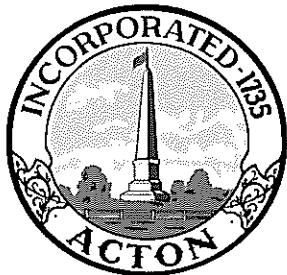


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FEB 24 2012

ED
TOWN CLERK, ACTON

Sign Special Permit – 12-02
Acton Chrysler Dodge Jeep Ram, 196 Great Road
February 24, 2012



Planning Board

TOWN OF ACTON
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Acton, Massachusetts 01720
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DECISION

12-02

Acton Chrysler Dodge Jeep Ram, 196 Great Road

Sign Special Permit

February 24, 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, assisted by Mr. Salvatore Sachetta of Sachetta Consulting, presented the subject matter of the special permit to the Board at a duly noticed public hearing on February 21, 2012. Board members Mr. Jeff Clymer (Vice Chairman), Mr. Roland Bourdon III, Mr. Derrick Chin, Ms. Kim Montella, Mr. Ray Yacoubi, and Associate Member Rob Bukowski were

present throughout the hearing. Mr. Clymer presided as Chairman and appointed Mr. Bukowski to sit on the Board as a full member for the purposes of this 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).
 - Presentation entitled "Acton Planning Board - Application for sign special permit for 196 Great Road", dated February 21, 2012 (49 slides).
- 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 for one freestanding sign and five wall signs is made in conjunction with a brand change at the existing auto dealership at 196 Great Road from Lincoln/Mercury to Chrysler/Dodge/Jeep/Ram.
- 2.3 The proposed freestanding sign:
 - a) The Plan shows one freestanding sign with "Chrysler, Dodge, Jeep, Ram" brands identifications on it. It would measure:

- A height of 13.83 feet off the ground. The Board can grant a maximum height of 10 feet.
- A display area of 33.9 square feet, the Board can grant a maximum of 40 square feet.
- b) No specifications are provided for the location of the proposed freestanding sign. The Bylaw requires that no portion of the freestanding sign shall be closer to the street sideline than the distance that equals the height of the freestanding sign.
- c) No specifications are provided for the required landscaped area associated with the proposed freestanding sign. The Bylaw requires a landscaped area that at least equals the height of the sign, multiplied by two, and then squared.
- d) The freestanding sign as approved herein may be allowed on the Site by special permit in accordance with Bylaw Section 7.13.1.2.c).

2.4 The proposed brand name wall signs:

- a) The Plan shows four brand name wall signs proposed to be mounted on the parapet above the showroom windows.
- b) While the dealership has one owner and is one business for tax purposes, each brand represents a business entity apart from the others with separate franchise agreements, separate reportings to brand headquarters for sales, earnings, expenses, and other statistics, separately trained sales personnel, and separately certified auto repair mechanics.
- c) Automobiles are the second largest investment of a typical American household, and most automobiles are purchased with multiyear financing agreements through a dealership or otherwise.
- d) For many Americans their auto is a means of personal expression ranging from understatement to sporty to prestige to eco-friendly. The culture and customs of marketing and buying automobiles is distinctly different from nearly all other merchandise. The brand name and model of a car seems all important and prominent to auto buyers' and drivers', certainly much more so than the name of its manufacturer or of the car dealer selling the brands.
- e) It is very common that car dealerships have franchises to sell only selected brands from one manufacturer rather than all its brands; other dealerships have franchises to sell selected brands from various different manufacturers.
- f) Therefore, each of the four automobile brands for sale at this dealership sufficiently qualifies as its own separate business entity for purposes of Section 7 of the Bylaw and is therefore allowed under the Bylaw to display its branded business sign on the building.
- g) The proposed brand name wall signs as shown on the plan are arranged for placements on the parapet above the showroom window sections that are generally dedicated to one of the brands.
 - One "Chrysler" brand sign with Chrysler wing logo – 7 feet wide, 16½" high and 9.48 sq. ft. display area – above a showroom section of the building that measures approximately 20 feet. Based on this width on the building, the

Bylaw allows by right the following maximum sign dimensions: 10 feet wide, 3 feet high, and 20 sq. ft. display area. The proposed sign does not exceed these dimensions. It is allowed by right under the Bylaw and expressly authorized under this special permit.

