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To Town Clerk

**MINUTES OF THE MEETING OF THE BOARD OF APPEALS
BURLINGTON, MA
July 20, 2021**

Chairman Michael Murray called the meeting of the Burlington Board of Appeals to order at 7:30 p.m. The meeting was held in person.

Present: Michael Murray Jr., John Sullivan, Joe Currier, Jim Sheridan

Absent: Charles Viveiros, Mark Burke, Adam Tigges

Continued Hearing

21-15

Kumon

The petition of Kumon- North America for property located at 203 Middlesex Turnpike, as shown on the Burlington Assessor's records as Map 33, Parcel 89. The applicant is seeking a Special Sign Permit to remove and replace the existing Wall Sign. The proposed Wall Sign is to be 13.13" x 85.7127" to be located on the second-floor level on the west elevation (left Side), below the roof line to read "KUMON" with 'O' of Kumon having a fascial graphic. The proposed sign is denied due to Town of Burlington Zoning by Law Article XIII, Section 13.1.4.2.1: Wall signs shall be the same as for business zones except that signs shall be six (6) feet or less in height. And article XIII, Section 13.1.3.2.4: At the first-floor level a sign may be extended across the full width of the wall. At other than the first-floor level, a sign shall be six (6) feet or less in length. The proposed sign is located on the seconded floor level and is more than 6'-0" in length.

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 the Board of Appeals website, Application 21-15.

Carolyn Parker introduced herself and explained she was representing Kumon- North America. She stated the applicant was looking to remove and replace the existing wall sign. She described the building as being located off the road and the sign was important for the business's visibility.

Mr. Sheridan confirmed the size of the sign and stated it was slightly smaller than the existing one.

Mr. Murray informed the lumens cannot be more than 90 lumens per square foot. Ms. Parker stated that would not be a problem.

Open to the public: no one present to speak for or against.

Motion made and seconded to close the public hearing. 4-0

Motion made and seconded to approve the sign permit for Kumon- North America for property located at 203 Middlesex Turnpike as shown on renderings submitted with the application, with the condition lumens can not exceed 90 lumens per square foot and no other signage on the building. 4-0 in favor

21-17

Continued Hearing

Francis Wyman

The petition of Shane Manfred d/b/s A.D. Manfred LLC. for property located at 54 Francis Wyman Road, Burlington, Ma as shown on the Burlington Assessor's records as Map# 15, Parcel # 12-1. The applicant is seeking a variance from the Minimum Frontage requirements of Burlington's Zoning Bylaw, Article V, Section 5.2.0 and dimensional requirements in Section 5.1.2.1-5.1.2.5 to divide the property into two buildable lots.

Parcel A will consist of 20,038 square feet, with 40 feet of frontage on Francis Wyman Road and Parcel B will consist of 31,133 square feet, with 39.98 feet of frontage on Francis Wyman Road.

Legal notice previous read into record.

Attorney Murphy reviewed the application, stating the applicant has enough space to construct a cul de sac on the property by right, however they would prefer not to because of the added expense and the look of the asphalt. He addressed concerns Mr. Healy's concern of the headlights and explained they were willing to change the location of the house and place screening along the property. He stated the surveyor had presented a new plan which the Board received.

Mr. Sheridan stated it appears leaves are blocking his view in the summer. He asked about the wetlands and was informed the pond was located in Billerica.

Mr. Murray questioned if there will be a change in the upland and would like exact square footage. He also asked if there would be one driveway or two individuals. He was informed there would be two driveways straight back and it would be pointing away from the abutters.

Motion made and seconded to reopen to the public. 4-0 in favor.

John Harmon, Francis Wyman Road introduced himself and stated he had reviewed the plans and has no concerns with the project.

Mr. Healy from 52 Francis Wyman Road reintroduced himself and he stated he was opposed to the variance. He restated his concerns with his privacy, and he understands they are willing to change, however it will be 10 feet off his deck. He stated he still feels the lights will still be directed into his home even with the screening. He asked the Board what the hardship was for this particular variance.

Attorney Murphy explained the topography and /or shape of the lot. He stated there is 51,000 feet. It is a large lot; however, it narrows at the street reducing the frontage. He stated there was enough land to construct the cul de sac, however it would be a financial hardship to the applicant and aesthetically less pleasing. He stated receiving the variance would be less intrusive to the neighborhood.

Mr. Murray responded by asking Mr. Healy if he would he prefer the plan with 2 driveways or the cul de sac, it is lesser than the two evils.

Mr. Healy responded it looks terrible and he still has concerns about the wetlands and drainage into his yard. He also questioned if he would be able to attend any other meetings, because he was informed, he would not be able to. He was informed that he could be attend because it would be a public hearing.

Mr. Murray informed him Conservation will review it because it is near the wetlands. He added because it is a subdivision modification, the Board of Health, engineering, etc. will all be reviewing the plan.

Attorney Murray stated the Anderson family is trying to maximize the value of their property. He added that this has been in the planning stage for a while.

Mr. Murray stated the two houses will be 200 plus feet away verses other homes in the neighborhood are closer.

Mr. Healy said he was not looking forward to seeing the houses.

Mr. Manfred, the applicant stated he was willing to accommodate Mr. Healy with additional screening and they had already changed the orientation of the house, moving the driveway.

Mr. Anderson, owner of the property, stated he doesn't feel the lights will shine on the abutter because of the elevation of the land. He added that he was on the property and even after all the rain the property was dry.

Mr. Currier questioned if by granting the easement, are they by passing the Planning Board, and wanted to know what steps can be taken to protect the abutter.

Attorney Murphy explained the steps needed and the different departments that would be involved to address the concerns with the subdivision modification. He also stated that those plans will be more detailed, showing hydrants, telephone poles, etc.

Mr. Sheridan stated that it looks like if they go with the cul de sac, the house will be directly facing the abutters house. Attorney Murphy stated yes, the lots lines would be different than on the variance plan.

Mr. Murray stated he would like to see a solid plan showing the wetlands, because looking at the topography it shows the wetlands skins the edge of the lot. He stated he would like to know the square footage because it may impact the amount of upland, and he doesn't want to miss anything. He added he would like to see a definite answer on evergreen, such as the type, number, spread and height and how they would run along the lot line.

Attorney Murphy pointed out that once they move on to the Planning Board, they may have different ideas and he would like to add language such as unless amended by Planning.

Motion made and seconded to continue the Hearing until August 3rd. 4-0 in favor

Minutes: Motion made and seconded to approve the minutes from July 6, 2021. 4-0 in favor.

Adjourn: Motion made and seconded to adjourn the meeting. 4-0 in favor