



Planning Department

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**MEMORANDUM**

**To:** Planning Board

**Date:** February 14, 2012

**From:** Roland Bartl, AICP, Planning Director *R. B.*

**Subject:** **Application for Sign Special Permit – 196 Great Road  
Acton Chrysler/Dodge/Jeep/Ram**

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The applicant/owner and the design consultant made a commendable effort to present an integrated contemporary design for the building and signage that looks in my opinion. The presentation is compelling, and the reasons for the special permit request are well founded. In addition, the applicant does explain well how the proposed signage reduces the overall display area from the signage that was previously permitted in conjunction with the former Lincoln/Mercury dealership.

However, the Planning Board's authority to grant special permit exceptions is limited in the zoning bylaw to the items, dimension and numbers of signs listed in sections 7.13.1.1 through 7.13.1.9. Thus, the Board cannot meet the applicant's request all the way, even if it wanted to. There is no special permit in the bylaw to reward overall "good design" without the referenced limitations and constraints<sup>1</sup>.

To go all the way, the applicant would somehow need to convince the Board of Appeals to grant one or more variances. This in my opinion would be a far-fetched proposition given the strict and narrow statutory variance standards<sup>2</sup>. These standards do not leave room for considering "good design" or corporate signage requirements as hardship reasons. The applicant would have to build a compelling case based on unique conditions related to soil, shape, or topography affecting the lot or the building. I am not sure that this would be possible.

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<sup>1</sup> Such a broad unlimited special permit may seem like a good idea when presented with a plan like this. But, it could invite many applications with all kinds of odd designs being cast in the best of all lights. "Good design" is in the eye of the beholder. Judgment on it could be viewed as very arbitrary.

<sup>2</sup> Mass. General Law, Ch. 40A, S. 10: "The permit granting authority shall have the power ... to grant ... a variance from the terms of the applicable zoning ordinance or by-law where such permit granting authority specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law."

The applicant is requesting a special permit for one oversized freestanding sign and for a total of five wall signs. The following addresses the proposed freestanding and wall signs separately:

**Freestanding Sign:**

	<b>Allowed By Right</b>	<b>Possible by Special Permit</b>	<b>Requested</b>	<b>Recommended</b>
Max. Height	7 feet	10 feet	13.83 feet	10 feet
Max. Display Area	12 sq. feet	40 sq. feet	33.9 sq. feet	33.9 sq. feet
Min. Sideline Setback(1)	7 feet	10 feet	not specified	10 feet
Min. landscape area	196 sq. feet	400 sq. feet	not specified	400 sq. feet

(1) The proposed location is not specified. But, it appears that the same general location is targeted where the previous Lincoln/Mercury signs was (or still is) located. That sign did not meet setback requirements. Grandfathering protection is not available. GIS aerial and street photos of the previous Lincoln/Mercury sign are provided in the hearing package. Also in the package is a site plan for the property.

So that the Applicant can proceed with the installation of at least some signage for the new dealership, attached is a draft special permit decision for just the freestanding sign with the necessary adjustment conditions to bring the sign into compliance with the bylaw and within the scope of the Planning Board’s special permit authority.

**Wall Signs:**

It seems that the wall signage scheme needs rethinking. The applicant is asking for 5 separate signs on the front wall facing Great Road; each sign is very modestly sized; in aggregate the 5 signs have less display area than the wall sign previously permitted and mounted on the building. To repeat, the proposed signage layout seems to have a lot of merit, but there is no special permit available in the Bylaw to reward overall “good design”. The Bylaw allows only one sign by right, and provides for a possible second sign by special permit<sup>3</sup>. In other words, the Planning Board’s authority is limited to granting one additional sign on the front wall for a total of 2 signs. So, how can the applicant display all four brands plus the dealership name on the front of the building?

Some Options:

1. Raise the entrance area parapet somewhat higher to create room for an aggregated larger sign that accommodates everything - more or less a replication of the freestanding sign. The “Acton” dealership name sign could also be incorporated into this larger sign, or it could appear as a by-right window sign in the light above the entrance door. This may be the most desirable option from a design and visibility standpoint.
2. Aggregate the brand name signs in groups of two-to-a-sign, one sign on each side of the entrance. One of these signs would be by right; the other could be allowed by special

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<sup>3</sup> A secondary sign may be placed by right over or at an entrance that is not facing the street such as at the side service entrance. However, the applicant has indicated that they do not wish to install such a secondary sign – at least not now.

permit. As under option 1, the “Acton” dealership name sign could appear as a by-right window sign in the light above the entrance door. This is probably a somewhat less desirable design solution, but it may be worth a try.

3. Place the brand name signs (at least two of them) as by-right window signs. Depending on how many brand name signs remain on the outside parapet (one or two), the “Acton” dealership name sign could then be the main sign on the front of the building, or permitted by special permit as a second front wall sign, or, as in the previous options, it could appear as a by-right window sign in the light above the entrance door. Window signs cannot be illuminated, but clever interior room lighting placed in the interior ceiling above the windows can help illuminate the window signs incidentally and effectively. Placing all brand names as window signs may be another good design solution, but the brand name signs would be somewhat less visible.

There may be other variants to these options that might also work. For this, I recommend that the public hearing remains open and that the applicant goes back to the drawing board. I recommend the customary agreement for hearing continuation and decision deadline extension to be executed and filed with the Town Clerk.

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