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Planning Department

INTERDEPARTMENTAL COMMUNICATION

To: Planning Board ***Date:*** January 28, 2011

From: Kristin K. Alexander, AICP, Assistant Town Planner

Subject: **TD Bank Sign Special Permit – 408 Massachusetts Avenue**

Location:	408 Massachusetts Avenue
Map and Parcel:	F-3/27
Zoning:	Kelley's Corner (KC)
Request:	A sign special permit under Acton Zoning Bylaw Section 7
Applicant:	TD Bank, N.A., c/o Mr. Marc Goldstein, Esq. of Beveridge & Diamond, P.C., Wellesley, MA
Property Owner:	NOTCA LLC, Mr. Vincent Cuttone, Manager, of Acton, MA
Public Hearing:	**February 1, 2011 (7:45 PM)**

Background

TD Bank recently received a site plan special permit from the Board of Selectmen to locate at 408 Massachusetts Avenue (where a gasoline station is currently on Route 111 - across from "No Name Road"). They are proposing signage that does not comply with all of the Acton Zoning Bylaw (Bylaw) signage requirements (Section 7). In certain circumstances, the Planning Board may approve, approve with conditions, or disapprove signs that deviate from the requirements of (sign) Sections 7.4, 7.7., and 7.8 of the Bylaw.

TD Bank is proposing the following signs for the site:

A) 1 exterior wall sign ("TD Bank") on the street side (north side/front wall) of the building;
B) 2 exterior wall signs ("TD"), one on the front wall and one on the east wall of the building;
C) 1 freestanding monument sign ("TD Bank, Open 7 Days") near one driveway entrance;
D) 3 illuminated directional signs ("drive-thru") – one adjacent to one driveway entrance and two near the drive-thru area in the rear of the site (details not shown);
E) 2 illuminated directional signs ("enter") adjacent to the two driveway entrances;
F) 2 exterior wall signs ("TD") on the front door handles.

Each of the signs proposed deviate from at least one of the requirements of the Bylaw (see "Planning Department Comments" below).

Town departments have reviewed the TD Bank Sign Special Permit application. Please review all department comments including the Planning Department's comments below.

Planning Department Comments

TD Bank has submitted one of the most complete/comprehensive sign special permit applications the Planning Department has seen in recent years. Thank you. Unfortunately, every sign proposed deviates in one way or another from the sign requirements of the Bylaw. The Planning Department doesn't object to every sign proposed. However, the Planning Department does believe that the number of signs proposed is excessive for the site. Staff also needs more information on some of the signs to determine compliance with Bylaw Section 7. **We recommend continuing the public hearing** in order for the applicant to address the questions and comments below.

A) One Exterior Wall Sign ("TD Bank")
Staff needs the following information to complete their review of the proposal and to determine whether this sign complies with the Bylaw or whether it needs a special permit from the Board:

1. Detailed drawings of the building where the sign is proposed:
    a. demonstrating that the sign is located on a parapet (to comply with Section 7.7.4.5), and
    b. showing the distances between the sign and the a) top of the parapet, if it is located on a parapet, to determine compliance with Section 7.7.4.5, b) horizontal edges of the building to determine compliance with Section 7.7.3, and c) vertical edges of the building to determine compliance with Section 7.7.4.7;
2. Additional information to demonstrate the sign does not project more than one foot from the surface to which it is attached (Section 7.7.4.6);
3. Further details on the method of illumination. The type of sign proposed needs to comply with Bylaw Section 7.4.3.4e) which requires certain parts of the sign to be opaque ("the word "opaque" as used in the following sub-section shall mean that the opaque object shall appear black when the sign is lit at night"):

    "INDIVIDUAL LETTER SIGNS with translucent letter faces, internally illuminated with a soft-glow light source; or SIGNS with an opaque SIGN face with cutout translucent letter surfaces which are internally illuminated with a soft-glow light source…."

    Staff cannot determine which portions of the sign, if any, will be opaque.

If the sign does not comply with the Bylaw sections discussed in A)1. above, the applicant would need to request special permit approval for a "sign in a location or in a position not otherwise permitted…" (Section 7.13.1.3). If the sign does not comply with the Bylaw section discussed in A)2. above, the applicant would need to request special permit approval for a sign "with dimensions in excess of those permitted under Sections 7.7 and 7.8…" (Section 7.13.1.2). If the sign does not comply with the Bylaw section discussed in A)3. above, the applicant would need to request special permit approval for "a type or method of sign illumination not otherwise permitted…" (Section 7.13.1.9).

B) Two Exterior Wall Signs ("TD")
The Board cannot approve a special permit for the two exterior "TD" wall signs as proposed. Staff explains why not and provides two options for the applicant below.

