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To Town Clerk

**MINUTES OF THE MEETING OF THE BOARD OF APPEALS
BURLINGTON, MA
January 19, 2021**

Chairman Michael Murray called the meeting of the Burlington Board of Appeals to order at 7:30 p.m. The meeting was held Via Cisco Webex Link and on the bcattv Facebook page. The voting will be conducted by roll call.

Present: Chairman: Michael Murray, Jr., Charles Viveiros, Mark Burke, John Sullivan, Jim Sheridan, Adam Tigges and Joe Currier

20-15

Continued Hearing

3 Oak Knoll Rd

The petition of Edward Corcoran for property located at 3 Oak Knoll Road, Burlington, MA 01803, as shown on the Burlington Assessor's Maps, Map and Parcel reference: 16-361-0. The applicant is seeking a variance to construct an 8' x 12' shed. The plan was denied due to violation of Town of Burlington's Zoning by Laws Article 5, section 5.2. The proposed extent of work is to be located on the right rear corner of the lot and shows it will be less than the 15'-0" required for sideline and rear setbacks. Documentation of this proposal is available for public inspection as shown on plans filed with the Zoning Board of Appeals and a copy is on file with the Town Clerk's office and on the Board of Appeals website (application 2020-15)

Chairman Murray, Jr. recused himself.

Attorney Edward Corcoran reintroduce himself and reviewed what the applicant was looking for to construct a shed and when he presented previously there was questions about the location of the propane tank. He stated the applicant has spoken with the Fire Chief and it was decided the best option is to relocate the propane tank. He stated the applicant was currently working with the contractor to resolve the issue.

Mr. Sheridan, Mr. Sullivan, and Mr. Tigges stated they had no problems with the variance. Mr. Currier stated he was in favor of the shed construction as long as they follow building and fire department regulations.

Hearing open to the public. No one present to speak for or against.

Motion made and seconded to close the public hearing. 5-0 in favor

Motion made and seconded to approve a variance for 3 Oak Knoll Road, to construct an 8' x 12' shed. The variance was granted with the condition the applicant adheres to all applicable regulations from building and fire and the propane tank is relocated to a regulated area. 5-0 in favor

20-21

New Hearing

35 Mountain Rd

The petition of Winn View Heights II, LLC for property located at 35 Mountain Road, Burlington, MA 01803, shown on the Burlington Assessor's records as the following Book-Page# 12319-229 Map and Parcel reference: 49-82-0. The applicant is seeking a Comprehensive Permit through the Massachusetts Local Initiative Program (LIP)

pursuant to MGL ch. 40B, Section 21. The proposal is to construct a single building containing 24 condominium units and all units will be age (55+) restricted. All the units will have 2 bedrooms and 2 bathrooms. Six of the 24 units will be reserved for households' earnings up to 80% of the median income.

Legal notice read into record

Attorney Thomas Murphy introduced himself and gave an overview of the project. He described the Winn View Heights as a comprehensive permit (40 B) in order to provide affordable housing for seniors and working families to remain in town and help meet the housing needs of Burlington. He reviewed the goals and benefits of the project. Some of the points he made were a description of the style of the units, proposed parking and prices of the units. He also discussed the access from Richardson Road and the easement from 2003. He stated the applicant has been working with the necessary Boards and this is just the beginning of the process. He stated the Selectboard and Housing voted to support the project on the project.

Lisa Mead, Town Council, introduced herself and provided an overview of the process and BOA's role in the comprehensive permit. The BOA makes binding decisions that encompass all local ordinances or bylaws and regulations. They also grant waivers the developer has asked for. She explained Burlington is in excess of the 10% affordable housing and explained the Local Initiative Program (LIP). She provided a timeline BOA will be working under. She added that the other Boards will share their opinions.

Mr. Sheridan stated he had concerns with the 1 way in, 1 way out of the complex. He asked if there was access from Mountain Road and was informed by Attorney Murphy no.

Mr. Viveiros asked about the changes in the census number from year to year and wondered what year they would be using to determine the numbers of affordable units. He also wanted to know how the units would be given out. There is currently a 13.4 % therefore they are over the 10% threshold.

Ms. Mead stated they had to follow the Department of Housing and Community Development, DHCD, guidelines to fill the affordable units.

Mr. Burke also stated he had concerns with the traffic pattern and questioned if there was any way they could widen the road. He also asked about the waivers the developer would be asking about and was informed there was a general list included in the application.

