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

New Hearing
2019-235 California Closets

The petition of Cal Closets Retail Inc. for property at 19 Third Avenue as shown on Map #45, Parcel #20 of the Burlington Assessor’s Map. The applicant is seeking a Special Sign Permit pursuant to Northwest Park Planned Development District- Main Street Corridor “Individual tenants within the main Street Corridor shall not be permitted more than four (4) signs” and Previous BOA decision (2015-98) prohibited any additional signage on the building even if by right for the installation of 13 signs. The proposed signage is as follows:

Signs A1 & A2 – Sign Band 2’-1 3/8” x 6’-0” to be located on the North (right hand corner) and West (left hand corner) elevations to read ‘CALIFORNIA CLOSETS’. Violation of NWP P.D.D. Article 7, section 4ii in short states “lettering used with in the Sign Band shall not exceed two (2) feet in height”.

Signs D1-D9 – Window Signs 3”x3’-4” to be located on the North and West Elevation windows to read ‘CALIFORNIA CLOSETS’. Board of Appeals requires approval for the quantity of signs.

Signs E1 & E2 – Window sign to be 7’x 10 1/8” to be located on the north elevation entry doors to read graphic design ‘CC’.

As shown on plans filed on April 1, 2019 and a copy of which can be reviewed at the Town Clerk’s office.

New Hearing
2019-236 Wheeler

Notice is hereby given that the Burlington Board of Appeals will hold a public hearing on May 7, 2019 at or after 7:30 PM at the Town Hall Meeting Room, 2nd Floor, 29 Center Street for the petition of Yu 66 Corporation for property located at 1 Wheeler Road as shown on Map #56, Parcel #22-0 of the Burlington Assessor’s Map. The Applicant is seeking to demolish the existing mixed-use structure/building located at 1 Wheeler Road on a 79,260 s.f. parcel and construct a 22,000 s.f. mixed structure/building. The new building height is proposed to be 40.4 feet with an architectural tower detail feature at 73.4 ft. The proposed Impervious area of 54,910 s.f. and landscape/wooded area of 24,350 s.f or 31% of lot/parcel. The Proposed project is in violation of Burlington Zoning By Law Article 5, section 5.2.0, Density Regulations requires maximum building structure height within a B-G zone is 30’-0”. Burlington Zoning By Law Article 8, section 8.3.8.4, Impervious Surfaces within the Aquifer & Water Resource Districts not to be less than 40% of the lot shall be landscaped or if wooded may be left in a natural state.

As shown on plans filed on April 9, 2019 and a copy is on file with the Town Clerk’s Office.

New Hearing
2019-237 TD Ameritrade
The petition of TD Ameritrade, Inc. for property located at 15 Third Ave, Suite B, Burlington, as shown on Map #45, Parcel # 17-0 of the Burlington Assessor’s Map. The applicant is seeking a Special Sign Permit pursuant to Article XII, Sections 3, 5(i), 5(iv), and 5(v) of the Northwest Park Planned Development District Zoning Bylaws to install two (2) wall signs, two (2) awning signs and a window sign.

**Sign A** is a wall sign to be 24” in height by 13’-5 1/8” in length to read “TD Ameritrade” to be located on the south elevation side of the building at the 2nd floor level. Sign A would be in violation of the Northwest Park Planned Development District Zoning Bylaws Article XII, Section 5(i) which permits a Wall Sign shall not exceed six (6) feet in height by ten (10) feet in length at any floor above the first floor.

**Sign B** is a wall sign to be 24” in height by 13’-5 1/8” in length to read “TD Ameritrade” be located on the north elevation side of the building at the 1st floor level. Sign B would be in violation of the Northwest Park Planned Development District Zoning Bylaws Article XII, Section 5(i) which permits a Wall Sign in the Middlesex Turnpike Corridor shall not exceed four (4) feet in height by six (6) feet in length at the first floor. The two (2) Awning Signs are to be 51” in height by 89-1/8” in length to read “TD Ameritrade” and to be located on the south elevation side of the building at the first-floor level. The two (2) Awning Signs are compliant with the Northwest Park Planned Development District Zoning Bylaws.

The **Window Sign** to read “TD Ameritrade” with Hours of Operation to be located on the entry door would cover no more than ten percent (10%) of the glass area. The Window Sign is compliant with the Northwest Park Planned Development District Zoning Bylaws.

Board of Appeals approval is required per the Northwest Park Planned Development District Zoning Bylaws Article XII, Sections 3, 5(i), 5(iv), and 5(v) and also due to a prior decision (2014-32) stating in part, “with the condition that no other signs on the building even by right, requiring all other signs to come in front of the Board of Appeals.”

As shown on Plans submitted on April 16, 2019 and are on review at the Town Clerk’s Office.

