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TOWN OF BURLINGTON

Meeting Minutes

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Minutes need to be posted within 30 days or 2 meetings of the board – Draft minutes can be posted and revised at a later date

DEPT./BOARD: Town of Burlington, Board of Appeals

DATE: September 5, 2023

TIME: 7:00 P.M.

PLACE: Town Hall Main Hearing Room, 2nd Floor, 29 Center Street

MEMBERS IN ATTENDANCE: Chairman, Charles Viveiros, Vice Chairman, Mark Burke,, Joe Currier, Jeremy Harrington & Jeff DiBona, Clerk. Absent: John Sullivan & Ray Blenkhorn.

Minutes of the meeting of the Board of Appeals Burlington, MA

Chairman Charles Viveiros called the meeting to order at 7:30 p.m.

New Hearing: #23-19 - 0 Bedford Street – Applicant: Kristine Hung

Atty. Kristine Hung on behalf of Kristine DiFiore of CMT Realty Management Partnership presented to the board a plan design and renderings to install a freestanding double-sided advertising sign proposed to measure 15'0" H x 6'8" L. They are looking to install this sign on a corner section of the parking lot, however the area where the sign is proposed to be installed is actually located in the City of Burlington. The reason for the appeal is because the building inspector has denied their application to install the sign on Burlington property because it advertises for businesses that are located in the Town of Bedford.

Questions from the board:

Chairman Viveiros asked Atty. Hung what the reason for their appeal was?

Atty. Hung replied that the application was denied by the building inspector because the sign advertises for Bedford businesses.

Chairman Viveiros asked Atty. Hung if the sign was installed in Burlington would it be by right?

Atty. Hung replied, yes, it would be by right.

Mr. Currier commented that he thinks the sign is very tall.





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Atty. Hung replied to Joe's comment stating that the sign has to be taller because of the grade is lower than sight level.

Mr. Currier asked Atty. Hung for far off the property line would the sign be?

Atty. Hung replied the sign will be about 10 ft. off the property line.

Mr. Currier asked if there is any setback?

Atty. Hung replied there is no setback.

Vice Chairman Burke commented that he is concerned about the utility of the sign and trying to get the Middlesex traffic into the property going across oncoming traffic, in addition to, the traffic entering from Middlesex Turnpike being able to physically see the sign from how it's angled.

Atty. Hung explained that the sign will be install at more of a 90-degree angle so that the incoming traffic will be able to see it on approach to the properties.

Vice Chairman Burke commented that he feels there doesn't need to be any signage on the Middlesex Tpke side of the building because there is large enough signage on the Route 62 side of the properties and also that people living and working in that area know the restaurants that are located in there already.

Atty. Hung replied to Mark that there are a lot of non-residents who travel in and out of Burlington and Before that aren't familiar with the restaurants that are located in the business strip.

Vice Chairman Burke also commented that he is concerned about the sign interfering and blocking any other sight lines from the property.

Mr. Harrington commented that he is concerned about the height of the sign that they are proposing because many signs aren't as high as the 15' they are proposing to install, in addition, is this the right place/location for the sign to be installed.

Ms. DiFiore commented that they looked for something that gives us that height because of the grade of the street & it set back as far as it can be.

Atty. Hung commented that they could possibly go a few feet shorter or a different location.

Mr. Harrington also commented that maybe there's an allowance for a sign someplace else.

Clerk DiBona asked the applicant as to why now for the sign. The building has been in use for about 15 years now.





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Ms. DiFiore replied to Jess stating that the tenants of the building & businesses have been requesting signage on both sides of the property and on both access roads, Middlesex Tpke. & Route 62/Bedford Rd.

Clerk DiBona also commented that getting the sign in in Bedford should be the priority and not in Burlington,. He also commented that the sign wouldn't be blocking any foliage and that he' rather see a directory sign with an arrow that says the property address of 213 Burlington Street with an arrow pointing in that direction. He thinks that this would be allowed "by right".

Atty. Hung responded to Mr. DiBona saying that it's more critical to have a sign on Bedford street because there are no signs at all on that side.

Clerk DiBona responded to Atty. Hung stating that he doesn't think it's as necessary anymore to have a business sign because people are using the GPS on their cell phones and locating restaurants by the address and not by driving around looking for signage.