Mr. Tigges stated he was also concerned with the traffic flow; he would listen to further discussion before asking any questions.

Open to public:

Matthew Gaines, from Marcus Errico Emmer Brooks, PC, introduced himself and stated he was representing the WinnView Heights Condos and they are very much against the project. He began by stating he disagrees with the interpretation of the easement that was granted in 2003. He provided some background to the previous application and questioned if there was a need to amend the permit. He stated that Attorney Murphy had stated he had spoken with surrounding abutters, but no one at Winnview was contacted. He stated there are concerns

with the placement of utilities because the plan looks like it comes down Richardson and up Mountain. He was informed there is a combination of both Richardson and Mountain.

Mr. Gaines stated there is no easement for utilities and if it were granted, they would be appealing the decision.

Trudy Goldstein, 25 Mountain Road, commented the abutters were against the 2003 proposal along with the BOA, however they were overruled. She stated she was against making the residents go thru all the construction again and feels the town needs to consider the residents of the area.

Maria O'Connor from 10 Mountain Way, questioned the access and the impact it will have on Mountain Road. She was informed by Attorney Murphy that you would take a left on Richardson and enter the new site, there should be no impact on Mountain road. She also asked if she would be able to see the condos from her house and was told he was unsure. She added she was not happy with the proposal.

Diane Downs, 12 Richardson Rd, stated she felt there is insufficient parking now and people will be parking on the surrounding roads. She asked how much parking there was for the new building. Mr. Murray stated there were 24 parking spaces in the building and 34 on site, but it would be something the Board will look at.

Donna Frank, 27 Richardson Rd, stated she felt the road was too narrow to accommodate the additional cars and does not see a way that it can be changed. She explained parking is bad and it is hard for emergency vehicles and trash trucks to get through as it is. She stated she felt it was a safety concern with the extra traffic. She added there were many neighbors that did not receive notices about the project, and she is worried about the impact to the town forest.

John Pellegrino, 43 Mountain Road, wanted to know if the existing house would remain, if there would be blasting and the height of the structure. He was informed the house would be remaining, blasting depends on what they find when they start to do sitework and the town by laws state the can be no more than 30 feet in height.

Anthony Citroni, 24 Richardson Road, commented he feels this project is going to decrease the value of the homes. The road is a private road, and they are responsible for the landscaping and plowing and he wanted to know if the road would remain private. Mr. Murray as it is proposed it would go thru to Richardson Rd. Mr. Citroni stated he was against the project.

Heather Cummings and Melody Poh from 20 and 23 Richardson Road, stated they were opposed to the project. She agreed with other neighbors, the road is too narrow for additional traffic. They stated they were mothers of young children and they purchased the home thinking it was a dead-end road where the kids would be safe to play. She added the construction vehicles will be disruption to the neighborhood.

Bill Franz, 27 Mountain Road, stated the condos will have a negative impact on the neighborhood and the hiking trails. He believed there must be a better place for the project.

Jack Locke, 31 Winn Valley Drive, agrees with the concerns the other abutters already have expressed. He also has concerns with the height of the building because he has unobstructed views and now it will be in his back yard. He added he hopes the Board listens to the amount of opposition.

Martin Collins, 25 Richardson Rd, feels it will be a nightmare, parking will be a struggle especially adding 89 cars a day, is too much and unsafe.

Ken Howes, 33 Richardson Road, expressed concerns with the volume of traffic, blasting, and the utilities will impact on their properties.

Trudy Goldstein when there was blasting previously, there had been damage to some of the houses. She added that there was no reason to have it built there, it is a quiet place, Burlington is at its threshold, and there will be an impact on the wildlife.

Donna Frank urged the members to do a site walk.

Public Hearing to remain open.

Mr. Murray explained that through out the process they will address concerns raised. He will be gathering additional information engineering, stormwater management, if we need peer reviews, Easement, and if peer reviews are needed.

Attorney Murphy stated the applicant was willing to work with them and if they wanted a traffic study, he was sure that could be completed. Also, he added there was a list of waivers included in the application if people want to see it.

Motion made and seconded to continue the hearing until February 2, 2021. 5-0 in favor of continuing.

