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Town of Burlington

**MINUTES OF THE MEETING OF THE BOARD OF APPEALS  
BURLINGTON, MA  
August 16, 2022**

Chairman Charles Viveiros 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: Vice Chairman: Charles Viveiros, Mark Burke, John Sullivan, Joe Currier, Jeremy Harrington, Jeffrey DiBona and Ray Blenkhorn

Absent: none

**New Hearing**

**22-22**

**Signify**

*The petition of Signify for property located at 1 Van De Graaff., Burlington, MA 01803, as shown on the Burlington Assessor's records, Map and Parcel reference: 53-7-19. The applicant is seeking a sign permit to install a wall sign proposed to be 5'-0" in height x 20'-6" in width. (102.5) square feet to read "signify" with logo.*

*Sign is on violation of Zoning By-law Article XIII section 13.1.3.2.4 as referenced by section 13.1.4.2 and 13.1.4.2.1. 'At the first-floor level a sign may extend across the full width of the wall. At other than the first-floor level'.*

Teresa Bair from Signify introduced herself and explained Signify was seeking relief for a sign to provide visibility for their company. She stated because of the topography the grade is below the highway level and along with the vegetation they are looking to place the sign between the 5<sup>th</sup> and 6<sup>th</sup> floors of the building. She mentioned they looked at the building and they feel this location is the best fit for the building, due to the facade.

Mr. DiBona clarified the facade is solely brick and was informed it was.

Mr. Burke asked about the illumination and reviewed the requirement of 90 lumens per square foot or less, and if they would be on a timer. Ms. Bair stated they would follow the code and agreed to have a timer from Dusk to Dawn.

Mr. Sullivan questioned if there were any other tenants in the building and was informed there is no tenant currently on the 5<sup>th</sup> and 6<sup>th</sup> floor. He stated he felt the sign was appropriate for the building.

Mr. Viveiros agreed that the sign was appropriate.

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 grant a Special Sign Permit to David Mikel for Signify for property located at 1 Van De Graaff Drive to install a wall sign to be 5'-0" in height x 20'-6" in width to read 'signify' with logo as shown on renderings, page 4 and page 9 submitted with the application on July 21, 2022. 5-0 in favor.

## New Hearing

22-23

### Smith and Wollensky

*The petition of Smith and Wollensky c/o PPX Hospitality Brands for property located at 90-92 Middlesex Turnpike for a Special Sign Permit pursuant to Article 7, Section 2 of the 90 Middlesex Turnpike PDD Bylaw (PDD) to install four (4) signs as follows:*

*Sign "A" is proposed to be a Wall Sign to be located above the restaurant entrance attached to the façade at the second-floor level. The proposed sign is 30" in height and 33'-3" in length and reads "Smith & Wollensky". Sign exceeds the maximum allowed dimension in length for Wall Signs permitted in Article 7, Section 4.a. of the PDD.*

*Sign "B" is proposed to be a Marquee Sign to be located on the marquee over the main entrance of the tenant space. The proposed sign is 7" in height and 16'-6" in length and reads "America's Steakhouse". Sign B is dimensionally compliant pursuant to Article 7, Section 4.f. of the PDD.*

*Sign "C" is proposed to be a Wall Sign to be located on the side facade of the tenant space at the second-floor level. The proposed sign is 18" in height and 21'-0" in length and reads "Smith & Wollensky". Sign C exceeds the maximum allowed dimension in length for Wall Signs permitted in Article 7, Section 4.a. of the PDD.*

*Sign "D" is proposed to be a Business Directory Sign to be located at 90 Middlesex Turnpike. The proposed sign is a panel to be added to the existing business directory sign (replacing the prior restaurant tenant sign) measuring 12" in height and 96" in length (8 square feet per side) and reads "Smith & Wollensky". The proposed Business Directory sign is dimensionally compliant pursuant to Article 7, Section 4.g. of the PDD.*

*In addition, the total number of signs exceed the Maximum Number of Signs permitted pursuant to Article 7, Section 5 and all signs are subject to Zoning Board of Appeals approval solely due to prior Zoning Board of Appeals decision Case #2014-36 (Del Fresco's Grille) which prohibit signs even if by right. Pursuant to Article 7 Signage, Section 2 Special Sign Permit of the PDD, the Zoning Board of Appeals may vary the provisions of these sign provisions in specific cases which appear to them not to*

*Sign is on violation of Zoning By-law Article XIII section 13.1.3.2.4 as referenced by section 13.1.4.2 and 13.1.4.2.1. '*

Robert Buckley introduced himself and stated he was representing Smith & Wollensky from 90-92 Middlesex Turnpike. He explained they had previously applied under Strega; however, they have decided to change the name therefore they are back in front of the Board. He described the signage stating the signage would be in the same of the locations as the previous signs and the sizes deviate slightly.

Mr. Sullivan commented that there is no mistaking it is an American Steakhouse and wasn't sure why they needed to point it out.

Mr. Buckley stated he believes the artistic character of the signage gives them dimension and adds interest to the building.

Mr. Sullivan questioned what the deviation on size were.

Mr. Harrington pointed out that after reviewing them, some were smaller in height but longer in length.

Mr. Buckley provided a summary of the dimensions of the signage.

Mr. DiBona asked for clarification on sign C and was informed it was the perspective of the picture.

Mr. Burke asked about the flags at the front door because some of the renderings are different.

Ms. Densmore from Smith and Wollensky stated they typically have an American and Irish Flags at the front door, and they are side by side. She stated she had not noticed the 2 American flags. Mr. Burke commented how were they maintained and was informed they have a company that handles the signs.

Mr. Burke asked about illumination and Mr. Buckley stated they would stay less than the 90 lumens required.

Mr. Viveiros asked if the American Steak House was going to be lit and was told not.



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 grant a sign permit for Smith and Wollensky c/o PPX Hospitality Brands for property located at 90-92 Middlesex Turnpike to install four (4) signs as shown on renderings on pages 4,5,6 and 7, Job # 22080 dated July 11, 2022, submitted with the application. With the condition illumination is to be 90 lumens or less. 5-0 in favor.

Minutes: Motion made and seconded to approve the minutes. 5-0 in favor

Adjourn: Motion made and seconded to adjourn 5-0

