DEPT: Burlington Board of Appeals  
DATE: Tuesday, June 5, 2018  
TIME: 7:30P.M.  
PLACE: Town Hall Main Meeting Room, 2nd floor

Continued Hearing  
2018-189  
Feng Shui

The petition of J C Group, Inc., db/a Feng Shui for the property located at 2200 District Ave. as shown on Map #46 Parcel # 47-0 of the Burlington Assessor’s Map. The applicant is seeking a Special Sign Permit pursuant to Article XIII, Section 13.2.0 of the Zoning bylaws to permit the installation of two (2) Wall Signs.

The Wall signs are proposed to be as follows:
Sign A: Wall sign to be 2'-10 3/4" x 46'-4" to be located on the front (West) elevation above the glazing just under the roof line to read “FENG SHUI RESTAURANT & LOUNGE with Asian graphic symbols on left”.
Sign C: Wall sign to be 2'2 1/4" X 19'-5 1/2" to be located on the rear (East) elevation just below the roof line to read “FENG SHUI with Asian graphic symbols on left”.

Signs are in Violation of Burlington Bylaw Article 7, Section 4i in short states “wall signs at the 1st floor level shall not exceed 4'-0" X 6'-0".

Sign B: a Marquee sign is compliant.

As shown on plans filed on April 24, 2018 with this Board and a copy of which is on file with the Town Clerk’s office

New Hearing  
400 District Ave  
2018-190

The petition of BB Burlington LLC – “black and blue” for property located at 400 District Ave. The applicant is seeking a Special Sign Permit pursuant to District Ave. Planned Development District (PDD) Article 7, Section 4i- to permit the installation of two signs above the first floor level.

Sign A is a Wall Sign proposed to be 46” in height x 14'-4" in length to be located on the side (north) elevation over the main entry door to read ‘black & blue STEAK AND CRAB’.

Sign C is a Wall Sign proposed to be 40" in height x 12'-0" in length to be located on the Rear (west) elevation at 1st floor level left side corner of the building to read ‘black & blue STEAK & CRAB’.

Signage in Violation of Burlington Bylaw Article XII, Section 4i they both exceed the maximum allowed sign dimensions of 4'-0" x 6'-0" in length.

As shown on plans filed on May 9, 2018 with this Board and a copy of which is on file with the Town Clerk’s office
New Hearing
Target
2018-191

The petition of Target Corporation for the property located at 34 Cambridge Street as shown on Map # 48 Parcel # 38 on the Burlington Assessor's Map. The applicant is seeking a Special Sign Permit pursuant to Article XIII, Section 13.1.3.2, 13.1.3.3, 13.1.3.4, and 13.2.6 of the Zoning Bylaws to permit the installation of (3) signs as follows:

Exterior Sign #1 - One Wall sign is proposed to be 10'-10 1/2" in height by 8'-0" in length and will read "Target" with the company logo, which is in violation of Burlington Zoning By-law Article XIII, Section 13.1.3.2.3 limits Wall signs to be a maximum of 4'-0" in height. In addition, the sign is more than 1'-0" above the roof line.

Exterior Sign #2 - One Marquee Sign proposed to be 6'-6" in height x 6'-6" in length with the company logo is in violation of the Burlington Zoning By-law Article XIII, Section 13.1.3.4.2 which limits marquee sign to 6 Square feet, or less.

Exterior Sign #3 - One Wall Sign/Directory Sign to read "Target" with company logo with wording and logo to be 14 13/16" in height x 4'-7 9/16" in length. The full sign panel will be 18" in height x 10'-0" in length. Due to a previous decision, Board of Appeals decision limiting the script on a Wall Sign/Building Directory Sign (Case Number 2013-22A), the applicant is required Board of Appeals approval.

As shown on plans filed on May 15, 2018 with this Board and a copy of which is on file with the Town Clerk's office.

Minutes
Adjourn
Continued Hearing  
2018-189  
Feng Shui

The petition of J C Group, Inc., d/b/a Feng Shui for the property located at 2200 District Ave. as shown on Map # 46 Parcel # 47-0 of the Burlington Assessor’s Map. The applicant is seeking a Special Sign Permit pursuant to Article XIII, Section 13.2.0 of the Zoning Bylaws to permit the installation of two (2) Wall Signs.  
The Wall signs are proposed to be as follows:
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Sign C: Wall sign to be 2’2 1/4" X 19'-5 ½” to be located on the rear (East) elevation just below the roof line to read “FENG SHUI with Asian graphic symbols on left”.

Signs are in Violation of Burlington Bylaw Article 7, Section 4i in short states “wall signs at the 1st floor level shall not exceed 4’-0” X 6’-0”.

