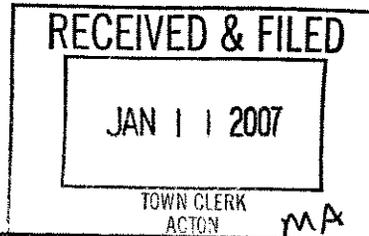




Planning Board

**FYI**



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**DECISION**  
07-02

**Citizens Bank, 270 Great Road**  
Sign Special Permit

January 9, 2007

**GRANTED with Conditions**

Decision of the Acton Planning Board (hereinafter the Board) on the application of Citizens Bank, c/o Amy C. Stewart, Esq., of Conn Kavanaugh Rosenthal Peisch & Ford, LLP of Boston, MA (hereinafter the Applicant), for property located at 270 Great Road, Acton, MA owned by Marvin Gould of 260 Great Road, Acton, MA. The property is shown on the 2006 Acton Town Atlas map E-4 as parcels 26, 27, and 36 (hereinafter the Site).

This Decision is in response to an application for a sign special permit, received by the Acton Planning Department on November 17, 2006, 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 January 9, 2007. Board members Gregory E. Niemyski (Chairman), Christopher R. Schaffner, Edmund R. Starzec, Ruth M. Martin, Michael C. Densen, and Alan R. Mertz 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 11/16/06.
  - Landlord/property owner approval letter, dated 7/20/06.
  - Certified abutters list.
  - A locus map.
  - Sign renderings.
  - A sign location plan.
  - A cover memo from the Applicant to the Board, dated 11/17/06.
- 1.2 Interdepartmental communication received from:
  - Acton Building Commissioner, dated 11/28/06;
  - Acton Treasurer's Office, dated 11/28/06;
  - Acton Historical Commission, dated 12/12/06;

- Acton Tree Warden & Municipal Properties Dir., dated 11/27/06;
- Acton Engineering Department, dated 12/1/06;
- Acton Planning Department, dated 1/4/07;
- Acton Police Department, dated 12/20/06.

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 Limited Business (LB) zoning district.
- 2.2 The Applicant requests a special permit for one secondary exterior sign (hereinafter the Sign) at the Site that would not otherwise be allowed under the Bylaw:
  - a) The display area of any secondary exterior sign shall not exceed six square feet (Section 7.7.7 of the Bylaw). The display area of the Sign is ten square feet.

In all other respects the proposed sign as requested would comply with by-right requirements of the Bylaw.
- 2.3 The Sign may be allowed on the Site by special permit in accordance with Section 7.13.1.2.b) of the Bylaw.
- 2.4 The Sign is replacing a larger existing secondary exterior sign. The display area of the existing secondary exterior sign is 19.5 square feet.
- 2.5 The Sign is consistent with the character and uses of the area and with the Zoning District in which it will be located.
- 2.6 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 Limited Business zoning district.
- 2.7 The Sign is a continuous part of an integrated architectural design of the entire Site.
- 2.8 The colors and materials of the Sign are restrained, and in harmony with the buildings.
- 2.9 The materials used for the Sign are appropriate and do not detract from the aesthetic qualities of the surroundings.
- 2.10 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.
- 2.11 The Sign will not unduly compete for attention with any other signs in the area.
- 2.12 The Sign is necessary for adequate identification of the business at this Site.
- 2.13 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.
- 2.14 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 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.

3.1.1 Prior to erecting the Sign, the Applicant shall:

- a) Obtain a sign permit from the Building Commissioner pursuant to Section 7.6 of the Bylaw;
- b) Remove the existing set of three gooseneck lights on the east building wall facing Great Road including its support structure and electrical supply line.

3.1.2 The Sign shall be erected in accordance with the Plan approved 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 Sign as shown on the Plan and in this Decision.

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.

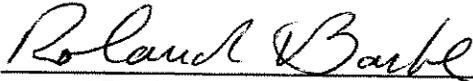
3.2.4 This special permit shall lapse if substantial use thereof has not commenced within two years of the filing date of this decision with the Town Clerk, except for good cause, or if construction under this special permit is not continued through to completion as continuously and expeditiously as 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, 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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Eva Taylor, Town Clerk

Date

Copies furnished:

Applicant -  
certified mail # 7001 1940 0007 5460 2240  
Municipal Properties Director  
Historic District Commission

Owner  
Town Clerk  
Town Manager  
Police Dept.

Building Commissioner  
Engineering Administrator  
Historical Commission

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