

RECEIVED

MAY 14 2020

**TOWN CLERK
ACTON, MA**

Sign Special Permit 19-09
12 Spruce Street
The Silver Unicorn Bookstore
May 8, 2020



Planning Board

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6631
pb@actonma.gov
www.actonma.gov

DECISION
19-09

The Silver Unicorn Bookstore
12 Spruce Street
Sign Special Permit
May 8, 2020

GRANTED with Conditions

Decision of the Acton Planning Board (hereinafter the Board) on the application of The Silver Unicorn Book Store, (hereinafter the Applicant) located at 12 Spruce Street on property in Acton, Massachusetts, owned by Cassianin Bottos. The property is shown on the Acton town map as parcels F2-A-92 (hereinafter the Site).

This Decision is in response to an application for a sign special permit, received by the Acton Planning Division on December 17, 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 February 11, 2020. Board members Mr. Ray Yacouby (Chair), Mr. Derrick Chin (Vice Chair), Mr. Jon Cappetta, and Mr. Anping Liu were present throughout the hearing. Mr. Sam Bajwa certified his review of the public hearing recording. 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 December 17, 2019;
 - Cover Letter, dated October 1, 2019;
 - Sign renderings;
 - Sign location plans;
 - Locus Plans;
 - Landscape Plan, revised March 11, 2020 ;
 - Certified abutters list.
- 1.2 Interdepartmental communication received from:
 - Health Division, dated December 27, 2019;
 - Planning Division, dated February 6, 2020;
 - Acton Water District, dated December 20, 2019;
 - Engineering Department, dated December 23, 2019;
 - Fire Department, dated December 20, 2019;
 - M.J. "Selby" Selby, Land Use and Economic Development Director, dated February 10, 2020.

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 West Acton Village (WAV) zoning district.
- 2.2 The Applicant requests a special permit under ZBL §7.13.1.1 for a greater number of signs than otherwise allowed under ZBL §7.8.7.2.
 - One freestanding sign – as depicted in the application. Where a freestanding sign denotes a business no exterior sign shall be erected on the same lot. There is an existing licensed wall sign located above the main entrance facing Spruce Street.
- 2.3 The Applicant requests a special permit under §7.13.1.4 for a sign made with a material not otherwise allowed in the WAV under ZBL §7.4.1.

- The Applicant proposes PVC for the entire sign. Plastic or other petroleum based products, or sheet metal materials are not allowed for exterior signs in the WAV district.
- 2.4 The Applicant requests a special permit under ZBL §7.13.1.8 for a reduction in the required landscape area under ZBL §7.8.3.
- ZBL §7.8.3 requires a 100 square-foot vegetative landscape area around the freestanding sign. The Applicant proposes a 60 square-foot area. The Applicant provided an amended landscape plan on 2/4/2020 indicating their intent to fill the area with shrubs and flowers in the location that states “new gravel”.
- 2.5 The proposed freestanding sign will not be illuminated.
- 2.6 The proposed freestanding sign may be allowed on the Site by special permit in accordance with ZBL §7.13.1.1, §7.13.1.4 and §7.13.1.8.
- 2.7 The sign will be consistent with the character and uses of the area and with the Zoning District in which they will be located.
- 2.8 The sign 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 WAV zoning district.
- 2.9 The sign will provide continuity with other signs, on the same or adjacent buildings or lots with respect to dimension, proportion, mounting height, materials, and other important features.
- 2.10 The colors and materials of the sign are restrained, and in harmony with the buildings.
- 2.11 The materials used for the sign are appropriate and do not detract from the aesthetic qualities of the surroundings.
- 2.12 The numbers of graphic elements on the sign is held to the minimum needed to convey the primary message and is in good proportion to the area of the sign’s face.
- 2.13 The sign will not unduly compete for attention with any other sign in the area.
- 2.14 The sign are necessary for adequate identification of the business at this Site.
- 2.15 The sign as approved herein is 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.
- 2.16 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 on May 7, 2020 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 obtain a sign permit from the ZEO pursuant to section 7.6 of the Bylaw.
- 3.1.2 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.
- 3.1.3 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 sign 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