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**MINUTES OF THE MEETING OF THE BOARD OF APPEALS
BURLINGTON, MA
April 19, 2022**

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, 29 Center Street, Burlington

Present: Chairman: Michael Murray Jr., Mark Burke, Joe Currier, John Sullivan, Jeremy Harrington and Jeffrey DiBona

Absent: Charles Viveiros

Continued Hearing

2022-3

The petition of Joss & Main for property located at 75 Middlesex Turnpike, Unit #1400 (Burlington Mall), as shown on the Burlington Assessor's records as Map and Parcel # 46-24-0 and 52-2-0 and Middlesex South Registry of Deeds Book-Page # 1524-35 and 993-41, to install two (2) Wall Signs as follows:

Sign "B" – Wall Sign to be located on the front façade of the tenant space at the first-floor level. The proposed sign is 2'-6" in height and 18'-5 ¾ in length and reads "Joss & Main". The proposed sign is in compliance with the Burlington Zoning Bylaws Section "13.1.3.2.3 A wall sign shall be four feet or less in height" "and 13.1.3.2.4 at the first-floor level a sign may 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."

Sign B is the second Wall Sign on the same elevation as Sign A and therefore violates Section 13.1.3.2.1

In addition, as a result of previously issued Board of Appeals decisions (Case # 2016-127 for Arhaus Furniture and Case # 2017-163 for the Friendly Toast) all new/additional signage on the main Burlington Mall building, even permitted by right, are subject to Zoning Board of Appeals review.

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 Clerk's office and on the Board of Appeals website (2022-3)

Applicant requested the hearing be continued until May 3rd, to obtain additional information. Motion made and seconded to continue the hearing. 5-0 in favor.

New Hearing:

22-5

Redmond

The petition of Robert W. Murray, Trustee Somerset Realty Trust for property located at 0 Redmond Road, Aka McSweeney Way/ Somerset Street, Burlington, MA 01803, as shown on the Burlington Assessor's records, Map and Parcel reference:29-75-0. The applicant is seeking a variance to construct a single-family house within the required 100 feet of paved frontage, (32 feet of frontage). The request is in violation of the Minimum Frontage requirement of Article V, section 5.2.0, and dimensional requirements set out in Section 5.1.2.1-5.1.2.5.

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 Clerk's office and on the Board of Appeals website (application #22-5).

Legal notice was read into record. Chairman Michael Murray Jr. recused himself.

Attorney Thomas Murphy introduced himself and Robert Murray the owner of the property. Attorney Murphy provided an overview of the proposed project to build a single-family house. He stated the parcel of land is 47,257, 24,878 square feet of which is uplands and 22,379 square feet are wetlands. He explained it is a legal lot however they need a variance for the frontage. He stated the applicant had gone in front of Conservation and they received approval from

the conservation commission and there is a conservation restriction. He added that the roads surrounding the proposed house are paper roads.

He explained the hardships are as follows:

- 1) Topography -the lot has wetlands and it makes it difficult to build on it.
- 2) Nullify or substantially derogate from the intent of the Zoning by-law - there is only going to be one house on the lot

Mr. Burke asked for clarification on the where they were measuring the 100 feet. Attorney Murphy explained it was from the paper street and goes to Raymond Road, and the driveway would be from Mc Sweeney Way.

Mr. Sullivan stated there are no opposition from the neighbors, and he has no problems with it.
Mr. DiBona stated it was better for the public not to pave.

Open to the public. 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 approve the variance to Robert W Murray, Trustee Somerset Realty for property located at 0 Redmond Road, aka Mc Sweeney Way/ Somerset Street to construct a single- family house. 5-0 on favor.

New Hearing:

22-6

Rosa Mexicano

The petition of Sign Pro Inc. for Rosa Mexicano for property located at 75 Middlesex Turnpike, Space # 1015C, (Burlington Mall) Burlington, MA 01803, as shown on the Burlington Assessor's records, Map and Parcel reference:52-2-0. The applicant is seeking a Sign Permit to install two Wall Signs. The request is in violation due to Article XIII, Section 13.1.3.2.1- " One wall sign shall be permitted for each business side of a building and direct entrance into a store" and previous issued Zoning Board of Appeals decisions (Case #'s 2016-127 & 2017-169) which read in part "all new/additional signage on the main Burlington Mall building, even if allowed/permitted by right are subject to Zoning Board of Appeals approval.

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 Clerk's office and on the Board of Appeals website (application #22-6).

Tracy Becker from Sign Pro, Inc introduced himself and stated he was in front of the Board to request signage for Rosa Mexicano, a new restaurant going into the Burlington Mall. He stated they were looking to put two signs, one on the façade and the second over the door. He described the two signs, stating the larger one is to be a neon look red tubing, while the smaller one will be non-illuminate and over the door.

