



TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9636
Fax (978) 264-9630

Planning Department

INTERDEPARTMENTAL COMMUNICATION

To: Planning Board **Date:** May 8, 2008
From: Kristin K. Alexander, AICP, Assistant Town Planner *KLKA*
Subject: Dunkin' Donuts Sign Special Permit – 182 Great Road

Location: 182 Great Road
Map / Parcel: F-4 / 9
Zoning: Limited Business (LB)
Request: a sign larger than allowed under Acton Zoning Bylaw Section 7.8
Applicant: Michael Costa, Principle, Costa Donuts Two, Inc.
c/o Darlene McCarthy, Viewpoint Sign and Awning, Marlboro, MA
Property Owner: Michael Costa, Acton, MA (Ardent Ventures LLC)
Public Hearing: May 13, 2008 (7:45 PM)
Decision Due: August 11, 2008

Background

Dunkin' Donuts at 182 Great Road shared a building with another tenant, Baskin-Robbins. Both tenants had their names on a freestanding sign at the front of the property (Sign License # 2656 - attached). The freestanding sign was considered a "Business Center" freestanding sign since it represented multiple businesses (Acton Zoning Bylaw (Bylaw) Section 7.2.3¹). The Bylaw allows a Business Center freestanding sign to have a maximum display area of 24 square feet (Section 7.8.5.2). The Dunkin' Donuts / Baskin-Robbins freestanding sign has a display area of 16.98 square feet. Baskin-Robbins has now vacated the property leaving Dunkin' Donuts as the only tenant at 182 Great Road. This past February, Dunkin' Donuts received licenses for two new wall signs to indicate it is the only business in the building (see Sign Licenses # 2895 and # 2896). The Baskin-Robbins portion of the Business Center freestanding sign has been covered, leaving only the Dunkin' Donuts logo visible. Dunkin' Donuts is requesting a special permit from the Planning Board (Board) to utilize the entire display area of the existing freestanding sign with their new logo (see Mr. Costa's letter to the Board dated 3/18/08). Dunkin' Donuts would need a special permit to utilize the entire display area because the maximum display area for a freestanding sign representing an individual business is 12 square feet (Section 7.8.5.1).

¹ 7.2.3 BUSINESS CENTER – For the purpose of this Section, BUSINESS CENTER shall be defined as a business development occupied by or available for occupancy to at least two distinctly separate businesses on one or more adjacent LOTS sharing common facilities such as driveways and parking areas.

Comments

1. As mentioned above, Bylaw Section 7.8.5.1 states that the display area of a freestanding sign identifying one business shall not exceed 12 square feet. Bylaw Section 7.13.1.2b) provides the Board with the authority to grant a special permit for a sign not larger than twice the otherwise permitted maximum display area subject to findings (Section 7.13.2). The display area of the proposed freestanding sign is 16.98 square feet.
2. Bylaw Section 7.8.3 requires the Dunkin' Donuts freestanding sign to be integrated into the landscape design of the lot, centered within a minimum landscaped area (in this case, an area of 400 square feet), and planted and maintained with suitable vegetation including shrubs and flowering perennials surrounding the base of the freestanding sign. According to Section 7.8.3, the landscaped area may be provided as part of a landscaped area required under any other section of the Bylaw (e.g. site plan).

The freestanding sign is currently located within a landscaped area. The area appears to have shrubs and possibly flowers. The size of the landscaped area is unknown. In a letter dated 3/18/08, Mr. Costa, the property owner, wrote the following: "we plan to revitalize our landscaping along the signage area this spring which will help to deter any possible visual concerns along the road." To determine existing and future compliance with Section 7.8.3, the applicant should submit the following information to the Town:

- A sketch of the existing landscaped area with dimensions shown;
 - The proposed landscape area plan with dimensions shown and denoting the proposed species, and their numbers and locations relative to the freestanding sign.
3. Bylaw Section 7.13.2 states that a sign special permit shall only be issued if the Planning Board finds that the proposed sign meets nine criteria (see attached). It would be helpful if the applicant could explain to the Board how the proposed sign meets the criteria in Section 7.13.2, especially the last criterion (Section 7.13.2.9):

"In the case of a SIGN under Sections 7.13.1.1 through 7.13.1.3, the proposed SIGN is necessary for adequate identification of a business which for site specific reasons would not reasonably be possible under the otherwise applicable standards and available options of this Bylaw."

