

RECEIVED

MAY - 8 2019

**TOWN CLERK
ACTON**

Sign Special Permit 19-01
100 Nagog Park
The Insulet Corporation
May 7, 2019



Planning Board

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6631
Fax (978) 264-9630
pb@acton-ma.gov
www.acton-ma.gov

DECISION

19-01

Insulet Corporation

100 Nagog Park

Sign Special Permit

May 7, 2019

GRANTED with Conditions

Decision of the Acton Planning Board (hereinafter the Board) on the application of Advanced Signing LLC (hereinafter the Applicant) on behalf of Insulet Corporation located at 100 Nagog Park on property in Acton, Massachusetts, owned by Insulet Corporation. The property is shown on the Acton town map as parcels B5-19 (hereinafter the Site).

This Decision is in response to an application for a sign special permit, received by the Acton Planning Division on March 15, 2019 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 May 7, 2019. Board members Mr. Derrick Chin (Vice Chair), Mr. Jon Cappetta, Mr. Anping Liu, Ms. Emilie Ying, and Mr. Sam Bajwa 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 Division 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 Division on March 15, 2019;
 - Authorization Letter;
 - Sign renderings;
 - Sign location plans;
 - Locus Plans;
 - Existing approved administrative sign;
 - Certified abutters list.
- 1.2 Interdepartmental communication received from:
 - Health Division, dated 03/20/2019;
 - Planning Division, dated 04/26/19.

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 Office Park – 1 (OP-1) zoning district. The Site has a three-story building with one tenant: Insulet Corporation.
- 2.2 There is a licensed freestanding sign at the Site located at the intersection of the business driveway and Nagog Park Drive.
- 2.3 The Applicant requests a special permit for a greater number of signs than allowed under Sections 7.7 and 7.8 (Freestanding Sign):
 - a) One additional freestanding sign – as depicted in the application - for Insulet Corporation. Section 7.8.1 allows one freestanding sign on the lot, which may either identify an individual business or a business center with multiple businesses listed on the sign. The proposed sign would be located at the building's entrance within the lot and not visible from Nagog Park Drive.
- 2.4 The proposed freestanding sign does not comply with the dimensional standards of the Bylaw.
 - a) The proposed freestanding sign has a display area of 50 square feet where the maximum display area is 16 square feet.
 - b) The proposed freestanding sign is 5 feet high where the maximum height is 4 feet.
- 2.5 The proposed freestanding sign location plan does not include a landscape area. Bylaw Section 7.8.3 requires that the sign be located within a landscape area; the minimum size of the landscaped area must relate to the height of the sign by a formula provided in section 7.8.3.
- 2.6 The proposed freestanding sign may be allowed on the Site by special permit in accordance with Bylaw section 7.13.1.1 after a reduction in size and height, and with an adequate landscape area, all as required under the Bylaw.

- 2.7 The Applicant also requests a special permit for a wall sign in a location not otherwise permitted:
- a) One wall sign – as depicted in the application - for Insulet Corporation. The Bylaw does not allow wall signs above the second floor. The proposed wall sign is located above the building's second floor. Its dimensions, 4.3 feet high and 16.16 feet wide with a display area of 70.05 square feet comply with the Bylaw's by-right dimensional standards for wall signs, and the proposed location respects the minimum required separations to windows and other architectural façade features. This Sign may be allowed on the Site by special permit in accordance with Bylaw section 7.13.1.3.
- 2.8 The signs as conditioned herein will be consistent with the intent and purpose of Section 7.
- 2.9 The signs will be consistent with the character and uses of the area and with the Zoning District in which they will be located.
- 2.10 The signs will have appropriate scale and proportion in their design and in their visual relationship to buildings in the area and to their general surroundings. It has been attractively designed and located, and will be compatible architectural elements of the building to which it principally relate and will be in harmony with other features in the OP-1 zoning district.
- 2.11 The signs will provide continuity with other signs, not including any non-conforming sign, on the same or adjacent buildings or lots with respect to dimension, proportion, mounting height, materials, and other important features.
- 2.12 The colors and materials of the signs are restrained, and in harmony with the buildings.
- 2.13 The materials used for the signs are appropriate and do not detract from the aesthetic qualities of the surroundings.
- 2.14 The numbers of graphic elements on the signs are held to the minimum needed to convey their primary messages and is in good proportion to the area of the signs' faces.
- 2.15 The signs will not unduly compete for attention with any other sign in the area.
- 2.16 The signs are necessary for adequate identification of the business at this Site.
- 2.17 The signs as approved herein are appropriate for the Site; consistent with the Master Plan; and in harmony with the purpose and intent of the Bylaw, specifically Section 7; will not be detrimental or injurious to the neighborhood where they are proposed; and comply in all respects to the applicable requirements of the Bylaw and the Rules.
- 2.18 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 (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 ZEO 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 freestanding sign, the Applicant shall:

- a. Reduce the display area of the freestanding sign to meet the Bylaw section 7.8.5.1 standard, whereby the provision of section 7.8.4 may be applied with respect to the sign footing.
- b. Reduce the height of the freestanding sign to meet the Bylaw section 7.8.5.1 standard.
- c. Submit a landscape plan that shows the minimum required landscaped area as required under section 7.8.3.
- d. The Applicant shall obtain a sign permit from the ZEO pursuant to section 7.6 of the Bylaw.

3.1.2 Prior to erecting the wall sign, the Applicant shall:

- a. Obtain a sign permit from the ZEO pursuant to section 7.6 of the Bylaw.

3.1.3 The signs' illumination shall meet the illumination standards in section 7.4.3 of the Bylaw.

3.1.4 The signs 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 -
Managers Department
Owner
Acton Water District

Land Use Department
Engineering Department
Fire Department

Town Clerk
GIS
Police Department