Introduction of new Board Members

Amendment of Feng Shui’s decision (2018-)

New Hearing 2018-196
8 Phillips Ave

The petition of Cal Mc Carthy for property located at 8 Phillip Avenue, as shown on Map # 5 Parcel # 103 of the Burlington Assessor’s Maps. The applicant is seeking a variance from the minimum 25'-0” to be 20'-0” off the front property line to construct a living room addition and a small deck off the left side of the dwelling. Violation of Article 5, Section 5.2.0.

As shown on plans filed on June 13, 2018 with this Board and a copy of which is on file with the Town Clerk.

New Hearing 2018-197
1 Wall Street

The petition of Jones Sign Company for the property located at 1 Wall Street as shown on Map # 48 Parcel # 37-2 of the Burlington Assessor’s Map. The applicant is seeking a Special Sign Permit pursuant to Article XIII, Section 13.1.4.2 of the Zoning Bylaws to permit the installation of a Wall Sign above the first floor level. The Wall sign is proposed to be 3’-0” in height x 16’-4” in length and will read “Qualcomm” to be located on the North Elevation at roof line.
Sign is in Violation of Burlington Bylaw Article XIII, Section 13.1.4. as it exceed the maximum allowed sign dimensions of 6’-0” in length. Also BOA decision 2015-85 prohibiting additional signage on the building even if by right.

As shown on plans filed on June 22, 2018 with this Board and a copy of which is on file with the Town Clerk.
New Hearing
2018-198
Westwood
The petition of Paul Catalano for property located at 3 Westwood Street as shown on Map# 5, Parcel #138 of the Burlington Assessor’s Maps. The applicant is seeking dimensional variances from the minimum 25'-0” property line setback for the non-compliance front setback of 23'-8” for the existing farmer’s porch

As shown on plans filed on June 1, 2018 with this Board and a copy of which is on file with the Town Clerk’s office.

New Hearing
2018-199
Cambridge
The petition Total Wine for the property located at 34 Cambridge Street, Unit 10 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 13.1.3.2.3.13 of the Zoning Bylaws to permit the installation of (2) signs as follows:

Sign A – The proposed Wall sign is proposed to be 6’-61/8” in height by 27’-3 1/8” in length to be located in the Front (south elevation) over the main entry, to read Total Wine SPIRITS BEER & WINE’ with grape graphics in the middle. The sign is in violation of Burlington By-law, Article XIII, Section 13.1.3.2.3 limits the wall sign to be a maximum of 4’-0” in height.

Sign B – The proposed Directory Wall Sign is 12 1/2” in height x 88 ½” in length to be located on the Side (west) elevation to read ‘Total Wine’ with grape graphics in the middle. The sign is non-complaint due to a previous Board of Appeals decision 2013-22A prohibited any additional Wall Directory to have logos, or advertising content on said signs.

As shown on plans filed on June 28, 2018 with this Board and a copy of which is on file with the Town Clerk’s office

New Hearing
2018-200
3 Burlington
The petition of Griffith Properties for the property located at 3 Burlington Woods Drive as shown on Map # 41, Parcel # 98-5 of the Burlington Assessor’s Map. The applicant is seeking a Special Sign Permit pursuant to Article XIII, Section 13.4.1,13.1.4.2.1, & 13.1.2.4 of the Zoning Bylaws to permit the installation of a temporary sign to be 6’-0” x 50’-0” (300 s.f.) to be located on the South Elevation(along Route 128/95) at the roof line to read “ONE & THREE BURLINGTON WOODS ~ FLEXIBLE AND FIRST CLASS 617-523-8000 ~ w/ graphics of owner & management company on right”.

Sign is in Violation of Burlington Bylaw:
Article XIII, Section 13.1.4.1 Temporary sign advertising rental, sale, or lease of premises are not to exceed 24 s.f.
Article XIII, Section 13.1.4.2.1 Wall signs shall be the same as B-G zones except signs shall be 6’-0” or less in height.
Article XIII, Section 13.1.3.2.4 at other than the first floor level a sign shall be 6'-0” or less in length.

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

Minutes
Adjourn
MINUTES OF THE MEETING OF THE BOARD OF APPEALS
BURLINGTON, MA

July 17, 2018

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

Mr. Viveiros stated the Board was going to vote on re-organization of the Board Members.

