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Sign Special Permit – 10-03
Powers Gallery, 144 Great Road
August 17, 2010



Planning Board

TOWN OF ACTON
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DECISION
10-03

Powers Gallery, 144 Great Road

Sign Special Permit

August 17, 2010

GRANTED with Conditions

Decision of the Acton Planning Board (hereinafter the Board) on the application of Mr. Lawrence Powers (hereinafter the Applicant) for property at 144 Great Road in Acton, Massachusetts, owned Ms. Kimberly Powers, Trustee, Bravery Realty Trust of Acton, MA. The property is shown on the 2007 Acton Town Atlas map F-4 as parcel 35-2 (hereinafter the Site).

This Decision is in response to an application for a sign special permit, received by the Acton Planning Department on July 15, 2010, 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 August 17, 2010. Board members Mr. Ryan Bettez (Chairman), Mr. Jeff Clymer (Vice Chairman), Mr. Ray Yacouby, Mr. Roland Bourdon III, Ms. Leigh Davis-Honn, and Ms. Margaret Woolley Busse 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 July 15, 2010.
 - Certified abutters list.
 - A locus map.
 - A general Sign rendering, dated 1/13/2010.
 - A detailed Sign rendering with dimensions shown and Sign colors described, received 8/17/2010.
 - Sign Details sheet.
 - Powers Gallery Sign General Specifications sheet, dated 1/6/2010.
 - A photo of an example sign, "Millbrook Square", received 8/17/2010.
 - A sign location plan.
 - An e-mail from the Ms. Kimberly Powers to Ms. Kim Gorman of the Acton Planning Department containing four photos of the Site and the location for the proposed sign, dated 7/15/2010.
 - An e-mail from Ms. Kimberly Powers to Ms. Kristin Alexander of the Acton Planning Department clarifying the Sign dimensions, dated 8/13/2010.
 - A cover memo from the Applicant to the Acton Planning Department, dated 7/15/2010.
 - A cover letter from the Applicant to the Board, dated 7/15/2010.
- 1.2 Interdepartmental communication received from:
 - Acton Building Commissioner, dated 8/4/2010;
 - Acton Engineering Department, dated 8/13/2010;
 - Acton Health Department, dated 8/6/2010;
 - Acton Natural Resources Director, dated 7/20/2010;
 - Acton Planning Department, dated 8/13/2010;
 - Acton Tree Warden & Municipal Properties Dir., dated 8/4/2010.

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 Site contains the John Robbins House and is in the National Register for Historic Places. There is a historic preservation restriction on the Site held by Historic New England.
- 2.3 The Applicant requests a special permit for one freestanding sign (hereinafter the Sign) at the Site with a dimension in excess of the by-right 12 square feet prescribed by Bylaw Section 7.8.5.1. The display area of the proposed Sign is 17.5 square feet.

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 Section 7.13.1.2b) of the Bylaw.
- 2.5 The Sign is replacing an existing freestanding sign that is of poorer quality.
- 2.6 The Sign will increase visibility of the business to vehicular traffic.
- 2.7 The Sign is proposed in a different location than the existing freestanding sign it is replacing. Bylaw Section 7.8.2 states no portion of the Sign shall be located within five (5) feet of the sideline of a street (Great Road), or within such greater distance that is equal to the height of the freestanding sign. The Sign is 81.75 inches (approximately 6.8 feet) high, so no portion of the Sign shall be located within 6.8 feet of the Great Road right-of-way.
- 2.8 The Sign is proposed to be located within a lawn area between two groups of short bushes and over an existing private storm water drainage pipe.
- 2.9 The Applicant stated in the public hearing that additional landscaping will be provided around the Sign to comply with Section 7.8.3 of the Bylaw. Bylaw Section 7.8.3 requires the Sign to be integrated into the landscape design of the lot; centered within a minimum landscaped area that shall be planted and maintained with suitable vegetation including shrubs and flowering perennials surrounding the base of the Sign. Based on the height of the proposed Sign, 81.75 inches (approximately 6.8 feet), the minimum landscaped area required is 185 square feet. The Bylaw states the landscaped area may be provided as part of a landscaped area required under any other section of the Bylaw.
- 2.10 The Applicant stated in the public hearing that the Sign will be illuminated in compliance with Bylaw Section 7.4.3, Illumination.
- 2.11 The Sign is consistent with the character and uses of the area and with the Zoning District in which it 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 building to which it principally relates, and it is in harmony with the general area of the Limited Business zoning district.
- 2.13 The Sign is a continuous part of an integrated architectural design of the entire 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 their primary messages and are in good proportion to the area of the Sign's faces.
- 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 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 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 Signs, the Applicant shall:

- a) Obtain a sign permit from the Zoning Enforcement Officer pursuant to Section 7.6 of the Bylaw;
- b) Remove the existing freestanding sign including its support structure and any electrical supply line.

3.1.2 The Sign shall be erected more or less in the location shown on the Plan which is centered in the grass between two groups of small bushes that are located between the building and the driveway on the Site.

3.1.3 No portion of the Sign shall be located within 6.8 feet off the sideline of Great Road.

3.1.4 Care shall be taken during Sign installation to ensure the existing drainage pipe is not damaged. If the drainage pipe is damaged from the Sign installation, the drainage pipe shall be repaired or replaced to its original function.

3.1.5 The sign permit application submitted under Bylaw Section 7.6 shall include a landscaped area plan that complies with the intent of Bylaw Section 7.8.3. The landscape area plan shall denote the proposed species, and their numbers and locations relative to the Sign. The landscape area shall measure at least 185 square feet.

3.1.6 The above specified landscaping shall be completed no later than May 31, 2011, while the Sign may be erected earlier. If the Sign is erected after May 31, 2011, the landscaping shall be installed concurrently with the Sign.

3.1.7 The Sign shall be erected in accordance with the dimensions shown and descriptions provided on the detailed Sign rendering sheet received 8/17/2010 (6.8 foot high freestanding sign with a 3.5' x 5' display area), the Sign Details sheet, the Powers Gallery Sign General Specifications sheet (dated 1/6/2010), and the Plan approved and amended herewith, and shall otherwise comply with all applicable requirements of the Bylaw.

- 3.1.8 If the Sign is illuminated, it shall comply with Bylaw Section 7.4.3, Illumination.
- 3.1.9 The Sign may need approval by Historic New England.
- 3.1.10 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.

3.2 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 Taylor, Town Clerk

Date

Copies furnished:

Applicant -
certified mail #
Town Manager
Owner

Building Commissioner
Engineering Administrator
Historical Commission

Town Clerk
Municipal Properties Director

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