

Sign Special Permit Amendment #1 of Decision 12-04
Rafanelli & Kittredge 1 Keefe Road
May 7, 2013



Planning Board

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6631
Fax (978) 929-6340
pb@acton-ma.gov
www.acton-ma.gov

**AMENDMENT #1
OF DECISION**
12-04

Rafanelli & Kittredge, 1Keefe Road
Sign Special Permit

May 7, 2013

MAY - 8 2013

TOWN CLERK, ACTON

This is an amendment by the Planning Board (hereinafter the Board) of its decision issued to Rafanelli & Kittredge (hereinafter the Applicant) on June 19, 2012 for property in Acton, Massachusetts, owned by Dan Lenox of 1 Keefe Road Acton, MA 01720 (hereinafter the Original Decision). The property is located at 1 Keefe Road Acton, MA 01720 and shown on the Acton Town Atlas map G5 as parcel 83 (hereinafter the Site).

This amendment is in response to the request of the applicant to add illumination to the previously approved Sign with a form of illumination not otherwise permitted. The request was received by the Acton Planning Department on March 13, 2013, 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 requested amendment to the Board at a regular posted meeting on April 23, 2013 and May 7, 2013. Board members Ryan Bettez, Jeff Clymer, Roland Bourdon, Kimberly Montella, Derrick Chin, Ray Yacoubi and Michael Dube (Associate Member) were present. The minutes of the meeting and submission, on which this decision is based upon, may be referred to in the Office of the Town Clerk or in the Acton Planning Department.

1 EXHIBITS

Submitted for the Board's deliberation were:

- A letter from Rafanelli & Kittredge, P.C., dated 05/11/13;
- A memo from the Zoning Enforcement Officer, dated 05/07/13.

2 FINDINGS AND CONCLUSIONS

- 2.1 The applicant has requested that the Board allow illumination of the previously approved Sign by using a light source projecting up from the ground.
- 2.2 Section 7.13.1.9 of the Zoning Bylaw states the Planning Board in its special permit may authorize "a type or method of SIGN illumination not otherwise permitted provided that it meets the general objectives of Section 7.4.3."

- 2.3 The Sign is currently being lit by a top down solar light affixed to the top of the sign; the Applicant finds this type of lighting is not sufficient for visibility.
- 2.4 The previously approved freestanding Sign was to be erected in specific location. Upon commencement of the sign installation, it was determined that there were underground utilities in the proposed location of the signage. The sign was relocated to another location which was determined by the Zoning Enforcement Officer to meet compliance with the Zoning Bylaw.
- 2.5 Any increase in the height of the sign would require a greater setback from the sideline of the street as set forth in Bylaw Section 7.13.1.3; the Sign cannot be setback further from the sideline of the street due to its proximity to the building.
- 2.6 The Board found that sign lighting options from the top down were limited without increasing the height of the Sign.

3 BOARD ACTION

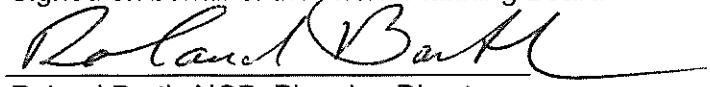
Therefore, the Board voted unanimously to GRANT the requested special permit subject to and with the benefit of the following conditions.

4 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.

- 4.1 In no case shall the illumination of the Sign cause blinding or otherwise obstruct the safe vision of any traffic participant anywhere. Sign illumination shall always be white or off-white and comply with illumination output as provided in Section 7.4.3.7.
- 4.2 Prior to installation of the illumination, the Applicant shall amend the sign permit from the Zoning Enforcement Officer pursuant to Section 7.6 of the Bylaw.
- 4.3 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.
- 4.4 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.
- 4.5 Except as modified herein, the Original Decision, including all conditions, shall remain in full force and effect.

Signed on behalf of the Acton Planning Board



Roland Bartl, AICP, Planning Director
for the Town of Acton Planning Board

Copies furnished:

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| Applicant – certified mail | Building Commissioner |
| Town Engineer | Municipal Properties Director |
| Town Clerk | Town Manager |
| Police Chief | |
| Owner | Assistant Assessor |

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