Chairman Viveiros asked the attorney if the sign is in an I.G. district and what type of sign is it. Is it a free-standing sign?

Atty. Hung replied yes it's a free-standing sign.

Chairman Viveiros referred to the Zoning bylaw and stated that the sign wouldn't be "by right" because it doesn't fit into the criteria.

Chairman Viveiros asked Atty. Hung if the sign is a directory sign?

Atty. Hung replied it's a free-standing sign and referred to Section 3.3.3.6 (c) of the zoning by laws for a directory sign and that this sign is compliant according to the by law.

Chairman Viveiros asked about the lot of land behind their property and if the land was P.D.D?

Atty. Hung replied yes, that's correct its Network Drive, P.D.D. district.

Chairman Viveiros commented that all signs are usually "by right" however, this sign doesn't fit into that category. He also commented that he would like to see the full plan and that he agrees with the rest of the board that the sign as proposed is too big. He would rather see the signs on the building versus a free-standing sign.

Atty. Hung responded stating that she doesn't think that this is setting a precedent anywhere in Town, and that she tried to look at other areas in Burlington that might be straddling such as Lexington or Woburn, and there wasn't anything like that. She further commented that this sign would not be "precedent setting" in and of itself in terms of it being in another municipality. Atty. Hung further commented that in terms of "conditioning it"





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she hasn't had a chance to look at the Town of Bedford's zoning by laws to see about getting a permit to put business names on the actual buildings. She's not sure about the bylaws on that.

Atty. Hung asked the Chairman if his concern was really the height of the sign or just having a sign there? She also argued that these restaurants and tenants in these building really rely on this signage for the livelihood, even though it's 'post-Covid' they need as much signage as possible. She mentioned the business Firestone Pizza that went out of business because of the lack of signage.

Ms. DiFiore commented to the board that the company Blackbird ? is also on Network Drive and it doesn't have any frontage or a sign on there either.

Vice Chairman Burke commented that this an extremely unique situation. He suggested to the attorney and applicant about opening up the foliage/trees behind the fence and go to the Town of Bedford and ask them to put signage on your building.

Atty. Hung replied to Vice Chairman Burke stating that it's not our property back there and it's considered wetlands and furthermore, Concom wouldn't let us take down any of those trees.

Clerk DiBona commented that it should fall under the Riverfront Act because Vine Brook runs right there. He further questioned if the sign is within 200 ft. and does it fit in the jurisdiction? Have you spoke to Conservation about it?

Atty. Hung replied that they came to the ZBA first.

Clerk DiBona referenced three properties that are similar to this property in regards to signage. (Burlington Sand & Gravel\ whose property crosses over into Lexington, Middlesex Commons, where Cycle Loft is, has a Lexington address but you access it from Middlesex Tpke. In Burlington, and lastly Mitre Co. which is predominantly in Bedford, but the property crosses over into Burlington). Mr. DiBona also commented about the design of the signage. In the plans submitted it shows a gray face & internally lit but then the rendering shows a white face & internally lit, which will be a very bright sign, He further commented that he'd rather see it the other way then what is shown on the plan, similar to the sign on Third Ave. like Tony C's and Bancroft. It's a black face with the letters coming through. Mr. DiBona also stated that he'd like to see the whole plan first because it would be helpful.

Chairman Viveiros stated that the sign is too big and he wants to see a plan with what businesses are currently listed on the property and a nighttime view of it.





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Ms. DiFiore asked the Chairman for clarification on the requests from the board to see a smaller sign with black facing, with the light shining through (internally lit) versus the white and black base.

Vice Chairman Burke asked the applicant if the dumpsters are in Bedford?

Atty. Hung replied, no they are in Burlington, but they do straddle the line and the parking spaces are in Burlington.

Vice Chairman Burke asked the attorney & applicant if there is a piece of the Bedford property if it could be reconfigured in some way, that Bedford would be responsible for signage? He further explained to the applicant/attorney about perhaps having the dumpsters moved if there's a way to put the signage up there on Bedford property.

Vice Chairman Burke further commented that they applicant go and put the sign in Bedford, because that's where the property is located.

Atty. Hung asked Mr. Burke for clarification on putting a sign up where the dumpsters are.

Vice Chairman Burke, replied, yes exactly.

Ms. DiFiore commented that they would have to take down the tree in order to do anything like that.