Motion made and seconded to appoint Rob Paccione to the Clerk position. Members voted in favor.

Motion made and seconded to appoint Charles Viveiros to the Vice-Chairman position. Members voted in favor.

Motion made and seconded to appoint Michael Murray, Jr. as the Chairman position. Members voted in favor.

It was announced Mark Burke has been appointed to a permanent member position and Brenda Rappaport was introduced as a new member. Also introduced were the two new Alternates: John Sullivan and Jim Sheridan.

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

Absent: none

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

Amendment of Feng Shui’s decision (2018-189)

Chairman Murray stated due to Town rules and regulation regarding the use of the words Lounge/ and or Bar, it is necessary to amend the previous decision the Board approved for Feng Shui. The Board approved a sign to read “Feng Shui Restaurant & Lounge”.

Frank Zhang reintroduced himself and explained he agreed to remove the words ‘& Lounge” from the sign. He stated the size of the sign would be smaller than previously approved, because he would keep the lettering the same size as stated on the decision.

Mr. Viveiros confirmed it would say Feng Shui Restaurant and was informed it would be and the black background would be dropped.

Hearing opened to public. No one present to speak for or against.

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

Motion made and seconded to amend the decision for a Special Sign Permit for Feng Shui located at 2200 District Avenue. The applicant has agreed to remove the words “& Lounge” and no other signs will have the word “lounge” and/or “bar” to comply with the Burlington rules and regulations. Board voted 4-0 to approve the amendment.
New Hearing
2018-196
8 Phillips Ave

The petition of Cal Mc Carthy for property located at 8 Phillip Avenue, as shown on Map# 5 Parcel # 103 of the Burlington Assessor’s Maps. The applicant is seeking a variance from the minimum 25'-0” to be 20'-0” off the front property line to construct a living room addition and a small deck off the left side of the dwelling. Violation of Article 5, Section 5.2.0.

As shown on plans filed on June 13, 2018 with this Board and a copy of which is on file with the Town Clerk.

Legal Notice read into record.
Cal McCarthy introduced himself and Mike and Amiee Delorey and explained they were looking to construct a living room addition and a small deck off the left side of the home. He described the site as having two front setbacks because of the location and that is why they are required to have the 25’ setback. He stated they had looked at other alternative and this is the best option. He pointed out the basement gets water and there is a need for the family to have additional space.

Mr. Sullivan asked if they could move it back in order to get the 25’ feet required because it is already back a little and was informed the chimney would be in the way and there is a drainage easement in the yard.

Mr. Burke stated he felt the hardship was the shape of the lot. Mr. McCarthy agreed and pointed out there are two front setbacks. Generally, the shorter of the two is the frontage. Mr. Viveiros confirmed this was a one-story addition. He also asked about if the building was moved back would he still need to go in front of Conservation. Mr. McCarthy said he believes it is the property verses the plans that requires him to go in front of Conservation. Mr. Viveiros asked about addition sketches.

Mr. McCarthy pointed out he couldn’t really move the addition because of the chimney, the driveway and the bulkhead would interfere. The home owner wanted open doorways to go on both sides of the chimney but he could provide another one if wanted. He added there is little common space presently in the house.

Mr. Paccione stated he felt it is hard to see if the addition could be rotated without seeing the floor plans and questioned where the actual property line is, if it goes directly to the street. He was informed it is 28.2 feet from the house to the street. Mr. Paccione responded the addition looks close to the road. He added he looks at the density and he doesn’t feel it meets the intent of the by-law. Also, if there were wetlands it would show on the survey.
Mr. Murray stated it was an odd situation because the house points to the intersection, and there is no defined front yard. He stated he would also like to see why they were unable to move the addition. He added, generally, because the house faces the intersection, you can have 1 as a side yard.

Public hearing opened to the Public. Noone present to speak in favor or against. Public hearing to remain open.

Mr. Sullivan stated he didn’t understand why it could not be moved back, because it is already is back and they could just continue it in to the back yard.

Mr. Murray stated he thought it could be moved back 10 feet. Mr. McCarthy stated it would be look alright from the front but not the other angles, it would look strange. He added that the surveyor thought they had meet the setbacks, but it was pointed out later, they had not.