Summary

The Dunkin' Donuts request seems reasonable. Why pay the expense of an entirely new sign if it can reuse the existing sign? The existing sign appears to be in relatively good condition. The Planning Department's primary concerns are whether (a) the planned landscaped area will comply with the Bylaw, and (b) the proposed sign is consistent with the findings under Bylaw Section 7.13.2. The Board should visit the site, read all staff comments, and review Bylaw Section 7.13.2 to determine whether the resulting freestanding sign will meet all criteria necessary to grant a special permit. At the end of the meeting on May 13th, if the Board feels it has sufficient information to make a decision on the application, please provide staff with guidance on drafting a decision for the next Board meeting. If the Board believes more information is necessary, staff recommends continuing the hearing to June 10, 2008 at 8:30 PM.



Jiu

TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9632
Fax (978) 264-9630

Building Department

December 20, 2002

SIGN LICENSE # 2656

DUNKIN DONUTS/BASKIN ROBBINS is hereby authorized under provisions of the Sign Bylaw of the Town of Acton to erect a FREESTANDING sign, DUNKIN DONUTS/BASKIN ROBBINS, on property at 182 GREAT ROAD, Acton, Massachusetts. Said sign to be four feet wide by four feet high; to be of plastic and aluminum construction; internally illuminated with opaque background and to conform in every way to the description thereof contained in the application.

If illuminated the sign shall be equipped with an automatic timer, or other device, which shall effectively operate to extinguish the sign illumination not later than thirty (30) minutes after the closing time of the business on the premises which has the latest closing time.

If at any time during the life of the license the business or use is terminated, this license shall expire and the sign shall be removed within thirty (30) days.

This license will expire December 1, 2005. It will be necessary for you to apply for a renewal prior to that date.

Garry A. Rhodes
Building Commissioner

Fee - \$35.00, paid.



Date Received: 12/11/02
 Fee Paid: 35.00
 Permit #: 2656

**TOWN OF ACTON
 APPLICATION FOR SIGN LICENSE**

Each application must be accompanied by the following: a scale drawing or photograph showing the proposed sign; dimensions; colors; location on site; building elevation; and any other pertinent information necessary to accurately depict the proposed sign and its location.

SIGNS IN THE HISTORIC DISTRICT MUST HAVE PRIOR APPROVAL FROM THE HISTORIC DISTRICT COMMISSION.

1. GENERAL INFORMATION

Street Address of Proposed Sign 182 GREAT ROAD
 Name on Sign DANNY COSTA & GASKIN ROBBINS
 Applicant 182 GREAT ROAD Phone: 603-898-6011
 Mailing Address 182 GREAT ROAD, SALISBURY, NH 03079
 Does this Sign replace an existing licensed sign? NO
 Material of Sign PLASTIC & ALUM. WITH LIGHTS AND 2 PANELED PANELS
 Is Sign Illuminated? YES Type LAMES
 Width 4' Height 4' Thickness 10" Area of Sign 20 sq. ft. 16 sq. ft.

2. WALL SIGN

Building Frontage _____ ft. Business occupies 1st. fl. _____ 2nd. fl. _____
 If more than one business in building, frontage of your business _____

3. PROJECTING SIGN

Projection from wall _____ Does Sign project over sidewalk? _____

4. SECONDARY SIGN

5. FREESTANDING SIGN

Height above Grade 10' Are there other signs on the lot? NO

6. SPECIAL EVENT SIGN

Dates _____

[Signature]
 Signature of Applicant

12-11
[Signature]
 Signature of Property Owner

DANN COSTA
 Name of Property Owner

[Signature]
 Approved by
 (33)

