MINUTES OF THE MEETING OF THE BOARD OF APPEALS  
BURLINGTON, MA  
March 6, 2018

Chairman John Alberghini 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: John Alberghini, Charles Viveiros, Rob Paccione, Michael Murray Jr., David Kelly and Mark Burke

Absent: Kent Moffatt

Continued Hearing

2017-166  
119-125 Muller Road

Legal ad previously read into record.

Mr. Chang reintroduced himself and stated he reviewed the Planning Board’s concerns and wanted to addressed the concerns. He informed the Board he spoke with the adjacent mall and was informed that he could purchase 1800 square feet of land from them. He told the Board it is wetlands and it would limit what it can be used for therefore he wasn’t sure if he would be able to use it for parking.

Mr. Paccione pointed out that the current site plan has 75 parking spaces and is only required to have 51.

Mr. Alberghini clarified that last plan (Dec- C-1A) shows 46 spaces with 5 accessible spaces.

Mr. Murray said there are 21 spaces in the buffer area and Planning is not in favor of parking in that area.

Mr. Chang stated the usual drop off time starts around 3:30 for students to attend 2-3 hour classes and there have never been any problems with parking. He added he would use grass pavers for overflow spaces.

Mr. Alberghini stated it makes sense on argument, however it violates several by-laws. He added the project will still need to get the Planning Boards approval and he doesn’t feel comfortable approving it when there is a possibility the Planning Board would not, he feels the applicant should present the plan to the Planning Board first, not for approval but for input.

Mr. Murray pointed out that if Mr. Chang purchased land from the adjacent mall it would resolve the floor area ratio issue.

Mr. Alberghini stated with the added land the addition could be shifted out of the buffer zone so a variance would not be required. He asked Mr. Chang to check with his architect about the floor area ratio if he purchased the land and return with the information.

Motion made and seconded to continue the hearing to March 20, 2018. All members voted in favor.

Board of Appeal Members: Chairman: John Alberghini, Clerk: Charles Viveiros, Rob Paccione, David Kelly Michael Murray Jr., Mark Burke and Kent Moffatt
The petition of Paul Catalano for property located at 3 Westwood Street as shown on Map# 5, Parcel #138 on the Burlington Assessor’s Maps. The applicant is seeking a variance from the minimum 15'-0” property line setback to construct a one story family room addition. The proposed addition is to be located on the right side of the dwelling and will be less than the required 15'-0”. Also, the existing bump out on the right side of the dwelling shows to be less than 15'-0” required for side line setbacks and requires a relief from the Board of Appeals.

As shown on plans filed on February 6, 2018 with this Board and a copy of which is on file with the Town Clerk’s office.

Mr. Catalano introduced himself and explained he was representing Joe and Mary Cote. He explained they were looking to expand the living room. He stated they had put on a second floor addition in 2005.

Mr. Alberghini stated the denial letter from the Building department only listed the back and side as needing a variance, however the plot plan shows the front only has 23.8 square feet and the by-law requires 25’. He stated that because there are 3 variances needed, and we only advertised for 2, he would need to withdraw and reapply for all three.

Open to Public:
Joseph Sullivan from 1 Westwood Street stated he felt the addition would be close to his home. He explained how the lot line runs and is not in favor of them adding to the home, noting it is very large already.

Gregory Lamb from 7 Westwood Street asked about the hardship for the project, stating the house was previously a one floor ranch and now it is a very large home and doesn’t understand what the hardship would be.
Mr. Catalano responded that the bump out was already there and the second floor addition was built on the same footprint.

Mr. Alberghini stated the by-law is 15 feet so the intent is that there be a 30 foot buffer between houses. He added the applicant will need to show the hardship for the proposed addition.

Michael Shutan from 5 Westwood Street stated that he felt the addition would make it difficult if he decided to sell his home because of the size of the house and proximity to his home. Mr. Catalano clarified the addition was only 1 story. He added that he would bring his concerns back to the Cote’s and see if they are willing to make some changes to the addition

Mr. Alberghini reviewed the criteria for granting a variance. He informed the applicant he will need to reapply to include the front, along with the side and back. Motion made and seconded to withdraw the application without prejudice. All members voted in favor.
Motion made and seconded to approve the minutes. All members voted in favor.
Motion made and seconded to adjourn the meeting. All members voted in favor.