Mr. Murray requested to continue the meeting and to bring the floor plans, the elevations and other options of placement.

Motion made and seconded to continue the hearing until August 7, 2018. All members voted in favor.

New Hearing
2018-197
1 Wall Street

The petition of Jones Sign Company for the property located at 1 Wall Street as shown on Map # 48 Parcel # 37-2 of the Burlington Assessor’s Map. The applicant is seeking a Special Sign Permit pursuant to Article XIII, Section 13.1.4.2 of the Zoning Bylaws to permit the installation of a Wall Sign above the first floor level.

The Wall sign is proposed to be 3’-0” in height x 16’-4” in length and will read “Qualcomm” to be located on the North Elevation at roof line.

Sign is in Violation of Burlington Bylaw Article XIII, Section 13.1.4. as it exceed the maximum allowed sign dimensions of 6’-0” in length. Also BOA decision 2015-85 prohibiting additional signage on the building even if by right.

As shown on plans filed on June 22, 2018 with this Board and a copy of which is on file with the Town Clerk.

Legal Notice read into record.
Chairman Murray stated the Board had received an email requesting to withdraw without prejudice.
Motion made and seconded to withdraw the application without prejudice. Members voted 5-0 to approve.
New Hearing
2018-198
Westwood
The petition of Paul Catalano for property located at 3 Westwood Street as shown on Map# 5, Parcel #138 of the Burlington Assessor’s Maps. The applicant is seeking dimensional variances from the minimum 25’-0” property line setback for the non-compliance front setback of 23’-8” for the existing farmer’s porch

As shown on plans filed on June 1, 2018 with this Board and a copy of which is on file with the Town Clerk’s office.

Legal notice read into record.

Paul Catalano introduced himself and Joseph Cote the homeowner. He explained in 2009 a second level was put up on the house, along with a farmer’s porch and a porch. He stated they were all permitted however there had been an error made at that time by the surveyor. The actual distance from the bump out is 23.8 feet and not the 25 feet required. Therefore, they are looking to get a variance to clear up the error.

Mr. Sullivan stated the applicant needed a variance for the bump out and it was a housekeeping problem.

Mr. Viveiros stated it was not the homeowners mistake just a miscalculation. He asked if they were going forward with any of the other variance requests. Mr. Catalano stated not at this time.

Mr. Murray agreed it was a housekeeping situation and asked if there would be any additional work and asked if the plot plan was correct because it was from a previous application. Mr. Catalano stated it was correct and if there was to be any additional work, it would be within the setbacks.

Open to the Public.
Mr. Lamb from 7 Westwood stated he saw no reason not to grant the variance for the front setback.

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

Motion made and seconded to grant a variance to 3 Westwood St. The variance approves the non-compliant front setback of 23’-8” for the existing farmer’s porch as shown on plot plan dated 1-6-2018.

New Hearing
2018-199
Cambridge
The petition Total Wine for the property located at 34 Cambridge Street, Unit 10 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 13.1.3.2.3 13 of the Zoning Bylaws to permit the installation of (2) signs as follows:

Sign A– The proposed Wall sign is proposed to be 6’-61/8” in height by 27’-3 1/8” in length to be located in the Front (south elevation) over the main entry, to read Total Wine SPIRITS BEER & WINE’ with grape graphics in the middle. The sign is in violation of Burlington By-law, Article XIII, Section 13.1.3.2.3 limits the wall sign to be a maximum of 4’-0” in height.
Sign B– The proposed Directory Wall Sign is 12 1/2” in height x 88 ½” in length to be located on the Side (west) elevation to read ‘Total Wine’ with grape graphics in the middle. The sign is non-complaint due to a previous Board of Appeals decision 2013-22A prohibited any additional Wall Directory to have logos, or advertising content on said signs.
As shown on plans filed on June 28, 2018 with this Board and a copy of which is on file with the Town Clerk’s office

Legal Notice read into record.

Jennifer Wolfe introduced herself as representing Total Wine. She stated they were seeking a logo sign and a directory sign. She explained Michaels have a similar sign to what they are requesting. She explained the shopping center was going thru some changes and Total Wine would be a junior tenant anchor store. They will be leasing a portion of CVS, 6900 square ft. She described the building as having a large façade and they would like the sign to provide some balance.

