Continued Hearing
8 Kimball Towers
2019-222
The petition of Expose Signs and Graphics, Inc for Kimball Towers for property located at 8 Kimball Court as shown on Map#31, Parcel #130 on the Burlington Assessor's Map. The applicant is seeking a Special Sign Permit to install a Wall Sign proposed to be 7'-3" (h) x 27'-10" (l) to be located on the east elevation facing 128/95 above the roof line on the mechanical penthouse enclosure to read ‘KIMBALL TOWERS AT BURLINGTON’. The sign is denied due to a Comprehensive Permit approved in 2004 for the Kimball Court Towers by the Town of Burlington Board of Appeals under the “affordable Housing Act” (Mass. Gen. Law 40B) Said decision requires that any signage for said property will require application(s) to, and approval from the Board of Appeals before Sign Permits can be granted by the Building Department.

As shown on plans filed on February 12, 2019 and a copy of which is on file with the Town Clerk's office.

New Hearing
9 Kimball Towers
2019-229
The petition of Expose Signs and Graphics, Inc for Kimball Towers for property located at 9 Kimball Court as shown on Map#31, Parcel #130 on the Burlington Assessor's Map. The applicant is seeking a Special Sign Permit to install a Wall Sign proposed to be 99.46” (h) x 207.97”(l) to be located on the east elevation facing 128/95 on the mechanical penthouse enclosure to read ‘KIMBALL TOWERS AT BURLINGTON’. The sign is denied due to a Comprehensive Permit approved in 2004 for the Kimball Court Towers by the Town of Burlington Board of Appeals under the “affordable Housing Act” (Mass. Gen. Law 40B) Said decision requires that any signage for said property will require application(s) to, and approval from the Board of Appeals before Sign Permits can be granted by the Building Department.

As shown on plans filed on March 6, 2019 and a copy of which is on file with the Town Clerk's office.

Continued Hearing
2019-223B
2-10 Wayside
The petition of The Wilder Companies for property located at 2-10 Wayside Road (Building # 6) as shown on Map #48, Parcel # 2-0 of the Burlington Assessor’s Maps. The petitioners are requesting a Modification of
Conditions from Case # 11919, Case # 2013-08 and Case # 12003 which prohibits the installation of signage on the building (2-10 Wayside, Building #6), even if by-right. The requested Modifications of Conditions are as shown on plans and Materials submitted on February 12, 2019. A copy of the application can be reviewed at the Town Clerk’s Office.

New Hearing
Burlington Mall Elevations
2019-226

The petition of Bellwether Properties of Massachusetts LP for property located at 75 Middlesex Turnpike (Burlington Mall), as shown on Map #52, Parcel # 2 of the Burlington Assessor’s Maps. The applicant is seeking a variance from the provisions of Article V, Section 5.2.0 of the Zoning By-Laws, to permit the reconstruction of an existing primary entrance (Food Court entrance). The petition requests a maximum height of 49’-1”, which exceeds the maximum allowed building/structure height of 30’. The property is located within a General Business (BG) District.

As shown on plans submitted February 26, 2019 and a copy can be reviewed at the Town Clerk’s office.

New Hearing
Burlington Mall Temporary Signs
2019-227

The petition of Burlington S&S LLC and Bellwether Properties of Massachusetts LP for property located at 75 & 85 Middlesex Turnpike (Burlington Mall) as shown on Map #46, Parcel # 24-0 and Map #52, Parcel 2-0 of the Burlington Assessor’s Map. The applicant is seeking to amend a previously issued Special Sign Permit (Case # 2018-192) pursuant Article XIII, Sections 13.1.3.5 and 13.2.0 of the Zoning Bylaws which authorized the installation Temporary Wall Signs and Free Standing Signs related to site remodeling and reconstruction. The requested modification relates only to temporary free standing signage on construction fencing surrounding the former Sears anchor space and referred as Sign C in Case #2018-192. (There are no proposed changes to fencing and free standing signage surrounding 85 Middlesex Turnpike at the former Sears, Tire, Battery & Auto). The proposed modifications include a proposal for a multi-phased layout of fencing and associated free standing signage which would be installed for up to eighteen (18) months in the area of the former Sears anchor store and adjacent parking lots with said areas as generally delineated on the materials submitted with this petition. The construction fencing will be covered with a black screen periodically interlineated with a series of signage panels (not to exceed 36 panels), which will include graphics, logos and wording related to the proposed redevelopment project and tenants. Each sign panel is proposed to be six feet in height by twelve feet length (6’ x 12’) (72 square feet per panel) for a total of 2,592 square feet of graphics/signage.

