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Sign Special Permit 15-06
107-115 Great Road
Wetherbee Plaza II
April 29, 2015



Planning Board

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DECISION

15-06

Wetherbee Plaza II
107-115 Great Road
Sign Special Permit

April 29, 2015

Wall Signs: GRANTED with CONDITIONS

Freestanding Sign: GRANTED with CONDITIONS

Decision of the Acton Planning Board (hereinafter the Board) on the application of Leo Bertolami (hereinafter the Applicant) for property in Acton, Massachusetts, owned by Wetherbee Plaza LLC, 97 Great Road, Suite #5, Acton, MA 01720. The property is located at 107-115 Great Road and shown on the Acton Town Atlas as map and parcel G4-48 (hereinafter the Site).

This Decision is in response to an application for a sign special permit, received by the Acton Planning Department on December 29, 2014 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 February 17, 2015 and was continued upon agreement between the Applicant and the Board to March 17, 2015 and then closed on April 21, 2015. Board members Mr. Ray

Yacouby and Mr. Derrick Chin were present throughout the hearing. Mr. Michael Dube certified in writing, under Chapter 79 of the Acts of 2006 (MGL Ch. 39 Section 23D), that he examined all evidence received, including the video and audio recording of the missed session on March 17, 2015. Mr. Jeff Clymer (Chairman) and Mr. Bukowski certified in writing, under Chapter 79 of the Acts of 2006 (MGL Ch. 39 Section 23D), that they examined all evidence received, including the video and audio recording of the missed session on April 21, 2015. 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 12/29/14;
 - Certified abutters list;
 - A locus map;
 - Sign renderings, plans and business logo;
 - Letter to the Planning Board, dated December 29, 2014;
 - Letter to the Planning Board, received 12/29/14 and dated 01/28/14;
 - Letter to the Planning Director, dated February 24, 2015;
 - Amended sign renderings and location plans, dated March 10, 2015;
 - Letter from Stamski and McNary, Inc. with amended sign renderings and amended location plan, dated March 30, 2015.
- 1.2 Interdepartmental communication received from:
 - Acton Finance Department, dated January 2, 2015;
 - Acton Engineering Department, dated January 5, 2015;
 - Acton Planning Department, dated February 11, 2015;
 - Email from Acton Planning Department to Leo Bertolami, dated February 26, 2015;
 - Acton Planning Department, dated March 12, 2015 and
 - Acton Planning Department, updated April 7, 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 The application is for one Freestanding Sign for Atir Natural Nail Care Clinic, two Wall Signs for Milldam Leasing, one Wall Sign for Northeast Collections and one Secondary Wall Sign for Northeast Collections.
- 2.3 The request for a principal Wall Sign for Northeast Collections, located on the front elevation, was determined to not require a special permit.
- 2.4 The business, Northeast Collections, is limited to internet sales at the present time.
- 2.5 The Applicant requests a sign special permit for one Freestanding Sign for Atir Natural Nail Care Clinic that would not otherwise be allowed under the Bylaw:

