FYI

MAR 18

Planning Board

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9636
Fax (978) 264-9630
pb@acton-ma.gov
www.acton-ma.gov

DECISION
09-03

Post Road Carpet, 141 Great Road
Sign Special Permit

March 17, 2009

GRANTED with Conditions

Decision of the Acton Planning Board (hereinafter the Board) on the application of Darlene McCarthy, Viewpoint Sign and Awning, Marlboro, MA on behalf of Sam Paolini (hereinafter the Applicant) for property located at 141 Great Road in Acton, Massachusetts, owned by Sam Paolini, 141 Great Rd Realty Trust of Acton, MA. The property is shown on the 2007 Acton Town Atlas map F-4 as parcel 37-3 (hereinafter the Site).

This Decision is in response to an application for a sign special permit, received by the Acton Planning Department on February 5, 2009, pursuant to Section 7.13 of the Acton Zoning Bylaw (hereinafter the Bylaw) and the Sign Special Permit Rules and Regulations (hereinafter the Rules).

Joe Paolini of Post Road Carpet and Bill Hannigan (Hannigan Engineering) presented the subject matter of the special permit to the Board at a duly noticed public hearing on March 17,

2009. Board members Gregory E. Niemyski (Chairman), Bruce Reichlen (Vice Chairman), Ruth M. Martin, Roland A. Bourdon III, Ryan J. Bettez, Ray Yacouby and associate member Jeff Clymer were present throughout the hearing. The minutes of the hearing and submissions on which this decision is based upon may be referred to in the Planning Department or the Town Clerk's office at the Acton Town Hall.

1 EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

1.1 Items and documentation required by the Rules consisting of:

- A properly executed Application for a Sign Special Permit, received in the Planning Department on February 5, 2009.
- A landlord authorization letter from Samuel Paolini, Post Road Carpet, dated 7/9/08.
- A cover letter from Paul Paolini, Post Road Carpet, to the Board.
- Certified abutters list.
- A locus map.
- A sign location plan.
- Sign renderings:
- Copies of Sign Licenses: # 2728, # 2901, and # 2926, issued for one freestanding and one wall sign on the Site, dated 1/16/04 – 3/12/09.
- A copy of Acton Planning Board Decision 03-06, Post Road Carpet One, 141 Great Road, Sign Special Permit, granted with conditions on 10/21/03.
- A revised lettering plan received at the public hearing on March 17, 2009.

1.2 Interdepartmental communication received from:

- Acton Building Commissioner, dated 2/25/09;
- Acton Engineering Department, dated 2/24/09;
- Acton Fire Chief, dated 3/12/09;
- Acton Health Department, dated 3/2/09;
- Acton Planning Department, dated 3/12/09;
- Acton Sidewalk Committee, dated 2/18/09;
- Acton Treasurer's Office, dated 2/19/09;
- Acton Tree Warden & Municipal Properties Dir., dated 2/18/09.

1.3 Other:

- Photographs of existing signs on the Site, taken by the Acton Planning Department on 2/13/09 and 3/13/09.

Exhibit 1.1 is referred to herein as the Plan.

2 FINDINGS and CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that:

2.1 The Site is located within the Limited Business (LB) zoning district.

2.2 The Applicant requests a special permit for one wall sign (hereinafter the Sign) at the Site with a dimension in excess of the by-right 30 feet prescribed in Bylaw Section 7.7.4.3. The width of the proposed Sign is 45 feet.

In all other respects the proposed sign as requested would comply with by-right requirements of the Bylaw.

2.3 The Sign may be allowed on the Site by special permit in accordance with Section 7.13.1.2a) of the Bylaw.

2.4 The Site has a temporary A-frame sign located near the access driveway advertising a "special" and "50% off" sale. According to Acton Zoning Enforcement Officer records, this sign has not received a temporary special event sign license.

2.5 The Sign is replacing a 30-foot wide existing wall sign stating "Post Road Carpet".

2.6 The Sign will be installed on fascia to be painted green by others. It is unclear whether the entire fascia, including the portion that wraps around the front edges of the building, will be painted. It is necessary for the entire fascia to be painted to be considered wall area. If just the front portion of the fascia is painted, the area becomes display area for the wall sign and does not comply with Bylaw Section 7.7.4.1 which limits the display area of the Sign to be 81 square feet.

2.7 The Post Road Carpet building is set back approximately 150 feet from Great Road. The Sign will increase visibility of the business to vehicular traffic.