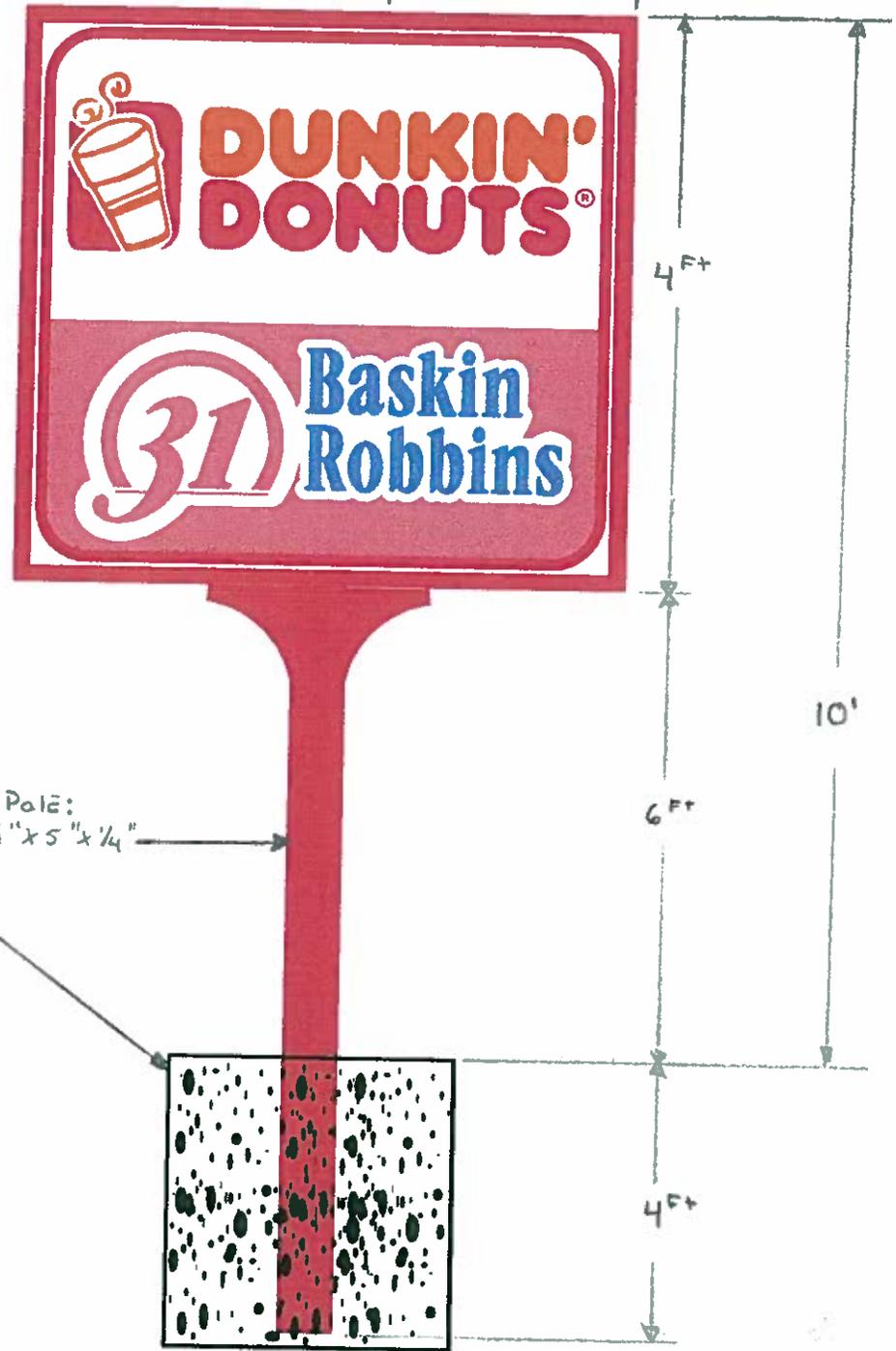
Dec. 16, 2002
 Date

*See
 another
 from
 Great Rd Dept*

[Signature]

526

Pylon Sign/ 4'x4' / ^{16 sq} ~~20~~sq



CONCRETE PAD
3 FT X 3 FT X 4 FT

PANELS ARE
OPAQUE

Dunkin Donuts
182 Great Road
Acton Ma,

*The content of this page is property of Hobbs Sign Service Co. Inc.
and is for approval by clients.*

Any unauthorized use or duplication of this print will result in prosecution.

Hobbs
Sign Service
Co Inc

7.13 SIGNS Requiring a Special Permit from the Planning Board

7.13.1 The Planning Board, acting as the Special Permit Granting Authority under this Section, may approve, approve with conditions, or disapprove the following SIGNS and the following deviations from the requirements of Sections 7.7 and 7.8:

7.13.1.1 A greater number of SIGNS than allowed under Sections 7.7 and 7.8, but not more than one SIGN in addition to the number of SIGNS otherwise permitted per LOT or per PRINCIPAL USE, as the Planning Board finds appropriate to further the purpose of this Section as stated in Section 7.1.