The requested signage is in violation of Burlington Zoning By-Laws Article 13, Section 13.1.3.5.2 regulating temporary signs. As shown on Plans submitted February 26, 2019 and are on review at the Town Clerk’s Office.
New Hearing
Burlington Mall Entrances
2019-228

The petition of Burlington S&S LLC and Bellwether Properties of Massachusetts LP for property located at 75 Middlesex Turnpike as shown on Map #46, Parcel # 24-0 and Map# 52, Parcel 2-0 of the Burlington Assessor’s Map. The applicant is seeking a Special Sign Permit pursuant Article XIII, Sections 13.1.3.2, 13.1.3.4 and 13.2.0 of the Zoning Bylaws to permit the installation 7 signs as follows:

Sign/Entrance  Marquee Sign to be 5’-2” x 24’-0” (124 sf) to be located on the east elevation over a remodeled mall entry below the food court to read “BURLINGTON MALL – A SIMON MALL” with a graphic above. Sign 1 is in violation of the Zoning ByLaws Article XIII, Section 13.1.3.4.2.

Sign Entrance 2- Wall Sign to be 4’-0” x 20’-6” to be located on the northeast elevation above the new mall entry (former Sears tenant space) to read ”BURLINGTON MALL – A SIMON MALL” with graphic symbol above. Sign 2 is in compliant with the Zoning By Laws however, previous Board of Appeals decisions prohibit any additional signage on the building per Case #2016-127 and Case # 2017-169.

Sign/ Entrance 3- Wall Sign to be 3’-6” x 15’-0” to be located on the north elevation above the new mall entry (former Sears tenant space) to read “BURLINGTON MALL – A SIMON MALL” with graphic symbol above. Sign is compliant with the Zoning By Laws however, previous Board of Appeals decisions prohibit any additional signage on the building per Case #2016-127 and Case # 2017-169.

Sign/Entrance 4 - Wall Sign to be 4’-0” x 20’-6” to be located above the new mall entry (former Sears tenant space) to read “BURLINGTON MALL – A SIMON MALL” with graphic symbol above. The sign is compliant with the Zoning By Laws however, previous Board of Appeals decisions prohibit any additional signage on the building per Case #2016-127 and Case # 2017-169.

Sign/Entrance 5 - Wall sign to be 3’9” x 14’-0” to be located on the west elevation above the existing remodeled mall entry to read “BURLINGTON MALL - A SIMON MALL” with graphic symbol above and black rear panel. The sign is in violation of the Zoning By Laws Article XIII, Section 13.1.3.2.1. The proposed sign will be the 2nd wall sign for this elevation.

Sign/Entrance 6 - Wall Sign to be 3’-9” x 14’-0” to be located on the southwest elevation above the existing remodeled mall entry to read “BURLINGTON MALL – A SIMON MALL” with graphic symbol above and black rear panel. The sign is in violation of the Zoning By Laws Article XIII, Section 13.1.3.2.1. The proposed sign will be the 3rd Wall sign for this elevation.

