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# TOWN OF BURLINGTON

## Meeting Minutes

Email minutes to [meetings@burlington.org](mailto:meetings@burlington.org) or Bring to the Clerk's Office. Thank you

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: May 16, 2023  
TIME: 7:00 P.M.  
PLACE: Town Hall Main Hearing Room, 2<sup>nd</sup> Floor, 29 Center Street

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

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

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

#### **Continued Hearing: #23-8 – 3 Carter Road**

Mr. Nagarjun reviewed with the board the past timeline of events in regards to his application process over the last two weeks. Mr. Naggarjun explained to the board that the previous rendering of the current addition, that's been permitted and approved, did not reflect the two car garage transformed into a regular room, and they have since had the two-car garage removed from the rendering on the right side of the property. Mr. Nagarjun also informed the board that two new renderings were also uploaded to Viewpoint today, in addition to, a new updated plan.

Ms. Payal also explained to the board that the walkway to the back of the property on the right side of the home has been removed from the renderings as well.

#### **Questions from the board:**

Mr. Harrington asked the applicants if they've considered his previous options discussed in relation to possible having the garage doors on the right side?

Mr. Nagarjun explained to Mr. Harrington that there are no other feasible options for them. He further explained that there's no space to the right of the existing garage to build there. There's only 4.5 ft. and the only other option is to build to the left side of the home and they are only 3.4 ft. short because of the way the property is laid out.





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Mr. DiBona asked the applicants if they've looked into the new groundwater by-laws?

Mr. Nagarjun replied that his contractor told him it's a "non issue".

Mr. DiBona stated that he spoke to Conservation & Planning today and anything that increases the footprint to over 750 sq. ft. is subject to Article 16 of the Zoning by-laws.

Mr. DiBona also asked the applicants what is their hardship?

Mr. Nagarjun replied his hardship is that he can't build a two-car garage without requiring a variance.

Ms. Payal commented that the hardship is because the land is not laid out in a way that they can use it to build on.

Vice Chairman Burke reexplained to the applicants the meaning of a "hardship" is that they have to meet the requirement of the statute. V.C. Burke again asked the applicant as to what their "hardship" is?

Mr. Nagarjun again replied that his hardship is that they can't build without a ZBA approval/variance.

Vice Chairman Burke again explained to the applicants that they need to show a hardship to get the variance.

Chairman Viveiros further explained to the applicants that the hardship needs to be based on something such as the topography of the land and he suggested to the applicant to consider reducing the size (width) of the proposed garage from 24 ft. to 20ft.

Mr. Currier asked the applicants if the existing garage on the right-hand side is going to be "walled in" and the existing garage door removed? Mr. Currier is also in agreement with Chairman Viveiros' suggestion of taking the width of the two-car garage down from 24 ft. to 20 ft.

Mr. Nagarjun argued that it serves them better in the long run "investment wise" and that they are just in an unfortunate situation.

Vice Chairman Burke suggested to the applicant if their argument for a hardship would be because of the placement of the home on this lot and because of the way the home was originally built on the land.

Ms. Payal agreed with V.C. Burke's suggestion about the topography of how the house was built on the lot.

Chairman Viveiros commented to the board that he would be more comfortable if the applicants would bring the size (width) of the garage down to 20 ft.





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Mr. DiBona stated he would be on board with that.

Mr. Nagarjun explained again to the board that if the house was built just 3 ft. to the left of where it is now, that they wouldn't even need a variance. Mr. Nagarjun reiterated that all they need is 3.4 ft. for the variance.

Ms. Payal argued that they wouldn't be able to open their car doors if they only had 20 ft. in width for the garage.

Mr. Nagarjun reminded the board that there's a chimney on that side of the garage.

Mr. Currier explained to the applicants that the egress from the home into the garage will have a landing of 3 ft. x 3ft. so it will actually protrude more than the existing chimney does now.

Mr. Nagarjun explained that the chimney has to be in the garage. Mr. Nagarjun further explained that where the chimney is located at now, if the garage is only at 20 ft. in width, then they have a higher risk of damaging their car doors against it.

Mr. Harrington asked the applicants if the entrance from the garage is going into the house and where abouts on the plan is it located currently?

Ms. Payal explained that the current plan is for the current addition, however, the egress/entrance door into the home is going to be located behind the chimney closest to the window.

Mr. Harrington confirmed with the applicant that the egress/entrance into the house is going to be located behind the chimney.

Mr. DiBona asked the applicants if they have access from the basement to the garage.

Mr. Nagarjun and Ms. Payal both replied yes, they do.

Mr. Harrington asked Mr. Currier and the board if the 3 ft. landing/egress is considered in the 20 ft. garage?

Chairman Viveiros commented to the board that he will not vote for a 23 ft. garage at this time, and that he'd like to see it come down at least another ft. in width. He further explained to the applicants that if the board were to take a vote for a 23 ft. width garage right now, that it most likely would not go through and that they could not come before the board again for another two years.