- a) For a greater number of signs than allowed under Section 7.8. The applicant requests one additional Freestanding Sign.
- 2.5.1 The Freestanding Sign may be allowed on the Site by special permit in accordance with Sections 7.13.1.1 of the Bylaw.
- 2.5.2 Atir Natural Nail Care Clinic has one existing Wall Sign and one existing projecting sign located on the building at 115 Great Road.
- 2.5.3 In 2012, the Planning Board approved a special permit for a Business Center Monument Sign larger than normally allowed for businesses located at this Site. The Monument Sign has been erected but no business names have been added.
- 2.5.4 The proposed Freestanding Sign will not be illuminated.
- 2.5.5 The proposed Freestanding Sign is 5 feet high and has a display area of 6.9 square feet.
- 2.5.6 The location plan shows the proposed Sign meets the setback requirements from the sideline of the street. The sign structure is 5 feet high and is setback 6 feet from the right-of-way.
- 2.5.7 The proposed Freestanding Sign material meets the requirements of Section 7.4.1. The Sign material is wood. The posts are pressure treated wood with PVC sleeve covers.
- 2.5.8 The plan meets the landscape area requirements of Bylaw Section 7.8.3 with an area of 100 square feet. A landscape planting plan was not submitted.
- 2.5.9 The Freestanding Sign as approved herein is appropriate for the Site; consistent with the Master Plan; in harmony with the purpose and intent of the Bylaw, specifically Section 7; will not be detrimental or injurious to the neighborhood where it are proposed; and complies in all respects to the applicable requirements of the Bylaw and the Rules.
- 2.5.10 The Freestanding Sign is appropriate in scale, design, and proportion relative to the buildings in the area and to the general surroundings; attractively designed, appropriately located, and will be compatible with the buildings to which it principally relates, and is in harmony with the general area of the EAV District.
- 2.5.11 The Freestanding Sign is a continuous part of an integrated architectural design of the entire Site.
- 2.5.12 The colors and materials of the Freestanding Sign are restrained, and in harmony with the buildings.
- 2.5.13 The materials used for the Freestanding Sign are appropriate for the EAV District and do not detract from the aesthetic qualities of the surroundings.
- 2.5.14 The number of graphic elements on the Freestanding Sign is held to the minimum needed to convey its primary message and is in good proportion to the area of the signs' face.
- 2.5.15 The Freestanding Sign does not unduly compete for attention with any other signs in the area?
- 2.5.16 The Freestanding Sign is necessary for adequate identification of the businesses at this Site.
- 2.6 The Applicant requests a sign special permit for one Wall Sign at the left side elevation of the building located at 107 Great Road for Milldam Leasing to replace the existing wall (sign permit #3041) that would not otherwise be allowed under the Bylaw:

- a) For a sign with dimensions in excess of those permitted under Section 7.7.4.3. The sign is proposed with a width of 15 feet.
- 2.6.1 The Wall Sign may be allowed on the Site by special permit in accordance with Section 7.13.1.2.
- 2.6.2 The Wall Sign is proposed with a height of 1.75 feet and a display area of 26.25 square feet. These measurements fall within the Bylaw's by-right dimensions for Wall Signs under Section 7.7.4.2 and 7.7.4.1.
- 2.6.3 The proposed Sign falls within the Bylaw's by-right location requirements for Wall Signs under Sections 7.7.2, 7.7.3 and 7.7.4.7.
- 2.7 The Applicant requests a sign special permit for one additional Wall Sign on the rear elevation of the building located at 107 Great Road for Milldam Leasing that would not otherwise be allowed under the Bylaw:
 - a) For a greater number of signs than allowed under Section 7.7.
- 2.7.1 The Sign may be allowed on the Site by special permit in accordance with Section 7.13.1.1.
- 2.7.2 The Wall Sign is proposed with a height of 1 foot, a width of 7 feet for a display area of 7 square feet. These measurements fall within the Bylaw's by-right dimensions for Wall Sign under Section 7.7.4.1, 7.7.4.2 and 7.7.4.3.
- 2.7.3 The proposed Sign falls within the Bylaw's by-right location requirements for Wall Signs under Sections 7.7.2, 7.7.3 and 7.7.4.7.
- 2.8 The Applicant requests a sign special permit for one additional Wall Sign on the left side elevation of the building located at 107 Great Road for Northeast Collections that would not otherwise be allowed under the Bylaw:
 - a) For a greater number of signs than allowed under Section 7.7;
 - b) For a sign with dimensions in excess of those permitted under Section 7.7.4.3. The sign is proposed with a width of 15 feet.
- 2.8.1 The Sign may be allowed on the Site by special permit in accordance with Section 7.13.1.1 and 7.13.1.2.
- 2.8.2 The Wall Sign is proposed with a height of 1.75 feet, and a display area of 26.25 square feet. These measurements fall within the Bylaw's by-right dimensions for Wall Sign under Section 7.7.4.1, 7.7.4.2 and 7.7.4.3.
- 2.8.3 The proposed Sign falls within the Bylaw's by-right location requirements for Wall Signs under Sections 7.7.2, 7.7.3 and 7.7.4.7.
- 2.9 The Applicant requests a sign special permit for a Secondary Wall Sign on the left side elevation of the building located at 107 Great Road for Northeast Collections that would not otherwise be allowed under the Bylaw:
 - a) For a sign with dimensions in excess of those permitted under Section 7.7.7. The Secondary Wall Sign is proposed with a display area of 12 square feet.
- 2.9.1 The Secondary Wall Sign may be allowed on the Site by special permit in accordance with Section 7.13.1.2.
- 2.9.2 The proposed Sign falls within the Bylaw's by-right location requirements for Wall Signs under Sections 7.7.2, 7.7.3 and 7.7.4.7.