Sign/Entrance 7 (noted as entrance 7B on the Sign Plans) - Wall sign to be 4’-0” x 18’-7 1/2” to be located on the east elevation between CVS/Lord & Taylor to the left of Arhaus Furniture to read “BURLINGTON MALL – A SIMON MALL” with graphic symbol above black panel and direction arrow pointing to entry door. The sign is in violation of the Zoning By-laws Article XIII, Section 13.1.3.2.1., The proposed sign will be the 2nd Wall sign for this elevation.

As shown on Plans submitted February 26, 2019 and is on review at the Town Clerk’s Office.

Minutes
Adjourn
Chairman Michael Murray, Jr. 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, Alternate Michael Espejo and Jim Sheridan

Absent: Brenda Rappaport

**Continued Hearing**

**8 Kimball Towers** 2019-229

Legal ad previously read into record.

Andrew Clark from Expose Sign introduced himself stating the last time he was here, it was discovered there was a mistake on the address. He requested to withdraw the application,

Motion made and seconded to withdraw the application for 8 Kimball Towers.
All members voted in favor to withdraw.

**New Hearing**

**9 Kimball Towers** 2019-229

The petition of Expose Signs and Graphics, Inc for Kimball Towers for property located at 9 Kimball Court as shown on Map#31, Parcel #130 on the Burlington Assessor's Map. The applicant is seeking a Special Sign Permit to install a Wall Sign proposed to be 99.46” (h) x 207.97” (l) to be located on the east elevation facing 128/95 on the mechanical penthouse enclosure to read ‘KIMBALL TOWERS AT BURLINGTON’. The sign is denied due to a Comprehensive Permit approved in 2004 for the Kimball Court Towers by the Town of Burlington Board of Appeals under the “affordable Housing Act” (Mass. Gen. Law 40B) Said decision requires that any signage for said property will require application(s) to, and approval from the Board of Appeals before Sign Permits can be granted by the Building Department.

As shown on plans filed on March 6, 2019 and a copy of which is on file with the Town Clerk's office. Legal ad read into record.

Andrew Clark from Expose Sign introduced himself and Patricia Paradis from Kimball Court. He stated he went back to ownership regarding the neighbor’s concerns and they agreed to remove the logo. The sign will
now be smaller and the letters will be halo lite, with no direct light. He described the light as shining through the outline of the letters. He stated the signage was for the purpose to identify Kimball Towers as a separate entity not as a commercial sign.

Ms. Paradis stated she has worked there for 5 years and reported clients have a difficult finding the leasing Center because of the awkward location.

Mr. Burke clarified the sign is on the opposite side, facing towards 128 and felt they had address concerns from the community by removing the logo.

Mr. Espejo stated he felt because the sign was not for marketing, he didn’t have any problems with the sign. Mr. Murray asked about the hours of operation of the leasing office and was informed 9-6. He stated if it was a way finding sign for the office, was it necessary to have it lit later then the hours it is open. Mr. Clark responded they had already made the concession to 11:00.

Mr. Sullivan stated he doesn’t feel the sign is obtrusive and feels the light can be turned off at 6:00.

Mr. Murray read a letter by Sandra Mackay into record opposing the signage

Open to Public:
Barbara Wexler, 5 Arborwood Dr. made 6 points
1) it is a commercial sign in a residential area
2) feels you are able to locate the building without the large sign
3) Kimball Towers has a temporary sign on the parking Garage
4) changing their quality of life
5) spoke with first responders and was informed they have no trouble finding it.
6) she approached the Board with some pictures showing how well the building are identified.

Ms. Paradis responded the sign on the garage can’t be seen due to foliage.

Sandra Mackay addressed the Board, stating with an 98% occupancy rate, the sign is not needed.

Motion made and seconded to close the public meeting. All members voted in favor/

Motion made and seconded to grant a Special Sign Permit to Expose Signs and Graphics for Kimball Towers for property located at 9 Kimball Court to install a Wall Sign. The sign is to be 99.46” (h) x 207.97” (l) to be located on the east elevation facing 128/95 above the roof line on the mechanical penthouse enclosure to read “KIMBALL TOWER AT BURLINGTON” as depicted with the application timestamped February 12, 2019.

