



Planning Board

**TOWN OF ACTON**  
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**DECISION**  
06-01

**The New Exchange Place, 136 Main Street**  
Sign Special Permit

January 10, 2006

**GRANTED with Conditions**

Decision of the Acton Planning Board (hereinafter the Board) on the application of Dmitry Goykhman, General Manager of Concord Connections, LLC of 136 Main Street, Acton (hereinafter the Applicant), for property owned by the applicant at said address. The property is shown on the 2004 Acton Town Atlas map H2-A as parcel 21 (hereinafter the Site).

This Decision is in response to an application for a sign special permit, received by the Acton Planning Department on October 28, 2005, 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 December 13, 2005. Board members Gregory E. Niemyski (Chairman), Michael C. Densen, Ruth M. Martin, Christopher R. Schaffner, Edmund R. Starzec, and associate member Bruce Reichlen 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, dated 10/27/05.
  - Certified abutters list.
  - A locus map.
  - Sign rendering, stamped received 10/28/05; with revisions in response to the Board's request stamped received 12/23/05 and 12/29/05.
  - A sign location plan.
  - A landscaped area plan as requested by the Board stamped received 12/29/05.
  - A cover memo from the Applicant to the Board, dated 10/28/05.
- 1.2 Interdepartmental communication received from:
  - Acton Treasurer's Office, dated 11/1/05;
  - Acton Historical Commission dated 11/8/05;

- Acton Tree Warden & Municipal Properties Dir., dated 11/8/05;
- Acton Police Department, dated 11/10/05;
- Acton Historic District Commission dated 11/14/05;
- Acton Engineering Department, dated 11/22/05;
- Acton Planning Department, dated 12/9/05.

1.3 Memo from Planning Board Chairman, dated 12/11/05, with three photos attached.

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 South Acton Village (SAV) zoning district.

2.2 The Applicant requested a special permit per section 7.13.1.3 of the Bylaw for one freestanding business center sign at the Site in a location that would not otherwise be allowed under the Bylaw:

- a) In the SAV district freestanding signs are normally allowed only if there is no building within 30 feet of the street side line. Here, the building is located within approximately 12 feet of the street sideline.
- b) Freestanding signs are to be centered within a minimum required landscaped area. Here, the proposed sign would be located to one side adjacent to the Site's driveway.

In all other respects the proposed sign as requested would comply with by-right requirements of the Bylaw.

2.3 Several departmental comments raised concerns that the proposed sign might obstruct sight distance for drivers exiting the adjacent driveway. A site inspection by Planning Board members and Planning Department staff with a sign prop in place made it clear that no sight obstruction would be created so as to cause a traffic safety problem.

2.4 The proposed sign falls under the definition of a business center sign that would advertise several businesses on the Site, some of which are located on the rear side of the buildings without direct exposure or visibility from Main Street. They need signage by the street.

2.5 The building is close enough to the street for the effective use of a projecting or hanging sign. However, a projecting sign would have to be smaller to comply with the Bylaw's dimensional standards and to be in proper proportion with the building. In addition, the Bylaw for size and proportionality reasons allows projecting business center signs only with the business center name but not with business listings.

2.6 The Site directly abuts the South Acton Historic District. The Historical Commission and the Historic District Commission recommended that the proposed sign might fit better into its surroundings if its top is changed to form a pediment (a wide, low-pitched gable) or is otherwise ornamentally capped. The Board agrees that a pediment cap would be appropriate and consistent with style of the new buildings on the Site.

2.7 Accordingly, the Board asked the Applicant to revise the sign rendering to show a pediment with the understanding that this change would increase the dimensions of the proposed sign so as not to reduce the already modest size of its lettering.

2.8 Therefore, the proposed sign as modified and approved hereunder (hereinafter the Sign - copy of rendering included in this decision) requires a broader special permits to also allow increased display area and height per section 7.13.1.2 as follows:

- a) To allow a height of 6 feet and 4 inches, where the standard height limit for freestanding signs in the SAV district is 6 feet.
  - b) To allow a display area of 20 square feet, where the standard display area limit is 12 square feet. 20 square feet provides room for one additional 6-inch high business listing at the bottom of the Sign, if needed.
- 2.9 In front of the building where the Sign is to be located is a landscaped area of +/-575 square feet, which exceed the minimum landscaped area requirement of the Bylaw for this Sign of +/-160 square feet. The Bylaw requires that the Sign be centered within the landscaped area. This is not practical on this particular Site. Rather Therefore, the special permit
- 2.10 The Sign may be allowed on the Site by special permit in accordance with the cited sections of the Bylaw.
- 2.11 The Sign is consistent with the character and uses of the area and with the Zoning District in which they will be located.
- 2.12 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 SAV zoning district.
- 2.13 The Sign is integrated with the architectural design of the buildings on the Site.
- 2.14 The colors and materials of the Sign are restrained, and in harmony with the buildings.
- 2.15 The materials used for the Sign are appropriate and do not detract from the aesthetic qualities of the surroundings.
- 2.16 The number of graphic elements on the Sign is held to the minimum needed to convey the Sign's primary messages and they are in good proportion to the area of the Sign's face.
- 2.17 The Sign will not unduly compete for attention with any other signs in the area.
- 2.18 The Sign is necessary for adequate identification of the business at this Site.
- 2.19 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.
- 2.20 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 as broadened by this Decision subject to and with the benefit of the following 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 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.