Sign B: a Marquee sign is compliant.

As shown on plans filed on April 24, 2018 with this Board and a copy of which is on file with the Town Clerk’s office

New Hearing  
400 District Ave  
2018-190

The petition of BB Burlington LLC – “black and blue” for property located at 400 District Ave. The applicant is seeking a Special Sign Permit pursuant to District Ave. Planned Development District (PDD) Article 7, Section 4i- to permit the installation of two signs above the first floor level.
Sign A is a Wall Sign proposed to be 46” in height x 14’-4” in length to be located on the side (north) elevation over the main entry door to read ‘black & blue STEAK AND CRAB’.

Sign C is a Wall Sign proposed to be 40” in height x 12’-0” in length to be located on the rear (west) elevation at 1st floor level left side corner of the building to read ‘black & blue STEAK & CRAB’.

Signage in Violation of Burlington Bylaw Article XII, Section 4i they both exceed the maximum allowed sign dimensions of 4’-0” x 6’-0” in length.

As shown on plans filed on May 9, 2018 with this Board and a copy of which is on file with the Town Clerk’s office
New Hearing
Target
2018-191

The petition of Target Corporation for the property located at 34 Cambridge Street as shown on Map # 48 Parcel # 38 on the Burlington Assessor’s Map. The applicant is seeking a Special Sign Permit pursuant to Article XIII, Section 13.1.3.2., 13.1.3.3., 13.1.3.4. and 13.2.0 of the Zoning Bylaws to permit the installation of (3) signs as follows:

Exterior Sign #1 – One Wall sign is proposed to be 10’-10 ½” in height by 8’-0” in length and will read “Target” with the company logo, which is in violation of Burlington Zoning By-law Article XIII, Section 13.1.3.2.3 limits Wall signs to be a maximum of 4’-0” in height. In addition, the sign is more than 1’-0” above the roof line.

Exterior Sign #2 – One Marquee Sign proposed to be 6’-6” in height x 6’-6” in length with the company logo is in violation of the Burlington Zoning By-law Article XIII, Section 13.1.3.4.2 which limits marquee sign to 6 Square feet, or less.

Exterior Sign #3 – One Wall Sign/Directory Sign to read “Target” with company logo with wording and logo to be 14 13/16” in height x 4’-7 9/16” in length. The full sign panel will be 18” in height x 10’-0” in length. Due to a previous decision, Board of Appeals decision limiting the script on a Wall Sign/Building Directory Sign (Case Number 2013-22A), the applicant is required Board of Appeals approval.

As shown on plans filed on May 15, 2018 with this Board and a copy of which is on file with the Town Clerk’s office

Minutes
Adjourn
Chairman John Alberghini 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: John Alberghini, Rob Paccione, Michael Murray Jr., Kent Moffatt
Absent: Charles Viveiros, Mark Burke and David Kelly

Chairman Alberghini informed the Applicant there were only four members available to vote on the application, which would require him to get all four members to vote in favor.

Continued hearing

2018-189
Feng Shui
Legal notice previously read into record.
Mr. Zhang stated he would like to go forward with the hearing.

Mr. Zhang proceeded by explaining he had given the requested documents to the members to review including a night time rendering and 2 different angles.
Mr. Alberghini stated he felt the signs were very bright and they appear to be about 3 ½ times brighter than the standard 90 lumens per square foot. He also wondered if it would be possible to move the sign down because of the height of the sign. Mr. Zhang stated that he would comply with the 90 lumens an explained because of the sky lights and existing wall fixtures, the wall will not accommodate it.

Hearing remained opened to 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 to grant a Special Sign Permit to Feng Shui for the property located at 2200 District Ave, Space B, to install three (3) wall signs as depicted on drawing A-201 submitted with the application dated 4/20/2018 and per manufacturer Drawing #1802060209 dated 2/20/2018 with a revision date of 6/4/2018, with the exception of illumination which is incorrect. Wall Sign A is to be 2’-10 ¾” x 46’-4” located on the west elevation above the roof line, and to read “FENG SHUI RESTAURANT & LOUNGE” with Asian graphic symbols on the left.
Wall Sign C is to be 2’-2 ¼” x 19’-5 ½” located on the east elevation just below the roof line, and to read “FENG SHUI” with the Asian graphic symbols on the left.
Sign B is compliant. The Special Sign permit was granted with the conditions (1) the illumination of all signs be no greater than 90 lumens per square feet (note that lumens are incorrect on drawings) and no other signs on the building even if by right.
All members approved.

