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By Town Clerk's Office at 11:18 am, Aug 12, 2022

Town of Burlington

**MINUTES OF THE MEETING OF THE BOARD OF APPEALS
BURLINGTON, MA
July 19, 2022**

Chairman Charles Viveiros called the meeting of the Burlington Board of Appeals to order at 7:30 p.m. The meeting was held in the Main Town Hall Meeting Room, 2nd Floor, 29 Center Street, Burlington.

Present: Chairman: Vice Chairman: Charles Viveiros, John Sullivan, Joe Currier, Jeremy Harrington and Jeffrey DiBona
Absent: Mark Burke and Rob Blenkhorn

Continued Hearing

22-18

157 Bedford Street

The petition of Art Designs c/o Liquor Market for property located at 157 Bedford Street, Unit C, Burlington, MA as shown on the Burlington Assessor's records reference Map and Parcel# 26-22-0 to install three signs as follows:

*Sign A is proposed to be 2'4 ½" in height X 16'-5" in width and to read '**Liquor MARKET**'.*

*Sign B is proposed to be 1'-4" in height X 8'-10" in width and to read '**Liquor MARKET**'*

*Sign C is proposed to be 2'-3" in height X 6'-11 ½" in width and to read '**Liquor MARKET**' doubled stack.*

The signs are in violation of the Burlington Zoning By-laws, Article XIII, section(s) 13.1.3.2 – Wall Signs, 13.1.3.2.1: One wall sign shall be permitted for each business site of a building and direct entrance into a store"

In addition, all signs are subject to Zoning Board of Appeals approval solely due to prior decision (Case # 2016-112 and Case # 2016-136, which states no other signs 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 on the Board of Appeals website (application #22-18).

Dev Khambhati, owner of Liquor Market introduced himself and Diana Valdez from the sign company. He provided an overview of the signage they are requesting and stated because of the location they felt it was needed for visibility. He stated Subway has three signs and the landlord has approved the three signs and their sizes for the building.

Mr. Harrington asked for the dimensions of the previous sign and Ms. Valdez explained they were comparable to the Subway and My Gym signage.

Mr. DiBona asked for clarification of which signs they were replacing and was informed it was the Snip-its sign. He stated it other signs were irrelevant.

Mr. Khambhati stated he wanted the signage because the store would be different from other liquor stores because it would be more of a craft beer store and the signage is needed to advertise the difference.

Mr. Sullivan stated the reason they wanted them to come back because it was mentioned that there was going to be a 4th sign. Ms. Valdez responded that the applicant had withdrawn that sign.

Mr. Sullivan explained that just because a previous Board had approved three signs, doesn't mean that three signs would be approved. He stated he was ok with the sign facing Bedford Street and over the door, but he doesn't see the need for the 3rd sign. He added that landlord has not maintained the signs on that size of the building, in addition you can't see it until you enter the parking lot.

Mr. Khambhati stated he would maintain that sign and the area there.

Mr. Currier agreed that sign A and C were appropriate and sign B is a larger sign and it isn't necessary.

Mr. Viveiros agreed that there was no need for that sign, there is a lot of signage for a small building. He stated signs A and C were appropriate for the building.

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

Mr. Harrington pointed out the previous signs were condition to 90 lumens or less for the illumination and to be turned off by 11:00. Mr. Khambhati stated the by-laws require them to close by 11:00 therefore they will be turned off at 11:00.

Motion made and seconded to split the application into separate signs. 5-0 in favor

Motion made and seconded to grant a variance Sign A and Sign C as shown on plans submitted with the application with the condition illumination not to exceed 90 lumens per square foot, to be off by 11:00 PM. And no other signs even if by right. 5-0 in favor.

Motion made and seconded to grant a sign permit for Sign B. 0-5 in favor. Sign has been denied.

. Board members felt sign was not necessary for visibility of the store.

New Hearing

22-17

Robin Street

The petition of Meghan Girouard and Joshua Mc Garry for property located at 2 Robin Street, Burlington, MA as shown on the Burlington Assessor's records reference Map and Parcel# 25-51-0 to split the lot into two lots. The existing lot is 14,000 with a 140' frontage and an existing nonconforming dwelling.

Proposed Lot A is to be 5,600 square feet of area and 80' of frontage on Mayflower Street and 70' of frontage on Robin Street.

Proposed Lot B is to be 8,400 square feet of area and 120' of frontage on Wellesley Street.

The proposed division is in violation of R.O. District Zoning requires a minimum of 20,000 square feet and lot frontage of 100', Front setback of 25', rear 15' and side (s) setbacks of 15'.

