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Sign Special Permit –15-03  
77 Great Road, Reichheld Ting Orthodontics  
March 17, 2015

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**Planning Board**

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**DECISION**  
15-03

**77 Great Road – Reichheld Ting Orthodontics**  
Sign Special Permit

March 17, 2015

**GRANTED with CONDITIONS**

Decision of the Acton Planning Board (hereinafter the Board) on the application of Reichheld Ting Orthodontics c/o John Reichheld, Jr., 77 Great Road, Acton, MA 01720 (hereinafter the Applicant) for property in Acton, Massachusetts, owned by Steve Steinberg, P.O. Box 2350, Acton, MA 01720 (hereinafter the Owner). The property is shown on the 2007 Acton Town Atlas map G-5 as parcel 20 (hereinafter the Site).

This Decision is in response to an application for a sign special permit, received by the Acton Planning Department on February 6, 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 special permit application to the Board at a duly noticed public hearing on March 17, 2015. Board members Jeff Clymer (Chairman), Rob Bukowski, Ray S. Yacouby, Derrick J. Chin, and Bharat Shah were present throughout the hearing. The minutes of the hearing and submissions upon which this Decision is based upon may be found and 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 February 6, 2015;
  - Certified abutters list;
  - A locus map;
  - Sign renderings;
  - Elevation photos identifying sign location;
  - A cover memo from the Applicant to the Board.
- 1.2 Interdepartmental communication received from:
  - Acton Finance Department, dated February 19, 2015;
  - Acton Municipal Properties Director, dated February 20, 2015;
  - Acton Engineering Department, dated February 20, 2015;
  - Acton Zoning Enforcement Officer, dated March 10, 2015;
  - Acton Planning Director, dated March 12, 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 (EAV) zoning district.
- 2.2 77 Great Road is one (1) portion of a larger group of properties which act and function as a Business Center as defined in section 7.2.3 of the Bylaw.
- 2.3 The Applicant requests a special permit for two (2) Awning Signs (hereinafter the Sign) at the Site that would not otherwise be allowed under the Bylaw.
- 2.4 The Bylaw allows by right one Awning Sign for a Business (§ 7.7.1). The Bylaw allows by right an Exterior Sign up to one (1) foot below the level of the bottom sills of the windows of the story above the ground floor (§7.7.2). The Bylaw allows by right an Awning Sign to have a display area up to 12 square feet (§7.7.6).
- 2.5 One (1) of the proposed Signs would be an Awning Sign.
- 2.6 The Bylaw allows by right a Secondary Awning Sign for a Business at a direct entrance into the business in a wall other than the front wall, and such by right Secondary Awning Sign to have a display area up to 6 square feet (§7.7.7).
- 2.7 One (1) of the proposed Signs would be a Secondary Awning Sign.
- 2.8 Visibility for businesses located in the 77 Great Road building is a challenge. The subject building has a significant setback from Great Road and is located behind multiple other existing 2

story buildings. Access to the 77 Great Road building is provided from one (1) of three (3) access drives along Great Road or a fourth (4<sup>th</sup>) access drive off of Pope Road. There is one (1) Business Center sign located along Great Road just north of the intersection with Pope Road.

- 2.9 From Great Road, way finding to the individual businesses can be challenging due to the layout of the general overall site, multiple tenant buildings and the property having multiple access points along Great Road and Pope Road.
- 2.10 The proposed Awning Sign referred to in Findings 2.4 and 2.5 would be located over the top of the third set of second floor double windows on the left side of the building and above the existing "The Shaggy Dog Sign".
- 2.11 The Awning Sign is 12'-0" (144") wide by 1'-8" (20") high and has a display area of 20 square feet. The Bylaw does not regulate an Awning Sign's maximum height or width, but does regulate a maximum permitted display area of 12 square feet (§ 7.7.6).
- 2.12 The proposed Secondary Awning Sign described in Findings 2.6 and 2.7 would be located over the top of the first set of second floor double windows to the right of the secondary/rear entrance into the building.
- 2.13 The Secondary Awning Sign is 6'-4" (76") wide by 1'-6" (18") high and has a display area of 9.5 square feet. The Bylaw does not regulate a Secondary Awning Sign's maximum height or width, but does regulate a maximum permitted display area of 6 square feet (§ 7.7.7).
- 2.14 Neither of the proposed Awning Signs will be illuminated.
- 2.15 Most of the tenants in the overall complex have wall signs on the buildings.
- 2.16 There is presently a second story awning sign for "Be Well and Beyond" on the 77 Great Road building, which appears to have been installed without permits.
- 2.17 The Awning Sign and Secondary Awning Sign may be allowed on the Site by special permit in accordance with section 7.13.1.2 b) and 7.13.1.3 of the Bylaw.
- 2.18 The Signs are consistent with the character and uses of the area and with the Zoning District in which they will be located.
- 2.19 The Signs are appropriate in scale, design, and proportion relative to the buildings in the area and to the general surroundings. The Signs are attractively designed, appropriately located, and will be compatible with the buildings to which they principally relate, and are in harmony with the general area and character of the EAV zoning district.
- 2.20 The colors and materials of the Signs are restrained, and in harmony with the buildings.
- 2.21 The materials used for the Signs are appropriate and do not detract from the aesthetic qualities of the surroundings.
- 2.22 The number of graphic elements on the Signs are held to the minimum needed to convey their primary messages and are in good proportion to the area of the Signs' faces.
- 2.23 The Signs will not unduly compete for attention with any other signs in the area.
- 2.24 The Signs are necessary for adequate identification of the businesses at this Site.
- 2.25 The Signs as approved and conditioned 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.

- 2.26 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 (ZEO) 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 ZEO 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 Signs, the Applicant shall obtain a sign permit from the ZEO pursuant to section 7.6 of the Bylaw.
- 3.1.2 The Signs shall be erected in accordance with the approved Plan, and shall otherwise comply with all applicable requirements of the Bylaw.
- 3.1.3 All taxes, penalties and back charges resulting from the non-payment of taxes, if any, shall be paid in full prior to issuance of any sign permit.

#### **3.3 LIMITATIONS**

This special permit shall be limited as follows:

- 3.3.1 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.
- 3.3.2 This special permit applies only to the Site identified in this decision and to the proposed Signs as shown on the Plan.
- 3.3.3 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.
- 3.3.4 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.
- 3.3.5 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  
Owner

Building Dept.  
Engineering Dept.  
Town Manager  
Assessor Dept.

Health Dept.  
Municipal Properties Dept.  
Police Chief