New Hearing

2018-190
400 District Ave
The petition of BB Burlington LLC – “black and blue” for property located at 400 District Ave. The applicant is seeking a Special Sign Permit pursuant to District Ave. Planned Development District (PDD) Article 7, Section 4i- to permit the installation of two signs above the first floor level.
Sign A is a Wall Sign proposed to be 46” in height x 14’-4” in length to be located on the side (north) elevation over the main entry door to read ‘black & blue STEAK AND CRAB’.

Sign C is a Wall Sign proposed to be 40” in height x 12’-0” in length to be located on the Rear (west) elevation at 1st floor level left side corner of the building to read ‘black & blue STEAK & CRAB’. Signage in Violation of Burlington Bylaw Article XII, Section 4i they both exceed the maximum allowed sign dimensions of 4’-0” x 6’-0” in length.

Chairman Alberghini gave the applicant the option to continue with the hearing or if he would like to proceed with the four members and was informed they would like to proceed with the hearing.
Legal notice read into record.

Charlie Fitzsimmons introduced himself as the proprietor of Black and Blue and he was in front of the Board to request 2 signs. One sign is over the front door and the 2nd sign will be located on the west facing the Burlington Mall. The third sign is compliant. He submitted some additional information regarding the lumens to the Board members.

Mr. Alberghini questioned if the Board had previously put a condition on that building that no other signs on the building.

Mr. Fitzsimmons described Sign 1 illumination will be reversed halo lit, therefore it would be a subtle lit sign. He continued by describing the main sign over the front door will also be halo lite. He added he was advised the not to do a halo lite on Sign 3, (facing the Burlington Mall) because it would be difficult to see from Mall Road, but to instead use a shallow black aluminum box.

Mr. Murray pointed out the original drawing is different than the drawings Mr. Fitzsimmons passed out tonight.

Mr. Moffatt asked if he had a night time rendering, because he would have liked to have seen the actual sign verses the signs he had presented.

Discussion around other options on regarding the sign facing the mall, with the conclusion that they will be channel lit and wouldn’t have the black box. Also discussed was the possibility of moving the B & B sign over to the either the first or second column because of the close proximity to the other sign.

Mr. Fitzsimmons explained that there were going to be awning put up with no advertising or illumination but he felt it could be moved over. Board members felt keeping all the sign consistent with the reverse halo lighting was the best option.

Mr. Murray clarified the letters would remain the same size and there would be no box. The letters will be 26” tall and the rest of the sign will be to scale.

Hearing 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 grant a Special Sign Permit to BB Burlington Development District to install two (2) signs above the first floor level as depicted on plans submitted with the application and submitted on 6-5-.
The Special Sign permit was granted with the following conditions:
* Sign S.F. Cabinet -35177 to be halo lit and the letters will remain the same size as shown on the drawing
* Sign B &amp; B 35177 will be located on the 2nd or 3rd column from the corner of the building along New England Executive Parkway, not on the 1st column as shown on the drawing.
* Illumination of all signs is to be no greater than 90 lumens per square foot
* There be no other signs on the building even if by right. All members voted in favor.

The decision is on file with the Town Clerk and may be reviewed in the Town Clerk’s office.

2018-191
34 Cambridge Street
Target

The petition of Target Corporation for the property located at 34 Cambridge Street as shown on Map # 48 Parcel # 38 on the Burlington Assessor’s Map. The applicant is seeking a Special Sign Permit pursuant to Article XIII, Section 13.1.3.2., 13.1.3.3., 13.1.3.4. and 13.2.0 of the Zoning Bylaws to permit the installation of (3) signs as follows:
Exterior Sign #1 – One Wall sign is proposed to be 10’-10 ½” in height by 8’-0” in length and will read “Target” with the company logo, which is in violation of Burlington Zoning By-law Article XIII, Section 13.1.3.2.3 limits Wall signs to be a maximum of 4’-0” in height. In addition, the sign is more than 1’-0” above the roof line.
Exterior Sign #2 – One Marquee Sign proposed to be 6’-6” in height x 6’-6” in length with the company logo is in violation of the Burlington Zoning By-law Article XIII, Section 13.1.3.4.2 which limits marquee sign to 6 Square feet, or less.
Exterior Sign #3 – One Wall Sign/Directory Sign to read “Target” with company logo with wording and logo to be 14 13/16” in height x 4’-7 9/16” in length. The full sign panel will be 18” in height x 10’-0” in length. Due to a previous decision, Board of Appeals decision limiting the script on a Wall Sign/Building Directory Sign (Case Number 2013-22A), the applicant is required Board of Appeals approval.

