



Planning Department

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6631
Fax (978) 929-6340
planning@acton-ma.gov
www.acton-ma.gov

INTERDEPARTMENTAL COMMUNICATION

To: Planning Board

Date: October 12, 2012
Updated: November 2, 2012

From: Roland Bartl, AICP, Planning Director *R. B.*

Subject: McDonald's – 55 Great Road, Sign Special Permit Application

Updates in Bold print

Location: 55 Great Road
Applicant: Paula Wright, owner/operator of McDonald's restaurant
Owner: Stephen Steinberg, property owner
Sign Type: Freestanding sign
Bylaw Sections: 7.13.1.2, 7.13.1.3, 7.13.1.4
Map & Parcel: G-5/58
Zoning: East Acton Village (EAV)
Public Hearing: October 16, 2012; **continued to November 6, 2012.**
Decision Deadline: January 14, 2012**3; extended to February 4, 2013.**

Background

The request is for a new freestanding sign in approximately the same location of the former freestanding sign. The previous sign was pre-existing nonconforming (a re-faced carry-over from when the former Burger King at this location). It was destroyed by a vehicle accident. The replacement sign must conform to the current zoning bylaw. At present, there is a temporary sign installed in this location under a temporary sign license from this department. There are no other freestanding or exterior signs at this lot. There may be signs in the windows or glass doors. We are not aware of any zoning violations with respect to signage.

The Zoning Bylaw, Section 7.8 allows by right one freestanding sign per lot subject to standards for dimensions, placement, and landscaping. The applicant is seeking special permit exemptions from the by-right standards. The Bylaw, Section 7.13 provides the scope and limits for special permit exemptions and the standards by which to evaluate exemption request.

Other Town departments/committees have also reviewed the application and appear to have no issues with the sign special permit application and/or request. The applicant has received all department/committee comments and a copy of this memo.

Planning Department comments on the proposed sign

1. The applicant is seeking an exemption under ZBL 7.13.1.2 to allow the proposed freestanding monument sign with dimensions larger than the by right dimensional standards. As shown on the photo shop image in the application the sign would comply with the standard dimensional regulations for a monument sign (ZBL 7.8.6.2: 5 feet high, 3 feet wide, and 9 square feet of display area; on a brick support structure that does not count towards display area per ZBL 7.8.4). However, the technical drawing indicated a proposed height of 7 feet, with otherwise the same dimensions as above. This is possible within the special permit scope. But, which is the proposed height?

The revised technical drawings now show a sign with a 5-foot height to the top of the red square. Above the square is a +/-3 inch high light rail. The overall height of the sign therefore is 5 feet plus +/-3 inches, where the by-right maximum height limit is 5 feet. The proposed overall height can be approved as an exemption by special permit under ZBL 7.13.1.2.

2. The applicant is seeking an exemption under ZBL 7.13.1.3 to allow the proposed freestanding monument sign in a location not otherwise allowed by right. ZBL 7.8.6.1 provides that freestanding signs in village zoning districts are only allowed where no building is located on the lot within 30 feet of the street sideline. The McDonald's restaurant building sits at a 17-foot setback from the Great Road sideline. The exemption is possible within the special permit scope.
3. Another consideration is the placement of the proposed freestanding monument sign relative to the Great Road sideline. The ZBL requires a freestanding sign must be set back from the sideline a distance that is equal to the height of the sign, but not less than 5 feet. The Planning Board has no special permit flexibility in this regard. The Great Road sideline runs along the back of the sidewalk. The landscaped island immediately behind the sidewalk, where the sign is to be placed, is 10 feet wide. Behind that is an interior parking lot driveway (see July 25, 2007 As-Built Site Plan enclosed in the package). If the sign is 5 feet high, a 5-foot sideline setback can be achieved leaving a 2-foot separation to the interior driveway. If the sign were to be 7 feet high it would have to be placed immediately against the edge and on top of the curbing of the interior driveway. I recommend keeping it at the 5-foot height. This will allow the sign to be placed reasonably well near the middle of the island's width and better protected from vehicle collisions.

The revised technical drawings now show a sign with an overall height of 5 feet plus +/-3 inches. The sign must be placed so that the setback to the Great Road sideline is not less than its overall height.

4. Finally, the applicant is seeking an exemption under ZBL 7.13.1.4 to allow the proposed freestanding monument with materials not otherwise permitted. ZBL 7.4.1 provides that "no visible portion or exterior surface of a sign shall be made of plastic, other petroleum-based products, or sheet metal, except that in the EAV District such materials may be used provided that the visible portions and exterior surfaces of a sign have a wooden appearance." The "except" clause for the EAV district applies here. It is not clear from the application what material and appearance is proposed. There should be further clarification, and a discussion about what material, appearance, and quality would be appropriate in a village district under a special permit.

The proposed sign surface on the revised plans is the same as the material recently used at TD Bank. This was discussed at the first hearing session on 10/16. This material still requires a special permit under ZBL 7.13.1.4.

5. It is unclear from the application what type of illumination is proposed. McDonald's typically has signs that are fully illuminated from the inside. Acton has specific illumination requirements that do not allow this (ZBL 7.4.3). Under Acton requirements, illumination must come from an external source located above the sign (such as a light rail), or the "M" could be literally cut out from an opaque panel with the surface behind the panel being illuminated. Under ZBL 7.13.1.9 the Planning Board could allow for exceptions to the by-right illumination standards. The applicant has not requested consideration of an illumination exception. But, the Board could entertain it in the course of this hearing.

The revised plans show a shielded light rail installed across the top of the sign. This type of illumination is allowed by right and does not need a special permit exemption.