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., Mark Burke,
Kent Moffatt and David Kelly

Continued Hearing
2017-166
119-125 Muller Road
Legal notice previously read into record.

Mr. Chang requested the hearing be continued until April 17th while he gathers additional
information.
Motion made and seconded to continue the hearing to April 3, 2018. All members voted in favor.

Continued Hearing
2018-184
2 Edgemont Ave

The petition of Stanimar Ivanov for property located at 2 Edgemont Ave as shown on Map# 23, Parcel
#2-0 on the Burlington Assessor’s Maps. The applicant is seeking a variance from the minimum 15”-0”
side setbacks and the 25”-0” front setback to construct a garage and a second floor addition. The
proposed construction is in violation of Article 5, Section 5.2.0.

As shown on plans filed on February 15, 2018 with this Board and a copy of which is on file with the
Town Clerk’s office.

Legal notice previously read into record.

Chairman Alberghini stated he was recusing himself.

Mr. Viveiros re-introduced himself.

Elena Ivanov introduced herself and explained she and her husband were looking to put an addition onto
their house that requires a variance for the front and side property lines.

Mr. Burke verified they were looking for a reduction from 15 to 10.1 feet for the side of the garage, 25 to
14.5 for the front of the garage and 14.2 for the second floor addition. He asked about the hardship for
approving the variance and Mrs. Ivanov stated the addition would add value to the house and the garage
would help her mother who lives with them.

Mr. Viveiros explained the criteria for hardship she needs to meet in order for the Board to grant a
variance.
Mr. Kelly asked if they had worked with the contractor to see if there was a way to add on but remain within the by-laws. The applicant responded that they looked into not putting up the garage or putting a one car garage versus a two car garage.

Mr. Paccione stated a single car garage would be within the side setback. Mr. Murray suggested they could move the garage back and was informed it couldn’t be because of the radiant heating on the existing slab. He added there are ways to work around it so they are not violating the side and reducing the size of the garage to reduce the violation on the front.

Mr. Paccione questioned the distance from the house to the front of the lot, does it include a sidewalk? He was informed there is no formal sidewalk.

Mr. Viveiros stated he was struggling with the frontage and believes the left side line is too close.

Hearing opened to the public.

Dennis and Diane Leva, 17 Church Lane, stated they were in favor of the addition. It is a small house with no room to expand because of the slab.

Stanimir Ivanov- applicant, stated the house next to him is very large and they are also on a small lot.

Pierre Brennecke – 8 Edgemont, stated they have a small lot size and the houses around them are large and by adding on it will align with the other houses.

Two additional letters in support were presented to the Board.

Motion made and seconded to close the Public Hearing. All in favor.

Further discussion included allowing 14.2 feet for the existing house, the addition would stick out, the frontage is too close, and if they go to one bay, it will not appear like they are on top of each other. Also, it was pointed out there was no hardship to support the variance.

Members agreed that if they were to reduce to a one bay garage with the front set back reduced to no more than 16.5 feet they would feel comfortable approving.

Board requested a modified plot plan and recommended continuing the hearing until April 17th.

Applicant requested the hearing be continued until April 17, 2018 to obtain revised plans. Motion made and seconded to continue the hearing until April 17, 2018. All members voted in favor.

New Hearing
2018-185
Zippity Car

The petition of Ed Warren/ Zippity Car Maintenance for property located at 25 Burlington Mall Road as shown on Map# 41, Parcel # 98 on the Burlington Assessor’s Maps. The applicant is seeking to appeal the decision of the Inspector of Buildings concerning the cease and desist order issued citing Article 4, s.4.2.5.2 which prevents auto repair shops as a “principal use”.

As shown on plans filed on March 12, 2018 with this Board and a copy of which is on file with the Town Clerk’s office.

Legal ad read into public.

Mike Sheppard from Zippity Car maintenance introduced himself and gave an overview of what Zippity Car Maintenance was trying to do. He explained it was a service that brings mobile automotive maintenance to employees of companies they have contracted with. It is not open to the public. The services are scheduled in advance and it is an onsite amenity directly to those employees. He explained he had received the cease and desist letter from the Building Inspector and he was in front of the Board.
because he believes it should be overturned because the by-law should be “Accessory Use Regulation Schedule” not the by-law that prevents auto repair shops as a “principal use”.
Mr. Sheppard stated it was an employee benefit and that they are only on site 2 days a month. He went on to explain some of the services they provide include, oil changes, tire rotation, wiper replacements, batteries and change brakes. He stated there are 2 mechanics on the trailer. He stated he felt they were similar to an auto glass replacement service.

Mr. Paccione stated he felt the “accessory use” for maintenance is more for companies that maintain their own vehicles, generally right there as part of their building.

Mr. Sheppard stated he does not feel the inspector did not correctly apply the by-law because they do not permanently operate out of that location, they are there twice a month. Mr. Sheppard asked if the BI was correct how to go about having the by-law changed.
Mr. Viveiros stated he would have to go to town meeting to have it changed.

Further discussion included Mr. Burke stating it is not a permitted use, it is not an accessory to an office building and he would have to uphold the cease and desist order.
Mr. Alberghini stated he liked the idea of the business however he agrees it still is not permitted in that zone.

The applicant requested instead of being denied if he could withdraw because he didn’t want it to go against him if he were to talk to other departments or boards. Board members assured him, this was the Board’s interpretation and each department will have their own opinion.

Public hearing open to the public. No one present to speak for or against.
Motion made and seconded to close the public hearing. All in favor

Motion made and seconded to uphold the Inspector of Building’s decision on Zippity Car Maintenance to cease and desist operations, as expressed in a letter dated 3/15/2018 from the Building Inspector to the applicant. All members voted in favor.

**Marriott Covenant**
Mr. Alberghini brought up the Marriott Residential Inn stating in Section 4 of the covenant, it states the Marriot Residence Inn must provide on-site restaurant service if the restaurant in the restaurant condominium ever ceased operation. The Hotel has been open since October of 2017 and the restaurant in the restaurant condominium is not scheduled to open until June or July of 2018. He stated he had spoken with the Hotel Management and at the current time there is no full-service restaurant being operated, however Press Café is currently providing off site services for them. When Mr. Alberghini spoke with the Town he was informed Town Counsel stated verbally to the town administrator that what they were providing was sufficient. Mr. Alberghini stated he would like to hear directly, in writing, from Town Counsel explaining the decision.

Motion made and seconded to request a written statement regarding her opinion on Section 4 of the covenant. 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.