



**RECEIVED**

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To Town Clerk

**MINUTES OF THE MEETING OF THE BOARD OF APPEALS  
BURLINGTON, MA  
June 15, 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., Charles Viveiros, Mark Burke, Joe Currier, and John Sullivan, Jim Sheridan and Adam Tigges

Absent: none

Chairman Murray stated the hearings for tonight will be continued to July 6<sup>th</sup>, due to the State has not extended the virtual meetings. He noted the hearing on the July 6<sup>th</sup>, would be an in person meeting at the Town Hall at 7:30.

**20-21**

**Continued Hearing  
35 Mountain Rd**

*The petition of Winn View Heights II, LLC for property located at 35 Mountain Road, Burlington, MA 01803, shown on the Burlington Assessor's records as the following Book-Page# 12319-229 Map and Parcel reference: 49-82-0. The applicant is seeking a Comprehensive Permit through the Massachusetts Local Initiative Program (LIP) pursuant to MGL ch. 40B, Section 21. The proposal is to construct a single building containing 24 condominium units and all units will be age (55+) restricted. All the units will have 2 bedrooms and 2 bathrooms. Six of the 24 units will be reserved for household's earnings up to 80% of the median income.*

*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 #2020-21).*

Motion made and seconded to continue the hearing until 7-6-2021. 5-0 in favor to continue it.

**21-6**

**Continued Hearing  
Richardson Rd**

*The petition of John Hussey Jr. and Denise Hussey for property located at Richardson Road, Burlington, MA 01803, as shown on Book-Page # 35890-128, Map 43C- 20-35 of the Assessor's Maps of Burlington, to obtain an amendment from the Board of Appeals to amend the site plan and any applicable conditions or restrictions granted or set forth in the 2002 Comprehensive Permit regarding Winnview Heights Condominium.*

*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 #21-6).*

Motion made and seconded to continue the hearing until July 6, 2021. 5-0 in favor.

**Continued Hearing**

**21-14**

**94 Locust**

*The petition of Nguyet Nguyen for property located at 94 Locust Road Burlington, MA 01803, as shown on the Burlington Assessor's records as Book-Page# 69021-205 Map and Parcel reference: 24-58-1. The applicant is seeking a variance to construct a 24'-0" x 27'-0" 2 story addition (2 car garage with bedroom(s) above) to the right side of the existing dwelling with a proposed set back of 18'-0" off the far-right corner of addition to the front property line. Denial due to Burlington Zoning By-Law, Article 5, section 5.2.0 - Density Regulation Schedule:*

*No building or structure shall be constructed nor shall any existing building or structure be enlarged or altered except in conformance with the D.R.S., as to lot coverage, lot area, land area per dwelling unit, lot width, front, side and rear*

setbacks, and maximum height of structure except as may otherwise be provided elsewhere. Setback of the addition will be less than 25'-0" minimum required setback.

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 #21-14).

Motion made and seconded to continue the hearing until July 6, 2021. 5-0 in favor.

## **New 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 sign 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.

Motion made and seconded to continue the hearing until July, 20, 2021. 5-0 in favor.

## **New Hearing**

**21-16**

### **Parm Italian**

The petition of Parm Burling on LLC for property located at 75 Middlesex Turnpike (Burlington Mall), Burlington, MA 01803, as shown on the Burlington Assessor's records as Map 46, Parcel 24-0 and Map 52, Parcel 2-0. The applicant is seeking a Special Sign Permit pursuant to Article XIII, Section 13.2.0 to install three (3) Wall Signs as follows: Sign 1: Proposed Wall Sign 6'-1" x 9'-11 1/2" to be located on the west elevation over the main entry to read "Parm FAMOUS ITALIAN" double stacked.

Sign 1 is not compliant with Zoning Bylaw Article XIII, Section 13.1.3.2.3 "A wall sign shall be four feet or less in height". Sign 2: Proposed Wall Sign 6'-9" x 11' - 1/2" to be located on the north elevation at the second-floor level, left side of tenant fit up to read "Parm FAMOUS ITALIAN" double stacked.

Sign 2 is not compliant with Zoning Bylaw Article XIII, Section 13.1.3.2.4 "At the first-floor level a sign may extend 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." Sign 3: Proposed Wall Sign 5'-10" x 9'-6 1/2" to be located on the north elevation right side at corner of building to read 'Parm FAMOUS ITALIAN' double stacked.

Sign 1 is not compliant with Zoning Bylaw Article XIII, Section 13.1.3.2.3 "A wall sign shall be four feet or less in height". Sign 2: Proposed Wall Sign 6'-9" x 11' - 1/2" to be located on the north elevation at the second-floor level, left side of tenant fit up to read "Parm FAMOUS ITALIAN" double stacked.

Sign 2 is not compliant with Zoning Bylaw Article XIII, Section 13.1.3.2.4 "At the first-floor level a sign may extend 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." Sign 3: Proposed Wall Sign 5'-10" x 9'-6 1/2" to be located on the north elevation right side at corner of building to read 'Parm FAMOUS ITALIAN' double stacked.

Sign 3 is not compliant with Zoning Bylaw Article XIII, Section 13.1.3.2.3 "A wall sign shall be four feet or less in height" and 13.1.3.2.1 "One wall sign shall be permitted for each business side of a building and direct entrance into a store".

*In addition, the applicant is requesting the modification of previous Board of Appeals decisions (2016- 127/Arhaus Furniture and 2017-169/Friendly Toast) which prohibit any new/additional signage on the building, even if by right.*

*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 21-16.*

Motion made and seconded to continue the hearing until July 6<sup>th</sup>. 5-0 in favor.

**21-17**

**New 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.*

*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 21-17.*

Motion made and seconded to continue the hearing until July 6, 2021. 5-0 in favor.

**New Hearing**

**21-18**

**38 Harriet Lane**

*The petition of Aswin Guntupalli for property located at 38 Harriett Avenue, as shown on the Burlington Assessor's records as Map# 43, Parcel # 188-0. The applicant is seeking a variance to construct a garage with a second floor above. The proposed addition is to be located 11.7 feet off the left side of the house.*

*The Town of Burlington's Zoning By Law, Article 5, section 5.2.0 requires a side setback of 15 feet, requiring a variance relief of 3.3 feet.*

*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 21-18.*

Motion made and seconded to continue the hearing until July 6, 2021. 5-0 in favor.

Minutes from June 1, 2021 were not voted on, and will be voted on July 6<sup>th</sup>.

Adjourn: Motion made and seconded to adjourn the meeting. 5-0