



**TOWN OF ACTON**  
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**Zoning Enforcement Officer**

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***INTERDEPARTMENTAL COMMUNICATION***

**To:** Chairman & Members of the Board  
Planning Board **Date:** March 10, 2015

**From:** Scott A. Mutch, Zoning Enforcement Officer & Assistant Town Planner

**Subject:** Sign Special Permits  
Reichheld Ting Orthodontics & William Law, D.M.D.

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Location: 77 Great Road, Acton, MA 01720  
Petitioner: John Reichheld, Jr., 77 Great Road, Acton, MA 01720  
Property Owner: Steve Steinberg, P.O. Box 2350, Acton, MA 01720  
Zoning: East Acton Village (EAV)  
Request: Sign Special Permits under Town of Acton Zoning Bylaw Section 7

- Signs with dimensions larger than permitted
- Signs in locations not otherwise permitted

Map/Parcel: G5-20  
Hearing Date: March 17, 2015 (8:45pm)

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Attached are the application and department comments for the Reichheld Ting Orthodontics & William Law, D.M.D. Sign Special Permit proposals. Below is basic information about the proposal and a project summary.

**Project Summary:**

The application currently submitted, is for a total of three (3) awning signs for two (2) different and independent businesses – Reichheld Ting Orthodontics & William Law, D.M.D. – which are located on the 2<sup>nd</sup> (second) floor of a commercial building located at 77 Great Road, Acton, MA. Two of the proposed awning signs are located on the front of the building facing the parking lot and Great Road, while the third (3<sup>rd</sup>) sign is on the rear of the building. The subject property and building are located within the East Acton Village (EAV) Zoning District.

**1<sup>st</sup> Request:** Signs in Locations/Positions not Otherwise Permitted

All three (3) of the awning signs proposed are to be installed over windows which are located on the second (2<sup>nd</sup>) floor of the subject building. Awnings are roof-like structures designed and intended for protection from the weather or as decorative features, and project outward from the wall to which they are attached and are typically installed over windows, doors and/or walkways. The Town of Acton Zoning Bylaw classifies Awning Signs as one (1) type of Exterior Sign, and the following Zoning Bylaw sections govern such signs.

- Zoning Bylaw Section 7.7.2 states the following: “*Except as specifically provided for certain WALL SIGNS, an EXTERIOR SIGN may only be ERECTED on the exterior wall of the ground floor and up to 1 foot below the level of the bottom sills of the windows of the story above the ground floor of a BUILDING.*”

Due to the proposed awning signs being installed over the tops of the second floor windows in order to provide shade for those offices, the awning signs would not comply with Section 7.7.2 of the Bylaw. However, Zoning Bylaw Section 7.13.1.3 provides the Planning Board with the authority to grant special permits for signs in locations not otherwise permitted.

- Zoning Bylaw Section 7.7.7 states the following: “*Secondary EXTERIOR SIGNS – If a business has a direct entrance into the business in a wall other than the front wall, there may be a secondary WALL SIGN, PROJECTING SIGN or AWNING SIGN affixed to such wall at such entrance; and if the business has a wall other than the front wall without a direct entrance to the business that faces upon a STREET or parking area, there may be a secondary WALL SIGN affixed to such wall; provided, however, that no business shall have more than two secondary EXTERIOR SIGNS in any event. In the EAV District, an additional secondary EXTERIOR SIGN shall be permitted on the front wall of the PRINCIPAL USE, provided that it is of a different type (WALL SIGN, PROJECTING SIGN, or AWNING SIGN) than any other SIGN on the front wall. The DISPLAY AREA of any secondary EXTERIOR SIGN shall not exceed 6 square feet.*”

The proposed secondary awning sign is to be located on the rear of the building where there is a direct entrance into the building, however, this entrance is not the installation location of the proposed awning sign as the Bylaw requires. The proposed location of the secondary awning sign will be over a set of windows located approximately 20’-0” to the right of the entrance. Zoning Bylaw Section 7.13.1.3 provides the Planning Board with the authority to grant a special permit for a sign in a location not otherwise permitted.

## **2<sup>nd</sup> Request: Signs with Dimensions Larger than Otherwise Permitted**

All three (3) of the awning signs proposed have dimensions in excess of the administratively acceptable dimensional requirements. The Town of Acton Zoning Bylaw classifies Awning Signs as one (1) type of Exterior Sign, and the following Zoning Bylaw sections set forth the dimensional regulations for such signs.

- Zoning Bylaw Section 7.7.6 states the following: “*AWNING SIGNS – An AWNING SIGN may be ERECTED on a BUILDING. Such AWNING SIGN may consist of letters or symbols affixed to an awning in a parallel, perpendicular and/or convex position to the wall onto which the awning is mounted, except that in the Village Districts the convex position of letters to the wall shall not be permitted. Letters and symbols on an AWNING SIGN shall be flush with the surface of the awning. The maximum DISPLAY AREA of an AWNING SIGN shall be 12 square feet for surfaces positioned parallel or convex to the BUILDING wall, and 6 square feet for surfaces positioned perpendicular to the BUILDING wall. Except in the EAV District, if the AWNING SIGN is ERECTED on an awning manufactured with canvas on a frame that is retractable to the wall, one additional EXTERIOR SIGN, which may be a WALL SIGN or a PROJECTING SIGN, shall be permitted on the BUILDING for the same PRINCIPAL USE. An AWNING SIGN shall not project more than 3 feet from the wall and shall maintain a minimum clearance of 8 feet above a walkway or sidewalk. Where an AWNING SIGN is ERECTED on the wall of a BUILDING, all other awnings without a SIGN located on the same BUILDING shall be subject to the same dimensional requirements as the AWNING SIGN.*”

The two (2) awning signs proposed for the front of the building are identified as having a display area of 20 square feet which does not comply with Section 7.7.6 of the Bylaw. However, Section 7.13.1.2 b) of the Zoning Bylaw provides the Planning Board with the authority to grant a sign special permit for a sign with up to twice the otherwise permitted maximum display area.

- Zoning Bylaw Section 7.7.7 states the following: *“Secondary EXTERIOR SIGNS – If a business has a direct entrance into the business in a wall other than the front wall, there may be a secondary WALL SIGN, PROJECTING SIGN or AWNING SIGN affixed to such wall at such entrance; and if the business has a wall other than the front wall without a direct entrance to the business that faces upon a STREET or parking area, there may be a secondary WALL SIGN affixed to such wall; provided, however, that no business shall have more than two secondary EXTERIOR SIGNS in any event. In the EAV District, an additional secondary EXTERIOR SIGN shall be permitted on the front wall of the PRINCIPAL USE, provided that it is of a different type (WALL SIGN, PROJECTING SIGN, or AWNING SIGN) than any other SIGN on the front wall. The DISPLAY AREA of any secondary EXTERIOR SIGN shall not exceed 6 square feet.”*

The single (1) awning sign proposed for the rear of the building is identified as having a display area of 9.5 square feet which does not comply with Section 7.7.7 of the Bylaw. However, Section 7.13.1.2 b) of the Zoning Bylaw provides the Planning Board with the authority to grant a sign special permit for a sign with up to twice the otherwise permitted maximum display area.