The sign was granted with the conditions

(1) The temporary sign on the building will be removed.
(2) Lumens are not to exceed 90 lumens per square foot
(3) Lighting will be illuminated from sunset to 9:00 PM.

All members vote in favor.
Continued Hearing
2019-223B
2-10 Wayside

The petition of The Wilder Companies for property located at 2-10 Wayside Road (Building # 6) as shown on Map #48, Parcel # 2-0 of the Burlington Assessor’s Maps. The petitioners are requesting a Modification of Conditions from Case # 11919, Case # 2013-08 and Case # 12003 which prohibits the installation of signage on the building (2-10 Wayside, Building #6), even if by-right.

The requested Modifications of Conditions are as shown on plans and Materials submitted on February 12, 2019. A copy of the application can be reviewed at the Town Clerk’s Office.

Mark Vaughan from Reimer & Braunstein introduced himself and Ethan Solomon from The Wilder Companies and reviewed what they are requesting. He explained they are looking for a modification from a previous decision. He stated he felt it was a hardship for the tenants to be required to get a variance in order to place their by right signs on their storefronts. He stated the 'no other sign even by right' restricts them and it is a competitive disadvantage. He stated there is a difference between the plaza and an Office Park and understands why the condition is on office buildings. He said the signs would still have to stay within the Burlington by-laws and they would all be tastily done. He stated he would like the Board to waive the previous decision.

Mr. Viveiros stated he felt that by modifying the decision takes away from the intent of the decision.

Mr. Solomon responded the wall signs on individual tenant space would have to be in compliance with by-laws.

Mr. Burke stated he agreed with Mr. Viveiros that the decision gives the Board some control.

Attorney Vaughan stated it is an added expense to the tenant. Along with the uncertainty of not knowing if they will have a sign, then the waiting period for the variance to be approved or denied, then if it is approved there is the appeal time. It is a competitive environment and the amount of time and money is a disadvantage in leasing space.

Mr. Sullivan questioned occupancy rate and was informed 96% because of OakFurnitureland occupying a large portion. He stated the Town Meeting made the decision therefore he was against the modification.

Mr. Murray wondered if there was a way to condition it that the 3 spaces with variance continue to be restricted so it doesn’t interfere with the other tenants.

Public hearing opened;
No one present to speak. Motion made and seconded to close the public hearing. All members voted in favor. Motion made and seconded to deny 2-10 Wayside modifications of previous conditions. 3 -2. motion denied.

New Hearing
Burlington Mall Elevations
2019-226
The petition of Bellwether Properties of Massachusetts LP for property located at 75 Middlesex Turnpike (Burlington Mall), as shown on Map #52, Parcel # 2 of the Burlington Assessor’s Maps. The applicant is seeking a variance from the provisions of Article V, Section 5.2.0 of the Zoning By-Laws, to permit the reconstruction of an existing primary entrance (Food Court entrance). The petition requests a maximum height of 49’-1”, which exceeds the maximum allowed building/structure height of 30’. The property is located within a General Business (BG) District.

As shown on plans submitted February 26, 2019 and a copy can be reviewed at the Town Clerk’s office. Legal read in to notice record.

Attorney Mark Vaughan from Reimer and Braunstein introduced himself and Justin Feldhouse, General Manager from Burlington Mall. He explained the mall is going through a substantial redevelopment project. He stated the owners are looking for a dimensional variance to allow an increase in the height for the reconfiguration of an existing building entrance. He explained there are topographic changes (significant grade differential between the base of the mall and surrounding roadways) creates a substantial visual impediment.

Mr. Sullivan said he likes the look of the renovations and wondered how the sign was placed. It will be perched on the edge was the answer. He also asked if there would be marketing inside the window and was told there is no plan to have window signage.

Mr. Burke asked about the existing Sears store and was informed it is going to be several tenants and the entrance will lead to the food court area.