**Minutes**

**Adjourn**
MINUTES OF THE MEETING OF THE BOARD OF APPEALS
BURLINGTON, MA
May 7, 2019

The meeting was held in the Main Town Hall Meeting Room, 2nd Floor, and 29 Center Street, Burlington, MA.

Present: Chairman: Michael Murray Jr., Vice Chairman: Charles Viveiros, Mark Burke, Brenda Rappaport, John Sullivan. Alternates Jim Sheridan

Absent: none

Chairman: Michael Murray Jr. called the meeting of the Burlington Board of Appeals to order at 7:30 pm.

New Hearing.
19 Third Ave
California Closets

The petition of Cal Closets Retail Inc. for property at 19 Third Avenue as shown on Map #45, Parcel #20 of the Burlington Assessor’s Map. The applicant is seeking a Special Sign Permit pursuant to Northwest Park Planned Development District- Main Street Corridor “Individual tenants within the main Street Corridor shall not be permitted more than four (4) signs” and Previous BOA decision (2015-98) prohibited any additional signage on the building even if by right for the installation of 13 signs. The proposed signage is as follows:

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- Signs D1-D9 – Window Signs 3”x3’-4” to be located on the North and West Elevation windows to read ‘CALIFORNIA CLOSETS’. Board of Appeals requires approval for the quantity of signs.
- Signs E1 & E2 – Window sign to be 7’x 10 1/8” to be located on the north elevation entry doors to read graphic design ‘CC’.

As shown on plans filed on April 1, 2019 and a copy of which can be reviewed at the Town Clerk’s office.

Legal notice posted and sent to the surrounding towns.

Richard Pretorius introduced himself from Pretorius Electric Sign. He explained he was in front of the Board because he is looking to put 13 signs at the California Closets at their new location at 19 Third Ave. He stated two of the signs are illuminated and they are set for 97 lumens per square foot, however he will reduce them to 90 lumens.

Board members asked if it was necessary to have the full name in the window and was informed they were decals and if there would be wording on the awning, which there is not going to be any.

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 approve the Special Sign Permit as shown on plans # 180661R2, with the date of 2-28-2019, sheets 1-14 as submitted with application timestamped April 1, 2019. With the condition the illumination does not exceed 90 lumens per square foot. 5-0 in support.

Board of Appeal Members: Chairman: Michael Murray Jr., Vice Chair: Charles Viveiros, Clerk: Mark Burke, Brenda Rappaport, John Sullivan, Alternates Jim Sheridan
The petition of Yu 66 Corporation for property located at 1 Wheeler Road as shown on Map #56, Parcel #22-0 of the Burlington Assessor’s Map. The Applicant is seeking to demolish the existing mixed-use structure/building located at 1 Wheeler Road on a 79,260 s.f. parcel and construct a 22,000 s.f. mixed structure/building. The new building height is proposed to be 40.4 feet with an architectural tower detail feature at 73.4 ft. The proposed Impervious area of 54,910 s.f. and landscape/wooded area of 24,350 s.f or 31% of lot/parcel. The Proposed project is in violation of Burlington Zoning By Law Article 5, section 5.2.0, Density Regulations requires maximum building structure height within a B-G zone is 30’-0”. Burlington Zoning By Law Article 8, section 8.3.8.4, Impervious Surfaces within the Aquifer & Water Resource Districts not to be less than 40% of the lot shall be landscaped or if wooded may be left in a natural state. As Shown on plans filed on April 9, 2019 and a copy is on file with the Town Clerk’s Office.

Legal Notice read into record.

Attorney Tom Murphy introduced himself, Jim White from HW Moore Associates and John Russo the Architect. He explained the applicant was looking to demolish the existing green building, built in 1995, which housed Ski Haus and they are looking to replace it with new building. He stated they need to get a height variance because the proposed tower exceed the height requirement – 73.4 feet. Also the pervious surface will be 69% of the area and the bylaw states there is no more than 60%. He explained the lot shape and topography is unique. It is a triangle shape lot with a slope. The building will fit the site better and the property owner is willing to replace the building. He stated the renovation would be ecstatically pleasing as the gateway to Burlington.

Attorney Murphy stated the tower was about the same as existing heights in the area. He stated there is wetlands and a brook behind it, and visually it appears that there is more open space.

Mr. Russo stated the proposal is further back from the street than the existing building; it is parallel with Middlesex Turnpike. He added there would be a grade up and the stores will be above the street height with the façade on Wheeler St. A discussion was had about the elevation changes and the tower will be 73.4 above mean finished.

Mr. White stated there would be 103 parking spaces, a 9 % impervious increase over allowed there will be up to date storm water to address drainage concerns.

Mr. Sullivan suggested that we separate the variances into three separate variances, stating he does not feel there is a need for the tower especially since the building will be sitting higher. He added the signage on the tower would be redundant with the signs on the building and the height is over the requirement.