Option B1):

The Bylaw only allows one exterior sign (a wall sign, a projecting sign, or an awning sign) per principal use (in this case, the bank) (Section 7.7.1). Bylaw Section 7.13.1.1 allows the Board to approve a special permit for a greater number of signs than allowed but not more than one sign in addition to the number of signs otherwise permitted per lot or per principal

use. If the applicant chooses this option, the applicant would need to modify the special permit request by:

1. Reducing the number of "TD" wall signs to one sign;
2. Requesting special permit approval for a "sign in a location or in a position not otherwise permitted…" (Section 7.13.1.3) because the "TD" sign must be located at least one foot below the level of the bottom sills of the windows of the story above the ground floor of the building (Section 7.7.2), and two feet from the vertical edges of the building (Section 7.7.4.7);
3. Request special permit approval for a sign "with dimensions in excess of those permitted under Sections 7.7 and 7.8…" but "no sign higher or wider than one and one half times the maximum height or width" (Section 7.13.1.2a)). The maximum height allowed is 3 feet and the proposed "TD" Sign is 4'-6" high (the special permit maximum);
4. Continue to seek special permit approval for "a type or method of sign illumination not otherwise permitted…" (Section 7.13.1.9) because the green of the "TD" sign will not be opaque as required by Bylaw Section 7.4.3.4e).

OR

Option B2):

The Bylaw allows two secondary exterior signs (Section 7.7.7). However a) one of the "TD" signs would have to be located on the west side of the building facing the parking lot, b) the other "TD" sign would have to be located on the south side of the building (facing the drive-thru) near where the second entrance is located, and c) the display area for each "TD" sign could not exceed six square feet (Section 7.7.7). If the applicant chooses this option, the applicant would need to modify the special permit request by:

1. Requesting special permit approval for each of the two signs "in a location or in a position not otherwise permitted…" (Section 7.13.1.3);
2. Reducing the display area proposed for each sign from 22.45 square feet to no more than 12 square feet. The maximum display area allowed is 6 square feet (Bylaw Section 7.7.7). However, the applicant can propose up to 12 square feet for each sign and request special permit approval (Section 7.13.1.2b)).
3. Continuing to seek special permit approval for "a type or method of sign illumination not otherwise permitted…" (Section 7.13.1.9) because the green of the sign will not be opaque as required by Bylaw Section 7.4.3.4e).

C) One Freestanding Monument Sign ("TD Bank, Open 7 Days")

Bylaw Section 7.8.5.1 limits freestanding signs to a display area maximum of 12 square feet (with a height maximum of 7 feet). Bylaw Section 7.13.1.2.c) provides the Planning Board with the authority to grant a special permit for a sign that exceeds the maximum display area required by the Bylaw up to 40 square feet in display area. The applicant is requesting a special permit for a 24 square foot (6'-1" high) freestanding monument sign.

1. The Bylaw requires the freestanding sign to be integrated into the landscape design of the lot and centered within a 148 square foot landscaped area planted and maintained with suitable vegetation including shrubs and flowering perennials surrounding the base of the sign (Section 7.8.3). There is a note on Sheet 2 of the Sign Permitting Plans that the applicant will provide a 278 square foot landscape area. The applicant should submit a landscape area plan in order for staff to determine if it will be planted in compliance with Bylaw Section 7.8.3.

2. The proposed freestanding monument sign needs to comply with Bylaw Section 7.4.3.4e) which requires certain parts of the sign to be opaque (see Item A)3. above). Staff cannot determine which parts of the sign will be opaque. The applicant should provide more detailed illumination information to demonstrate compliance with Section 7.4.3.4e).

D) Three Illuminated Directional Signs ("drive-thru")

The applicant is proposing three, 2 square foot, illuminated directional signs, stating "drive-thru", on the property (see the Sign Legend on Sheet 2 of the Sign Permitting Plans). The details of these signs are not shown or discussed, only their proposed locations. Directional signs are allowed by-right (no sign permits necessary) up to 2 square feet in display area each, however they cannot be illuminated (Bylaw Section 7.5.3). The Board cannot approve a special permit for the directional signs to be illuminated because it only has the authority to approve special permits for signs with certain deviations from Bylaw Sections 7.4, 7.7, and 7.8 (not Section 7.5). If the applicant wants to propose illuminated directional signs, the applicant will need to petition for and receive a variance from the Bylaw from the Acton Board of Appeals for the signs to be illuminated (Bylaw Section 10.1.3).

E) Two Illuminated Directional Signs ("enter")

The applicant is proposing two, 2 square foot, illuminated directional signs, stating "enter", on the property next to the two site driveways. As discussed in Item D. above, directional signs are allowed by-right (no sign permits necessary) up to 2 square feet in display area each, however they cannot be illuminated (Bylaw Section 7.5.3). The Board cannot approve a special permit for the directional signs to be illuminated because it only has the authority to approve special permits for signs with certain deviations from Bylaw Sections 7.4, 7.7, and 7.8 (not Section 7.5). If the applicant wants to propose illuminated directional signs, the applicant will need to petition for and receive a variance from the Bylaw from the Acton Board of Appeals for the signs to be illuminated (Bylaw Section 10.1.3).

F) Two Exterior Wall Signs ("TD") on the Front Door Handles

The pictures provided in the application show the building's two front door handles displaying "TD"s. These are signs under the Bylaw. A sign is "any symbol, design or device used to identify or advertise any place, business, product, activity, service, person, idea or statement" (Section 7.2.15). The applicant should explain how these additional signs are allowed under the Bylaw.