Mr. Murray asked about the previous variances for a few of the stores, and how they came to the height they are proposing. It was explained that they look at what height would work to get the affect they and result they are looking for.

Open to the public. No one present to speak for or against. Motion made and seconded to close the public hearing. All members in favor.

Motion made and seconded to approve a dimensional variance from the provisions of Article V, Section 5.2.0 of the Zoning By-Laws, to permit the reconstruction of an existing primary entrance (Food Court entrance). The petition requests a maximum height of 49’-1”, as depicted on drawings a2-01 dated 1/11/2019 submitted with the application. All members voted in favor.

New Hearing
Burlington Mall Temporary Signs
2019-227

The petition of Burlington S&S LLC and Bellwether Properties of Massachusetts LP for property located at 75 & 85 Middlesex Turnpike (Burlington Mall) as shown on Map #46, Parcel # 24-0 and Map #52, Parcel 2-0 of the Burlington Assessor’s Map. The applicant is seeking to amend a previously issued Special Sign Permit (Case # 2018-192) pursuant Article XIII, Sections 13.1.3.5 and 13.2.0 of the Zoning Bylaws which authorized the installation Temporary Wall Signs and Free-Standing Signs related to site remodeling and reconstruction.
The requested modification relates only to temporary free-standing signage on construction fencing surrounding the former Sears anchor space and referred as Sign C in Case #2018-192. (There are no proposed changes to fencing and free-standing signage surrounding 85 Middlesex Turnpike at the former Sears, Tire, Battery & Auto). The proposed modifications include a proposal for a multi-phased layout of fencing and associated free standing signage which would be installed for up to eighteen (18) months in the area of the former Sears anchor store and adjacent parking lots with said areas as generally delineated on the materials submitted with this petition. The construction fencing will be covered with a black screen periodically interlineated with a series of signage panels (not to exceed 36 panels), which will include graphics, logos and wording related to the proposed redevelopment project and tenants. Each sign panel is proposed to be six feet in height by twelve feet length (6’ x 12’) (72 square feet per panel) for a total of 2,592 square feet of graphics/signage.

The requested signage is in violation of Burlington Zoning By-Laws Article 13, Section 13.1.3.5.2 regulating temporary signs.

As shown on Plans submitted February 26, 2019 and are on review at the Town Clerk’s Office.

Legal notice read into record.

Attorney Mark Vaughan reintroduced himself and Justin Feldhouse from Burlington Mall. Attorney Vaughan explained this application is looking for an extension for the temporary free-standing signage. He explained the different phases and the layout of the construction fencing. He described the panels and stated they would remain the same as previously granted.

Open to the public hearing. No one present to speak for or against. Motion made and seconded to close the public hearing. All members in favor.

Motion made and seconded to grant a Special Sign Permit to Burlington S & S LLC and Bellwether Properties of Massachusetts LP for property located at 75 & 85 Middlesex Turnpike (Burlington Mall). The construction fencing signage package dated 2-18-2019 pages 1-4 as depicted with the application with the timestamp date of February 26, 2019.

The signage package was granted with the condition the temporary signage be removed by April 30, 2020

All members voted in favor.

New Hearing
Burlington Mall Entrances
2019-228

The petition of Burlington S&S LLC and Bellwether Properties of Massachusetts LP for property located at 75 Middlesex Turnpike as shown on Map #46, Parcel # 24-0 and Map# 52, Parcel 2-0 of the Burlington Assessor’s Map. The applicant is seeking a Special Sign Permit Pursuant Article XIII, Sections 13.1.3.2, 13.1.3.4 and 13.2.0 of the Zoning Bylaws to permit the installation 7 signs as follows:
Sign/Entrance Marquee Sign to be 5’-2” x 24’-0” (124 sf) to be located on the east elevation over a remodeled mall entry below the food court to read “BURLINGTON MALL – A SIMON MALL” with a graphic above. Sign 1 is in violation of the Zoning ByLaws Article XIII, Section 13.1.3.4.2.