Lot A is in violation of Lot Area, Lot Frontage, side setback(s) from Lot B and Mayflower Street.

Lot B is in violation of Lot Area.

Mr. Harrington read the legal ad into record.

Attorney Tom Murphy introduced himself and Meghan Girouard and Joshua Mc Garry owners of the property.

Attorney Murphy explained the couple is looking to split the lot. He stated the existing lot is 14,000 square feet with a 140' frontage and an existing nonconforming dwelling. He stated they would like to build a single-family house on Lot B, because they have outgrown the existing house which will remain. He explained the neighborhood is an older residential area of the town with many smaller lots.

He reviewed the elevations and explained Lot b is lower and overgrown. He pointed out the couple fixed up the house but are now looking for a bigger house. He added if the split did not go through, someone could build a massive house using both lots.



Attorney Murphy stated the topography of the lot as being overgrown and not useable to the house. He explained it did not derogate from the bylaw. This area of town has many small lots with minimum space between them. And the lot would be to maintain, and the new lot would spruce up the area. 2 smaller houses verse 1 large house.

Mr. Sullivan asked the homeowners why they bought the house in 2019 and responded they love it, but it is too small. He added he didn't see the hardship; the purpose of the by-laws is for density, and he believes this has a negative effect.

Mr. Currier stated he knew the neighborhood and in 1912 all are tiny lots, and the deed was for 1 lot.

Mr. Harrington pointed out at one time it was listed as two lots on the deed.

Attorney Murphy explained years ago, the lots were merge if the owners didn't seek to separate them.

Mr. Viveiros stated that he was having a hard time finding the hardship. He stated the lots are smaller in that neighborhood, however he felt the variance request was pushing the limits.

Mr. Viveiros read into record a letter in favor from six of the abutters. He also read a letter into by Bill and Monica Chamberlain in opposition of the property split.

Open to the public: Michael Girourd stated he grew up in Burlington and the size of the 2 lots matches the neighborhood. He added that it was two lots at one time and the couple bought a starter home and have now outgrown it. They would like to stay in Burlington.

Ms. Girourd stated she thought they should approve the lot separation.
Motion made and seconded to close the public hearing. 5-0 in favor.

Further discussion includes several members speaking up against the split.

Motion made and seconded to approve 2 Robin Street as submitted on plot plan dated 1-9-2022. 0-5.
Variance has been denied. The Board did not feel they had met the criteria to approve the variance.

Minutes from July 5th meeting

Adjourn



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By Town Clerk's Office at 11:19 am, Aug 12, 2022

To the Board of Appeals,

We, the undersigned neighbors of 2 Robin Street, express our support for Meghan Girouard and Joshua McGarry's request to split their lot. Meghan and Josh are a nice young couple and have done a nice job fixing up their current house.

Signed,

Patti Weinberg

Karen Shropshire

Maria Miller

John

Mary

Shae Maria Costa

Bill Chamberlain
Monica Chamberlain
8 Wellesley Ave
Burlington, MA

To: Town of Burlington, Board of Appeals
Date: July 19, 2022
Subject: Petition of M. Girouard and J. Mc Garry for 2 Robin St Burlington MA
Reference: Application #22-17

My wife and I apologize that we are unable to attend the Public Hearing this evening due to out of state family arriving this same day, but I hope that you will accept this as input for the hearing.

My wife and I have resided at 8 Wellesley Ave since 1987, which is situated directly across the street from the proposed "Lot B" identified in Application #22-17 and we would like to share our thoughts as abutters regarding the request to create a legal buildable "Lot B".

The landscape of the proposed "Lot B" has been preserved in its natural beauty by its owners for at least the past 35 years that we have abutted the property. We have richly enjoyed its natural beauty which has formed a part of this neighborhood.

Though there are a number of "small" lots in the neighborhood that are less than the minimum required square footage and offsets, a number of these lots were created prior to the establishment of the current zoning requirements. I can only assume that the current requirements were put in place to help direct and preserve the character of a community. Creating a legal buildable "Lot B" would have a detrimental impact on character of our neighborhood.

To speak honestly, we would be very disappointed if this was approved as a legal buildable lot. We believe that an approval of a legal buildable "Lot B" will definitely change the present characteristic of the neighborhood from a pleasing rural suburb into more of a city appearance by locating a new house on such a small lot.

Respectfully,

Bill Chamberlain
Monica Chamberlain

Bill Chamberlain
Monica Chamberlain