

RAFANELLI & KITTREDGE, P.C.
ATTORNEYS AT LAW

Toni L. Rafanelli
Joseph P. Kittredge

Margaret A. Rubino

March 11, 2013

Acton Planning Board
Town of Acton
Planning Department
472 Main Street
Acton, MA 01720

RECEIVED

MAR 13 2013

Town of Acton
Planning Department

RE: Amendment to Sign Special Permit Decision: 12-04 (June 19, 2012)

Dear Town of Acton Planning Board,

On June 12, 2012 Rafanelli & Kittredge, P.C. was granted a Sign Special Permit for a freestanding sign located at 1 Keefe Road Acton, MA. A copy of the decision and Sign Permit #3031 are attached.

At the time the application was submitted, it was our intention to illuminate the sign in accordance with 7.4.3.5 of the Town of Acton Bylaws, which by right, permits illumination of a freestanding sign from an external light source with light projecting downward.

After attempting to comply with this section, by using a top down solar light affixed to the top of the sign, we have discovered that the lighting is not sufficient.

We are seeking relief from section 7.4.3.5 (permitting illumination from top down only) through section 7.13.1.9, and requesting permission through the power of the Planning Board, to allow us to illuminate the sign using a light source projecting up from the ground.

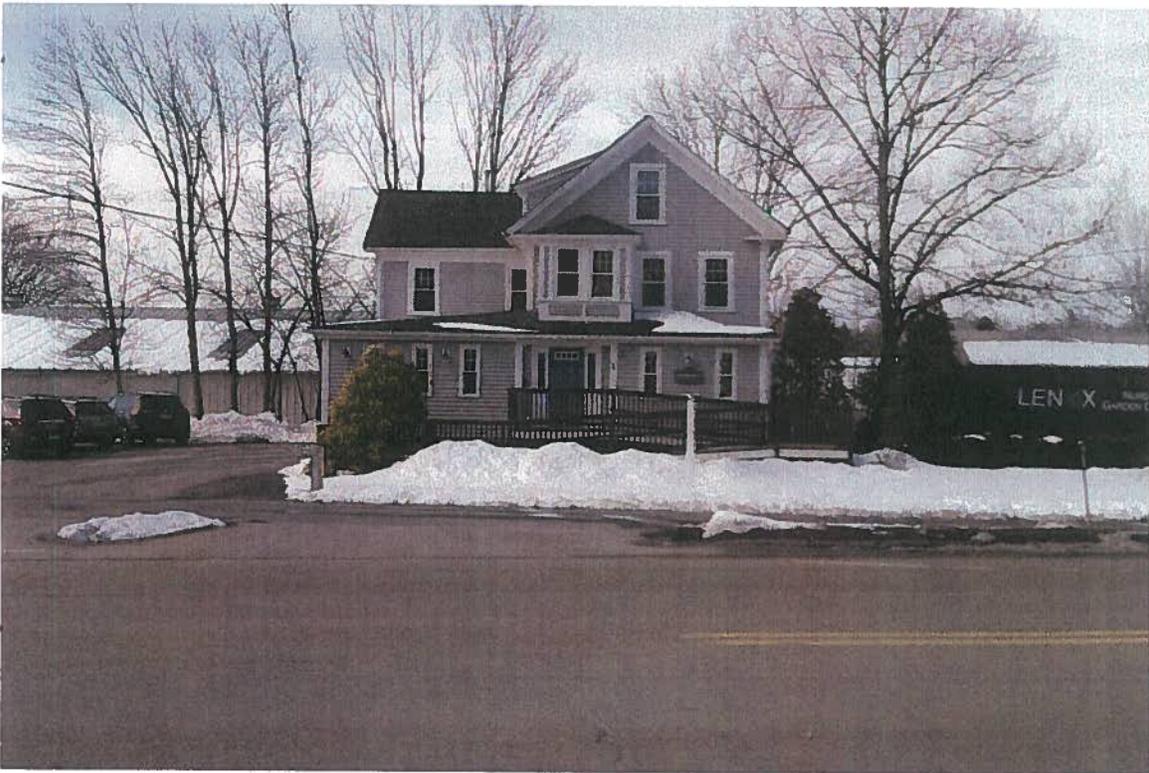
Also, I have enclosed pictures of the sign as it currently stands. Prior to installation Dig Safe came out to our property. The sign had to be shifted a few feet over from its original intended location due to a water line. However, Scott Mutch from the Planning Department has been out to the property to check the sign and it is in compliance with the setback provision of the Town of Acton Bylaws.

Please contact us if you need any further documentation or have any questions. Thank you for your attention and consideration in this matter.

