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TOWN OF BURLINGTON

Meeting Minutes

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Minutes need to be posted within 30 days or 2 meetings of the board – Draft minutes can be posted and revised at a later date

DEPT./BOARD: Town of Burlington, Board of Appeals
DATE: April 4, 2023
TIME: 7:00 P.M.
PLACE: Town Hall Main Hearing Room, 2nd Floor, 29 Center Street

MEMBERS IN ATTENDANCE: Chairman, Charles Viveiros,, John Sullivan, Joe Currier, Jeremy Harrington & Jeff DiBona, Clerk. Absent: Mark Burke, Vice Chair & Joe Currie.

Minutes of the meeting of the Board of Appeals Burlington, MA

Chairman Charles Viveiros called the meeting to order at 7:30 p.m.

New Hearing: 114 Cambridge Street – “Nick’s Place”.
#23-1

Applicant, Charlie Minasian requested to withdraw his application without prejudice.

Mr. Sullivan asked the board as to why we should allow Mr. Minasian to withdraw without prejudice as the sign is still on the building.

Mr. DiBona agreed with Mr. Sullivan and also confirmed that he took a picture of the sign still on the building earlier today, therefore he is still in violation.

Chairman Viveiros asked the board for a motion.

Mr. DiBona motioned to withdraw the applicant’s variance request with prejudice.

Mr. Sullivan seconded the motion.

All in favor. (5-0)





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New Hearing: 1 Harvard Ave. – Jatin Chopra

#23-6

Mr. Chopra requested to be continued to the April 18, 2023 meeting.

Mr. DiBona motioned to continue 1 Harvard Ave. to April 18, 2023 on or after 7:30 p.m.

Mr. Sullivan seconded the motion.

All in favor. (5-0)

New Hearing: 41 Burlington Mall Road – “Beth Israel Lahey Health Center”

Applicant, Mr. Perillo, requested to be moved to the April 18, 2023 meeting.

Mr. Sullivan motioned to continue 41 Burlington Mall Rd. to April 18, 2023 on or after 7:30 p.m.

Mr. Blenkhorn seconded the motion.

All in favor. (5-0)

New Hearing: 22 Sunset Drive – Jatin Chopra

Applicant, Mr. Jatin Chopra requested to be moved to the April 18, 2023 meeting.

Mr. DiBona motioned to continue 22 Sunset Drive to April 18, 2023 on or after 7:30 p.m.

Mr. Harrington seconded the motion.

All in favor. (5-0)

New Hearing: 3 Carter Road – Ayyagri Nagarjun & Yadav Payal

Applicant Yadav Payal addressed the board explaining their variance request to build a two (2) car garage on the left side of the property. The setback will be 11.6 feet. Ms. Payal explained that there is not enough room on the right-hand side of the property to install the two (2) car garage. As proposed, they are in violation by 3.5 ft. to make a 23-foot-wide garage. They sent out public hearing notifications to all abutters and they personally spoke to both abutters on the left and right-hand side of their property, their neighbors.





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Questions from the board:

Mr. Blenkhorn had no questions for the applicants.

Mr. Harrington had no questions for the applicants.

Mr. DiBona asked the applicants if they had any letters of support from their abutters/neighbors.

Ms. Payal replied, “No, that they only spoke with her two neighbors verbally.”

Mr. DiBona asked the applicants if they would be eliminating the one (1) car garage on the right-hand side of the property.

Ms. Payal replied “No, they are leaving it as is.”

Mr. DiBona asked the applicant if they were looking to install an in-law apartment.

Ms. Payal replied, “No, not at this time.”

Mr. DiBona asked the applicant if they were aware that they needed to get a curb cut permit for the new driveway.

Ms. Payal replied “Okay.”

Mr. Sullivan asked the applicants about the chimney that goes up that side of the house and how they could possibly fit a two-car garage with the chimney with a 23 -foot garage.

Mr. Sullivan also asked the applicant if they were planning on adding any space over the garage, such as a bedroom or office space.

Mr. Sullivan asked the board what the standard two-car garage is in the Town, if it was 24 feet.

Chairman Viveiros replied he wasn't sure what the standard was.

Mr. Nagarjun replied to Mr. Sullivan stating that “It's really just an oversized one-car garage with some extra room for storage.

Mr. Sullivan stated “so if in fact it's going to be a one-car garage not a two-car garage with storage space, why not just make it smaller and no variance is needed from the board.