- 3.2.1 Prior to erecting the Signs, the Applicant shall obtain a sign permit from the Building Commissioner pursuant to section 7.6 of the Bylaw.
- 3.2.2 The installation and structural elements of the Sign shall meet the approval of the Building Commissioner or his designee.
- 3.2.3 The Sign shall be designed as depicted on the last page of this Decision. Its maximum height shall not exceed 6 feet and 4 inches; its maximum width excluding the eaves of the pediment cap shall not exceed 3 feet; and its maximum display area shall not exceed 20 square feet.
- 3.2.4 The Sign shall be located as shown on the sign location plan on the north side of and adjacent to the Site's driveway.
- 3.2.5 No portion of the Sign shall be closer than 6 feet and 4 inches from the sideline of Main Street, or such shorter setback as is equal to a lesser height of the Sign, which the Applicant may choose.
- 3.2.6 The number of business listings on the Sign shall not exceed 8.
- 3.2.7 The color of the Sign shall be dark green (darker than depicted in the colored sign rendering) with letters painted in gold. The wood posts shall also be painted in the same dark green or in a shade of brown more or less as depicted in the colored sign rendering.
- 3.2.8 Construction shall be of wood as indicated on the sign rendering.
- 3.2.9 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.
- 3.2.10 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.

### **3.3 LIMITATIONS**

This special permit shall be limited as follows:

- 3.3.1 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.
- 3.3.2 This special permit applies only to the Site identified in this decision and to the proposed Sign as shown on the Plan and in this Decision.
- 3.3.3 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.
- 3.3.4 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.
- 3.3.5 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.

The Town of Acton Planning Board

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Gregory E. Niemyski, Chairman

Christopher R. Schaffner, Vice Chairman

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Michael C. Densen

Ruth M. Martin

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Edmund R. Starzec

(or)

Signed on behalf of the Acton Planning Board

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Roland Bartl, AICP, Town Planner  
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.

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Ed Ellis, Town Clerk

Date

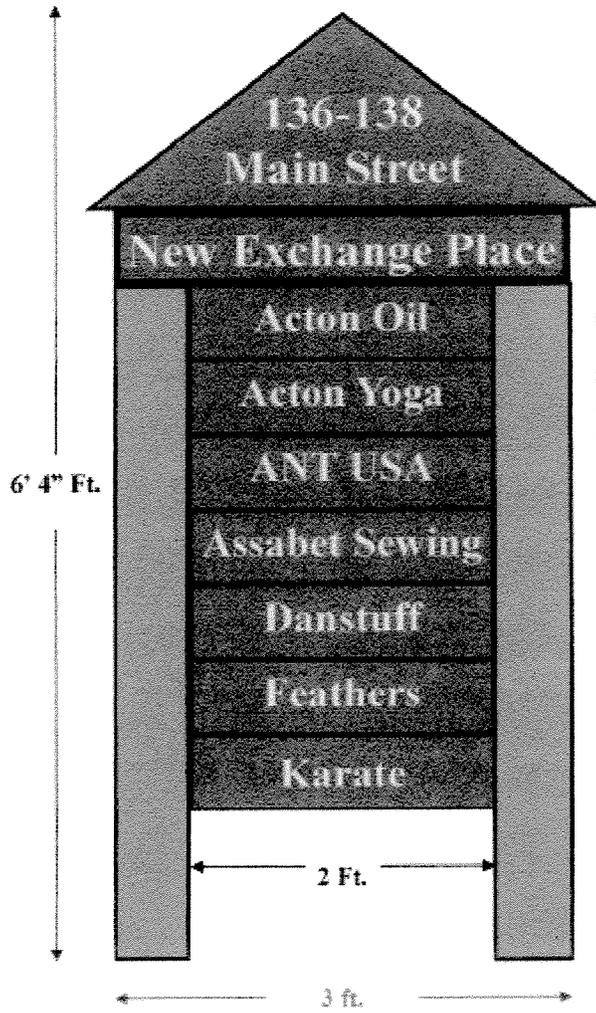
Copies furnished:

Applicant -  
certified mail #  
Municipal Properties Director  
Historic District Commission

Owner  
Town Clerk  
Town Manager  
Police Dept.

Building Commissioner  
Engineering Administrator  
Historical Commission

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**NOTES:**  
All wood  
Construction

Display area—gold on dark  
green background

6 inch wood posts

Secured into the ground by  
means of wood posts into con-  
crete footings.

Scale: 1 Foot = 1 Inch