2.8 The Sign is consistent with the character and uses of the area and with the Zoning District in which it will be located.

2.9 The Sign is appropriate in scale, design, and proportion relative to the buildings in the area and to the general surroundings. It is attractively designed, appropriately located, and will be compatible with the building to which it principally relates, and it is in harmony with the general area of the Limited Business zoning district.

2.10 The Sign is a continuous part of an integrated architectural design of the entire Site.

2.11 The colors and materials of the Sign are restrained, and in harmony with the building.

2.12 The materials used for the Sign are appropriate and do not detract from the aesthetic qualities of the surroundings.

2.13 The number of graphic elements on the Sign are held to the minimum needed to convey the Sign's primary messages and are in good proportion to the area of the Sign's face.

2.14 The Sign will not unduly compete for attention with any other signs in the area.

2.15 The Sign is necessary for adequate identification of the business at this Site.

2.16 The Sign as approved herein is appropriate for the Site; is consistent with the Master Plan; is in harmony with the purpose and intent of the Bylaw, specifically Section 7; will not be detrimental or injurious to the neighborhood where it is proposed; and complies in all respects to the applicable requirements of the Bylaw and the Rules.

2.17 The Board has received comments from various Town departments, which are listed in Exhibit 1.2 above. The Board considered these comments in its deliberations, made them available to the Applicant, and incorporated them into this decision as deemed appropriate.

3 BOARD ACTION

Therefore, the Board voted – six in favor, zero opposed – to GRANT the requested special permit subject to and with the benefit of the following Plan modifications, conditions, and limitations.

3.1 CONDITIONS

The following conditions shall be binding on the Applicant and its successors and assigns, and shall be enforceable by the Zoning Enforcement Officer in his administration of the sign permits under Section 7.6 of the Bylaw. Failure to adhere to these conditions shall render this special permit null and void, without force and effect, and shall constitute grounds for the revocation of this special permit, and of any sign permit issued by the Zoning Enforcement Officer hereunder. The Town of Acton may elect to enforce compliance with this special permit using any and all powers available to it under the law.

3.1.1 Prior to issuance of the sign permit and erecting the Sign approved hereunder, the Applicant shall:

a) remove the temporary A-frame sign from the Site;

b) paint the entire fascia located on the front side of the building facing Great Road, and the portions of fascia that wrap around the front edges onto each side of the building;

c) obtain a sign permit from the Zoning Enforcement Officer pursuant to Section 7.6 of the Bylaw.

3.1.2 The Sign shall be erected in accordance with the Plan approved and amended herewith, and shall otherwise comply with all applicable requirements of the Bylaw.

3.1.3 All taxes, penalties and back charges resulting from the non-payment of taxes, if any, shall be paid in full prior to issuance of a sign permit.

3.2 LIMITATIONS

This special permit shall be limited as follows:

3.2.1 The foregoing conditions have been stated for the purpose of emphasizing their importance, but are not intended to be all-inclusive or to negate the remainder of the Bylaw and the Rules.

3.2.2 This special permit applies only to the Site identified in this decision and to the proposed Sign as shown on the Plan.

3.2.3 Other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.

3.2.4 This special permit shall lapse if substantial use thereof has not commenced within two years of the filing date of this decision with the Town Clerk, except for good cause, or if construction under this special permit is not continued through to completion as continuously and expeditiously as is reasonable. A request to extend said time limits must be made in writing to the Board at least 30 days prior to said expiration dates. The Board herewith reserves its rights and powers to grant or deny such extension, to issue any appropriate changes to the special permit and to require any appropriate modifications of the Plan.

3.2.5 The Board hereby reserves its right and power to modify or amend the Plan and the terms and conditions of this special permit with or without a public hearing upon the request of the Applicant, his designees or assigns, or upon its own motion.

4 APPEALS

Appeals, if any, shall be made pursuant to MGL, Ch. 40A, S. 17 and shall be filed within 20 days after the date of filing this decision with the Town Clerk.

Signed on behalf of the Acton Planning Board

Roland Bartl, AICP, Planning Director
for the Town of Acton Planning Board

This is to certify that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

Eva Taylor, Town Clerk Date

Copies furnished:

Applicant - certified mail #	Building Commissioner	Health Director
Town Clerk	Engineering Department	Municipal Properties Director
Fire Chief	Conservation Administrator	Town Manager
Owner	Police Chief	
	Assistant Assessor	

L:\PLANNING\planning board\decisions\09-03 Wall Sign - Post Road Carpet.141 Great Rd.doc