- One "Dodge" brand sign – 7 feet wide, 8 $\frac{3}{4}$ " high, and 5.10 sq. ft. display area – above a showroom section of the building that measures approximately 13 feet. Based on this width on the building, the Bylaw allows by right the following maximum sign dimensions: 6.5 feet wide, 3 feet high, and 13 sq. ft. display area. To the extent that the proposed sign exceeds these dimensions with respect to width, it is expressly authorized to do so under this special permit pursuant to section 7.13.1.2 of the Bylaw.
- One "Jeep" brand sign – 4 feet 10 $\frac{3}{4}$ " wide, 23 $\frac{5}{8}$ " high, and 9.64 sq. ft. display area – above a showroom section of the building that measures approximately 13 feet. Based on this width on the building, the Bylaw allows by right the following maximum sign dimensions: 6.5 feet wide, 3 feet high, and 13 sq. ft. display area. The proposed sign does not exceed these dimensions. It is allowed by right under the Bylaw and expressly authorized under this special permit.
- One "Ram" brand sign with Ram logo – 7 feet wide, 22" high, and 12.83 sq. ft. display area – above a showroom section of the building that measures approximately 20 feet. Based on this width on the building, the Bylaw allows by right the following maximum sign dimensions: 10 feet wide, 3 feet high, and 20 sq. ft. display area. The proposed sign does not exceed these dimensions. It is allowed by right under the Bylaw and expressly authorized under this special permit.

2.5 The proposed dealership name wall sign:

- a) The Plan shows a wall sign on the 18 feet wide parapet above the arched entrance to the building. It carries the name of the dealership – "Acton".
- b) As shown on the plan this sign 6 feet 10 $\frac{5}{8}$ " wide, 18" high, and 10.33 sq. ft. display area. These measurements fit within the by-right dimensions for wall signs.
- c) However, the proposed sign is an additional sign above the number of signs that the Bylaw allows by right. This special permit authorizes the placement of the proposed dealership name sign pursuant to section 7.13.1.1 of the Bylaw, which authorizes the Board to permit one sign in addition to the otherwise allowed numbers of sign on a lot.

2.6 The signs as approved herein are -

- 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. They are 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.

- 2.7 The signs' 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.
- 2.8 The numbers of graphic elements on the signs are held to the minimum needed to convey their primary messages and are in good proportion to the area of the sign faces.
- 2.9 The signs as approved herein –
 - will not unduly compete for attention with any other signs in the area;
 - are necessary for adequate identification of the businesses at this Site;
 - are 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 they are proposed; and comply in all respects to the applicable requirements of the Bylaw and the Rules.
- 2.10 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 unanimously to GRANT the special permit for the proposed signs, 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 All signs shall be installed in the locations and with the dimensions as shown on the Plan except as modified by this Decision.
- 3.1.2 Prior to erecting the signs, the Applicant shall obtain a sign permit/license from the Zoning Enforcement Officer pursuant to Section 7.6 of the Bylaw separately for each of the signs.
- 3.1.3 The freestanding 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 No portion of the freestanding 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.

- 3.1.5 The freestanding 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 for the freestanding sign, the Applicant shall demonstrate to the ZEO compliance with this condition by submission of a landscape area plan with scalable dimensions and planting specifications.
- 3.1.6 Ground preparation and planting of the landscape area for the freestanding sign shall be completed within 60 days of the ZEO's issuance of the sign permit/license or by July 1, 2012, whichever is later.
- 3.1.7 All work related to the freestanding shall be conducted with careful attention to the nearby AT&T easement (and any utilities that may lie within it) that traverses the easterly side of the lot.
- 3.1.8 The brand name business signs on the parapet of the building shall be centered above their respective windows as shown in the February 21, 2012 slide presentation.
- 3.1.9 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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