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Ms. Payal replied to Mr. Sullivan stating that having just the 23 feet would be enough for two cars to be parked side by side. Ms. Payal further explained that at only 19 feet they are able to park two cars side by side on their current driveway, and that they didn't go for the 24 feet because they were trying to request the least amount of variance as needed and that 23 feet would be "good enough" where there's "little space" but enough space for two cars to still park

Mr. DiBona asked the applicants if it was in fact going to be a two-car garage.

Ms. Payal confirmed, "Yes, it will be a two-car garage."

Ms. Payal stated that "It's a tight, two-car garage."

Mr. DiBona asked the applicant if they were going to install a big single door for the garage.

Ms. Payal replied, "Yes, but maybe two doors?"

Mr. Nagarjun commented that the question is an architectural question and they haven't gotten that far with it yet.

Mr. Sullivan commented that he's not really happy with the current plan for the garage and that he doesn't think they will be able to fit a two-car garage with the chimney that's currently on that side of the home. Mr. Sullivan suggested that maybe they consider putting in a one-car garage on the left and keep the one-car garage on the right, and park one car in each. He further commented that's he's really "not into it" right now and it doesn't look as good as a two-car garage than with a one-car garage on each end."

Mr. Nagarjun's reply to Mr. Sullivan was that "It gives them flexibility down the line to close the other garage.

Mr. DiBona asked the applicants if they've looked into extending their current driveway on the right-hand side of the property and having a garage underneath the addition off the back of the home.

Mr. Nagarjun replied, "Yes, they have, but they don't have enough room to maneuver, they only have 17 feet.

Ms. Payal further commented that they aren't able to do a side entrance because there's not enough room.

Chairman Viveiros asked the applicants if they are planning on adding a second floor to the two-car garage or keeping it as only one floor.

Ms. Payal replied that "currently we haven't decided on it, but as of right now, we don't have any plans of adding on a second floor."





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Chairman Viveiros asked the applicants if they have floor plans for the addition they are currently building.

Ms. Payal replied, “Yes they do, for the backside of the property.”

Mr. Nagarjun commented that “they don’t have any floor plans yet; it depends on if they get approved or not.”

Chairman Viveiros asked the applicants if the other addition is going forward already.

Mr. Nagarjun replied “Yes, they already have the permit for it.”

Ms. Payal further explained to the board, that “the two-car garage was originally going to go there, but they realized they’ll never get their minivan around the 17-foot curve.”

Chairman Viveiros asked the applicant if they have a plot plan that’s “drawn to scale”, because the plot plan he has is not “drawn to scale”.

Ms. Payal replied “Yes, it should be drawn to scale”.

Mr. Nagarjun also replied that they submitted one to scale.

Chairman Viveiros asked the applicant if the plan was dated before or after December 15, 2022.

Mr. Nagarjun replied, “After December 15, 2022”.

Chairman Viveiros stated that the plan he has is dated 12/15/2022.

Mr. Nagarjun stated that they used the certified plot plan that Ed Farrell drew up for them showing what they are planning to build.

Chairman Viveiros explained to the applicants that typically the process is there should be a certified plot plan that’s “drawn to scale”. He further stated that he measured it this morning and it’s not drawn to scale.

Chairman Viveiros stated that Ed needs to draw the plans to scale with the correct dimensions on it and stamp it with a different/new date, just like the other permit for the proposed addition.

Mr. Nagarjun explained that he was told at the Building Dept. that the process is this is how we will finish it, but when we go to file for a permit, we would have the full plans/certified plot plan indicating the 23 feet.





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Chairman Viveiros stated that one of the requirements is a certified plot plan is required and he doesn't want to approve something that may or may not have a second floor. Chairman Viveiros also stated that he needs renderings too.

Mr. Nagarjun stated that the one-car garage is not going to be there.

Chairman Viveiros stated that he needs updated plot plans showing if it's going to be a one- or two-level garage.

Mr. DiBona stated that everything needs to be updated showing either a one-level or two-level garage before the board can make a decision. Mr. DiBona further explained to the applicants that they can't have more than a 3-car garage in the Town, that it's against the by-laws. Mr. DiBona also explained to the applicants that they need to amend the building permit.

Mr. Nagarjun again explained that he wasn't told at the Building Dept. when applying for the permit what the process was for applying for the variance that he only needed a certified plot plan and a drawing to scale of what they are requesting.