7.13.1.2 SIGNS with dimensions in excess of those permitted under Sections 7.7 and 7.8, subject to the following limitations:

- a) no SIGN higher or wider than one and one half times the maximum height or width otherwise permitted, and
- b) no SIGN larger than twice the otherwise permitted maximum DISPLAY AREA, and
- c) no FREESTANDING SIGN larger than 40 square feet in DISPLAY AREA or higher than 10 feet, and
- d) any such other limitation as the Planning Board may find appropriate to further the purpose of this Section as stated in Section 7.1.

7.13.1.3 A SIGN in a location or in a position not otherwise permitted, but not a ROOF SIGN, a BILLBOARD, or a SIGN located within the minimum required distance from the sideline of a STREET or right of way customarily used by the general public.

7.13.1.4 SIGNS made of materials not otherwise permitted.

7.13.1.5 A SIGN attached to a stone wall, retaining wall, fence or other landscaping feature on a LOT, provided that such SIGN and feature are, in the opinion of the Planning Board, an integral component of the landscape design and BUILDING architecture on the LOT.

7.13.1.6 Except in the Village Districts, a NEON SIGN to be ERECTED on a LOT in place of a SIGN otherwise permitted, provided it features an individualized, custom made design showing only a drawing, logo, symbol or illustration, but not letters. A NEON SIGN hereunder shall comply with all applicable dimensional standards. It shall be composed of primarily single strand glass tubing with a maximum 1 inch diameter.

7.13.1.7 One SIGN for a nonconforming, pre-existing business, industrial or office USE other than a home occupation, ERECTED in a Residential District, conforming to the applicable requirements for a SIGN in a Village District, not illuminated and not exceeding six square feet in DISPLAY AREA.

7.13.1.8 A FREESTANDING SIGN with less than the required landscaped area, provided that, in the opinion of the Planning Board, sufficient landscape treatment is provided to compensate for the reduction in area.

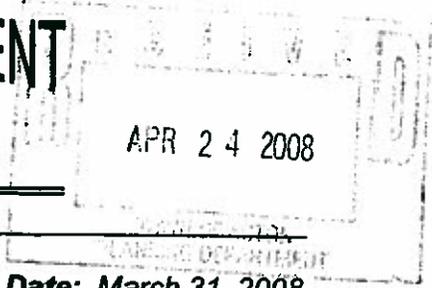
7.13.1.9 A type or method of SIGN illumination not otherwise permitted provided that it meets the general objectives of Section 7.4.3.

7.13.2 A Special Permit under this section shall only be issued if the Planning Board, in addition to the required findings of Section 10.3.5, finds that, in its opinion, the resulting SIGN or the resulting deviation from the otherwise applicable requirements of this Section 7 meet the following criteria:

7.13.2.1 The SIGN will be consistent with the intent and purpose of Section 7.

- 7.13.2.2** The SIGN will be consistent with the character and use of the area and with the Zoning District in which it is ERECTED.
- 7.13.2.3** The SIGN will have appropriate scale and proportion in its design and in its visual relationship to BUILDINGS in the area and to its general surroundings. It has been attractively designed and located, and will be a compatible architectural element of the BUILDING to which it principally relates and will be in harmony with other features in the general area.
- 7.13.2.4** The proposed SIGN will provide continuity with other SIGNS, not including any non-conforming SIGNS, on the same or adjacent BUILDINGS or LOTS with respect to most but not necessarily all of the following criteria: dimension, proportion, mounting height, materials, colors, and other important features as determined by the Planning Board.
- 7.13.2.5** The colors, materials and illumination of the proposed SIGN are restrained and harmonious with the BUILDING and the site to which it principally relates.
- 7.13.2.6** The material used for the SIGN is appropriate and does not detract from the aesthetic qualities of its surroundings.
- 7.13.2.7** The number of graphic elements on the proposed SIGN is held to the minimum needed to convey the SIGN'S primary message and is in good proportion to the area of the SIGN face.
- 7.13.2.8** The proposed SIGN will not unduly compete for attention with any other SIGN or SIGNS.
- 7.13.2.9** In the case of a SIGN under Sections 7.13.1.1 through 7.13.1.3, the proposed SIGN is necessary for adequate identification of a business which for site specific reasons would not reasonably be possible under the otherwise applicable standards and available options of this Bylaw.
- 7.13.3** When granting a special permit hereunder, the Planning Board, in order to mitigate negative impacts of a SIGN and to help support any of its required findings under Section 7.13.2, may impose reasonable conditions taking into consideration all aspects of the SIGN and its impacts on the visual environment in the area, including but not limited to design, construction, color, illumination, landscaping, and coordination with BUILDINGS and other SIGNS in the area, it may require the removal of any non-conforming SIGN or SIGNS on the LOT or in the same BUSINESS CENTER, and it may impose such other conditions as it deems appropriate to further the purpose of this Section as stated in Section 7.1.
- 7.13.4** The Planning Board shall promulgate Rules and Regulations governing the business of the Planning Board under this Section, including but not limited to the contents of an application and application fees, and it may adopt and from time to time amend design guidelines for SIGNS as it finds appropriate.
- 7.13.5** Where a SIGN is located in a Local Historic District, the Planning Board shall have no authority to require or grant a Special Permit under this Section 7.13. Instead, the Historic District Commission shall have the power and discretion to issue a Certificate of Appropriateness for such SIGN under the Acton Historic District Bylaw, Chapter P of the Town Bylaws. However, any SIGN approved hereunder shall also comply with the requirements of this Bylaw, including the requirements of Section 7.13.1.

