DEPT. Burlington Board of Appeals
DATE: Tuesday, July 16, 2019
TIME: 7:30 P.M.
PLACE: Town Hall Main Meeting Room, 2nd floor

New Hearing
2019-26
1 Wall Street

The petition of Jones Sign Company for Qualcomm for property located at 1 Wall Street, Book/Lot 31035-379, Map # 48, Parcel # 37-2 as shown on the Burlington Assessor’s Maps. The Applicant is seeking to replace the existing Wall Sign and replace it with a new Wall Sign proposed to be 3'-6”x 19’-1” to be located on the Northwest Elevation at the roofline to read ‘Qualcomm’. Proposed sign is in violation of Burlington Zoning by-law, Article 13, Section 13.1.4.2, ‘Wall Signs within the I-G Zone above the first floor level shall be a maximum of 6'-0” x 6'-0”’. Also previous BOA decision 2015-85 prohibited any additional signage on the building even if by right.

As shown on plans submitted on June 20, 2019 and a copy may be reviewed at the Town Clerk’s Office.

New Hearing
2019-27
Cambridge Street

The petition of Henley Enterprises, Inc. property located at 118 Cambridge Street as shown on Book- Page 51745-493 Map #35, Parcel # 95-0 of the Burlington Assessor’s Maps to construct a single story Valvoline Instant Oil Change facility. The applicant is seeking a variance from the Setback requirement of Article V, Section 5.2.0. The Building will set back off the side line left (east elevation), thirteen point four feet (13.4’), and off the side line right (west elevation) eleven feet (11.0’), and the dumpster pad is proposed along the side line left (east elevation) six point seven feet (6.7’) off the property line. The By-Law setback requirement for all of the above is fifteen feet (15’).

In addition, the applicant is requesting a variance from the Design and Operations requirement of Article VIII, Section 8.3.8.4, as 64.7% of the site may be impervious surface and the By-Law requires no more than 60% of the site may be impervious.

As shown on plans submitted on June 20, 2019 and a copy may be reviewed at the Town Clerk’s Office.
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., John Sullivan and Brenda Rappaport, Alternate Adam Tigges and Jim Sheridan
Absent: Charles Viveiros and Mark Burke

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As shown on plans submitted on June 20, 2019 and a copy may be reviewed at the Town Clerk’s Office. Legal notice posted as required and sent to abutters and surrounding communities

Eric Merliss, the sign installer and Anna Jones, Senior Office Manager from Qualcomm Mr. Merliss stated Qualcomm was rebranding, prompting the request for signs with the new fonts and colors. He stated the interior has already been completed with the rebranding and now they are looking to change the signage’s color to white and increase the height 6 inches for the upper case Q. He stated the building is a large building and they feel it fits the building appropriately.

Mr. Sheridan asked for clarification on the size and was informed the Letter "Q" previously 36 inches and will increase to 42", the lower case letters would be internally illuminated and be about 2 inches large than existing to improve the clarity of the letters with the new font.

Mr. Tigges asked for clarification on the size and was informed the Letter "Q" was previously 36 inches and will increase to 42", the lower case letters would be internally illuminated and be about 2 inches large than existing to improve the clarity of the letters with the new font.
Mr. Sheridan asked if the letters would be internally lited.
Mr. Murray stated the lumens are not to exceed 90 lumens per square foot and he was informed that would not be a problem.

Open to the public hearing. 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 the signage as depicted on plans dated 3-15-2019, with the condition illumination will not exceed 90 lumens per square foot.

**New Hearing**

**2019-27**

**Cambridge Street**

The petition of Henley Enterprises, Inc. property located at 118 Cambridge Street as shown on Book-Page 51745-493 Map #35, Parcel #95-0 of the Burlington Assessor’s Maps to construct a single story Valvoline Instant Oil Change facility. The applicant is seeking a variance from the Setback requirement of Article V, Section 5.2.0. The Building will set back off the side line left (east elevation), thirteen point four feet (13.4’), and off the side line right (west elevation) eleven feet (11.0’), and the dumpster pad is proposed along the side line left (east elevation) six point seven feet (6.7’) off the property line. The By-Law setback requirement for all of the above is fifteen feet (15’).