Chairman Viveiros replied to Mr. Nagarjun that this is something he will have to talk to the Building Dept. about the process. He further explained to the applicant that the process he needs to follow helps him to make a decision and that there's a checklist on the Town's website of all the requirements and that a certified plot plan by a surveyor is also required.

Mr. Harrington further explained to the applicant that there is a date on the certified plot plan that ties into the decision.

Mr. Nagarjun asked the board if they understand that he has to pay his architect to do a plot plan which could just get denied.

Mr. DiBona explained to Mr. Nagarjun that "he sympathizes with him, but this is the process we have to follow too. " "If we don't follow the process, we aren't giving you a legal variance."

Mr. Nagarjun stated that "It makes sense to him that he has to update the existing building permit to not show the one-car garage on the right side of the property, but it looks a little off to me to..." (He didn't finish the sentence)

Mr. DiBona commented to Mr. Nagarjun that Mr. Ferrell is familiar with the process, to just ask him for a scaled drawing to size

Mr. Nagarjun asked if he still needed new renderings then.





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Chairman Viveiros replied that he can probably “get around” that by implementing conditions on it.

Mr. Sullivan agreed and stated that they’d put conditions on it anyways and her further stated that they’ve already testified that it’s going to be a one-level garage at this time.

Mr. Sullivan also stated that the applicant couldn’t add on a second floor without readvertising it, because the current public hearing notice doesn’t include a.

Mr. Nagarjun asked the board if in the future, if we want to add a second floor, would we have to come back before the board.

Chairman Viveiros replied, “if you were to put a second floor on, that he would definitely want to see some plans. (He wasn’t speaking for the entire board on this matter.)

Mr. Sullivan further commented, “that’s not what’s advertised, so we couldn’t approve or deny it.”

Mr. DiBona commented to the applicants that they “the board’ can always “do less” but not more than what’s advertised.

Chairman Viveiros stated that he would want to approve it to a plan. “Maybe not the inside, but at least the outside, so he can see the elevation, and to make sure it had no windows, and to see what it was going to look like.”

Chairman Viveiros stated once again that the board is going to need a certified plot plan with the correct dimensions on it.

Chairman Viveiros also stated that they can continue the hearing and that no one is present from the public to speak for or against it, so they can just wait until the next meeting and keep it closed for now.

Chairman Viveiros asked the applicant that as soon as they receive the new updated plot plan, to send it to the board for review.

Mr. DiBona asked the board to pick a date to continue to the meeting to.

Mr. DiBona asked the applicant if they would like to continue their meeting until May 2, 2023 meeting.

Mr. Nagarjun stated that May is the only thing that works.

Mr. DiBona also asked the applicants if they would rather continue to the May 16, 2023 meeting for more time.





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Mr. Nagarjun replied that the May 2nd meeting works for them.

Mr. Nagarjun asked the board for clarification, that he doesn't need to readvertise to the abutters again, that he's just going to show up on May 2nd for the meeting with a certified plot plan.

Chairman Viveiros replied, "Yes, in addition to, updated plans not showing the one-car garage."

Mr. DiBona further explained to the applicants that they need to amend the building permit.

Ms. Payal asked the board, "as far as the amendment of the building permit, if they do not get the approval to build the two-car garage, do they then have to file a permit to change something else?" "Because right now, the two-car garage is in the back and if we file a new permit, then..." "Or is the permit process after we get the approval here by the ZBA?"

Mr. DiBona replied to Ms. Payal that "you can amend..." "Do you already have an approved building permit?"

Ms. Payal replied, "Yes, we do."

Mr. DiBona replied, "You can amend that building permit to show the change that you are putting a basement in there and not a garage."

Chairman Viveiros further explained to the applicants, that "if you do not receive an approval for a two-car garage, and you wanted to put one on the other side, you'd have to amend it again."

Mr. DiBona motioned to continue the matter for 3 Carter Rd. until the May 2, 2023 ZBA meeting on or after 7:30 p.m.

Mr. Sullivan seconded the motion.

All in favor. (5-0_

Minutes of Meeting: March 21, 2023

Mr. Blenkhorn motioned to continue the approval for the minutes of the meeting from March 21, 2023 until the next ZBA meeting on April 18, 2023.

Mr. Sullivan seconded the motion.





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All in favor. (5-0)

No other business to discuss.

Mr. DiBona motioned to adjourn.

Mr. Blenkhorn seconded the motion.

All in favor. (5-)