Attorney Murphy responded that there are similar architectural features in the area. Mr. Burke asked about feedback from the Planning Board and wondered about the density issues with the removal of trees.
Mr. Viveiros asked if they could remove the number of parking spaces if they could reach the % of impervious area and was informed there might be a restaurant in there requiring spaces. He also asked about signs, which will be discussed at a later date.

Ms. Rappaport stated she likes the tower.

Mr. Sheridan asked if they had thought about reducing the height of the tower verses putting the eight tenants, Attorney Murphy stated they would be receptive to changing height. Mr. Russo stated one of the features about the tower is it is rotated allowing it to be seen from all the directions.

Mr. Sheridan also asked about deliveries for retail and the fire access and was told there building is set back and there would be enough room, and the tenants are small so box trucks would make deliveries and they would be using the internal elevator.

Mr. Murray stated he has several concerns including the grade at the existing site, parking and signs at the roofline are not allowed in that district. He asked if Attorney Murphy would be able to get the mean grade of existing building, the parapet elevation, number of existing parking spaces, proposed number of spaces, height of existing building, and the exact square footage of existing impervious surface. He also stated he was not in favor of the tower and if it was possible to change it to two towers.

Discussion included if any trees were removed they would be replaced, the building would be moved, stairs and walkway are due to elevation of lot, traffic concerns during construction, how utilities would be effected and the need to go to the Planning Board to receive some of those answers.

Motion made and seconded to continue the hearing until May 21st. All members voted in favor.

New Hearing
2019-237
TD Ameritrade

The petition of TD Ameritrade, Inc. for property located at 15 Third Ave, Suite B, Burlington, as shown on Map #45, Parcel # 17-0 of the Burlington Assessor’s Map. The applicant is seeking a Special Sign Permit pursuant to Article XII, Sections 3, 5(i), 5(iv), and 5(v) of the Northwest Park Planned Development District Zoning Bylaws to install two (2) wall signs, two (2) awning signs and a window sign.

Sign A is a wall sign to be 24” in height by 13’-5 1/8” in length to read “TD Ameritrade” to be located on the south elevation side of the building at the 2nd floor level. Sign A would be in violation of the Northwest Park Planned Development District Zoning Bylaws Article XII, Section 5(i) which permits a Wall Sign shall not exceed six (6) feet in height by ten (10) feet in length at any floor above the first floor.

Sign B is a wall sign to be 24” in height by 13’-5 1/8” in length to read “TD Ameritrade” to be located on the north elevation side of the building at the 1st floor level. Sign B would be in violation of the Northwest Park Planned Development District Zoning Bylaws Article XII, Section 5(i) which permits a Wall Sign in the Middlesex Turnpike Corridor shall not exceed four (4) feet in height by six (6) feet in length at the first floor.

The two (2) Awning Signs are to be 51” in height by 89-1/8” in length to read “TD Ameritrade” and to be located on the south elevation side of the building at the first-floor level. The two (2) Awning Signs are compliant with the Northwest Park Planned Development District Zoning Bylaws.
The Window Sign to read “TD Ameritrade” with Hours of Operation to be located on the entry door would cover no more than ten percent (10%) of the glass area. The Window Sign is compliant with the Northwest Park Planned Development District Zoning Bylaws.

Board of Appeals approval is required per the Northwest Park Planned Development District Zoning Bylaws Article XII, Sections 3, 5(i), 5(iv), and 5(v) and also due to a prior decision (2014-32) stating in part, “with the condition that no other signs on the building even by right, requiring all other signs to come in front of the Board of Appeals.”

As shown on Plans submitted on April 16, 2019 and are on review at the Town Clerk’s Office. Legal notices posted and sent to surrounding towns.

Attorney Kristine Hung from Reimer and Braunstein introduced herself and Scott from Viewpoint Signs. She explained TD Ameritrade was relocating to 15 Third Ave and they are looking to install two wall signs and 2 awnings. She explained Sign A and Sign B exceeds the zoning by-law. She stated the previous tenant’s sign was longer and higher. She added the awning and the window signs are compliant with the Northwest Park PDD requirements.

Discussion include the size of the previous Carter Jewelers, TD Ameritrade signs are going to be smaller than previous, window coverings, location of awnings will be facing the parking lot and the illumination of the signs.

Open to the Public. No one present to speak for or against.

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

Motion made and seconded to approve the Special Sign Permit for TD Ameritrade at for 2 wall sign and 2 awnings as shown on plans titled 18.0435 dated 4-11-2019, pages 1-7, with the condition the illumination is not to exceed 90 lumens per square foot. 5-0 in support.

Motion made and seconded to approve the amended minutes. (wrong date) 5-0 in favor

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