

RECEIVED

Sign Special Permit 13 – 13  
381 Mass Ave. and 295 Main Street  
Acton Plaza Shopping Center  
November 5, 2013

NOV - 7 2013

TOWN CLERK  
ACTON



Planning Board

TOWN OF ACTON  
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## DECISION

13- 13

Acton Plaza Shopping Center  
381 Mass Ave. and 295 Main Street  
Sign Special Permit  
November 5, 2013

GRANTED with CONDITIONS

Decision of the Acton Planning Board (hereinafter the Board) on the application of E&A Northeast, LP/c/o Sam Judd (hereinafter the Applicant) for property in Acton, Massachusetts, owned by E&A Northeast, LP21, Custom House Street, Suite 450, Boston, MA 02110. The property is located at 381 Mass Ave. and 295 Main Street and shown on the Acton Town Atlas as map and parcels F3-81, F3-89, F3-97, F3-98 and F3-115 (hereinafter the Site).

This Decision is in response to an application for a sign special permit, received by the Acton Planning Department on November 5, 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 subject matter of the special permit to the Board at a duly noticed public hearing on November 5, 2013. Board members Mr. Jeff Clymer (Chairman), Mr. Roland Bourdon, Mr. Ray Yacoubi, Mr. Derrick Chin, and Mike Dube 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:
- An Application for a Sign Special Permit, received in the Planning Department on 09/26/13;
  - Certified abutters list;
  - A locus map;

- Sign renderings and location plans, titled Reference Documents #1-#7 and Sign Area Analysis Plan;
  - Memo to the Planning Department, dated September 26, 2013;
- 1.2 Interdepartmental communication received from:
- Acton Finance Department, dated October 7, 2013;
  - Acton Engineering Department, dated October 7, 2013;
  - Acton Planning Department, dated October 16, 2013.

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 Kelley's Corner (KC) zoning district.
- 2.2 The sign special permit requests are part of a larger design scheme for the Acton Plaza Shopping Center, consisting of both Acton Plaza I (the upper plaza off Main Street) and Acton Plaza II (the lower plaza off Massachusetts Avenue).
- 2.3 The application is for one Business Center Wall Sign, one Freestanding Business Center Sign, 14 Projecting Signs (one for each tenant), and two Wall Signs.
- 2.4 The Applicant requests a sign special permit for one Business Center Wall Sign at Plaza II that would not otherwise be allowed under the Bylaw:
  - a) In a position not otherwise permitted under Bylaw Section 7.7.3. The Business Center Wall sign is mounted directly on top of a horizontal architectural "eyebrow" element.
- 2.5 The Business Center Wall Sign may be allowed on the Site by special permit in accordance with Sections 7.13.1.3 of the Bylaw.
- 2.6 The Applicant requests a sign special permit for one Projecting Sign for each tenant at Plaza I that would not otherwise be allowed under the Bylaw:
  - a) For a greater number of signs than allowed under Section 7.7. The applicant requests one additional Projecting Sign for each tenant.
  - b) In a position not otherwise permitted under Bylaw Section 7.7.5. The projecting sign is to be hung down from the underside of the canopy.
- 2.7 The Projecting Signs at Plaza I may be allowed on the Site by special permit in accordance with Sections 7.13.1.1 and Sections 7.13.1.3 of the Bylaw.
- 2.8 The Applicant requests a sign special permit for one Projecting Sign for each tenant at Plaza II that would not otherwise be allowed under the Bylaw:
  - a) For a greater number of signs than allowed under Section 7.7. The applicant requests one additional Projecting Sign for each tenant.
  - b) In a position not otherwise permitted under Bylaw Section 7.7.5. The proposed projecting sign is to be hung down from the underside of the canopy and to project 5'-1 1/4" from the face of the wall.
- 2.9 The Projecting Signs at Plaza II may be allowed on the Site by special permit in accordance with Section 7.13.11 and Sections 7.13.1.3 of the Bylaw.

- 2.10 The Applicant requests a sign special permit for a Freestanding Monument Business Center Sign that would not otherwise be allowed under the Bylaw:
- For a greater number of signs than allowed under Section 7.7. The applicant requests one additional Freestanding Monument Business Center Sign.
  - For relief from the minimum landscaped area requirements prescribed by Bylaw Section 7.8.3.
- 2.11 The Freestanding Monument Business Center Sign may be allowed on the site by special permit in accordance with Section 7.13.1.1 and Section 7.13.1.8.
- 2.12 The Applicant requests a sign special permit for one Wall Sign for TJMaxx in plaza II that would not otherwise be allowed under the Bylaw:
- With a height in excess of 3 feet as prescribed by Bylaw Section 7.7.4.2. The height of the Wall Sign is 3'-1- 3/8".
- 2.13 The Wall Sign for TJ Maxx may be allowed on the site by special permit in accordance with Section 7.13.1.2(a).
- 2.14 The Applicant requests a sign special permit for one Wall Sign for Homegoods in plaza II that would not otherwise be allowed under the Bylaw:
- With a height in excess of 3 feet as prescribed by Bylaw Section 7.7.4.2. The height of the Wall Sign is 3'-7 1/2".
- 2.15 The Wall Sign for Homegoods may be allowed on the site by special permit in accordance with Section 7.13.1.2(a).
- 2.16 The Signs are consistent with the character and uses of the area and with the Zoning District in which it will be located.
- 2.17 The Signs are 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 buildings to which it principally relates, and are in harmony with the general area of the Kelley's Corner District.
- 2.18 The Signs are a continuous part of an integrated architectural design of the entire Site.
- 2.19 The colors and materials of the Sign are restrained, and in harmony with the buildings.
- 2.20 The materials used for the Signs are appropriate for Kelley's Corner and do not detract from the aesthetic qualities of the surroundings.
- 2.21 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 Signs' faces.
- 2.22 The Signs will not unduly compete for attention with any other signs in the area.
- 2.23 The Signs are necessary for adequate identification of the business at this Site.
- 2.24 The Signs as approved herein are appropriate for the Site; are consistent with the Master Plan; are 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.

- 2.25 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 permits 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.

- 3.1.1 Prior to erecting the Business Center Monument Sign at the Main Street driveway the Applicant shall receive approval from the Engineering Department for the exact location of the sign, set back from the sideline of Main Street a minimum of 5 feet or a distance equal to the height of the sign (8 foot height is proposed), in order to ensure adequate sight distance for vehicles exiting the driveway.
- 3.1.2 Prior to erecting the Signs, the Applicant shall obtain sign permits from the Zoning Enforcement Officer for each sign pursuant to Section 7.6 of the Bylaw.
- 3.1.3 The Signs 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**

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.

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Eva Szkaradek, Town Clerk

Date

Copies furnished:

Applicant -  
certified mail #  
Town Clerk

Building Commissioner  
Town Manager  
Owner

Engineering Department  
Assistant Assessor

*File location: L:\Developments and Permits\Special Permits\SIGNS\Acton Plaza Shopping Center Main Street and Mass Ave – FINAL Decision*