Mr. Sullivan stated that the area is a big space, and he is not a fan of two signs but in this case, he agrees the small one is needed. However, he would like to minimize the size of the larger one.

Mr. DiBona asked for clarification on the location of the signs and Mr. Becker explained the placement of the signs.

Mr. Harrington confirmed the smaller sign would not be illuminated.

Mr. Murray questioned the circle behind the sign and was informed that sign was inside the mall. He asked what his definition of neon look. And was told it was tubing that does not flash, has a low voltage and not very bright.

Open to the public; no one present to speak for or against.

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

Mr. Murray asked about reducing the height of the lettering. The Board members felt they would like to see a smaller size. A discussion around changing the size of the Capital letters from 36 to 32 inches with the lowercase letters proportionally smaller.

Motion made and seconded to grant a special sign permit to construct two signs. Sign A is to be 32" lettering with the lowercase lettering respectfully in portion. Sign B is to be as shown on rendering, page submitted with the application dated with the condition illumination is not to exceed 90 lumens per square foot and no other signs on the building without BOA approval. 5-0 in favor.

New Hearing:

22-7

Furniture Consignment

The petition of The Sign Center for Furniture Consignment Gallery for property located at 45 Middlesex Turnpike, Burlington, MA 01803, as shown on the Burlington Assessor's records Book-Page # 65108-316, Map and Parcel reference # 56-67-0, to install three (3) Wall Signs. Two (2) signs are to be 48 inches in height by 332" inches in length to read "Furniture Consignment Gallery" and one (1) Wall Sign to be 48" in height by 281" in length to read "Furniture Consignment Gallery".

The signs are in violation per Burlington Zoning Bylaw Section 13.1.3.2.1- one wall sign shall be permitted for each business. Section 13.1.3.2.4 – Wall signs at the first-floor level may extend across the full width of the wall. At other than the first floor, a sign shall be six (6) feet or less in length.

Also, previous Board of Appeals decision for the property- case # 2016-118 includes a condition in Part 2 "No other signs on the building even 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 Clerk's office and on the Board of Appeals website (Application #22-7).

Jay Kahn introduced himself stating he was representing Furniture Consignment Gallery. He provided some background on the store and explained they were seeking to replace the existing signs with new smaller ones. He stated the building has undergone a renovation and they are looking for signage to go with the new look. He explained the building has no street frontage; therefore, it is necessary to have the signs for visibility. He described the signs as being internally lite and provided the dimensions of the sign.

Mr. Currier asked for clarification on the signs and locations.

Mr. Sullivan stated he likes the signs but does not feel there is a need to have all three. He stated the sign facing the parking lot is not necessary, it will not draw people in.

Mr. Kahn responded the sign is needed to provide further awareness of the building.

Mr. Burke stated he agrees with Mr. Sullivan, he questioned if it could be eliminated or reduced.

Mr. Currier also felt the sign facing the parking lot was not necessary, that there is a lot of signage on the building.

Mr. Murray agreed the third sign was not necessary and asked the applicant if they could eliminate it or reduction.

Mr. Kahn stated he felt the signs fit appropriate on the building and there have always been 3 signs on the building.

Mr. Sullivan stated he would vote against the signage if the third sign was to remain.

Jay Frucci owner of Furniture Consignment Gallery stated the signs are already smaller than what was there previously and feels they are critical because they are competing with other small businesses.

Public hearing open: Noone was present to speak for or against. Motion made and seconded to close the public hearing. 5-0

Discussion amongst the applicant and owner and they agreed to withdraw sign 3.

Motion made and seconded to grant a sign permit for the Furniture Gallery Consignment for two wall signs, Sign 1 and Sign 2 with the condition illumination not to exceed 90 lumens and no other signs, even if by right without BOA approval. 5-0

New Hearing

22-8

D1 Training

The petition of Fast Signs for D1 Training for property located 60 South Ave, Unit 2, Burlington, MA 01803 as shown on the Burlington Assessor's records Book-Page # 70-125, Map and Parcel reference # 45c-26-5, to install two (2) Wall Signs.

Both signs are to be 40 inches in height by 208.4 inches in width to read "D1 TRAINING". One sign will be located on the front elevation and the second sign will be located on the rear elevation.

The signs are in violation per Burlington Zoning Bylaw Section 13.1.3.2 and Section 13.1.3.2.4 – Wall signs at the first-floor level may extend across the full width of the wall. At other than the first floor, a sign shall be six (6) feet or less in length.

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 Clerk's office and on the Board of Appeals website (Application #22-8).

