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To Town Clerk

**MINUTES OF THE MEETING OF THE BOARD OF APPEALS
BURLINGTON, MA
March 2, 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., John Sullivan, Jim Sheridan, Mark Burke, Adam Tigges and Joe Currier

Absent: Charles Viveiros

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 read into record

Kunal Bafna introduced himself and explained why he wanted to build a 2-car garage with a living area above. He explained he lived on the corner lot of Mill St and Winn St. and his driveway is on Mill Street. He stated that on a corner lot, the shorter property line is generally considered the front property line. He explained because of the shape of the lot he would not be able to use the other side of property for the construction. He said it would be too close to Winn Street and the ground level is on a higher elevation, there is a slope in the back yard, He also pointed out the HVAX, Air conditioning and chimney are on the back side. he added he would like to use the same driveway and prevent cutting down trees and it would be safer for the children.

Mr. Sheridan asked if the addition was on the left-hand side; closest to Mill St, there is only 13.4 feet, therefore you do not plan on parking in the driveway.

Mr. Bafna responded that he does not plan on parking in front of the garage because there would not be enough room, and but there is enough room to park 3 cars there.

Mr. Sheridan confirmed he was planning on extending the driveway and was told yes. Then he asked was the intent of the project was to have a garaged and additional living space.

Mr. Bafna answered previously there was a garage but because the car is larger and it does not fit into the garage, therefore he needs a new one and would like the additional living space. However, the primary reason is for the garage.

Mr. Burke agreed the roads were narrow and busy, therefore parking on the street was not favorable, and he agrees expanding the driveway would address that concern.

Mr. Sullivan asked if on the plot plan shows the 2-3 feet for the sidewalk and Mr. Bunaf stated he was unsure. Mr. Sullivan stated he felt they met the burden with the shape of the lot and how the house sits along with the grade of the property.

Mr. Currier commented if they moved the driveway closer to the neighbor with the slope of the land, it may bring water onto their property.

Mr. Tigges stated he was ok with the project.

Mr. Murray commented after reviewing the plot plan if it should be a side setback, then instead of needing a 25-foot minimum he would only need the 15-0 feet. In that case, he would be only looking for a 1.5-foot variance. He also wondered if he moved the garage closer to Winn Street, he may not need a variance.

Mr. Bafna stated the utilities are on the side, but he could adjust the garage to make it, so they would be within the 15 feet.

Open to public hearing. No one present to speak for or against.
Public hearing to remain open.

Mr. Murray stated he would like to contact the Building Inspector to confirm the 25-foot setback is accurate

Mr. Burke stated he would like to hear the opinion of the Building Inspector, but if it is a 15-foot setback, the applicant is willing to make the garage smaller, it would be compliant.

Mr. Murray stated he would ask his interpretation and depending on the outcome, will determine the next step.

Motion made and seconded to continue the hearing until March 16th. 5-0 in favor

New Hearing
300 District
21-4

The petition of ICOB Burlington LLC d/b/a Row 34 located at 100 and 350 District Avenue, (tenant space is 300 District Avenue) Burlington, MA 01803, as shown on the Burlington Assessor's records as Book-Page#1436-67, Map and Parcel reference: #46-43 and 46-45. The applicant is seeking a Special Sign Permit pursuant to Article 7, Sections 2, 4.i, and 4.v.i. of the New England Executive Park PDD Bylaws, to install 3 signs as follows:

*Sign A is proposed to be a Wall Sign 36.12" x 117.53" located on the West elevation, in the left corner, just under the roof line to read '**ROW 34 Raw Bar Craft Beer**' (doubled stacked).*

*Sign B is proposed to be a Wall Sign 36.12" x 117.53" located on the North elevation in the right corner just under the roof line to read '**ROW 34 Raw Bar Craft Beer**' (doubled stacked); and, Sign C is proposed to be a Marquee Sign 24" x 96" located on the North elevation on the left side above the entry door to read '**ROW 34**'.*

Sign A and Sign B are in violation of the Article 7, section 4.i. of the New England Executive Park PD Bylaw as they exceed the maximum allowed length of six (6) feet. Sign C is compliant but requires approval due to a previous Zoning Board of Appeals decision #2016-124 which prohibited all other signs on the building even if by right.

