

**RECEIVED**

By Town Clerk's Office at 11:04 am, Jan 06, 2020

**Town of Burlington
Meeting Posting**

DEPT. Burlington Board of Appeals
DATE: Tuesday, January 7, 2020
TIME: 7:30P.M.
PLACE: Town Hall Main Meeting Room, 2nd floor

**Continued Hearing
75 and 85 Middlesex Turnpike
2019-41**

The petition of Shake Shack Massachusetts LLC, for property located at 75 and 85 Middlesex Turnpike (Burlington Mall Unit # 1550) as shown on Map#52, Parcel #2-0 and Map # 46, Parcel # 24-0 on the Burlington Assessor's Map. The applicant is seeking a Special Sign Permit pursuant to Article XIII, Section 13.1.3.4 and 13.2.0 of the Burlington Zoning Bylaws to permit the installation of a Marquee Sign proposed to be 2'-0" in height x 20'-0" in length (40 square feet) to be located on the front (west) elevation over the exterior tenant space entry, to read as follows: "SHAKE SHACK" with a hamburger graphic on the left of the proposed sign. The proposed sign is to be installed on a raceway as shown on the plans. The sign was also denied due to previous Board of Appeals decisions, Case # 2016-127 and Case# 2017-169, which prohibited all other signs on the building, even if by right.

As shown on plans filed on November 9, 2019 and a copy of which is on file with the Town Clerk's office.

**Continued hearing
2019-42****Children's Dental**

The petition of 131 Cambridge Street LLC, for property located at 131 Cambridge Street as shown on Map#29, Parcel #136 -0 on the Burlington Assessor's Maps. The applicant is seeking a Special Sign Permit pursuant to Article XIII, Section 13.1.1.2 of the Burlington Zoning Bylaws to permit the installation of a Wall Sign proposed to be 1'-10" in height x 18.75' to be located on the North (side) elevation between the 2nd and 3rd floors, to read 'CHILDREN'S DENTAL with a 22" diameter circle (having 2 teeth graphic) on the left. Also a proposed insignia sign that is 36' in height and 43" in width on the west side of the building (the rear) as shown on the submitted plan. The sign was denied due to Burlington Zoning By-law, a sign stating the home occupation or profession of a resident, shall be one (1) one square foot or less. As shown on plans filed on November 14, 2019 and a copy of which is on file with the Town Clerk's office.

Discussion regarding Shoppes at Simon

**Minutes from December 17, 2019
Adjourn**



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To Town Clerk

By Town Clerk's Office at 9:22 am, Mar 13, 2020

**MINUTES OF THE MEETING OF THE BOARD OF APPEALS
BURLINGTON, MA
January 7, 2020**

Chairman Michael Murray 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, and 29 Center Street, Burlington, MA.

Present: Chairman: Michael Murray, Jr., Charles Viveiros, Mark Burke, John Sullivan, Jim Sheridan and Adam Tigges
Absent: none

**2019-41
Shake Shack
Continued Hearing**

Attorney Kristine Hung reintroduced herself and stated she is back in front of the Board with alternative signs. She stated the Hamburger logo is part of their trademark and it is important for them to have the logo. She reviewed the 3 options with the first being the placement, 2nd option is a blade sign on the side and 3rd to be a wall sign located inside. She stated most people do not realize they sell hamburgers and fries, etc.

Mr. Sullivan stated that previously they stated there were some signs without the trademark, and he will not approve the signage with the green lighting. He added that the Board needs to look at the future of the mall and the possibility of sign pollution, because everyone will want a sign.

Attorney Mark Vaughan clarified that there was a location at Newbury Street, but it was one of the original spots and the signage with the trademark logo is part of the sign. The sign is 840 feet from Middlesex Turnpike, and it is only 2 feet high, therefore he doesn't feel it would be a distraction.

Mr. Burke stated he preferred Option 2, a blade sign to be located on the left side of the sign.

