



Town of Burlington

**MINUTES OF THE MEETING OF THE BOARD OF APPEALS
BURLINGTON, MA**

October 4, 2022

Chairman Charles Viveiros called the Burlington Board of Appeals meeting 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: Vice Chairman: Charles Viveiros, Mark Burke, John Sullivan, Joe Currier, Jeremy Harrington, and Jeffrey DiBona.

Absent: Ray Blenkhorn

Continued Hearing

22-25

Aware Inc.

The petition of Aware Inc. for property located at 76 Blanchard Rd., Burlington, MA 01803, as shown on the Burlington Assessor's records, Map, and Parcel reference: 53-1-0. The applicant is seeking a sign permit to install a wall sign proposed to be 30" in height x 12'-0" in length. To read "AWARE" to be located on the south elevation of the building.

*The sign is on violation of Zoning By-laws Article XIII section 13.1.4.2.1
“Wall signs shall be the same as for business zones except that signs
shall be six (6) ft. or less in length & section 13.1.3.2.4*

*The first-floor level may extend across the entire width of the wall. At
the first-floor level, a sign shall be six (6) ft. to less in length.*

Mike Bogdan from AWARE introduced himself and explained that AWARE was looking to replace the previous exterior sign with a sign with his company name.

Mr. Sullivan questioned if the dimensions were less than the previous sign and if a variance was given for the last sign.

Mr. Bogdan and his associate were unsure of the previous sign’s dimensions.

Mr. Viveiros asked Mr. Bogdan & his associate if this was the only tenant in the building currently.

Mr. Bogdan replied yes, that is correct, only (1) tenant currently.

Mr. Harrington questioned how much percentagewise the tenant was occupying the building.

Mr. Bogdan’s associate replied that 50% of the top floor of the 2-story building.

Mr. Viveiros questioned if there were no other signs on the building right now. However, there could be another possible tenant on the first floor in the future.

Mr. Bogdan replied yes, that’s correct.

Mr. Viveiros stated that they usually would have put a condition into the special permit stating that the lumens are not to exceed 90 lumens per square foot.

Mr. Bogdon's associate replied that on the 2nd page, it states it's 84 lumens per square foot.

Open to the public. No one was present to speak for or against it.
Motion made and seconded to close the public hearing. 5-0 in favor.

Mr. Sullivan questioned if there was any other signage on the building prior.

Mr. DiBona stated that they are just replacing the other prior existing sign, "Arbor Networks," on the highway side of the building.

Mr. Burke motioned to approve the sign with conditions not to exceed 90 lumens per square foot. Replacing sign will measure 26" in height by 11.6' in length on the south elevation of the building, and no other signs, even if 'by right'.

Mr. Viveiros moved and seconded the motion stating (1) one wall sign as shown in plans that were submitted with the application on 9/15/22 (pages 1, 2 & 3) with conditions of not to exceed the 90 lumens per square foot and no other signs even if "by right."

All in favor. (5-0)

Continued Hearing

22-26

Fast Signs of Woburn c/o: Dr. Lily Tayari

*The petition of Fast Signs of Woburn c/o Dr. Lily Tayari for property located at 265 Winn Street, Suite 203/204, for a Special Sign Permit to install one (1) sign proposed to be 30” in height by 10’ in length to read **Dr. Lili Tayari with a logo in the middle and 781-273-1152**’ to be double stacked and to be located on the Winn Street elevation of the building.*

The sign violates the Burlington Zoning by-laws under Article XIII Sign Regulations:

13.1.3 General Business Districts, Neighborhood Business Districts, Limited Business Districts, Continuum Traffic Districts:

13.1.2.2 Wall Signs

13.1.3.2.4 at the first-floor level, a sign may extend the entire width of the wall. At other than the first-floor level, a sign shall be six (6) feet or less in length.

GBL – Article XIV: Sign and Advertising Devices

3.2.4 Installation

3.2.4.8 “On any side of a building, wall signage shall be permitted either at the first-floor level or on upper floors, but not both.

Mr. Vasu Patel, the owner of Fast Signs of Woburn, a client of Dr. Lili Tayari, explained to the board that he planned to cancel the push through the cabinet option between the two (2)

windows for a sign. As a new proposal, he would like to use channel letters to keep everything consistent and with what's already existing for signage on the building.

Mr. Viveiros explained to the board that he spoke with the building inspector, and the inspector informed him that there is not a condition currently stating that there are no other signs on this building even if "by right."

Mr. DiBona stated that the current signs were approved "by right" because they met the criteria.

Mr. Viveiros commented that even if they are to decide on this tonight that there will be no other signs even if "by right."

Mr. Viveiros opened it up to the board for discussion and public comment.

Mr. Sullivan asked the proponent, Mr. Patel, if he brought the plans for the sign that he was allowed to have on the building with him.

Mr. Patel asked for clarification purposes if Mr. Sullivan meant the "push through the cabinet" plans.

