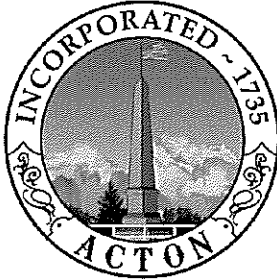


RECEIVED

Sign Special Permit 12 – 09
McDonald's - 55 Great Road
November 6, 2012

TOWN CLERK, ACTON



Planning Board

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
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DECISION

12-09

McDonald's 55 Great Road

Sign Special Permit

November 6, 2012

GRANTED with CONDITIONS

Decision of the Acton Planning Board (hereinafter the Board) on the application of Paula Wright (hereinafter the Applicant) for property in Acton, Massachusetts, owned by Stephen Steinberg of 263 Great Road, Acton, MA. The property is located at 55 Great Road and shown on the 2010 Acton Town Atlas map G-5 parcel 58 (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. The hearing was continued and closed on November 6, 2012. Board members Mr. Ryan Bettez (Chairman), Mr. Roland Bourdon, Ms. Kimberly Montella, Ms. Margaret Woolley Busse, Mr. Ray Yacouby, Mr. Derrick Chin, Mr. Jeff Clymer 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 08/22/12;
- Certified abutters list;
- A locus map;
- A letter from the Property Owner to the Board, dated 07/23/12.

- Sign renderings, dated 02/15/12, revised 11/01/12 and 11/06/12;
- A sign location plan, dated 02/01/12, revised 10/30/12 and 11/06/12;
- A cover memo from the Applicant to the Board, dated 05/24/12.

1.2 Interdepartmental communication received from:

- Acton Engineering Department, dated 09/14/12;
- Acton Planning Department, dated 10/12/12 and updated 11/02/12;
- Acton Treasurer's Office, dated 09/07/12;

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 East Acton Village (EAV) zoning district.
- 2.2 The Applicant requests a special permit for one exterior freestanding monument sign (hereinafter the Sign) at the Site that would not otherwise be allowed under the Bylaw:
 - a) With a height, in excess of the 5 feet as prescribed by Bylaw Section 7.8.6.2. The height of the proposed Sign is 5' 5-1/8".
 - b) In a location not otherwise allowed as prescribed by Bylaw Section 7.8.6.1. The building is located +/-17 1/2' from the sideline of the property.
 - c) Made of a material not otherwise permitted as prescribed by Bylaw Section 7.4.2. The proposed Sign core material is to be made of expanded polystyrene with the entire surface of the sign encapsulated in a pure polyurea hard coat with a polyurethane primer and a 100% acrylic stucco finish.
 - d) In all other respects the proposed Sign would comply with by-right requirements of the bylaw.
- 2.3 The Sign may be allowed on the Site by special permit in accordance with sections 7.13.1.2 (a), 7.13.1.3 and 7.13.1.4 of the Bylaw.
- 2.4 The display area of the Sign is 9 square feet and the width of the Sign is 3 feet.
- 2.5 The proposed Sign lighting complies with Bylaw Section 7.4.3.5. The Sign is illuminated by an external light source with the light projecting downward from the above.
- 2.6 The proposed sign will be situated within a landscape area that measures 500 square feet or more. The proposed sign complies with Bylaw Section 7.8.3, which requires a minimum of 110 square feet for this sign.
- 2.7 The Sign is consistent with the character and uses of the area and with the Zoning District in which they will be located.
- 2.8 The 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 buildings to which it principally relates, and it is in harmony with the general area of the East Acton Village zoning district.
- 2.9 The Sign is a continuous part of an integrated architectural design of the entire Site.
- 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 for the East Acton Village and do not detract from the aesthetic qualities of the surroundings.
- 2.12 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.
- 2.13 The Sign will not unduly compete for attention with any other signs in the area.
- 2.14 The Sign is necessary for adequate identification of the business at this Site.
- 2.15 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 complies 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 to GRANT the requested special permit subject to and with the benefit of the following waivers, Plan modifications, 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 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.

- 3.1.2 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.
- 3.1.3 The freestanding monument Sign shall be setback from the Great Road sideline not less than 5' 5-1/8" pursuant to Bylaw Section 7.8.2 or such lesser distance that equals the height of the sign, but not less than 5 feet.
- 3.1.4 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.
- 3.1.5 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:

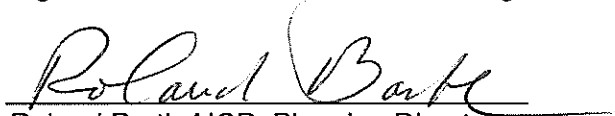
- 3.2.1 The foregoing conditions have been stated for the purpose of emphasizing their importance, but are not intended to be all-inclusive or to negate the remainder of the Bylaw and the Rules.
- 3.2.2 This special permit applies only to the Site identified in this decision and to the proposed Signs 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 -
certified mail #
Town Clerk
Owner

Building Commissioner
Engineering Administrator
Town Manager

« L:\Special Permits\SIGNS\McDonalds 55 Great Road\11-06-12 McDonalds 55 Great Road FINAL DECISION»