Mr. Sullivan asked if they were to scale.

Mr. Viveiros stated he also liked Option 2 but questioned if they needed to re-advertise the sign.

A discussion was had regarding whether they could approve the sign without re-advertising. The Board offered to waive the charge, but they need to get another denial letter even though the sign would be permitted, but it is denied due to the condition no other signs on the building.

Open to the public. No one present to speak for or against. Motion made and seconded to close the public hearing. 5-0

Motion made and seconded to grant a Special Sign Permit to Shake Shack Massachusetts LLC, for property at 75 and 85 Middlesex Turnpike (Burlington Mall unit #1150). The sign permit is to install a Marquee Sign to be 2'-0" in height by 17'-4 in length to read "SHAKE SHACK", as shown on drawings page 2.0 dated 06-10-2019. The Special Sign Permit was granted with the condition the illumination is not to be greater than 90 lumens per square foot and no other signs even by right. 5-0 in favor.

**2019-42
Children's Dental
Cambridge Street**

Attorney Thomas Murphy reintroduced himself and Dr. Yazidi and sign contractor Mr. Mortenson and recapped what they were looking for and the changes they had made. He explained the white strip is part of the siding and they didn't feel it was a feasible option. He stated they have added goose neck lighting.

Mr. Sheridan stated he is not sure about the color and font; he would have liked to see other options. Attorneys Murphy stated it is a professional building for pediatric customers.

Mr. Viveiros asked what the width of the white trim and was informed it was 12 inches and the signage is 19 inches.

Mr. Mortenson stated he didn't think people would be able to see it clearly and he clarified the size of the other logos.

Mr. Burke stated he liked the goose neck lighting and would like to see the sign stay within the white trim.

Mr. Sullivan stated he feels the coloring is off, that they are targeting parents not the children. He stated he agrees that the sign would be too small if they put it on the trim and that he loves the goose neck lighting, especially in the overlay district

Mr. Murray stated he likes the goose lighting. He asked if it was possible to expand the trim and was informed it goes around the whole building, therefore it would be costly.

Mr. Mortenson said he could put white behind the letters.

Mr. Murray suggested changing the colors of the lights to black to be more Colonial Motif. And if they could change the lettering to one color.

Mr. Burke added one color would be aesthetically pleasing.

Mr. Viveiros agreed one color would look better along with the black lights.

Mr. Sheridan stated he wouldn't mind a green blue color of the sign.

A discussion regarding the location of the signs and sizes of the logos took place.

Mr. Burke stated he would like to see a change in the logo and maybe change sign to "Burlington Children's Dental".

Mr. Murray questioned the font on the circular logo sign and isn't sure about the internally lite. Also, would like to put a restriction on the time the sign is lite. He also asked about the possibility of framing out the box and he would like to see renderings of some of the other suggestions.

Motion made and seconded to continue the hearing until January 21st. 5-0 in favor.

Discussion on the Shoppes at Simmonds.

Mr. Murray explained the Board of Selectman were finalizing a lease agreement for signage for the Shoppes. He explained it would be a free-standing sign on town property, but it doesn't conform to the by-laws. He stated the Board doesn't have jurisdiction but would like the Board to weigh in on the sign.

Mr. Burke stated he felt the sign was too high and would like it to be less than 14 feet. And he would also like to see it match the architectural design of the building. He added he would like to know if the number of signs is consistent with the number of tenants.

Mr. Viveiros asked if it was possible to have no logos and the same coloring. He also wanted to know if it would be only for tenants.

Mr. Sheridan agreed with the height of the sign being too high. He also commented on the placement of the sign and wondered if this placement would be effective.

Mr. Murray summarized the concerns: 1) consistency in color 2) height reduced and 3) only tenants.

Motion made and seconded to correspond with the Board of Selectman the Board's concern.
5-0 in favor.

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 approve the minutes. 5-0 in favor
Motion made and seconded to adjourn. 5-0 in favor.