In addition, the applicant is requesting a variance from the Design and Operations requirement of Article VIII, Section 8.3.8.4, as 64.7% of the site may be impervious surface and the By-Law requires no more than 60% of the site may be impervious.

As shown on plans submitted on June 20, 2019 and a copy may be reviewed at the Town Clerk’s Office. Legal Notice read into record.

Attorney Thomas Murphy introduced himself and stated he was representing Valvoline and with him is Randolph Kazazian, Vice President Henley Enterprises and Ed Pesce the Project Engineer.

Attorney Murphy provided some background information on the property and explained his client is looking to knock down the existing building and reconstruct a new building for Valvoline. He shared that he had received an email stating that because they are using non-combustible materials, the setbacks required for building in the BG District are waived; therefore, the variance for setbacks for the building is not necessary. They are only requesting a variance for the dumpster and the impervious surface.

Attorney Murphy added the change would allow the opportunity for them to redo the gateway property. He stated they have already met with Planning Staff and Conservation and discussed the Water Resource District and it requires that no more than 60% of the lot can be impervious and the lot has 64.7% impervious surface.
Attorney Murphy stated the undersized lot was grandfathered in and with current setback By-Laws this limits the options available. The current old gas station structure currently there is not attractive and the new building will be more aesthetically pleasing and fit the site better. 

Mr. Sheridan asked for clarification of where the dumpster would be located on the plan. Mr. Pesce showed where it was on the plan and explained the dumpster was in the best location for the truck to access the dumpster. He added it would be red brick veneer, similar to the building, with a fence around it. Ms. Rappaport asked about the fencing and was informed it is a chain link fence and they are hoping to beautify it or replace it. She also questioned what was the building behind the property and was told it was commercial property related to auto. She requested the pad be used only for the dumpster. 

Mr. Sullivan questioned why they need a variance if it does not have a roof. Attorney Murphy stated the pad has a permanency and they feel it is better to be safe than sorry. Mr. Sullivan asked about the landscaping and was told they would keep the spruce tree and they would be adding evergreens and planting beds. Mr. Kazazian stated the Red Brick veneer would match the building. 

A discussion regarding parking on the lot included, the cars parked there would be the employees. The cars being services are receiving basic services and are there for 15 minutes. The drivers never leave their cars. It was pointed out there would be no cars parked all night and there will be 8 parking spaces with 1 handicap space. Mr. Sheridan asked about the hours and was told 7-7 PM Monday thru Saturday and 9-5 on Sunday. 

Mr. Murray asked for clarification on the amount of impervious surface they are requesting and why they needed the extra parking. He was told that Planning wanted as much parking on site as possible. They are going to have a handicap parking space. Mr. Murray also asked if the driveway needed to flare out as much and was informed there needs to be enough room for circulation. Stacking is important and the park vehicles are in line to get into the bay. They service about 50 cars a day. 

Open to public hearing: 
John Murphy from 8 Edwards stated he had some concerns about the driveway onto Edwards Street would create a traffic concern. 
Mr. Pesce responded that only one car at a time would be leaving the driveway and there is a stop sign at the end of the driveway, along with a clear sight line. 

Mr. Murray stated there is 50-to 60 feet to the upper corner, not 21 feet. He also informed the Planning Board will deal with this issue. 

Motion made and seconded to split the building setback and impervious request. 5-0 in favor 
Motion made and seconded to withdraw the building set back without prejudice. 5-0 in favor. 
Motion made and seconded to grant a variance to construct a single-story Valvoline Instant Oil Change facility. The variance approved the dumpster pad to be placed along the left sideline (East Elevation) at six point seven feet (6.7) off the property line and the site may have 64.7% impervious surface. As depicted on revised plot plan submitted with the application with the timestamp of June 10, 2019. 

The variance was granted with the condition the dumpster will have red brick material to match the building.
The decision is on file with the Town Clerk and may be reviewed in the Town Clerk’s Office.

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