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To Town Clerk

**MINUTES OF THE MEETING OF THE BOARD OF APPEALS
BURLINGTON, MA
August 17, 2021**

Vice Chairman Charles Viveiros called the meeting of the Burlington Board of Appeals to order at 7:30 p.m. The meeting was held in person.

Present: Charles Viveiros, Joe Currier, Joe Currier and Adam Tigges

Absent: Michael Murray Jr., Mark Burke, and Jim Sheridan

21-20

New Hearing

30 Chestnut Ave

The petition of Fast Signs Burlington Center Dental Associates for property located at 30 Chestnut Avenue, Burlington, MA 01803, as shown on the Burlington Assessor's records, Map and Parcel reference: 31-1-0. The applicant is seeking a Special Sign Permit to install two Wall Signs. The Wall Signs A and B are proposed to be 3'-0" x 12'-0". Signage is to be located on the South (centered on building and East (left side) elevation at the second floor just below the roof line. The signs are to read 'Burlington Center Dental Associates' two line with graphics on the left. Both Wall Signs are denied due to Burlington Zoning By Law, Article 13, section 13.1.3.2.4. At the first-floor level a sign may not extend across the full width of the wall. At other than the first-floor level, a sign shall be six (6) feet or less in length. Proposed signage is proposed to be 12'-0" in length.

Vuso Patel introduced himself from Fastsigns, representing 'Burlington Center Dental Associates'. He stated they were looking to replace 2 non illuminated signs and explained one would be located on the front of the building and one on the side facing Route 62. He provided a description of the materials they would be used.

Mr. Currier asked if they were replacing the existing sign and if the signs would be larger. Mr. Patel stated it would be about a foot more in height but the same width and that he didn't know what the size of the existing signs are. Mr. Currier stated they visually look the same, except they have been raised up.

Mr. Sullivan questioned why there was a need for the sign facing Route 62, because that is a lot of signage. He noted the original owner had been asked to remove that sign and it was never taken down. He said he didn't understand why they couldn't have the same size as there is now and would like to know the square footage.

Mr. Viveiros asked if there were any other tenants in the building and he would like to see the size of the new signs be similar size as existing. Mr. Patel responded he did not know the square footage or if there is any other tenants. Mr. Viveiros said it appears there is another spot for tenants.

Mr. Patel asked why he couldn't have the two signs if it was because of the sizes and wondered if he could have the two if he made them smaller. It was explained to him that the Board tries to minimize the amount of signage in town and that there was no guarantee when he comes back, both signs would be approved.

Hearing to remain open.

Motion made and seconded to continue the hearing. 4-0 in favor

21-21

New Hearing

75 Middlesex Street

The petition of Bennett's Store of Burlington, MA, LLC for property located at 75 Middlesex Turnpike (Burlington Mall/Unit #1610), Burlington, MA 01803, as shown on the Assessor's records as Map 46,

Parcel 24-0. The applicant is seeking a Special Sign Permit pursuant to Zoning Bylaws Article XIII, Section 13.2.0 to install two (2) signs as follows:

Sign 1/Wall Sign: Proposed sign to be four feet in height by nineteen feet, eleven and five-sixteenth inches in length (4' x 19' 11-5/16") to be located over the main entry (facing Burlington Mall Road) to read "Bennett's Sandwich Shop" with words stacked and a sandwich logo to the left of the sign. The sign is in compliance with the Zoning By-Laws, Section 13.1.3.2.3 "A wall sign shall be four feet or less in height."

*Sign 2/Projecting Sign: Proposed sign to be twenty-four inches in height by thirty-four and three-eighths inches in length (24" x 34-3/8") (5.7 sq. ft.) to be located to the left of the main entry door. The Projecting Sign will project three feet, six inches (3'-6") off the face of the building and will be more than fifteen feet from the property line. The Projecting Sign to read "**Bennett's Sandwich Shop**" with words stacked and a sandwich logo/graphic between the words. The sign is in compliance with the Zoning By-Laws, Section 13.1.3.3.2: "The sign shall be four (4) ft or less in height and shall not project more than six (6) ft. from the face of the building, nor closer than 15ft. from the property line."*

Although the proposed signs are compliant with the Town of Burlington Sign Bylaws, the applicant is requesting approval/modification due to previous Zoning Board of Appeals decisions (including Case #2016-127/Arhaus Furniture and Case #2017-169/Friendly Toast) which prohibit any new/additional signage on the subject building, even if by right.

Documentation in support of this proposal is available for public inspection as shown on plans filed with the Zoning Board of Appeals a copy of which is on file with the Town

Kristine Hung introduced herself from Riemer and Braunstein along with Brandin McCord, owner of Bennett's Sandwich Shop. She described Bennett's Sandwich would be located in a portion of the Sears Building which is undergoing a major enhancement. She stated the applicant is a family-owned business that serves high end sandwiches.

Ms. Hung stated the applicant was seeking to install 2 signs: a wall sign and a projecting or blade sign. She provided the dimensions and descriptions of each sign. She stated the applicant feels the signs are important for the visibility. She explained the signs were compliant by right and except for a previous condition at the Burlington Mall, the signs must be approved by the Board.

Mr. Mc Cord expressed his excitement on opening a shop in Burlington. He stated he felt this was a great opportunity for the sandwich Shop.

Mr. Sullivan stated he does not have any concerns.

Mr. Currier wanted to be certain the lumens would not exceed 90 lumens per square foot since It is illuminated. Ms. Hung stated it wouldn't be any more.

Open to the public: No one present to speak for or against. Motion made and seconded to close the public hearing. 4-0

Motion made and seconded to grant a sign variance for Bennett's Sandwich Shop for two signs as depicted on plans reference number # D1.25, dated 6-14-2021 submitted with the application, with the condition no other signs on the building even if by right. 4-0 in favor.

Minutes for August 3, 2021 Motion made and seconded to approve the minutes. 4-0 in favor.

Adjourn Motion made and seconded to adjourn. 4-0 in favor.