MINUTES OF THE MEETING OF THE BOARD OF APPEALS
BURLINGTON, MA
December 4, 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., Charles Viveiros, Mark Burke, John Sullivan, Brenda Rappaport, Alternates Jim Sheridan and Michael Espejo

Continued Hearing
Rahway Road
2018-213

The petition of William Withycombe 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.

Chairman Murray stated the applicant has requested the hearing be continued until December 18, 2018. Motion made and seconded to continue the hearing. All members voted in favor.

New Hearing
Mooney Road
2018-215

The petition for Mooney Road Realty Trust for property located at 0 Mooney Road as shown on Map #31, Parcel #17-0 as shown on the Burlington Assessor's Map. The applicant is seeking a variance from the Minimum Front Yard setback requirements to build a house to be constructed 3’ feet from the front boundary lot line. The Town of Burlington’s By-laws require front setback to be 25 feet, Article 5, Section 5.2.0.

As shown on plans submitted November 2, 2018 and a copy can be reviewed at the Town Clerk’s Office.

Legal notice read into record.

Attorney Murphy introduced himself and he was representing Gary Litchfield the owner of the property. He provided a brief history of the property, and explained the applicant intends to build a single family house on the lot but much of the lot is ledge and the lot slopes sharply upwards making it expensive to develop.

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
He explained the Planning Board grandfathered the lot due to the date of the original subdivision. At the Planning Board meeting, the abutters expressed concerns about the ledge having to be blasted and wants to reduce the disturbance to the neighborhood.

Attorney Murphy explained granting the variance would not derogate from the intent of the by-law due to the adjacent area is a paper street and not paved. The house is the last house on the street, and it will visually look to be 25 feet. He explained it would not be a detriment to the public good, in fact it would be beneficial because it will minimize the amount of blasting. And thirdly the topography of the property is a very steep upward slope and the amount of ledge present.

Mr. Espejo asked about the existing pavement. It was explained the paper street is not paved so even though the house is 3’ from the boundary, visually it will be required 25’ from the paved road.

Discussion among members was this is the last buildable lot, the location of paving, and the possibility of rotating the house.

Open to the public hearing;

Alan Wexelblat, from 32 Peach Orchard Road stated he was in support because he wanted the least amount of blasting and the house will align with the other houses and look in place.

Mr. Burke asked if the setting was according to the plan and was informed there is a small change, but not significant.

Michele Wexelblat from 32 Peach Orchard Road, stated the less blasting is better. She stated this was the most viable for limitation of the lot.

Mr. Murphy stated there was nothing in the back, they would be clearing just enough to get around the house. He added it is a dead end that is wooden with the walkway. He explained it is not ideal but it is viable.

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

Motion made and seconded to grant a variance to Mooney Road Realty Trust for property located at 0 Mooney Road to build a single family house. The variance is for 3’ feet from the front property line as shown on drawing F12722 dated July 30, 2018.

The decision is on file with the Town Clerk and may be reviewed in the Town Clerk’s Office.

New Hearing
0 Winn Street
2018-216

The petition of Michael D. Winn for property located at 0 Winn Street, as shown on Map # 49, Parcel # 70-0 of the Burlington Assessor’s Map. The applicant is seeking a variance to construct a single family home on the lot. The existing lot has 75’ of frontage, requiring a variance due to the Town of Burlington’s By-law Article 5, Section 5.2.0 requires a lot located within the RO-Single Family Residential District to have a minimum of 100’ of frontage.

As shown on plans filed on November 9, 2018 and a copy of which is on file with the Town Clerk's office.

Legal Record read into record.
Mr. Burke recused himself from the case.

Attorney Thomas Murphy introduced himself and explained the applicant has owned the property since 1999. He described the lot as being partially in Woburn and Burlington. The frontage is in Woburn. In 1960 the Burlington Planning Board created a via a subdivision plan that was approved by both towns. He explained Burlington requires a 100’ of frontage and Woburn requires 75’. The applicant is looking to build a single family house on the lot for his own use.

He stated the criteria for a hardship regarding the topography is the lot straddles the line between two towns. He described the variance would not be a substantial detriment to the public good because it is in a residential area and does not exceed the minimum in square footage and it doesn’t derogate from the intent of the zoning by-law, there is enough room to provide room and spacing.

Board members discussed the house being in two towns, curb cut and the entrance access is on the Woburn side, it’s a housekeeping issue, it is a strange situation and granting a variance is the cleanest way to resolve it and that it was a legal lot at one point. It is a hardship that can’t be controlled.

**Open to the public:**

Felice Iraci, from 4 Bethel Lane, stated he felt the property looked trashy. He stated he likes the proposal however he felt the lot feels small.
Attorney Murphy stated it is a narrow lot and it will look nicer with the house. Mr. Iraci stated he was going to check with his surveyor to verify it is done right.

Mr. Murray asked if the dumpster would be removed and was informed it would be.

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

Motion made and seconded to approved 5-0 for Michael Winn for property located at 0 Winn Street to build a single family house. The variance is to allow for a 75’ of frontage along Winn Street per plot plan dated 10-12-2018.
All members voted in favor.

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

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