Ms. Payal asked the board at what size would the variance go through at, at this point?

Chairman Viveiros replied a 20 ft. x 24 ft. would pass.





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Mr. Nagarjun argued to the board that at this point it wouldn't even be worth everything they've put into this property for renovations just to have a 20 ft. width for a two-car garage.

Ms. Payal asked the board if they would pass a variance at 2.4 ft?

The board discussed briefly and Chairman Viveiros opened the meeting to a public hearing.

No one in audience to oppose.

Vice Chairman Burke motioned to close the public hearing.

Mr. Harrington seconded.

All in favor. (5-0)

Chairman Viveiros counter offered the applicants request of 22 ft. down to 21 ft. which would be a 1.4 ft. variance and a setback of 13.6 ft.

Vice Chairman Burke has no objections.

Mr. Nagarjun and Ms. Payal agreed to the 21 ft. in width.

Chairman Viveiros asked the board for a motion for 21 ft.

Mr. DiBona reminded the applicants that they also need to go to Conservation about the new water drainage by-laws.

Mr. Nagarjun asked the board about it coming down to a negotiation in size?

Mr. Currier replied it's because you didn't have a reason for a hardship.

Ms. Payal asked the board if the 13.6 ft. was based off the chimney?

Mr. DiBona replied that they are basing if off of hardline facts.

Mr. DiBona make the motion to approve 3 Carter Road. With a sideline variance of the left side of the house at 13.6 ft., which is against the Density Regulation Schedule 5.2.0. The setback will be 21 ft. width by 24 ft. in depth for the garage dimensions and to construct within one year.

Vice Chairman Burke seconded the motion. All in favor. (5-0)





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### **New Hearing: #23-11 1 - Raymond Road Extension.**

Vice Chairman Burke read the variance application of 1 Raymond Road Ext. into the record.

Applicant Marica Aulenback explained to the board about her variance request on the back corner of the house, not the left side of the house, to replace a deck with an addition and she needs a variance for a couple sq. ft. in total.

### **Questions from the board:**

Mr. Currier asked the applicant if she considered sliding the addition 3 ft. to the left, where there are no rear elevations?

Ms. Aulenback replied that because it's starting with the deck it's really just a cleaner straight line to go from the back of the house versus doing a "jig"..

Mr. Currier asked the applicant if it's a single-story addition?

Mr. Aulenback replied, yes it s.

Mr. Currier asked the applicant if there's any neighbors on the sides?

Ms. Aulenback replied that they are up on a hill.

Mr. Currier suggested to Ms. Aulenback if she kept the addition flush with the house, including the 16"-18" overhang, it's protruding even more, and even your water is going that direction from the roof.

Ms. Aulenback explained that the pitch is going up.

Mr. Currier suggested to Ms. Aulenback that by moving it over the roofline would tie in.

Ms. Aulenback explained that where the water is, it starts going up a hill.

Chairman Viveiros asked if Gaylen ST. is higher up?

Ms. Aulenback replied that her back door is at the cemetery.

Mr. Currier asked again if it's a single-story addition?

Mr. DiBona asked if it's a split house?





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Mr. Currier asked Ms. Aulenback if there's a sliding door that comes off of the kitchen?

Vice Chairman Burke asked the applicant what would be the hardship?

Mr. DiBona agrees with Vice Chairman Burke in regards to the water and that the concrete retaining wall it would be dropping down even lower.

Ms. Aulenback explained that her house is a split and to get to the entrance level is ten (10) steps and the proposed addition would be to the right is at ground level and it would flow neatly into the addition. Ms. Aulenback further explained that on the second floor are a bedroom and bathroom where the addition is going.

Mr. DiBona asked the applicant if there's a full foundation?

Ms. Aulenback replied, no.

Ms. Aulenback stated that it wouldn't be changing the waterfall.

Chairman Viveiros stated that it's definitely a hardship with the shape and topography and has no objections or concerns.

Chairman Viveiros opened the meeting up to a public hearing.

No one in audience to oppose.

Vice Chairman Burke motioned to close the public hearing.

Mr. Harrington seconded the motion.

All in favor. (5-0)

Vice Chairman Burke motioned to approve 1 Raymond Road Ext. with a setback of 12.4 ft as shown on plot plan dated March 6, 2023. V.C. Burke amended the motion to include it's a single-story addition.

Mr. Harrington seconded the motion.

All in favor. (5-0)

Chairman Viveiros asked the board for a motion to approve the minutes from May 2, 2023.

Vice Chairman Burke motioned to approve the minutes from May 2, 2023 as written.





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Mr. Harrington seconded the motion.

All in favor. (5-0)

No other business.

Chairman Viveiros asked the board for a motion to adjourn.

Vice Chairman Burke motioned to adjourn.

Mr. Currier seconded the motion.

All in favor. (5-0)

