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To Town Clerk

**MINUTES OF THE MEETING OF THE BOARD OF APPEALS  
BURLINGTON, MA  
August 3, 2021**

Chairman Michael Murray called the meeting of the Burlington Board of Appeals to order at 7:30 p.m.

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

Absent: Joe Currier

Chairman Murray stated the applicant for Mountain Road and Richardson has asked for a continuance until September 7<sup>th</sup>.

Motion made and seconded to continue the hearing for Mountain Road to September 7, 2021. 5-0 in favor

Motion made and seconded to continue the hearing for Richardson Road to September 7, 2021. 5-0 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 previously read into record.

Attorney Thomas Murphy re-introduced himself and his client Shane Manfred and provided an update on the project. Attorney Murphy reviewed the surveyor's revised plan and provided the square footage for the areas. He stated the area of wetland would be 317 square feet towards the drainage ditch and 633 square feet of wetland at the right side of the lot. Therefore, there is approximately 950 square feet of wetlands, providing plenty of room for the 2 houses. He stated they have enhanced screening on the right side of driveway for 50 feet with either fencing or arborvitae. They would be approximately 20-30 feet high and 8-10 feet in width. He added they would be 200 plus feet between the abutters house.

Attorney Murphy pointed out this route would be less disruptive to the neighborhood and that there will be a house built there regardless of the outcome of the variance.

Chairman Murray stated he discussed the regulations as far as drainage with Board of Health, Conservation and Planning and they felt with the different aspects of the land, they seemed comfortable with the plan.

Mr. Burke commented he felt a cul de sac would be a detriment to the neighborhood and that the topography of the lot creates a hardship. He added the applicant has addressed the privacy concerns.

Open to the Public:

Dan Healy, 52 Francis Wyman, reintroduced himself and stated he appreciated all the work the Board has done however he still has concerns. He stated he reviewed the cul de sac plan and he believe they are unable to build it, because he it goes over the drainage which is a stream. He stated he believes the variance route would be 40- and 39-foot frontage and the Board should uphold the frontage bylaws.

Attorney Murphy explained the plan we have is not a fully engineered plan and the lines may move. He explained there is an extra 11,000 square feet, and there is plenty of square footage for the 2 lots. He stated drainage should not be an issue and if necessary, they can push the back.

Mr. Sullivan questioned if we could show the abutter what it would look like, he would see how it would look like and he could make a decision.

Mr. Healey stated he felt believes the applicant is using the idea of a cul de sac to make get the variance approved. He added the houses would be on top of each other if they keep pushing it back and still feels drainage will still be a problem. Attorney Murphy reviewed the plan with Mr. Healey.

Mr. Murray stated they can still push it back and still have enough room, plus there are other alternatives to make the cul de sac work. He stated there are going to be two houses there either way. He stated the houses would meet all the zoning by-laws. He reminded Mr. Healey, the applicant still needs to go in front of the other Boards.

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

A discussion among members and Attorney Murphy regarding the wording so if the Planning Board or other Boards want to amend the condition, the abutters will still be protected.

Motion made and seconded to grant a variance to Shane Manfred d/b/s A.D. Manfred LLC for property located at 54 Francis Wyman Road to reduce the minimum Frontage requirements and the dimensional requirements to divide the property into two buildable lots as submitted with plot plan dated 7-26-2021. 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.

The variance was granted with the condition that the applicant provide natural screening as shown on said plan. This condition was made with the understanding other Boards can modify the condition, with the exception there is to be no less than 50 feet of natural screening, such as arborvitaes to grow at least 20 feet in height and 10-15 feet in width to provide privacy. 5-0 in favor.

**Minutes:** Motion made and seconded to accept the minutes. 5-0 in favor.

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