Mr. Paccione asked about the size of the Bauer sign and Ms. Wolfe stated the sign had been removed however the Michaels signs measurement is 7’-2 3/8” x 25’5-1/2”. He asked about the color and was told it would be white. Ms. Wolfe stated yes and that the sign would halo lit and face lit, she pointed out this is a requirement from Eden’s & Avant. Ms. Wolfe was informed that the lumens could not be greater than 90 lumens per square foot for the entire sign. The lease was signed to take over the portion of CVS in early May, therefore they are looking for the full sign, disregarding the comment on the documents.

Mr. Viveiros asked if the other portion of CVS would remain and was informed yes. He also questioned if it was to scale and if the grapes were white. He was told yes for both, that was the agreement with the property owner. Mr. Viveiros stated for Sign B, there was a condition placed on all the signs placed on the directory, that it had to be black and white. Ms. Wolfe was informed that the grapes were white.

Mr. Burke questioned sign c and was informed it was a pedestrian sign that would be placed over the door.

Mr. Sullivan stated he thought the signs looked appropriate for the building, but wanted to know about the color of the grapes on Sign B. A discussion took place about the intent of the condition was to avoid tenants to use their colors and keep everything black and white.
Mr. Murray wanted to know about the CVS façade and it was explained that Total Wines would actually wrap around the back, so that part of the façade would remain CVS.

Open hearing to Public

Jack Kelly from 14 Oxbow stated the previous tenant had a bright blue internal light and he was looking for reassurance that there wouldn’t be an internal light. He also wanted to confirm the sign would not be above the roof line. He was informed it wouldn’t be and there is a 90 lumens per square foot requirement and it wasn’t above the roof line. Mr. Kelly stated he had no objections.

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

Motion made and seconded to grant a Special Sign Permit to Total Wine for the property located at 34 Cambridge Street, to install two (2) signs as follows:

Sign A is to be 6’-6 1/8 in height by 27’-3 1/8” in length to be located in the front (South Elevation) over the main entry to read ‘Total Wine SPIRITS BEER AND WINE’ with grape graphics in the middle.

Sign B is a Directory Wall Sign to be 12 ½” in height x 88 ½” in length and to be located on the side (West) elevation to read ‘Total Wine’ with grape graphic in the middle.

As depicted on the Sign Package, Sheets 1-7, with the date of 12-11-2017. 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 non-illuminating sign C and lumens to be no greater than 90 lumens per square foot.

All members voted in favor.

New Hearing
2018-200
3 Burlington Woods

The petition of Griffith Properties for the property located at 3 Burlington Woods Drive as shown on Map # 41, Parcel # 98-5 of the Burlington Assessor’s Map. The applicant is seeking a Special Sign Permit pursuant to Article XIII, Section 13.4.1,13.1.4.2.1, & 13.1.2.4 of the Zoning Bylaws to permit the installation of a temporary sign to be 6’-0” x 50’-0” (300 s.f.) to be located on the South Elevation(along Route 128/95) at the roof line to read “ONE & THREE BURLINGTON WOODS ~ FLEXIBLE AND FIRST CLASS 617-523-8000 ~ w/ graphics of owner & management company on right”.

Sign is in Violation of Burlington Bylaw:
Article XIII, Section 13.1.4.1 Temporary sign advertising rental, sale, or lease of premises are not to exceed 24 s.f.
Article XIII, Section 13.1.4.2.1 Wall signs shall be the same as B-G zones except signs shall be 6’-0” or less in height.
Article XIII, Section 13.1.3.2.4 at other than the first floor level a sign shall be 6’-0” or less in length.
As shown on plans filed on June 15, 2018 with this Board and a copy of which is on file with the Town Clerk’s office

Legal notice read into record.
Chairman Murray stated the Board had received an email requesting to withdraw without prejudice.
Motion made and seconded to withdraw the application without prejudice. Members voted 5-0 to approve.

Motion made and seconded to accept the Minutes. 4-0 in favor.
Motion made and seconded to Adjourn. All members voted in favor.