Vice Chairman Burke commented that he thinks it would be a good idea.

Atty. Hung replied to the board that the property owners want the sign on Middlesex Tpke. & not on Route 62/Bedford St.

Chairman Viveiros explained to the applicant & Atty. Hung that he would like to see a better plan design in regards to location if it can't be somehow located on Bedford land/property.

Mr. Harrington would also like to see a rendering of what the sign would look like at night and lit up. He's also concerned about the size of the sign being too big and bright at night, especially when trying to make a left hand turn out of the parking lot.

Vice Chairman Burke also commented in agreement with Mr. Harrington about making a left hand turn out of the parking lot is already dangerous, and putting a tall sign there is only going to add to the dangerousness and safety concerns of the traffic patter and traffic that already exists and backs up there at the traffic light.

Atty. Hung stated that she would look into seeing if she can come up with some type of condition for the sign.





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Chairman Viveiros responded to Atty. Hung explaining that if they could show something that lists the existing companies/businesses on the building and/or sign, because down the road if a new tenant comes in with a new business then they would have to come before the board again for an approval or denial and the board needs to make sure everything with the new business sign is within the Town's bylaws.

Atty. Hung explained to the board that there are no other plans to have any other signs installed, only this one sign on the Middlesex Turnpike side of the building.

Chairman Viveiros explained to Atty. Hung that his concern is that he needs to be able to have control over the signage and because it will be on Bedford property they won't be able to control it once it's installed.

Chairman Viveiros opened the meeting up to a public hearing.

No one in audience to speak out against it or for it.

Chairman Viveiros decided to keep the public hearing open until the next meeting and requested the applicant to submit a night view rendering, in addition to signs that are currently on the building.

Atty. Hung asked if the rendering should be with the same panels as it is currently?

Chairman Viveiros replied to Atty. Hung explaining that the panels should have them with the current tenants.

Atty. Hung asked Chairman Viveiros about what the policy is for getting a new tenant on the panel approved?

Chairman Viveiros replied that he wants to see the new logo of the new tenant sign prior.

Clerk DiBona further explained that because the way it's laid out on the plan as to this is what the design is and what the new tenant is for approving individual designs.

Chairman Viveiros reiterated to Atty. Hung & Ms. DiFiore that he would like to see the sign be in Bedford, but if they can't fit it onto Bedford property, he wants to see the reason as to why and then the new plan design for the sign in Burlington. Chairman Viveiros further commented that his preference be that all signage stay in Bedford.

Atty. Hung asked the board as to what evidence they would need if it can't be put on the Bedford side?

Chairman Viveiros replied to Atty. Hung stating that if they could show on a rendering if there's no way they can fit the sign onto the Bedford side of the property.





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Mr. Currier asked Atty. Hung if there was a reason why the dumpsters are in the front of the building?

Atty. Hung replied that's just how it's always been and they've always been located there.

Vice Chairman Burked asked if the pizza place was gone now from the property?

Atty. Hung replied, yes they are gone now.

Ms. DiFiore replied that there's a new one coming down the line.

Vice Chairman Burke asked the applicant about the wood burning ovens they used to put out?

Ms. DiFiore replied that they will not have those wood burning ovens anymore.

Mr. Currier commented that the site plan isn't to scale and it's illegible.

Ms. DiFiore replied that they will get a new site plan to scale.

Clerk DiBona motioned to continue the meeting until Tuesday, October 3, 2023 because there is nothing schedule for the September 15, 2023 meeting.

Joe Currier seconded the motion.

All in favor. (5-0)

Approve minutes as written & submitted for July 18, 2023 ZBA meeting.

Clerk DiBona motioned to approve the minutes from July 18, 2023.

Vice Chairman Burke seconded the motion.

Joe Currier abstained. (4-0-1)

Approve minutes as written & submitted for August 1, 2023 ZBA meeting.

Clerk DiBona motioned to approve the minutes from August 1, 2023.

Mark Burke seconded the motion.

Joe Currier abstained. (4-0-1)





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Approve minutes as written & submitted for August 15, 2023 ZBA meeting.

Clerk DiBona motioned to approve the minutes from August 15, 2023.

Mark Burke seconded the motion.

All in favor. (5-0-0)

Vice Chairman Burke motioned to adjourn.

Seconded by Clerk DiBona.

All in Favor. (5-0-0)