Kristine Hung from Reimer and Braunstein introduced herself along with Shore Gregory from Row 34, Jim McDonald, facilities and Bob Tuttle the sign vendor. She explained Island Creek was rebranding the location and streamlining marketing and operations. She said they are seeking to replace the 3 signs. 2 walls signs and 1 marquee over the entrance. She added the marquee sign is compliant, but because of a previous decision, no other sign even if by right, that is why it is part of the package. She stated it is a unique location because it sandwiched between two buildings, and they share a rear parking lot and the entrance is on the side, therefore placement is critical to guide people to the restaurant.

Shore Gregory stated it has been a difficult year with Covid, and the change will allow them to remain in Burlington. He added the ownership will remain the same.

Mr. Tigges stated he reviewed the signs, and they are similar to the current signs, and he has no concerns.

Mr. Sullivan asked about the square footage of the existing sign and was informed they were shorter in length, and she was unsure of the height, but it is 29.9 square feet.

Mr. Murray commented he had no concerns, it was 3 for 3, and the sign facing District Ave will be removed.

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

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

Motion made and seconded to grant a Special Sign Permit to Row 34 for property located at 100 and 350 District Ave, for installation of three (3) signs:

Sign A is a Wall Sign 36.12” x 117.53” located on the West elevation, in the left corner, just under the roof line to read ‘**ROW 34 Raw Bar Craft Beer**’ (doubled stacked).

Sign B is a Wall Sign 36.12”x 117.53” located on the North elevation in the right corner just under the roof line to read ‘**ROW 34 Raw Bar Craft Beer**’ (doubled stacked); and,

Sign C is a Marquee Sign 24” x 96” located on the North elevation on the left side above the entry door to read ‘**ROW 34**’. As shown on drawings 1.0, and 1.1 dated December 29, 2020 submitted with the application. 5-0 in favor.

New Hearing
54 Burlington Mall
21-5

*The petition of CRG Graphics for property located at 54 Mall Road, Burlington, MA 01803, as shown on the Burlington Assessor’s records as Book-Page#1431-88, Map and Parcel reference: #47-12-129. The applicant is seeking a Special Sign Permit pursuant to Article 13, Sections 13.1.3.2.3 and 13.1.3.2.4, to erect a Wall sign. The Wall sign is proposed to be 6’-0” x 6’-0”, located on the South Elevation (facing Burlington Mall) in the upper left corner (second floor level) to read ‘**Charles Schwab**’ (two lines).*

The Wall sign is in violation of Burlington by-Law, Article 13, section 13.1.3-

13.1.3.2.3 A wall sign shall be four feet or less in height.

13.1.3.2.4 At the first-floor level a sign may extent 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 6’-0” x 6’-0” is taller than permitted at the second-floor level.

Additionally, a previous Zoning Board of Appeals decision #11969 which prohibited all other signs on the building even if by right.

Craig Murphy from Graphic introduced himself and stated Charles Schwab was looking to install a sign at the second floor to help identify the building. He described the location and explained the 1st floor is below grade and it is referred to as the basement level, and there is really only one floor. He explained they were rebranding the sign and they feel they need the sign to identify the building. He described the building as being on an angle, causing clients to have a hard time locating it because it is difficult to see the front of building. He explained if they went to a smaller sign, it would be difficult to see.

Matt pointed out there has been numerous occasions, clients have driven by the building trying to find it and has caused some safety issues.

Mr. Murphy said they believe the sign will help solve this issue.

Mr. Sullivan stated he agrees it is appropriate for the space and location.

Mr. Burke agrees with the applicant, there is a need for the signage due to the location and nature of the building.

Mr. Sullivan, Mr. Tigges and Mr. Currier also stated they had no concerns.

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 grant a Special Sign Permit to CRG Graphics c/o Charles Schwab for property located at 54 Mall Road, for installation of a Wall Sign to be 6'-0" x 6'-0", located on the South Elevation (facing Burlington Mall) in the upper left corner (second floor level) to read '**Charles Schwab**' (two lines), as shown on sheet 2.0, dated June 23, 2020 submitted with the application timestamped February 04, 2021, with the condition the signage is not to exceed 90 lumens per square foot and no other signs on building even if by right.

Minutes for February 16th Motion made and seconded to accept the minutes. 5-0

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