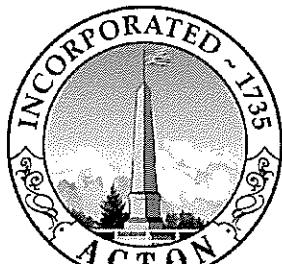


R E C E I V E D
OCT 17 2012

TOWN CLERK, ACTON

Sign Special Permit 12 – 08
Village Subaru - 50 Powder Mill Road
October 16, 2012



Planning Board

TOWN OF ACTON
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DECISION
12-08

50 Powder Mill Road – Village Subaru

Sign Special Permit

October 16, 2012

GRANTED with Conditions

Decision of the Acton Planning Board (hereinafter the Board) on the application of Thomas M. Fleming (hereinafter the Applicant) on behalf of AutoPlex IV LLC for property in Acton, Massachusetts, owned by Leo Bertolami of 6 Proctor Street Acton, MA 01720. The property is located at 50 Powder Mill Road Acton, MA 01720 and shown on the 2010 Acton Town Atlas map J3 as parcel 49 (hereinafter the Site).

This Decision is in response to an application for a sign special permit, received by the Acton Planning Department on August 22, 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 October 16, 2012. **Board members Mr. Ryan Bettez (Chairman), Mr. Roland Bourdon, Mr. Jeff Clymer, Ms. Kimberly Montella, Ms. Margaret Woolley Busse,**

Mr. Ray Yacoubi, 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.

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 8/22/12;
 - Certified Abutters List;
 - Cover Letter, dated 8/21/12;
 - Locus Map;
 - Sign Specifications sheet, received 08/22/12;
 - Sign Location plans, received 08/22/12;
 - Drawing of existing sign;
 - Drawing showing existing signage location;
 - Copies of current sign permits from parcel J3-49 (#3012).
- 1.2 Interdepartmental communication received from:
 - Acton Engineering Department, dated 09/04/12;
 - Acton Treasurer's Office, dated 08/31/12;
 - Acton Health Department, dated 08/30/12;
 - Acton Tree Warden & Municipal Properties Dir. Dated 08/31/12.

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 J3-49 is zoned Powder Mill District (PM zoning district).
- 2.2 One exterior wall sign, which reads "SUBARU" with logo, currently exists on the building.
- 2.3 Section 7.7.1 of the Bylaw allows one exterior sign for each principal use.
- 2.4 The Applicant requests a special permit for one additional exterior Wall Sign to read "Village" that would not otherwise be allowed under the Bylaw, Section 7.7.1.
- 2.5 The proposed Wall Sign is 10 feet and ¾ inches wide and 18 inches high with display area of +/-15 square feet, and projects 5 inches from the wall.
- 2.6 The proposed Wall Sign is composed of individual letters with translucent letter faces, internally illuminated by LED module lights.
- 2.7 The additional Wall Sign may be allowed on the Site by special permit in accordance with section 7.13.1.1 of the Bylaw.
- 2.8 The Wall Sign is compatible with the existing "Subaru" sign and consistent with the character and uses of the area and with the Zoning District in which it will be located.
- 2.9 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 Powder Mill zoning district.

- 2.10 The colors and material of the Sign are restrained, and in harmony with the existing wall sign.
- 2.11 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.
- 2.12 The Sign will not unduly compete for attention with any other signs in the area.
- 2.13 The Sign is necessary for adequate identification of the business at this Site.
- 2.14 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.
- 2.15 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 The Wall Sign as shown in the application shall be erected on the façade in compliance with Bylaw Sections 7.7.2, 7.7.3, and 7.7.4.7.
- 3.1.4 The time of illumination shall comply with Bylaw, Section 7.4.3.1.
- 3.1.4 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.
- 3.1.5 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.
- 3.1.6 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

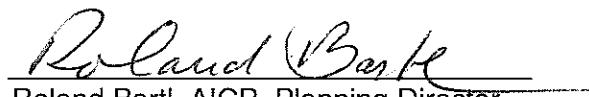
This special permit shall be limited as follows:

- 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 #	Building Commissioner Engineering Administrator	Health Director Municipal Properties Director
Town Clerk	Conservation Administrator	Town Manager
Fire Chief	Police Chief	Acton Water District
Owner	Historical Commission	Assistant Assessor
MAGIC (DRI only)	Historic District Commission	