

Sign Special Permit 12 – 06
Verizon GoMobl, 925 Main Street
August 21, 2012



Planning Board

TOWN OF ACTON
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DECISION
12-06

Verizon GoMobl, 295 Main Street

Sign Special Permit

August 21, 2012

GRANTED with Conditions

Decision of the Acton Planning Board (hereinafter the Board) on the application of Back Bay Sign (hereinafter the Applicant) on behalf of Verizon GoMobl for property in Acton, Massachusetts, owned by Edens & Avant of 21 Custom House #450, Boston, MA 02110. The property is located at 295 Main Street Acton, MA 01720 and shown on the 2010 Acton Town Atlas map F3 as parcel 89 (hereinafter the Site).

This Decision is in response to an application for a sign special permit, received by the Acton Planning Department on July 10, 2012, 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 21, 2012. Board members Mr. Ryan Bettez (Chairman), Ms. Kimberly Montella, Ms. Margaret Woolley Busse, Mr. Ray Yacouby, Mr. Derrick Chin and Rob Bukowski

(Associate Member) 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.

Comment [rb1]: Verify attendance at hearing before issuing decision.

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 7/10/12;
 - Certified Abutters List;
 - Locus Map;
 - Sign Specifications sheet, dated 05/11/12, and last revised 06/8/12;
 - Sign Location plans, dated 06/25/12;
 - Cover Letter from the Applicant to the Board;
 - Photographs of existing signs;
 - Map showing existing signage locations;
 - Copies of current sign permits from parcel F3-89 (#2983, #2796, #2348, #2338, #2791, and #2481).
- 1.2 Additional Items submitted by Applicant on 07/24/12 consisting of:
 - Sign Specifications sheet showing required dimensions, dated 5/31/12, and last revised on 06/8/12.

Exhibit 1.1 and 1.2 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 Parcel F3-89 is zoned Kelley's Corner (KC zoning district).
- 2.2 The Applicant requests a special permit for one Wall Sign (hereinafter the Wall Sign) and one projecting sign (hereinafter the Projecting Sign) at the Site that would not otherwise be allowed under the Bylaw:
 - a) To erect two exterior signs, where only one exterior sign is permitted for each principle use as prescribed by Section 7.7.1.
 - b) Projecting Sign:
 - i) To erect one Projecting Sign in a position not otherwise allowed as provided by Section 7.2.13.
 - ii) The proposed Projecting Sign is to be mounted down from the horizontal overhang, instead of being perpendicular to the wall to which the sign is mounted.
 - iii) In all other respects the proposed Projecting Sign would comply with the by-right requirements of the Bylaw.

c) Wall sign:

- i) With a display area, in excess of the 1 square foot for each linear foot of the store front wall as prescribed by Bylaw Section 7.7.4.1. The display area of the proposed Wall Sign is 45.75 square feet and the width of the store front is 26' 11".
- ii) With a height in excess of 3 ft. as prescribed by Bylaw Section 7.7.4.2. The height of the proposed Wall Sign is 3' 3 1/4".
- iii) With a width in excess of 1 foot for each 2 linear feet of the store front wall as prescribed by Bylaw Section 7.7.4.3. The width of the proposed Wall Sign is 14'. The width of the store front is 26' 11".
- iv) In all other respects the proposed Wall Sign would comply with by-right requirements of the Bylaw.

- 2.3 The Signs may be allowed on the Site by special permit in accordance with sections 7.13.1.1, 7.13.1.2(a), 7.13.1.2(b) and 7.13.1.3 of the Bylaw.
- 2.4 The proposed Wall Sign is internally illuminated with channel letters reading "Verizon Wireless" and an internally illuminated cabinet reading "GoMobl Premium Retailer." The sign cabinet will have cut out letters with an opaque background, complying with Section 7.4.3 of the Bylaw.
- 2.5 The proposed Projecting Sign will not be illuminated.
- 2.6 The Wall Sign is consistent with the character and uses of the area and with the Zoning District in which it will be located.
- 2.7 The Wall 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 Kelley's Corner zoning district.
- 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 are held to the minimum needed to convey their primary messages and are in good proportion to the area of the Sign's faces.
- 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 comply 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 waivers, Plan modifications, conditions, and limitations.

3.1 CONDITIONS

- 3.1.2 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 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.
- 3.1.3 Prior to erecting the Signs, the Applicant shall obtain a sign permit from the Zoning Enforcement Officer pursuant to section 7.6 of the Bylaw.
- 3.1.4 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.
- 3.1.5 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 Szkaradek, Town Clerk

Date

Copies furnished:

Applicant -
certified mail #
Town Clerk
Fire Chief
Owner
MAGIC (DRI only)

Building Commissioner
Engineering Administrator
Conservation Administrator
Police Chief
Historical Commission
Historic District Commission

Health Director
Municipal Properties Director
Town Manager
Acton Water District
Assistant Assessor

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