read “78 CAMBRIDGE STREET”.  The said sign is to be  
less than 10’-0” from the front property line.  The sign is in violation of Burlington Zoning by  
Law, Article 13, section 13.1.4.6.1 in short states ‘No Free-Standing Sign shall be less than ten  
(10’-0”) feet from any property line’.

Peter Chantiles introduced himself from 78 Cambridge Street and stated they were looking to put  
up a free standing sign for their commercial building.  He explained it is difficult to locate the  
building and because of that it interferes with the flow of the traffic.  He explained the location  
and pointed out he believes the ideal place is on the island.  He reviewed the By-law and
explained the sign would be 10 feet off the curb but not the property line. He stated they had invested in upgrading the landscaping and the sign would finish it off. He added they had looked into alternative locations, however they did not solve the problem. It would be screened from trees and oncoming traffic will not see it on time. He presented some slides to show what they are looking for.

Mr. Sullivan asked about the current tenant and was informed the owner rents it out to a medical device company. 
Mr. Sullivan stated he likes the looks of the sign but there appears to be a lot of empty space and that worries him, because the owner may be looking to add to the sign, would like to see it smaller.
Mr. Chantiles stated it was a smaller building and wouldn’t be having multiple tenants. There are only 9 parking spaces.

Mr. Murray asked if the 2 concepts were in scale.

Ms. Rappaport questioned the location of the trees, and was informed they are located at 76 Cambridge along with the Mercedez sign which blocks the sign.
Mr. Burke stated he agrees the sign would be helpful and likes the sign and feels it will help enhance the area.

Mr. Murray stated he likes concept #1 and agrees the location works. He added the distance from the curb line would be 10 feet off the curb and 4 from the plot line. He pointed out there would be no illumination and the materials will be a fabricated metal. The sign would be 34 inches from the bottom of the sign level with the mulch.

Open to public hearing. No one present to speak for or against. Motion made and seconded to close public hearing. All members in favor.

Motion made and seconded to grant a Special Sign Permit to Peter Chantiles for 78 Cambridge Street, LLC for the property located at 78 Cambridge Street to install a Free-Standing Directory Sign. The sign is to be 38.0” wide by 34” height, to be located on the front right (southerly side) corner to read ‘78 CAMBRIDGE STREET’ as shown on drawing titled Concept 1 as submitted with the application. The Special Sign permit was granted with the conditions that there be no other signs on the building, even if by right, no illumination on the sign and no modifications to the sign without the Board of Appeals approval. Members voted 5-0 to approve.

**Discussion on Avalon Bay – 1 Arboretum Way**

Robert Batson, Assistant Project Manager, Katelyn and Dan Covern introduced themselves. Mr. Batson provided a brief overview of what they were looking to do. They are trying to add 6 parking spaces, but because it is a 40b they needed to come in front of the Board to get approval. They provided an overview of the number of spaces and tenants they have now, the issues they are experiencing and that although it is just 6 spaces, ever little bit helps. A plot plan was presented identifying the spaces, adding that there are no trees to be removed, storage area has been removed and drainage is already in place.
Mr. Murray explained the Board needed to determine if the change is considered a significant or insignificant minor engineering change.

Discussion included if members felt 6 spaces was insignificant, although every little bit helps, it is not a permanent fix, location of the spots would eliminate some of the parking on the curbs, the possibility of them coming back in front of the Board at a later date requesting additional spaces.

Motion made and seconded to consider the additional six (6) parking spaces to be located at 1 Arboretum Way, Burlington MA to be an insignificant minor engineering change.

5-0 vote in favor.

Motion made and seconded to accept the minutes with amended date. All members in favor

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