Town of Burlington
Meeting Posting

DEPT. Burlington Board of Appeals
DATE: Tuesday, December 17, 2019
TIME: 7:30P.M.
PLACE: Town Hall Main Meeting Room, 2nd floor

Continued Hearing
2019-40
58 Macon Road
The petition of Louis Magliozzi for property located at 58 Macon Road as shown on Map # 16, Parcel #15 of the Burlington Assessor’s Maps. The Applicant is seeking a variance to construct a rear addition, deck and front porch. The addition is in violation of Burlington Zoning By-law, Article 5, section 5.2.0. The side setback required is 15 feet, and the proposed is 10.0 fee at the right side of the porch and the proposed right side of the rear addition is 7.7 feet.

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
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.

New 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.

New Hearing
2019-43

Wall Street

The petition of Sekisui Diagnostics, LLC for property located at 1 Wall Street as shown on Map #48, Parcel # 37-2 of the Burlington Assessor’s Map. The applicant is seeking a Special Sign Permit pursuant to Article XIII, Sections 13.1.4.2, 13.2.0 and 13.1.3.2.4 of the Zoning Bylaws to permit the installation of a wall sign to read “Sekisui Diagnostics” to be 40” in height by 267” in length to be located on the building elevation facing Route 128/95 at the roof line. The sign is in violation of Article XIII, Section 13.1.3.2.4 and 13.1.4.2 of the Zoning Bylaw which permits wall signs in the IG District above the first floor level to a maximum size of 6’ in height and 6’ in length and also due to prior Board of Appeals decisions prohibiting all other signs on the building even if by right. As shown on plans submitted November 20, 2019 and a copy can be reviewed at the Town Clerk’s office.

Discussion on a 6 month extension of 0 Winn Street Variance (2018-216)

Minutes from December 3, 2019

Adjourn
Continued Hearing
2019-40
58 Macon Rd
Legal Notice previously read into record.
Mr. Sullivan asked the applicant how much frontage he has and informed 80 feet. He stated this should have been included in the application because it is less than the required footage and it should be clear it up. It is a housekeeping issue.
Mr. Murray added the lot is a noncompliant lot
Mr. Sullivan continued by confirming the right side was going to remain the same and there is already a buffer between the lots. He stated he was more concerned about the front porch. He asked the applicant if he would be moving into the house and was informed yes, once the house is completed, he would sell the house on Rahway and move to Macon.
Mr. Viveiros stated he believed the shape of the lot is considered a hardship.
Mr. Sheridan stated it would be an improvement to the neighborhood.
Mr. Murray asked if he was knocking the present house down and was told no, and he feels this is best option as his family increases in size.
Mr. Murray read a letter from Gregory Plate at 56 Macon Rd in favor of the project.

Motion made and seconded to grant a variance to 58 Macon Road to allow the right setback 7.7 feet as shown on the plot plan dated 6/14/2019 submitted with the application. 5-0 in support.

Continued Hearing
2019-41
75 &85 Middlesex Turnpike

Kristine Hung reintroduced herself as the Attorney for Shake Shack, Justin Feldhouse GM from the Burlington Mall and John Mortenson from Jones Sign.
Ms. Hung provided a recap of the application and presented the Board with the requested West Elevation signage plan. She stated she believes the proposed sign is minimal compared to other Shake Shack signs, which include the words “burgers, fries, shakes etc.”.
Mr. Sheridan asked if the other spaces have been leased and Mr. Feldhouse stated leasing is currently in progress.
Ms. Hung reminded the Board; all the tenants would need to come in front of the Board because of the condition placed on the property.
Mr. Viveiros stated he appreciated the additional information regarding the West Elevation and questioned if it was to scale. He was informed the original drawing were to scale.
Mr. Burke asked if there would be any perimeters placed around the signage.
Mr. Feldhouse responded it was difficult because he did not know what the tenants would be requesting.
Mr. Murray agreed with Mr. Sullivan and felt the logo was not necessary and since there were Shake Shack signs without them, he would like to see it eliminated. He added he would like to minimize the signage on the façade.

Mr. Mortensen contacted a representator of Shake Shack and stated the logo was a trademark, but they would be willing to eliminate the green lighting to make it not "neon" looking. He said this is the new trademark logo.

Mr. Murray stated he would like to see them eliminated.

Mr. Sullivan and Mr. Burke agreed they would like it eliminated.

Mr. Tigges stated he would like to see other options.

Ms. Hung stated the sign is on a bump out and it separated the view line.

Mr. Murray stated he is willing to look at alternatives.

Motion made and seconded to continue the hearing until January 7th.  5-0 in favor

Mr. Murray requested in the future to include the elevation signage plan

New 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 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 x18.75’ 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 Bylaw, 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.

Legal notices posted as required and sent to abutters and surrounding communities.

Attorney Tom Murphy introduced himself, Mr. Mortenson, the sign contractor and Dr. Morteza Yazdi, owner of the building. He explained the location of the building stating Dr. Yazdi purchased the property a few years ago and is planning to relocate his dental practice into the building. He added the signage would be allowed by right, however, because it is in the town center overlay, they need a variance. He continued by stating the sign is necessary because it is a new location for existing customers and new clients plus the signage would help with public safety.

