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To Town Clerk

**MINUTES OF THE MEETING OF THE BOARD OF APPEALS
BURLINGTON, MA
March 16, 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, John Sullivan, Jim Sheridan, Mark Burke, Adam Tigges and Joe Currier

Absent: none

**Continued Hearing
35 Mountain Rd
20-21**

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.

Chairman Murray explained the applicant for 35 Mountain Rd has requested to continue the hearing until April 20th and has agreed to waive the minimum 180-day review period.

Motion made and seconded to continue the hearing until April 20th. 5-0 in favor.

Motion made and seconded to waive the review period of 180 day to review period. 5-0 in favor

**New Hearing
248 Winn
21-3**

The petition of Kunal Bafna located at 248 Winn Street, Burlington, MA 01803, as shown on the Burlington Assessor's records as the following Book-Page# 65790-92, Map and Parcel reference: 23-184. The applicant is seeking a variance to construct a 2 (two) car garage with living area above to be located off the left side of existing dwelling. The proposed addition is to be 13.4 feet off the front property line (parallel to Mill Street) Violation of Burlington Zoning By-law Article 5, Section 5.2.0 requires a minimum setback of twenty-five (25'-0") feet off the front property line.

Documentation in support of this proposal is available for public inspection as shown on plans filed with the Zoning Board of Appeals a copy of which is on file with the Town Clerk's office and on the Board of Appeals website (application #21-3).

Legal notice previous read into record

Chairman Murray stated that he had spoken with the Building department for clarification on the rules regarding a corner lot and was informed and the smaller of the 2 is considered the frontage if there is over 100 feet. He also was told that applicant could request a deed restriction to change which is front or side property. He added he did not think that it is necessary that they could go for the variance. He had previously requested the applicant determine the set back for the front yard. Mr. Bafna stated from Winn St to house is 25 feet.

Mr. Sullivan stated if the applicant was going to bring the garage down to reach the 15ft setback then he was in favor of the variance.

Mr. Bafna questioned the 15 feet and Mr. Murray stated that at the last meeting, the applicant had stated he was willing to make the garage smaller.

Mr. Bafna stated he had spoken with the architect and surveyor and because of the shape of the garage it will not work out because they would have to change one of the doors and he would also have to move the utilities. He requested he would like to go forward with the original plan.

Mr. Burke stated he was confused because he previously stated the utilities could be moved.

Mr. Sullivan stated he did not think that by shortening the garage a foot and a half to get to the 15 feet would make a big difference.

Mr. Currier stated he looked at side of house and there appears to be plenty of room to move it forward. The solar panels are restricting but they will need to be remounted and the utilities can be easily relocated.

Mr. Murray stated he thought that it was agreed upon to go with the 15-foot setback and you would do what was necessary to make it work either by shifting or shrinking the garage.

Mr. Bafna stated he could work with the 15-foot setback.

Hearing opened to the public. No one present to speak for or against. Motion made and seconded to close the public hearing. 5-0

Motion made and seconded to grant a variance to Kunal Bafna for property located at 248 Winn Street, for construction of a 2-car garage with living area above to be constructed along the left side of the existing dwelling. The variance was granted with the condition the applicant adheres to the 15'-0" property line setback along Mill Street and the 25'-0" property line setback along Winn Street. 5-0 in favor.

Motion made and seconded to accept the minutes. 5-0 in favor Motion made and seconded to adjourn. 5-0 in favor

Minutes for March 16, 2021 : Motion made and seconded to accept the minutes. 5-0

Adjourn: Motion made and seconded to adjourn. 5-0