ACTON PLANNING DEPARTMENT
Inter-departmental Memo
978-264-9636



Date: March 31, 2008
CORRECTION: April 1, 2008

To: Town Assessors
Engineering Administrator
Historical Commission
Police Department, fyi

Building Commissioner
Municipal Properties Director
Historic District Commission

From: Kim DelNigro *KL*

Subject: Review of Sign Special Permit, Dunkin Donuts (182 Great Road)

Attached is an application for approval of a Sign Special Permit for Dunkin Donuts at 182 Great Road. General information about the proposed sign is as follows:

Location: 182 Great Road
Applicant: Viewpoint Sign & Awning
Owner: Michael Costa
Sign Type: Freestanding
Bylaw Sections: 7.13.1.1
Map & Parcel: F-4 / 9-1
Zoning: LB
Decision Deadline: August 11, 2008

Please review the enclosed application and send your comments to the Planning Department no later than **April 28, 2008**. The public hearing is scheduled for May 13, 2008 at 7:45PM. If you have any questions, please call the Planning Department at 978-264-9636.

Review Comments:

NO COMMENT

Signature: *William Paul*

Date: *4/24/08*

ACTON MUNICIPAL PROPERTIES DEPARTMENT

INTERDEPARTMENTAL COMMUNICATION

To: Kim DelNigro, Planning Department
From: Dean A. Charter, Municipal Properties Director 
Subject: Sign Special Permit, Dunkin Donuts, 182 Great Road

Date: 4/1/08
APR - 2 2008
TOWN OF ACTON
PLANNING DEPARTMENT

The application noted above has no impact upon my areas of interest, and therefore I have no comment.

ACTON PLANNING DEPARTMENT
Inter-departmental Memo
978-264-9636



Date: March 31, 2008
CORRECTION: April 1, 2008

To: Town Assessors
Engineering Administrator ✓
Historical Commission
Police Department, fyi
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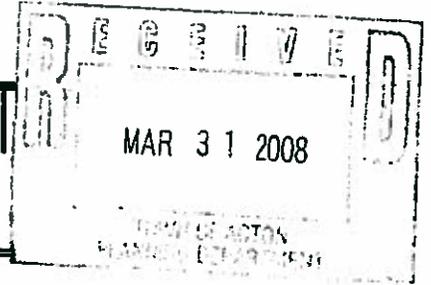
Review Comments:

Information provided indicate that the dimensions and location will remain the same, therefore engineering has no comment.

Signature: *Allen Chavel*

Date: *4/2/08*

ACTON PLANNING DEPARTMENT
Inter-departmental Memo
978-264-9636



Date: March 31, 2008

To: Finance Director
From: Kim DelNigro 
Subject: Review of Sign Special Permit
182 Great Road
F-4/9-1 F4-9-.1

The Planning Board has received an application for approval of a Sign Special Permit and is scheduled to hold a public hearing on May 13, 2008 at 7:45PM. Please advise the Board of any delinquent taxes owed on the property at this time. If any property taxes are overdue, the Planning Board will include a condition requiring tax payment in their decision.

No property taxes due at this time.

The following property taxes are overdue at this time:



Signature

3/31/08

Date

Thank you for your attention to this request.