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Town of Burlington

**MINUTES OF THE MEETING OF THE BOARD OF APPEALS
BURLINGTON, MA
August 2, 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: Charles Viveiros, Mark Burke, John Sullivan, Joe Currier, Jeremy Harrington, and Ray Blenkhorn
Absent: Jeffrey DiBona

**New Hearing
34 College Rd
22-20**

The petition of Jason and Michele Eldridge for property located at 34 College Road, Burlington, MA 01803, as shown on the Burlington Assessor's records, Map and Parcel reference: 27-68-0. The applicant is seeking a variance to construct a new house. The proposed plot plan submitted, shows the house would not meet the required left side setback requiring a variance to reduce the set back from 15- feet to 9.5 feet.

Violation of Article V-Section 5.2.0 Burlington Zoning By-law requires a minimum of 15-foot setbacks. (Density Regulation)

Documentation in support of this proposal is available for public inspection as shown on plans filed with the Zoning Board of Appeals and a copy of which is on file with the Town Clerk's office and on the Board of Appeals website (application #22-20)

Legal notice read into record.

Jason Eldridge introduced himself as the homeowner and describe why they in are in front of the Board. He stated he was seeking a variance for a new home. He explained they had a structural variance in 1973 for an addition and now they are seeking a variance new variance for 9.5 feet. He stated if they did not get the variance, they would have to build the house on an angle, and it wouldn't look good.

Mr. Sullivan clarified the variance previously issued was for 8 ½ and the new variance would be less than the previous and questioned why the Building Inspector felt there was a need for a new variance.

Mr. Viveiros stated he wondered the same and it appears the previous decision was issued for a specific plan.

Mr. Currier stated he went by the house, and it is the trend of the neighborhood, and he was fine with it.

Mr. Viveiros stated he also felt it fit the neighborhood and there is plenty of space between the houses.

Public Hearing opened:

Mr. Zak Farber from 32 College Road state he was his abutting neighbor and he saw no issues and felt it was ok for the neighborhood.

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

Motion made and seconded to approve the side variance to reduce the required 15 feet to 9.5 feet as shown on plans dated 5-18-2022 submitted with the application. 5-0 in favor

New Hearing

22-21

157 Bedford St.

The petition of Vinny Araujo c/o Apex for property located at 157 Bedford Street. Unit A Burlington, MA 01803, as shown on the Burlington Assessor's records, Map and Parcel reference: 26-22-0. The applicant is seeking a sign permit to install three (3) wall signs.

All three (3) signs are proposed to be 2'-2" in height and 7'-1" in length to read "APEX DEFENSE ACADEMY" (stacked) with a logo on the right-hand side.

Sign is on violation of Zoning By-law 13.1.3.2.1- one wall sign shall be permitted for each business side of a building and direct entrance into a store. Along with a result of a previous issued zoning Board of Appeals decisions (2016-112 & 2016-136) which read in part "there be no other signs on the building, even by right without BOA approval".

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 #22-21).

Vinny Araujo introduced himself as the owner of Apex Defense Academy and stated they would be going into the previous 9 Round Boxing spot. He stated they were looking for 3 signs that are all the same and describe the placement of the signs.

Mr. Sullivan made a motion to separate the signs.

Motion made and seconded to separate the signs into 3 separated signs. 5-0 in favor.

Mr. Sullivan stated as with a previous sign request for the same building, he didn't feel the sign in the back is necessary, It cannot be seen until you are there, and he also mentioned the lack on maintenance on that side of the building.

Mr. Currier stated he agreed with the sign in the back, but he doesn't have problems with the other two signs.

Mr. Viveiros state he felt the two signs were appropriate, the 3rd sign would be on the corner and there would be 2 signs next to each other. He added there are trees in the way so the sign would not be useful.

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. Viveiros asked for a description of the lettering and was informed that each letter is internally lit and the illumination will be 80 lumens per square foot.

Mr. Harrington stated there was a condition of having the lights be on a timer and set to turn off at 11:00 P.M. and the applicant stated that was fine.

Motion made and seconded to approve 2 wall signs. Sign 1 to be located facing Bedford St and sign 2 to be located over the entrance to read **Apex Defense Academy** as shown on renderings submitted with the application with the condition illumination is not to exceed 90 lumens, no other signs on the building without BOA approval and the illumination is on a timer to shut off at 11:00 P.M. 5-0 in favor



Motion made and seconded to approve sign 3 facing the Citizens bank. 0-5 denied.

Minutes from July 19, 2022, Motion made and seconded to approve the minutes. 5-0

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