(All the documentation on the project is available on the Board of Appeals website)

20-22

New Hearing

259 A Cambridge St

The petition of Kathleen Hanson located at 259A Cambridge Street, Burlington, MA 01803, shown on the Burlington Assessor's records as the following Book-Page# 70713-526, Map and Parcel reference 140-0. The applicant is seeking a Special Sign Permit to install one (1) Free Standing Sign as follows:

*The proposed sign is to be 4'-0" x 4'-0" (16 square feet each side – total of 32 square feet 8'-0" above grade) to be read **'BURLINGTON ANIMAL CLINIC DR KATHLEEN HANSON 781-272-1573 with cat and dog image in the middle'**.*

Burlington Sign Bylaws, the signs were denied due to Article 13, section 13.1.1.2. "A sign stating the home occupation or profession of a resident, which shall be one (1) square foot or less."

The distance off property line(s) and location of Free Standing on the property is unknown. Sign by-Law requires that all Free-Standing Signs be less than 10'-0" from a property line(s).

Kathleen Hanson introduced herself and stated she was looking to place a free-standing sign in front of her business, to assist clients in locating the building. She described the sign as being 4' x 4' with wording, and a picture of a cat and a dog in the middle.

Mr. Sullivan asked about the lighting and was informed it was external, 25 watts lights, shining on the sign when they are open.

Members of the Board agreed the sign was appropriate and necessary.

Mr. Murray stated he liked the sign and the concept. He asked if the images were 3D and was informed it was wood carved and the image sticks out from the wood. He questioned about the visibility because of the vegetation and was informed the vegetation has been removed.

Open to the Public:

Ms. Willard, 13 Foster Street, stated she is a town meeting member and has been involved with sign regulations, and believes it is a nice sign and will upgrade the previous signage.

Ms. Van Le from 259 Cambridge Street stated she lives in the red house next door, questioned how far it will be from the street and was told 11 feet and would be at least 15 feet from her property. She also wanted to know about the height of the sign from the land up and was told it would be 4 feet from the ground. She commented that she would like to see the sign smaller. Ms. Hanson responded that if it were 3 feet, it would be difficult to read the sign.

Mr. Murray asked about the size of the letters and was told it was no more than 3 or 4 inches.

Motion made and seconded to close the public hearing. 5-0 in favor

Motion made and seconded to grant a Special Sign Permit to Kathleen Hanson for property located at 259A Cambridge Street for installation of a Free-Standing Sign to be 4'-0" x 4'-0" to read **'BURLINGTON ANIMAL CLINIC DR. KATHLEEN HANSON 781-272-1573 with a cat and dog image in the middle'** to be located on the West elevation, right side of the main entry as shown on the plans dated 10-2-20. The Special Sign Permit was granted with the condition the signage is not to exceed 90 lumens per square foot and the sign must be 15 feet from the abutting side property. 5-0 in favor

20-23

New Hearing Winnmere

The petition of Jeff Boucher for property located at 13 Winnmere Avenue, Burlington, MA 01803, as shown on the Burlington Assessor's records as Book-page# 64579-88, Map and Parcel reference: 43-47-0. The applicant is seeking a variance to construct a 24' x 26" addition with a Farmer's Porch. The proposed extent of the work/porch located on the front of the addition is non-compliant. The proposed Farmers Porch is less than the 25'-0" required

for front line setbacks. In addition, the existing left front corner of the house is non-compliant. The construction is in violation of Burlington Zoning by law Article 5, section 5.2.
Legal notice read into record.

Jeffrey and Brianne Boucher introduced themselves and provided some background information. He explained the house is set on an angle and is already encroaching on the existing setback and in order to build the Farmer's Porch he needs to have a variance. The house is already noncompliant and feels adding the addition would fit in with the neighborhood.

Mr. Sheridan asked for clarification about the variance wanting to know if it is due because of the farmer's porch only and was informed yes.

Mr. Murray asked if the front is on Winnmere and their driveway is on Overlook. He stated the addition only encroached 2 tenths of a foot and does not feel the setbacks regarding corner lots are an issue.

Open to public:

Jonathan Jay from 28 Winnmere stated that the lots and sizes are all different in the neighborhood and he is in favor of the addition.

Motion made and seconded to close the hearing. 5-0 in favor

Motion made and seconded to grant a variance to Jeff Boucher for property located at 13 Winnmere Avenue to construct a 24'x 26" addition with a farmer's porch. The variance is to reduce the minimum 25' front property line set back to 22.9' for the front porch as show on plot plans submitted with application dated November 24, 2020 5-0 in favor

Minutes: Motion made and seconded to approve the amended minutes. 5-0 in favor

Adjourn: Motion made and seconded to adjourn. All members voted in favor.