- 2.9.3 There are three Wall Signs proposed for the left side elevation of the building located at 107 Great Road. Each sign is proposed to be located within a panel above a business entrance. Two of the proposed signs are identical in size; the Secondary Wall Sign is notably smaller.
- 2.10 The proposed sign materials for all Wall Signs proposed on the building located at 107 Great Road are proposed to match the existing sign (permit #3041) in molding, material and color of a high density urethane sign foam material, which when installed shall have a wooden appearance.
- 2.10.1 The Wall Signs are not proposed to be illuminated.
- 2.10.2 The plans include a note that all Wall Signage shall project <1' from the wall surface.
- 2.10.3 The Wall Signs proposed on the building located at 107 Great Road are consistent with the character and uses of the area and with the Zoning District in which it will be located.
- 2.10.4 The Wall 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 EAV District.
- 2.10.5 The Wall Signs are a continuous part of an integrated architectural design of the entire Site.
- 2.10.6 The colors and materials of the Wall Signs are restrained, and in harmony with the buildings.
- 2.10.7 The materials used for the Wall Signs are appropriate for the EAV District and do not detract from the aesthetic qualities of the surroundings.
- 2.10.8 The number of graphic elements on the Wall Signs are held to the minimum needed to convey their primary messages and are in good proportion to the area of the Wall Signs' faces.
- 2.10.9 The Wall Signs will not unduly compete for attention with any other signs in the area.
- 2.10.10 The Wall Signs are necessary for adequate identification of the businesses at this Site.
- 2.10.11 The Wall 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.
- 2.10.12 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 unanimously to GRANT the requested special permits for four Wall Signs located on the building at 107 Great Road and to GRANT the requested special permit for the Freestanding Sign at 115 Great Road 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 The materials for all Wall Signs on the building located at 107 Great Road shall match the existing sign (permit #3041) in molding, material and color of a high density urethane sign foam material, which when installed shall have a wooden appearance.
- 3.1.1 The Secondary Wall Sign located on the left side elevation of the Building located at 107 Great Road shall be installed on the middle panel.
- 3.1.2 If the signs are to be illuminated they shall comply with Bylaw Section 7.4.3.
- 3.1.3 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. The application shall include:
 - a) A landscaping plan for the base of the Freestanding Sign (Bylaw Section 7.8.3), clearly indicating planting types, locations, and quantities.
- 3.1.4 Prior to the issuance of any sign permit hereunder, all signage on the Site shall be brought into compliance with the Bylaw, including all temporary/special event signs such as the A-frame sign often used by Atir, and all signage on Site shall thereafter at all times remain in compliance with the Bylaw.
- 3.1.5 Once the Freestanding Atir Sign is erected, Atir shall not also have a sign on the Wetherbee Plaza II Business Center Sign. The same shall apply to any successor of Atir.
- 3.1.6 The Signs shall be erected in accordance with the Plan approved and existing amended herewith, and shall otherwise comply with all applicable requirements of the Bylaw.
- 3.1.7 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

Building Commissioner
Town Manager
Owner

Engineering Department
Assistant Assessor

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