As shown on plans filed on May 15, 2018 with this Board and a copy of which is on file with the Town Clerk’s

Legal notice read into record.

Mr. Alberghini stated because there are only 4 members present, he gave the applicant the option to continue the hearing or proceed understanding they will need all 4 votes to have the permit granted. Attorney Vaughan stated they would proceed.

Attorney Mark Vaughan introduced himself as representing the applicant, along with Hazel Wood Hopkins from the sign company and Aaron Hemquist from Target.
Attorney Vaughan explained Target was going into the space where Roche Brothers was and explained it would be a smaller format Target to provide residences what they need.
He stated they are looking for three signs, a wall sign, a marquee sign and a sign on the directory sign. He explained the location is in the back of the plaza and it is difficult to see therefore it is important to have all three signs for visibility. He explained the Roche Brothers sign was 8 feet by 33’-4” in length and the signage they are requesting is a sizable reduction in square footage. He explained the marquee sign is going to over the entrance. This sign jets out, but it is smaller with just the logo. Attorney Vaughan stated they took great care keeping with the scale of the building. He pointed out the aerial map shows the distance from the road.
He added his client would like to be included on the directory sign. However due to a previous decision, they needed to receive the Board’s permission. He stated the sign would be consistent with the others signs on the directory.

Mr. Hemquist stated he was looking to have an October opening and signage is an important part of the opening because of the location being set back.

Mr. Moffatt questioned the lettering and size, if they would be consistent with existing signs and if the 2nd sign sticks out.

Mr. Alberghini asked if they would be redoing the exterior façade and was informed they were cleaning it up.

Mr. Paccione stated he thought the Target logo could be scaled down.

Mr. Murray questioned why the marquee sign was not placed on the façade of the building and was informed it they felt it would add some depth to the building.

Mr. Alberghini stated he felt the directory sign is appropriate and questioned why on the Sign 1 drawing it stated “drawing not to scale” and was given an explanation on the process and it was very close. He also stated he thought Sign #2 was too large for the location.

Open to the public

Jack Kelly from 14 Oxbow Lane stated he lives behind the Target store and was concern because the sign is above the roof line, and he wanted to know if the light would shine through the back of the sign towards the abutters. Clarification was given stating the light would not go through the back of the sign. With the explanation he stated he was fine with the sign.

Motion made and seconded to close the hearing. All members voted in favor.

Mr. Paccione state he would agree with Mr. Alberghini and would like to see sign 2 smaller. He added that it is a pedestrian sign verses the other that are vehicular signs. Discussion regarding the size resulted on agreeing 5”-0” in diameter.

Mr. Moffatt said he thought that once you are in the parking lot you can see the sign.

Motion made and seconded to grant a Special Sign Permit to Target Corporation for the property located at 34 Cambridge Street to install three (3) signs as depicted on drawings titled B77021 Sheets 1-8, with the date of 4-26-2018, with the exception that Exterior Sign number 2 is to be 5’-0” in with the company logo. The Special Sign permit was granted with the condition that there be no other signs the building even if by right with the exception of the signs identified on sheets 1-8 of B77021 submitted with the application. All members voted in favor.

Marriott restrictive covenant

Mr. Alberghini stated although it was not on the Agenda, he would like to discuss the restaurant at the Residence Inn and the timeline for the restaurant. He briefly explained the restrictive covenant and how the hotel opened without a restaurant violates the covenant, he added that he felt the situation has gone on too long and the Board would like to try to track the progress.

Tony owner and operator

And Steve Brooks the general manager introduced themselves and stated that there has been a misconception as to who is the owners and he explained that he wanted to meet with the Board to help get a better working relationship with the Town and explained when he became the owners. He added he there is nothing he can do to affect the process. He pointed out that no one from the town has asked about the alternate plan.
Mr. Alberghini stated the issue is the restrictive covenant. He stated the intent was to make sure the restaurant opened ASAP and requested they notify the Board on the progress. He added that they had bought into the covenant therefore it is their responsibility.

Open to the Public
Sheri Ellis introduced herself and explained that she has been involved with this project from the beginning. She stated she had spoken with John Petrin to check on the progress and was informed the occupancy permit was issued even though the restrictive covenant was not being implemented. She added she is aware the replacement service is the Pressed Café, but believes it is important for companies to hold up the contracts they have agreed to. It was pointed out the occupancy permit had originally failed by the Building Inspector, however Mr. Brooks stated he has a copy of the approved Certificate of Occupancy. She stated she felt it was very important that when a contract is signed that people adhere to these contracts.

Motion made and seconded to close the public hearing. All members in favor.

Motion made and seconded to Adjourn. All members in favor.