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Planning Department

INTERDEPARTMENTAL COMMUNICATION

To: Planning Board **Date:** February 15, 2011
From: Kristin K. Alexander, AICP, Assistant Town Planner
Subject: TD Bank Sign Special Permit – 408 Massachusetts Avenue - UPDATE

The applicant's representative, Mr. Marc Goldstein, sent a letter dated 2/11/11 (attached) responding to my first TD Bank Sign Special Permit memo (dated 1/28/11, attached). Mr. Goldstein's letter addressed many of my concerns regarding the special permit application. Below I summarize the revised special permit request and the outstanding issues with the application.

A) One Exterior Wall Sign ("TD Bank")

The Acton Zoning Bylaw (Bylaw) Section 7.7.3 states that an exterior sign shall not be erected within 6 inches of any horizontal edge of a building or structure. The "TD Bank" sign is proposed to be located 0 inches from the horizontal edge of the building; therefore, the applicant is requesting special permit approval for a "sign in a location or in a position not otherwise permitted..." (Section 7.13.1.3).

Bylaw Section 7.4.3.4 discusses six types of internally or quasi-internally illuminated signs. The "TD Bank" sign is a hybrid of the different types of internally illuminated signs discussed in the Bylaw; therefore the applicant is requesting special permit approval for "a type or method of sign illumination not otherwise permitted..." (Section 7.13.1.9). All illuminated signs shall comply with the glare, light trespass, and other illumination restrictions and requirements of Bylaw Sections 7.4.3 and 10.6.

B) Two Exterior Wall Signs ("TD") – OUTSTANDING ISSUE

At the time of this memo, the applicant still had not decided how it wanted to address staff's 1/28/11 comments regarding the two "TD" signs (see attached 1/28/11 memo). In summary, staff does not believe the Board has the special permit granting authority to approve the two "TD" signs as proposed. At the hearing, the Board should ask how the applicant wishes to proceed related to the two "TD" signs.

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 "freestanding monument sign that is larger than permitted: 24 square foot (6'-1" high)."

Bylaw Section 7.4.3.4 discusses six types of internally or quasi-internally illuminated signs. The “TD Bank, Open 7 Days” freestanding monument sign proposed is a hybrid of the different types of internally illuminated signs discussed in the Bylaw; therefore, the applicant is requesting special permit approval for “a type or method of sign illumination not otherwise permitted...” (Section 7.13.1.9). If the light green and the TD Bank square portions of the sign were not illuminated at night, special permit approval would not be necessary.

As an alternative, the sign could be illuminated from an “external” light source in compliance with Bylaw Section 7.4.3.3, and special permit approval would not be necessary.

All illuminated signs shall comply with the glare, light trespass, and other illumination restrictions and requirements of Bylaw Sections 7.4.3 and 10.6.

D) Three Illuminated Directional Signs (“drive-thru”) – NOW N/A

The three “drive-thru” directional signs will no longer be illuminated; therefore, no special permit approval is necessary.

E) Two Illuminated Directional Signs (“enter”) – NOW N/A

The two “enter” directional signs will no longer be illuminated; therefore, no special permit approval is necessary.

F) Two Exterior Wall Signs (“TD”) on the Front Door Handles – NOW N/A

The two “TD” front door handle exterior wall signs are no longer proposed.

NOTE: A Special Permit under Bylaw Section 7.13 shall only be issued if the Board finds:

- 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.
- 10.3.5.1 Is consistent with the Master Plan.
- 10.3.5.2 Is in harmony with the purpose and intent of this Bylaw.
- 10.3.5.3 Will not be detrimental or injurious to the neighborhood in which it is to take place.
- 10.3.5.4 Is appropriate for the site in question.