Very truly yours,


Toni-Lynne Rafanelli

Enclosures



RECEIVED
JUN 20 2012

TOWN CLERK, ACTON

Sign Special Permit 12 – 04
Rafanelli & Kittredge, 1 Keefe Road
June 19, 2012



Planning Board

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

DECISION
12-04

Rafanelli & Kittredge, 1 Keefe Road

Sign Special Permit

June 19, 2012

GRANTED with Conditions

Decision of the Acton Planning Board (hereinafter the Board) on the application of Toni L. Rafanelli (hereinafter the Applicant) for property in Acton, Massachusetts, owned by Dan Lenox of 1 Keefe Road Acton, MA 01720. The property is located at 1 Keefe Road Acton, MA 01720 and shown on the 2010 Acton Town Atlas map G5 as parcel 83 (hereinafter the Site).

This Decision is in response to an application for a sign special permit, received by the Acton Planning Department on May 1, 2012, pursuant to Section 7.13 of the Acton Zoning Bylaw (hereinafter the Bylaw) and the Sign Special Permit Rules and Regulations (hereinafter the Rules).

The Applicant presented the subject matter of the special permit to the Board at a duly noticed public hearing on June 19, 2012. Board members Mr. Ryan Bettez (Chairman), Ms. Kimberly

Decision – 12-04, Sign Special Permit, 1 Keefe Road, June 19, 2012

1 of 5

A TRUE COPY, ATTEST:

TOWN CLERK, ACTON, MA

Montella, Ms. Margaret Woolley Busse , Mr. Ray Yacouby, Mr. Derrick Chin and Rob Bukowski (Associate Member) 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 5/1/12;
 - Certified Abutters List;
 - Locus Map;
 - Sign Specifications sheet, dated 04/12/12 ;
 - Sign Location plans, dated 04/13/12 and last revised 05/1/12;
 - Cover memo from the Applicant to the Board, dated 5/1/12;
 - Photographs of existing signs;
 - Map showing existing signage locations;
 - Copies of current sign permits from parcel G5-83 (# 2351A, #2818 and #2410).
- 1.2 Interdepartmental communication received from:
 - Acton Engineering Department, dated 6/18/12;
 - Acton Treasurer's Office, dated 5/15/12;
 - Acton Tree Warden & Municipal Properties Dir., dated 06/15/12.

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 Parcel G5-83 is split zoned East Acton Village and East Acton Village-2(EAV and EAV-2 zoning districts). The location of the business and proposed Sign is solely within the EAV zoning district.
- 2.2 The Site is listed on the Cultural Resource List.
- 2.3 The Applicant requests a special permit for one freestanding sign (hereinafter the Sign) at the Site that would not otherwise be allowed under the Bylaw:
 - a) To be erected on a lot where an existing building is located within 30 feet of the sideline of the street as prescribed by Section 7.8.6.1. This building is located approximately 9 feet from the sideline of the street.
 - b) With a display area, in excess of the by-right 8 square feet and a height in excess of the by-right 5 feet, prescribed by Bylaw Section 7.8.6.2. The display area of the proposed Sign is 13.75 square feet. The height of the proposed Sign is 6 feet 6 inches.

- c) With a smaller landscaped area than the 169 square feet required by Bylaw Section 7.8.3. The landscaped area is proposed to be 50 square feet; the height of the Sign is 6 feet 6 inches.
 - d) In all other respects the proposed sign as requested would comply with by-right requirements of the Bylaw.
- 2.4 The Sign may be allowed on the Site by special permit in accordance with sections 7.13.1.2, 7.13.1.2(c) and 7.13.1.3 and 7.13.1.8 of the Bylaw.
 - 2.5 The Site has extensive landscaping within the immediate area of the proposed Sign.
 - 2.6 The proposed Sign is not illuminated.
 - 2.7 The Sign is consistent with the character and uses of the area and with the Zoning District in which it will be located.
 - 2.8 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 EAV and EAV-2 zoning districts.
 - 2.9 The Sign is a continuous part of an integrated architectural design of the entire Site.
 - 2.10 The Sign will have a wooden appearance pursuant to Section 7.4.1 of the Bylaw, however it will be made of a more durable material called HDU.
 - 2.11 The colors and materials of the Sign are restrained, and in harmony with the buildings.
 - 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 their primary messages and are in good proportion to the area of the Sign's faces.
 - 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 comply 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 unanimously to GRANT the requested special permit subject to and with the benefit of the following waivers, Plan modifications, conditions, and limitations.