Mr. Sullivan explained to Mr. Patel, no, it was the size you can have or is allowed "by right." Mr. Sullivan further explained to Mr. Patel that they argued that the existing signage is too small and can't be seen from the street and that the board wants to see the previous plans that show what the current signage would be with the view from the street so that they could determine for themselves.

Mr. Patel asked if Mr. Sullivan was referring to the six (6) foot sign.

Mr. Sullivan stated that was correct.

Mr. Patel explained that he wasn't sure about the width of the sign being six (6) feet with having both Dr. Lili Tayari's logo & telephone number on it. Mr. Patel also stated that it wouldn't work with the six (6) foot width, and he wasn't sure what the height requirement was.

Mr. DiBona stated that it's listed in the by-laws for signage requirements. Mr. DiBona informed Mr. Patel that the by law states that the height maximum is less than 4 feet and less than 6 feet in length is what he's allowed "by right".

Mr. Patel further explained to the board that because of where the balcony is located the current sign bylaws for the proposed sign, he wants to construct won't meet the requirements and that's the reason they went with this new proposal for signage.

Mr. DiBona stated the board would like to see his previous plan for the sign.

Mr. Patel stated that he would be happy to provide the comparison for the board to review it.

Mr. Viveiros asked Mr. Patel as to how big the sign is that he's currently proposing.

Mr. Patel stated the new proposed sign is 88" in width by 28" in length.

Mr. Sullivan commented that he doesn't particularly like the sign and he wished that the Town would've worked with the board to come up with one (1) directory sign for all the business at this property location instead of having all of these signs at the back of the building.

Dr. Tayari asked the board as to how the other tenant was able to have two other signs because he met the size requirement at the time.

Mr. Viveiros explained to Dr. Tayari that he's not exactly sure as to why they were allowed back then and that the special permit request didn't come to them for a decision by the Z.B.A. At the time it was a building inspector decision.

Mr. DiBona explained to the proponents and the board that there are only five (5) signs on the building "by right" and the other sign must have been 'pre-dated' to the bylaw.

Mr. Viveiros stated that the variance application dated back in 2006 had the same issue for the REMAX sign or the Vidoli sign.

Mr. DiBona stated that the other problem is that the building is divided into condos, so they are all being treated as "individual" units too.

Mr. Viveiros stated that if we "the board" address it by the property address and not by unit numbers, we should be all right.

Mr. Sullivan stated he'd like to see the sign smaller.

Mr. DiBona reiterated to the proponents that he and the board would like to see the sign at the “by right” size so that they can come to a consensus and they can’t make a decision as a board without physically seeing it designed with those requirements as well.

Mr. Harrington stated that he’s in alignment with Mr. DiBona’s comments about seeing the prior design plan for the sign “by right” and he understands what the proponent means about the existing balcony/railing in the picture but that fitting into the guidelines shows the board that there is a “hardship” and fitting into those parameters/requirements for the existing signage by laws won’t work. Mr. Harrington also explained to the proponents that he did drive by the property in the evening and that he could see the LED lights lighting up the other signs & it’s very bright and if they don’t have a sign up there it won’t be seen.

Mr. Currier stated that he also wants to see the prior sign plan design with the signage requirements per the by-laws.

Mr. Viveiros stated that he does like the channel lit letters because it goes a little bit more with that side of the building for signage and maybe someday down the road when the other tenant leaves it could be a possibility. Mr. Viveiros also stated that he’s in favor of seeing all of the options before making a decision.

Mr. Viveiros opened the meeting to the public for any public discussion.

Mr. Viveiros asked Mr. Harrington to either continue this or to make a motion.

Mr. Patel asked for clarification from the board on the sign requirements if they want to see it in the 4 ft. x 6ft. design plan.

Mr. Viveiros reiterated that the board all wants to see it in those dimensions before making any decision.

Mr. Patel asked about Dr. Tayari's font, being a "Saraf" font and explained that when they bend the letters there has to be a minimum requirement for the edges will the board approve it if he meets the 4 ft. by 6 ft. requirement.

Mr. Sullivan stated he may have to lose the phone number to fit the letters.

Mr. DiBona commented that he knows what Mr. Patel means about the bending of the letters as he is in the business himself & that the board is looking just for a rendering so that they can see what Mr. Patel has seen.

Mr. Harrington motioned to continue this hearing until the next meeting on October 18, 2022.

Mr. Burke seconded the motion.

Motion approved. All in favor (5-0).

Mr. Viveiros instructed Mr. Patel to send the renderings for the sign design plan to the ZBA email if they it ready before the next meeting on 10/18

New Hearing: 22-27

90-92 Middlesex Turnpike – Eastern Mountain Sports

Mr. Viveiros informed the board that the petitioner has asked to withdraw without prejudice their signage proposal.

Mr. Viveiros asked the board for a motion.

Mr. Sullivan motioned to allow Eastern Mountain Sports to withdraw their petition without prejudice.

Mr. Burke seconded. All in favor (5-0).

Minutes: Motion made and seconded to approve the minutes from 9/20/2022.: all in favor. (5-0).

Adjourn: Mr. Burke motioned to adjourn. Motion made and seconded to adjourn. All in favor. (5-0).