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Sign Special Permit 15-02
136 Great Road
Mathnasium
March 17, 2015



Planning Board

TOWN OF ACTON
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DECISION
15-02

Mathnasium 136 Great Road
Sign Special Permit

March 17, 2015

GRANTED with CONDITIONS

Decision of the Acton Planning Board (hereinafter the Board) on the application of the owner, Susri Anuradha (hereinafter the Applicant) of 393 Pinecone Strand, Acton MA 01720 for property in Acton, Massachusetts. The property is located at 136 Great Road and shown on the Acton Town Atlas map F4 parcel 54 (hereinafter the Site).

This Decision is in response to an application for a sign special permit, received by the Acton Planning Department on February 19, 2015 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 March 17, 2015. Board members Mr. Jeff Clymer (Chairman), Mr. Ray Yacouby, Mr. Derrick Chin, Mr. Rob Bukowski and Associate Member Mr. Bharat Shah, who was appointed by the chairman to sit on the hearing, 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 02/19/15;
 - Certified abutters list;
 - A locus map;
 - Sign renderings;

- Landscape plan;
- Sign location plan.

- 1.2 Interdepartmental communication received from:
- Acton Planning Department, dated February 25, 2015.

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 2 (EAV-2) zoning district.
- 2.2 The Applicant requests a special permit for a freestanding sign (hereinafter the Sign) at the Site that would not otherwise be allowed under the Bylaw:
 - a) In a location not otherwise allowed as prescribed by Bylaw Section 7.8.6.1. The building is +/-20.8 feet from the sideline of the street.
 - b) With a display area in excess of 8 square feet as prescribed by Bylaw Section 7.8.6.2. The proposed display area is 12.083 square feet.
 - c) Made of a material not otherwise permitted as prescribed by Bylaw Section 7.4.1. The proposed sign material is PVC.
 - 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 Section 7.13.1.2, 7.13.1.3 and 7.13.1.4 of the Bylaw.
- 2.4 The Sign has a display area of 12.083 square feet.
- 2.5 The Sign has a black face made of PVC with an engraved logo and borders shown in red and white. The Sign is mounted between two painted aluminum posts with brackets.
- 2.6 The Applicant brought samples of the sign material to the public hearing for the Board's consideration.
- 2.7 The overall height of the sign is 5 feet. The Sign is positioned 5 feet from the sideline of the street.
- 2.8 The sign is centered in a 102 square foot landscaped area. The Bylaw requires that the 5-foot tall Sign must be centered within a minimum 100 square foot landscaped area with suitable shrubs and flowering perennials surrounding its base (Section 7.8.3). The proposed landscape plan meets the area requirements. The plan does not clearly indicate plantings.
- 2.9 The Sign is not illuminated.
- 2.10 The Sign is consistent with the character and uses of the area and with the Zoning District in which they will be located.
- 2.11 The Sign is appropriate in scale, material 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 2 District along Great Road.

- 2.12 The Sign is a continuous part of an integrated architectural design of the entire Site.
- 2.13 The colors of the Sign are restrained, and in harmony with the buildings.
- 2.14 The materials used for the Sign are appropriate for the East Acton Village 2 District and do not detract from the aesthetic qualities of the surroundings.
- 2.15 The number of graphic elements on the Sign is held to the minimum needed to convey their primary messages and are in good proportion to the area of the Sign's faces.
- 2.16 The Sign will not unduly compete for attention with any other signs in the area.
- 2.17 The Sign is necessary for adequate identification of the business at this Site.
- 2.18 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.
- 2.19 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 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 Sign, the Applicant shall obtain a sign permit from the Zoning Enforcement Officer pursuant to Section 7.6 of the Bylaw.
- 3.1.3 The application for a sign permit from the ZEO shall include:
 - a. A landscaping plan for the base of the Sign (Bylaw Section 7.8.3), clearly indicating plantings.
- 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 -	Building Commissioner	Health Director
certified mail #	Engineering Administrator	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	