Applicant was not present. Motion made and seconded to move the hearing to the end of the meeting. 5-0 in favor

New Hearing

22-10

Strega

The petition of Strega Burlington c/o PPX Hospitality Brands for property located at 90-92 Middlesex Turnpike, Burlington, MA as shown on the Burlington Assessor's records reference Map and Parcel # 52-8-0 to install two (2) Wall Signs and a Business Directory Sign.

Sign "A" – *Wall Sign to be located above the restaurant entrance attached to the façade at the second-floor level. The proposed sign is to be 5'-0" in height and 31'1" in length and reads "Strega Italiano". The proposed Wall sign exceeds the maximum 10' in length above the first floor. Wall Sign is in violation of 90-92 Middlesex Turnpike Planned Development District Bylaw, Article 7, Section 4(a).*

Sign "B" – *Wall Sign to be located on the side façade of the tenant space at the second-floor level. The proposed sign is 4'-0" in height by 22'-6" in length and reads "Strega Italiano". The proposed Wall sign exceeds the maximum 10' in length above the first floor. Wall Sign is in violation of 90-92 Middlesex Turnpike Planned Development District Bylaw, Article 7, Section 4(a). is a Business Directory Sign located at 90 Middlesex Turnpike. The proposed sign is to be added to the existing business directory sign measuring 12" in height by 96" in length per side, which is dimensionally compliant with the 90-92 Middlesex Turnpike Planned Development District Bylaw.*

In addition, all signs are subject to Zoning Board of Appeals approval solely due to prior decision (Case # 2014-36 (Del Fresco's Grille), which prohibits signs even if by right in the applicable PDD Zone, are subject to Zoning Board

of Appeals review.

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 Clerk's office and on the Board of Appeals website (application #22-10).

Kristen Hung introduced herself and stating she was representing Strega and provided some background on the restaurant. She stated it was going in to the former Del Frisco and due to the distance of the building from Middlesex Turnpike, signage is needed to be seen from a distance. She added that the landscaping obstructs the view of the building. She stated they are seeking two Wall signs and one on the Business Directory sign, and they would be in the same spot as previous signs. She stated they were in front of the Board due to a previous decision which prohibits signs even if by right.

Mr. Sullivan stated he didn't understand the need for the 2nd sign. He stated if you are in the parking lot you are going there for the restaurant.

Ms. Hung stated there is no direct entrance to the site and the Planning Board had required all the landscaping therefore signage is very important for this site.

Mr. Burke questioned if the side door was being used.

Mr. DiBona stated he felt the side signs was redundant.

Mr. Harrington agrees the foliage is in the way and he finds the parking lot confusing. He questioned what the sign on the side gets them that the tower doesn't.

Mr. Murray stated he doesn't have a problem with the signage. He pointed out that every business is allowed to have 2 signs.

Open to Public: No one present to speak for or against. Motion made and seconded to close the public hearing. 5-0

Additional comments Mr. Burke stated he felt the signs were needed for navigational purposes.

Motion made and seconded to approve the 3 signs as shown on the plans dated 1/22/2022 submitted with the application. 4-1 John Sullivan voted against.

New Hearing

22-11

Legal Seafood

*The petition of Legal Sea Foods for property located at 75 Middlesex Turnpike (Burlington Mall), Burlington, MA 01803 as shown on the Burlington Assessor's records reference Map and Parcel # 52-2-0 to install a Marquee sign above the primary tenant façade. The sign is to be 4' in height x 46'-4" in length and to read "**Legal Sea Foods**". The sign is in violation of 13.1.3.4.1 – Signs shall only be attached to the sides or front of a marquee and shall be seven (7) feet or more above the ground and 13.1.3.4.2 – The sign shall be six (6) square feet or less. An individual letter sign shall be two (2) feet or less in height.*

In addition, all signs are subject to Zoning Board of Appeals approval solely due to prior decision (Case # 2016-127 & 2017-169) which prohibits signs, even if allowed/permitted by right, are subject to Zoning Board of Appeals approval. 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 Clerk's office and on the Board of Appeals website (application #22-11).

Kristen Hung introduced herself and stated she was representing Legal Sea Foods. She explained the restaurant had closed temporary, however they are planning on re-opening. She describes the restaurant as a mainstay in the town and has had a full renovation, including an expansion to include an enclosed patio. She stated their intent was to use the existing sign but install it on a decorative extension. Because of the placement it makes it a Marquee sign instead of a Wall Sign.

Mr. Harrington asked if it was due to the placement that puts it into a different category. Ms. Hung stated yes. She described the sign being placed about a foot higher and it is suspended from the building.

Mr. DiBona asked if it was independent from the building, because it would be a free-standing sign on top of the roof. He added he was not in favor of lifting the sign up. He also questioned the lights behind the sign. Mr. Greenwood explained the lights of the sign was described as individual LED bulbs inside the channel letters and it is attached.

