



RECEIVED

By Town Clerk's Office at 8:42 am, Jan 30, 2020

**Town of Burlington
Meeting Posting**

DEPT. Burlington Board of Appeals
DATE: Tuesday, February 4, 2020
TIME: 7:30P.M.
PLACE: Town Hall Main Meeting Room, 2nd floor

Continued Hearing

**10 Alcine
2019-44**

The petition of Michael Brogan for property located at 10 Alcine Lane as shown on Map # 8, Parcel # 40 on the Burlington Zoning Bylaws. The applicant is seeking a variance to construct a garage. The addition is in violation of Burlington By-law Article 5, Section 5.2.0. The side set back requires a 15 feet setback and the proposed garage is 13.1 feet at the left side of the porch.

As shown on plans filed on December 30, 2019 and a copy of which is on file with the Town Clerk's office.

New Application

**Shack Shake
20-01**

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 13.1.3.3 of the Burlington Zoning Bylaws to permit the installation of a Projecting Sign to be 1'-6" in height x 1'-4 1/2" in length located on the front (west) elevation to the left of the exterior tenant space entry to read: a graphic of a hamburger logo. Although the proposed sign is compliant with the Town of Burlington Sign Bylaws, the sign was 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.

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.

**Minutes from January 4, 2020
Adjourn**





RECEIVED

By Town Clerk's Office at 11:41 am, Feb 27, 2020

To Town Clerk

**MINUTES OF THE MEETING OF THE BOARD OF APPEALS
BURLINGTON, MA
February 4, 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., Mark Burke, John Sullivan, Jim Sheridan and Adam Tigges
Not Present: Charles Viveiros

**Continued Hearing
10 Alcine Lane
2019-44**

*The petition of Michael Brogan for property located at 10 Alcine Lane as shown on Map # 8, Parcel # 40 on the Burlington Zoning Bylaws. The applicant is seeking a variance to construct a garage. The addition is in violation of Burlington By-law Article 5, Section 5.2.0. The side set back requires a 15 feet setback and the proposed garage is 13.1 feet at the left side of the porch.
As shown on plans filed on December 30, 2019 and a copy of which is on file with the Town Clerk's office.*

Legal notice previously read into record.

Mr. Brogan presented the Board with rendering of the layout of house showing the left side is a den. He stated he had looked at putting it on the right side, but he would still need a variance. He explained he conducted 5 test holes and was only able to go 2 feet before hitting ledge, and a raised basketball court would be in the way, because it is raised.

Mr. Sullivan stated there was no real hardship, but he didn't feel a single garage would not be a detriment to the public good.

Mr. Burke stated he believes the applicant exhausted resources and the ledge could be a hardship. Mr. Sheridan asked for clarification if he moved it to the right side you would hit ledge and he was informed yes.

Mr. Murray states the there is a hardship because of the placement of the house on the lot.

Hearing opened 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 grant a variance to Michael Brogan for property located at 10 Alcine Lane as shown on Book-page 1126-123, Map # 8, Parcel #40 on the Burlington Zoning Bylaws to construct a garage. The variance is to reduce the required side setbacks to 13.1 feet on the left side as shown on plot plan submitted with the application on December 30, 2019. 5-0 in favor.

**New Application
Shack Shake
20-01**

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 13.1.3.3 of the Burlington Zoning Bylaws to permit the installation of a Projecting Sign to be 1'-6" in height x 1'-4 1/2" in length located on the front (west) elevation to the left of the exterior tenant

space entry to read: a graphic of a hamburger logo. Although the proposed sign is compliant with the Town of Burlington Sign Bylaws, the sign was 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. 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.

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

Attorney Kristine Hung reintroduced herself and explained she was in front of the Board for the projecting sign with the hamburger logo. She stated the Board didn't approve the green illumination, which is a trademark, therefore they came up with this option.

Mr. Sheridan clarified the logo will be a blade sign on the wall and will be 18 inches and it would be illuminated and was told yes.

The Board reminded Ms. Hung and reminded her that this was the first store coming in front of them and as the mall continues to occupy this space, they will want signage.

Attorney Hung stated she will meet with Simons to come up with a master plan for signage.

Hearing opened to the Public: No one was present to speak for or against the signage.

Motion made and seconded to approve the Special Sign Permit. 5-0.

Motion made and seconded to approve a Special Sign Permit to Shake Shack Massachusetts LLC, for property at 75 and 85 Middlesex Turnpike (Burlington Mall unit #1150). The Projecting Sign permit is to be 1'-6" in height x 1'-4 1/2" in length to located on the front (west) elevation to the left of the exterior tenant space entry to read: a graphic of a hamburger logo as shown on drawings 1.0 dated 6-10-2019

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 if by right. Members voted 5-0.

Motion made and seconded to approve the minutes from January 21, 2020 5-0 in favor.

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