Mr. Sullivan asked how many potential businesses would be in the building and was informed there is a Doctor going into the ground floor. Attorney Murphy stated he was unsure of what his plan for signage was and the third and fourth floor may be residential. Mr. Burke asked for the dimension of the white panel and some clarification of the sign dimensions.

Attorney Murphy stated it was the trim on the building and the height of the sign is 19 inches.

Mr. Burke stated he did not like how it sits and he believes the size of the lettering does not fit proportionally

Mr. Viveiros stated it looks bigger and wanted to know if the sign would be visually facing any residences and was told it faces the Century Bank, the childcare center, and not the abutting neighbors.

Mr. Tigges asked for clarification on the dimensions because there looks like there is a foot difference between the notice and denial.
Mr. Sheridan questioned the proportion also and was informed by Attorney Murphy the sign is smaller than a typical sign.

Mr. Murray asked about the smaller circular sign and was told it would not face the apartments it faces Cambridge Street. He asked about the illumination and what the lumens would be. Attorney Murphy state they would not be more than 90 lumens per square foot.

Mr. Mortenson showed a sample of the letter explaining the light barely goes thru.

Mr. Murray stated he did not feel the sign went with the town center. He would like to see them externally lite. He added possibly using a different material because the channel lite sign takes away from the nice look of the building.

Motion made and seconded to close the public hearing.

Mr. Burke stated it was the esthetics of the sign and wondered if it would make sense to change the font and keep it within the trim.

Mr. Viveiros stated he did not have a problem with the size but agrees he would like exterior lighting.

Mr. Mortensen stated it could be flat lettering made of the same material because he feels the three-dimensional would look better.

Mr. Sullivan stated he would like to see it with different options.

Motion made and seconded to continue the hearing until January 7th. All in favor.

Hearing 2019–43
Wall Street

The petition of Sekisui Diagnostics, LLC for property located at 1 Wall Street as shown on Map #48, Parcel # 37-2 of the Burlington Assessor’s Map. The applicant is seeking a Special Sign Permit pursuant to Article XIII, Sections 13.1.4.2, 13.2.0 and 13.1.3.2.4 of the Zoning Bylaws to permit the installation of a wall sign to read “Sekisui Diagnostics” to be 40” in height by 267” in length to be located on the building elevation facing Route 128/95 at the roof line.

The sign is in violation of Article XIII, Section 13.1.3.2.4 and 13.1.4.2 of the Zoning Bylaw which permits wall signs in the IG District above the first-floor level to a maximum size of 6’ in height and 6’ in length and also due to prior Board of Appeals decisions prohibiting all other signs on the building even if by right.

As shown on plans submitted November 20, 2019 and a copy can be reviewed at the Town Clerk’s office. Legal notices posted as required and sent to abutters and surrounding communities.

Attorney Kristine Hung introduced herself as representing, Bob Schreuder, from Sekisui Diagnostics and Jim Tracey, the Sign Contractor.

Attorney Hung provided a description of the business, stating the Headquarters has moved to Burlington with over 70 employees. She stated they are seeking to put a wall sign facing 195 at the roofline level as a wayfinding sign. She stated the sign exceeds the length due to the length of the company’s name and because there is a condition on the building no other signs, they are in front of the Board for a Special Sign Permit. She described the building as being unique shape because it has many facades.

Mr. Sheridan asked if they had considered stacking the sign, so it does not exceed the width requirement.

Mr. Tracey stated they had looked at many renderings and this was the best combination.

Mr. Tigges asked if any other tenants would be looking to add signage on the building and was told if they did, they would have to come in front of the Board for approval.

Mr. Viveiros asked about the other tenants and was informed there was 90% occupied with 6 or 7 tenants.

Mr. Murray asked what floor Sekisui is located on and was told it was located on the 3rd floor.

Mr. Sullivan stated he likes it and understands the need for it because the building is large. He asked if they knew the dimension of the Qualcomm and was told 3.6 in height x 19.1 in length, therefore the sign is comparable, adding the previous sign was not on a timer.
Mr. Murray stated he feels the sign fits the building and by making the Diagnostics smaller, was a good solution. Hearing opened 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 as to Sekisui Daignostics, LLC to read “Sekisui Diagnostics” to be 40” in height by 267” in length to be located on the building elevation facing Route 128/95 at the roof line as shown on plot plan C-1, dated January 14, 2008 and drawings 1.0, 2.0 and 3.0 submitted with the application. 5-0 in favor.

**Discussion regarding an extension of the variance for 0 Winn Street.**

Mr. Murray explained the variance was approved but had not been executed and they are looking for an extension in order to complete the work. Motion made and seconded to extend the variance for 6 months from the expiring date. 5-0 in favor.

Motion made and seconded to accept the minutes from December 3. 5-0 in favor

Motion made and seconded to adjourn. 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.