

Sign Special Permit PB 21-12  
33 Nagog Park  
Element  
12/21/2021

RECEIVED

DEC 28 2021

TOWN OF ACTON  
PLANNING DEPARTMENT



Planning Board

**TOWN OF ACTON**

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**DECISION**

PB 21-12

**Analytical Lab Group - Element**

Sign Special Permit

December 21, 2021

GRANTED

Decision of the Acton Planning Board (hereinafter the Board) on the application of Analytical Lab Group - Element (hereinafter the Applicant) for property in Acton, Massachusetts, owned by Aditas LLC. The property is located at 33 Nagog Park and shown on the Acton Town Atlas map B4 as parcel 8 (hereinafter the Site).

This Decision is in response to an application for a sign special permit, received by the Acton Planning Division on November 15, 2021 pursuant to Section 7.13 of the Acton Zoning Bylaw (hereinafter the Bylaw) and the Sign Special Permit Rules and Regulations (hereinafter the Rules).

John Peterson and Patti Rosetti of Metro Sign and Awning represented the applicant and presented the subject matter of the special permit to the Board at a duly noticed virtual public hearing through zoom, pursuant to Governor Baker's March 12, 2020 Executive Order suspending certain provisions of the Open Meeting Law, on December 21, 2021. Board members Mr. Ray Yacouby (Chair), Mr. Derrick Chin, Mr. Sam Bajwa, and Mr. Nathan Cookson 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 Department on November 15, 2021;
  - Certified abutters list;
  - Sign renderings;
  - Landscaping Plan;
  - Plot Plan;
- 1.2 Additional information submitted by the Applicant:
  - Updated Sign Renderings, dated September 10, 2021;
  - Updated Landscaping Plan, received December 20, 2021;
  - Updated Location Plan; received December 20, 2021.
- 1.3 Interdepartmental communication received from:
  - Fire Department, dated November 16, 2021;
  - Health Department, dated November 15, 2021;
  - Water Supply District of Acton, dated November 15, 2021;
  - Building Department, dated November 15, 2021;
  - Planning Division, dated December 17, 2021.

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 The Site is located within the Office Park 1 (OP-1) zoning district.
- 2.2 There is no lighting proposed for the Sign.
- 2.3 The Sign has a display area of 11.91 square feet and a height of 5 feet.
- 2.4 The Sign appears to comply with the setback requirement of the OP-1 district. A certified plot plan will be required at the time of administrative sign approval.
- 2.5 The Applicant requests a special permit for a greater number of signs than allowed:
  - a) The proposed sign does not meet section 7.8.1 of the Bylaw, "One FREESTANDING SIGN shall not be permitted on a LOT identifying a business located on the same LOT." There is already an existing business center sign for this property. Although a certified plot plan was not provided, the existing business center sign appears to be located on the same lot and serves the business in the building where Element is located.
- 2.6 The applicant also requests a special permit for a freestanding sign with less than the required landscaped area:

- a) The proposed sign does not meet section 7.8.3 of the Bylaw, “ (A FREESTANDING SIGN) . . . shall be centered within a landscaped area located on the LOT or parcel with a minimum area in square feet to be equal to the overall height of the SIGN multiplied by two, by the power of two.” The required landscaped area for the proposed sign would be 100 square feet. The applicant proposed 35 square feet due to the limited area available for landscaping.
- 2.7 In all other respects the Sign would comply with by-right requirements of the bylaw.
- 2.8 The Sign may be allowed on the Site by special permit in accordance with section 7.13.1.1 and 7.13.1.8.
- 2.9 The Planning Board made the following required findings under section 7.13.2 when granting the special permit.
  - 2.9.1 The Sign will be consistent with the intent and purpose of Section 7.
  - 2.9.2 The Sign is consistent with the character and uses of the area and with the Zoning District in which they will be located.
  - 2.9.3 The Sign will have appropriate scale and proportion in its design and in its visual relationship to BUILDINGS in the area and to its general surroundings. It has been attractively designed and located, and will be a compatible architectural element of the BUILDING to which it principally relates and will be in harmony with other features in the OP-1 zoning district.
  - 2.9.4 The proposed Sign will provide continuity with other Signs, not including any non-conforming Signs, on the same or adjacent BUILDINGS or LOTS with respect to most but not necessarily all of the following criteria: dimension, proportion, mounting height, materials, colors, and other important features as determined by the Planning Board.
  - 2.9.5 The colors and materials of the Sign are restrained, and in harmony with the buildings.
  - 2.9.6 The materials used for the Sign are appropriate and do not detract from the aesthetic qualities of the surroundings.
  - 2.9.7 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 faces.
  - 2.9.8 The Sign will not unduly compete for attention with any other signs in the area.
  - 2.9.9 The Sign is necessary for adequate identification of the business at this Site.
- 2.10 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.

- 2.11 The Board has received comments from various Town departments, which are listed in Exhibit 1.3 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 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 Sign, the Applicant shall obtain a sign permit from the ZEO pursuant to section 7.6 of the Bylaw.
- a) A certified plot plan shall be submitted with the sign permit application showing the setback of the sign from the property line.
- 3.1.3 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.
- 3.1.4 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**

- 3.2.1 This special permit shall be limited as follows:
- 3.2.2 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.
- 3.2.3 This special permit applies only to the Site identified in this decision and to the proposed Signs as shown on the Plan.
- 3.2.4 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.
- 3.3.5 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.

- 3.3.6 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



Kristen Guichard, AICP, Planning Director and Zoning Enforcement Officer  
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.

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Eva Szkaradek, Town Clerk

Date

Copies furnished:

Applicant -	Land Use Department	Town Clerk
certified mail #	Managers Department	Engineering Department
Owner	Fire	