Sign Entrance 2- Wall Sign to be 4’-0” x 20’-6” to be located on the northeast elevation above the new mall entry (former Sears tenant space) to read” BURLINGTON MALL – A SIMON MALL” with graphic symbol above. Sign 2 is in compliant with the Zoning by Laws however, previous Board of Appeals decisions prohibit any additional signage on the building per Case #2016-127 and Case # 2017-169.

Sign/Entrance 3- Wall Sign to be 3’-6” x 15’-0” to be located on the north elevation above the new mall entry (former Sears tenant space) to read “BURLINGTON MALL – A SIMON MALL” with graphic symbol above. Sign is compliant with the Zoning by Laws however; previous Board of Appeals decisions prohibit any additional signage on the building per Case #2016-127 and Case # 2017-169.

Sign/Entrance 4 - Wall Sign to be 4’-0” x 20’-6” to be located above the new mall entry (former Sears tenant space) to read “BURLINGTON MALL – A SIMON MALL” with graphic symbol above. The sign is compliant with the Zoning by Laws however, previous Board of Appeals decisions prohibit any additional signage on the building per Case #2016-127 and Case # 2017-169.

Sign/Entrance 5 - Wall sign to be 3’9” x 14’-0” to be located on the west elevation above the existing B black rear panel. The sign is in violation of the Zoning by Laws Article XIII, Section 13.1.3.2.1. The proposed sign will be the 2nd wall sign for this elevation.

Sign/Entrance 6 -Wall Sign to be 3’-9” x 14’-0” to be located on the southwest elevation above the existing remodeled mall entry to read “BURLINGTON MALL – A SIMON MALL” with graphic symbol above and black rear panel. The sign is in violation of the Zoning by Laws Article XIII, Section 13.1.3.2.1. The proposed sign will be the 3rd Wall sign for this elevation.

Sign/Entrance 7 (noted as entrance 7B on the Sign Plans) - Wall sign to be 4’-0” x 18’-7 1/2” to be located on the east elevation between CVS/Lord & Taylor to the left of Arhaus Furniture to read “BURLINGTON MALL – A SIMON MALL” with graphic symbol above black panel and direction arrow pointing to entry door. The sign is in violation of the Zoning By-laws Article XIII, Section 13.1.3.2.1., The proposed sign will be the 2nd Wall sign for this elevation.

As shown on Plans submitted February 26, 2019 and is on review at the Town Clerk’s Office.

Legal notice read into record.

Attorney Mark Vaughan reintroduced himself and Justin Feldhouse. Attorney Vaughan explained they were looking to put uniform set of entrances and appearances. They are looking to put 7 signs to be located at each of the primary mall entrances. He described the individual entrance signs.

Board members discussed Sears will now have multiple spaces, the different finishes of the signs, the different types of signs. Sign 6 and 7 are Box signs. Members felt the 7B sign should be moved away from Arhaus sign and sign 7A is technically a service entrance for mall employees, should all the signs be the same, and the dislike of the arrow. Members discussed separating sign 7B and continuing it until further information is provided.

Motion made and seconded to separate sign 7B from sign1 to 6. All members in favor.

Motion made and seconded to continue sign 7B until April 2, 2019. All members in favor.

Public hearing opened to the public. No one present to speak for or against.

Motion made and seconded to close the public hearing. All members voted in favor.
Motion made and seconded to approve the Marquee sign and signs 2-6 as depicted on plans, 01B, 01C, 02A, 02B, 03A, 04A, 04B, 05A, 05B, 05C, 06A, 06B and 06C submitted with the application with a time stamp of February 26, 2019. With the condition illumination is not to exceed 90 lumens per square foot. All members voted in favor.

Minutes – motion made and seconded minutes. All members in favor.

**Adjourn** motion made and seconded to adjourn. All members in favor.