3.1 CONDITIONS

- 3.1.1 If the Sign is illuminated, it shall comply with Bylaw Section 7.4.3, Illumination.
- 3.1.2 The following conditions shall be binding on the Applicant and its successors and assigns, and shall be enforceable by the Building Commissioner 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 Building Commissioner 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.
- 3.1.3 Prior to erecting the Signs, the Applicant shall obtain a sign permit from the Zoning Enforcement Officer pursuant to section 7.6 of the Bylaw.
- 3.1.4 Prior to issuance of a sign permit the Applicant shall add a note to the specification plan showing the height of the sign.
- 3.1.5 The height of the Sign shall not exceed 6 feet 6 inches.
- 3.1.6 The freestanding Sign at the Site shall be centered within the landscaped area to be erected more or less in the location shown on the plan. The landscaped area shall measure at least 50 square feet. The Sign shall be erected in accordance with the dimensions shown on the Plan. No portion of this sign shall be placed within 6 feet 6 inches off the sideline of Keefe Road.
- 3.1.7 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.
- 3.1.8 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 Signs 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

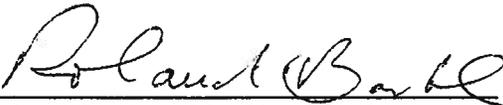
any appropriate changes to the special permit and to require any appropriate modifications of the Plan.

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

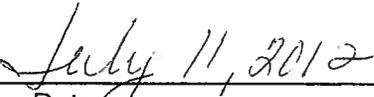
Appeals, if any, shall be made pursuant to MGL, Ch. 40A, S. 17 and shall be filed within 20 days after the date of filing this decision with the Town Clerk.

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 Szkaradek, Town Clerk


Date

Copies furnished:

- | | | |
|------------------|------------------------------|-------------------------------|
| Applicant - | Building Commissioner | Health Director |
| certified mail # | Engineering Administrator | Municipal Properties Director |
| Town Clerk | Conservation Administrator | Town Manager |
| Fire Chief | Police Chief | Acton Water District |
| Owner | Historical Commission | Assistant Assessor |
| MAGIC (DRI only) | Historic District Commission | |

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Zoning Enforcement Officer

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

October 1, 2012

Rafanelli & Kittredge, P.C. Attorneys at Law
c/o Ms. Toni Rafanelli
1 Keefe Road
Acton, MA 01720

Re: New Freestanding Sign "Rafanelli & Kittredge, P.C. Attorneys at Law"
1 Keefe Road, Acton, MA 01720

SIGN PERMIT #3031

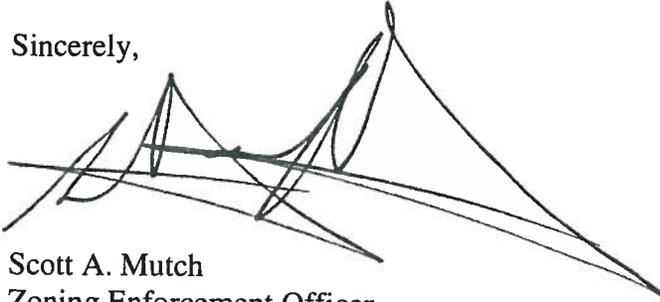
Rafanelli & Kittredge, P.C. Attorneys at Law c/o Ms. Toni Rafanelli is hereby authorized under the provisions of the Sign Bylaw of the Town of Acton to erect a Freestanding Sign – "**Rafanelli & Kittredge, P.C. Attorneys at Law & Logo**", on property located at 1 Keefe Road, Acton, Massachusetts, 01720. Said sign is to be 6'-0" (72") wide by 6'-6" (78") high with a display area of 14 square feet; and is to be constructed of a 2" thick high density urethane (HDU) material which shall have a wooden appearance when installed. The freestanding sign when installed, shall be surrounded at its base by a minimum 50 square foot landscaped area which is to tie back into the existing landscaped area which runs across the front of the property and building. See attached landscape plan approved by the Planning Board. The freestanding signage when completely installed shall conform in every way to the description thereof contained in the application. The Freestanding sign being approved under this permit shall conform in every way to the description thereof contained in the application and to that which was approved by the Planning Board through Sign Special Permit 12-04. The property upon which the sign is proposed to be installed is located within the East Acton Village (EAV) and East Acton Village-2 (EAV-2) Zoning Districts.

The signage approved under this permit shall be illuminated through solar powered lights installed on the top of the freestanding sign which shall project said light downward onto the sign face. The sign shall be equipped with an automatic timer, or other device, which shall effectively operate to extinguish the sign illumination no later than thirty (30) minutes after the closing time of the latest business on the premises. The approved signage shall not be illuminated by flashing or blinking lights, or any form of illumination or lights which change in intensity. The illuminated sign face shall not exceed an average illuminance of 50 foot-candles measured directly on the surface of the sign, and all light fixtures being utilized shall be classified as "energy-efficient", as defined by the utility company.

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

If you have any questions, comments or concerns regarding this matter, please feel free to contact our office at (978) 929-6631, Monday through Friday (except holidays) between the hours of 8:00 am and 5:00 pm.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott A. Mutch". The signature is stylized with several loops and a long horizontal stroke extending to the right.

Scott A. Mutch
Zoning Enforcement Officer