

Sign Special Permit – 12-02
Acton Chrysler Dodge Jeep Ram, 196 Great Road
February 21, 2012



Planning Board

TOWN OF ACTON
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DECISION

12-02

Acton Chrysler Dodge Jeep Ram, 196 Great Road

Sign Special Permit

February 21, 2012

GRANTED with Conditions

Decision of the Acton Planning Board (hereinafter the Board) on the application of Acton Lincoln Mercury / Acton Chrysler Dodge Jeep Ram, Coleman Hoyt, owner (hereinafter the Applicant), for property located at 196 Great Road, Acton, MA owned by the Applicant. The property is shown on the Acton Town Atlas map F-4 as parcels 3 and 3-2 (hereinafter the Site).

This Decision is in response to an application for a sign special permit, received by the Acton Planning Department on December 21, 2011, 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 February 21, 2012. Board members Mr. Ryan Bettez (Chairman), Mr. Jeff

Clymer (Vice Chairman), Mr. Ray Yacouby, Mr. Roland Bourdon III, Ms. Kim Montella, Ms. Margaret Woolley Busse, Mr. Derrick Chin and Associate Member Rob Bukowski were present throughout the hearing.

The special permit application was for a freestanding sign and wall signs. This Decision only addresses the proposed freestanding sign (hereinafter the Sign). The hearing continued on the matter of the wall signs with a subsequent decision forthcoming as necessary and appropriate following the close of the hearing on that matter.

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 December 21, 2011.
 - An application cover letter from Sachetta Consulting and Construction Management LLC on behalf of the applicant, dated 12/21/2011.
 - A letter from Sachetta Consulting and Construction Management LLC, dated December 21, 2011 with application details, descriptions, and background information.
 - Certified abutters list.
 - A locus map.
 - Sign plans and detail sheets for the various proposed signs, undated, each entitled 32-Acton | Acton CDJR | 196 Great Road | Acton, MA 01720 and identified as pages 7, and 9 through 15.
 - Documentation for previously licensed signs at the Site (#1601-A, #1947, #2442).
- 1.2 Interdepartmental communication received from:
 - Acton Building Commissioner, dated 12/28/2011;
 - Acton Engineering Department, dated 01/04/2012 (with 1982 plot plan);
 - Acton Health Department, dated 01/03/2012;
 - Acton Tree Warden & Municipal Properties Dir., dated 12/28/2011.
 - Acton Police Department (Robert Cowan), dated 12/29/2011;
 - Acton Planning Department, dated 02/15/2012 (with 1994 site plan and GIS photos).

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 application is for one freestanding sign and five wall signs. This Decision only disposes of the proposed freestanding sign (the Sign) portion of the application.
- 2.3 The proposed Sign shows:

- a) A height of 13.83 feet off the ground. The Board can grant a maximum height of 10 feet.
- b) A display area of 33.9 square feet, the Board can grant a maximum of 40 square feet.
- 2.4 No specifications are provided for the location of the Sign. The Bylaw requires a minimum setback from a street sideline that equals the height of the sign.
- 2.5 No specifications are provided for the required landscaped area associated with the Sign. The Bylaw requires a landscaped area that at least equals the height of the sign, multiplied by 2, and then squared.
- 2.6 The Sign as approved herein may be allowed on the Site by special permit in accordance with Bylaw Sections 7.13.1.2.c).
- 2.7 The Sign as approved herein is -
- consistent with the character and uses of the area and with the Zoning District in which they will be located;
 - 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 Kelley's Corner zoning district;
 - a continuous part of an integrated architectural design of the entire Site.
- 2.8 The Sign's colors, materials and illumination are appropriate, restrained, in harmony with the building, and do not detract from the aesthetic qualities of the surroundings. The proposed illumination appears in compliance with the requirements of the Bylaw.
- 2.9 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 face.
- 2.10 The Sign as approved herein –
- will not unduly compete for attention with any other signs in the area;
 - is necessary for adequate identification of the business at this Site;
 - is appropriate for the Site; consistent with the Master Plan; 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.
- 2.11 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 on February 21, 2012, in favor – opposed, to GRANT the special permit for the Sign, which is only the requested freestanding sign. The special permit is 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 (ZEO) 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 Sign, the Applicant shall obtain a sign permit/license from the Zoning Enforcement Officer pursuant to Section 7.6 of the Bylaw.
- 3.1.2 The Sign shall be erected in the general vicinity of the previously existing freestanding Lincoln/Mercury sign, and in accordance with the sign detail presented in the application – “4 Series 5’ x 6’ Brand Sign at 13’-10” OAH” – as further modified and specified herein, and shall otherwise comply with all applicable requirements of the Bylaw.
- 3.1.3 The Sign shall not exceed 10 feet in height from the finished ground surface, which may be moderately higher than the existing ground surface but shall remain at least one foot below the top elevation of the adjacent stonewall.
- 3.1.4 The sign shall not exceed a display area of 34 square feet.
- 3.1.5 No portion of the Sign shall be less than 10 feet from the Great Road sideline, or such lesser distance that is at least equal to height if the Sign (Bylaw, section 7.8.2).
Notes:
 - (1) The Great Road sideline is also referred to as the layout line or right-of-way line and is identical to the front lot line of the Site.
 - (2) As measured from the Town GIS, the previous Lincoln/Mercury freestanding sign is less than 10 feet from the Great Road sideline. Therefore, its location cannot be used as a reliable reference point.
- 3.1.6 The Sign shall be placed within a landscape area measuring at least 400 square feet and landscaped consistent with the requirements of section 7.8.3 of the Bylaw. Prior to the issuance of a sign permit/license, the Applicant shall demonstrate to the ZEO compliance with this condition by submission of a landscape area plan with scalable dimensions and planting specifications.
- 3.1.7 Ground preparation and planting of the landscape area shall be completed within 60 days of the ZEO’s issuance of the sign permit/license or by July 1, 2012, whichever is later.
- 3.1.8 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/license.

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 freestanding signs presented in the application and shown on the Plan. Nothing herein

shall be construed as an approval of any of the wall signs that were also proposed in the application.

- 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 K. Szkaradek, Town Clerk

Date

Copies furnished:

Applicant/ Owner -
certified mail #

Building Commissioner
Town Engineer
Town Manager

Zoning Enforcement Officer
Municipal Properties Director
Town Clerk

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