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Planning Board

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DECISION
13- 11

Allen Medical 100 Discovery Way
Sign Special Permit

November 5, 2013

GRANTED with CONDITIONS

Decision of the Acton Planning Board (hereinafter the Board) on the application of Mike Nordling of Allen Medical (hereinafter the Applicant) for property in Acton, Massachusetts, owned by 100 Discovery Way LLC of 259 Turnpike Road Suite 100, Southborough, MA 01772. The property is located at 100 Discovery Way and shown on the Acton Town Atlas map G3 parcel 71 (hereinafter the Site).

This Decision is in response to an application for a sign special permit, received by the Acton Planning Department on September 23, 2013 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 November 5, 2013. Board members Mr. Jeff Clymer (Chairman), Mr. Roland Bourdon, Mr. Ray Yacouby, Mr. Derrick Chin, and Mike Dube 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:

- An Application for a Sign Special Permit, received in the Planning Department on 09/23/13;
- Certified abutters list;
- A locus map;
- Sign renderings and location plan;

- Sign renderings and location plan, received 10/24/13;

1.2 Interdepartmental communication received from:
- Acton Finance Department, dated October 2, 2013;
- Acton Engineering Department, dated October 4, 2013;
- Acton Planning Department, dated October 17, 2013.

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 Office Park 2 (OP-2) zoning district.

2.2 The Applicant requests a special permit for one new wall sign at the Site that would not otherwise be allowed under the Bylaw:

a) With a height, in excess of the 3 feet as prescribed by Bylaw Section 7.7.4.2. The height of the proposed Sign is 4 feet.

c) With a width, in excess of the 8 feet as prescribed by Bylaw Section 7.7.4.4. The proposed width is 11.6 feet.

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

2.4 The Sign is positioned approximately 1 foot from the horizontal edge of the building, approximately 10.5 feet from any vertical edge of the building and 6 inches or more from architectural features.

2.5 The portion of the Sign that reads, "Allen" is made of individual internally illuminated letters. The portion of the Sign that reads, "A Hill-Rom Company" is not to be lit.

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

2.7 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 buildings to which it principally relates, and it is in harmony with the general area of the Limited Business District.

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

2.9 The colors and materials of the Sign are restrained, and in harmony with the buildings.

2.10 The materials used for the Sign are appropriate for the Office Park 2 and do not detract from the aesthetic qualities of the surroundings.

2.11 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.

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

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

2.14 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.

2.15 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 to GRANT the requested special permit subject to and with the benefit of the following waivers, 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 erecting the Sign, the Applicant shall 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 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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