Mr. Sullivan stated he liked the sign.

Mr. Murray explained the structure is attached to building therefore it is not a free-standing sign. He asked how far out from the wall. Mr. Greenwood state was about 17 feet and it was more or less flush to the building.

Mr. Murray asked about the white dots that are shown on the renderings and was informed they would be seen.

Open to the Public: no one present to speak for or against. 5-0 in favor to closes the public hearing.

Motion made and seconded to approve the Special Sign Permit for Legal Sea Foods for the installation of a Marquee sign with the condition lumens are not to exceed 90 lumens per square foot and no other signage on the building even if by right without BOA approval. 5-0 in favor.

New Hearing

22-12

Moo....

The petition of Sign Art, Inc. for Moooofor property located at 86 Cambridge Street, Burlington, MA as shown on the Burlington Assessor's records reference Map and Parcel # 41-92-0 to install 2 Wall signs.

Sign "A" – Wall Sign to be located above the restaurant entrance. The proposed sign is to be 3'0" in height by 23'-2.5" in length and to reads "MOOO....".

Sign "B" – Wall Sign to be located on the rear façade of the building. The proposed sign is 10" in height by 83.25" in length and reads "MOOO....".

The signage is denied due to a prior decision by the Zoning Board of Appeals (Case # 11863, L'Andana) which prohibits signs even if by right, are subject to Zoning Board of Appeals approval.

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 Clerk's office and on the Board of Appeals website (application #22-12).

Ed Spinney from Sign Art introduced himself stated he was representing Moooo.... Restaurant. He stated he was in front of the Board because of a previous decision on the building. He described the lighting as black during the day and white at night and the sign at the back entrance would not be illuminated. He pointed out the.... Is off set.

Mr. Sullivan asked what the square footage of the new sign and the previous tenant L'Andana is and was informed he didn't know either. He stated the new sign looks much larger than previous.

Mr. Spinney described the illumination as being non-intrusive, and because there is a large parking lot in front and the signage is for visibility. He stated that half of the sign is Verses L'Andana which is all lettering.

Mr. Peter Baker, the GM for Moooo...., stated that due to the setback, it is very difficult to see, signage is very important.

Mr. Sullivan stated the back sign is fine, however he feels the Moooo.... Sign looks so much bigger.

Mr. Spinney stated they are really close to the previous sign and it was necessary because of the setback and the speed of the traffic.

Mr. DiBona stated he looked up the previous signage permits and this sign is much bigger. He added the free-standing sign was already permitted.

Mr. Burke responded that because of the location, he feels they need the signage.

Mr. Harrington state he feels it is appropriate and agrees there is a need for visibility because it is set back it is difficult to see.

Mr. DiBona asked how lumens were measured and Mr. Spinney explained the process.

Mr. Sullivan questioned how the sign in the parking lot was approved.

Mr. Spinney stated the Building Inspector didn't mention it, the old variance only mentioned the Wall Signs.

Mr. DiBona asked if it was illuminated and was informed it is wired to be, but it is not operatable at this time.

Mr. Murray stated he didn't realize that sign was there, that it changes his opinion on the size of the sign.

Mr. Sullivan stated having the free-standing sign, negates their argument for the need for visibility.

Mr. DiBona asked about free-standing signs and Mr. Murray explained in the IG zoning, they were allowed to have it, however, it should have been included in the application.

Mr. Murray asked if it was possible to reduce the size of the sign, because everything is covered by the free-standing sign.

Mr. Currier agreed and mentioned the M is actually 14inches taller than L'Andana sign and the O's are 6 inches.

A discussion amongst Board members and applicant to determine an appropriate size for the sign.

Open to the public: Guy Moore from 1 Arlington Rd, introduced himself and expressed concerns about the lighting. He stated the sign at the church is extremely bright and wanted to make sure this sign would not have flashing lights and not being as bright. Mr. Murray explained when the Church lighting was approved it was prior to the Board requiring 90 lumens or less and they could condition the sign to be on a timer. Mr. Guy stated then he was alright with the signage.

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

Motion made and seconded to approve the 2 wall signs as follows: Sign A with the modification the lettering is to be in proportion with the 'O' letterings of 18 inches and Sign B as shown on renderings submitted with the application. With the condition illumination are not to exceed 90 lumens per square foot, illumination is to be placed on a timer to be on an hour before opening and off an hour after closing and no other signage on the building even if by right without BOA approval. 5-0 in favor.

D1 Training.

Motion made and seconded to continue the hearing until May 3, 2022 5-0 in favor.

Motion made and seconded to approve the minutes from April 5, 2022 5-0 in favor

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